

**LEGISLATIVE COUNCIL****Tuesday, 29 August 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.

*Bills***RESIDENTIAL TENANCIES (PROTECTION OF PROSPECTIVE TENANTS) AMENDMENT BILL***Assent*

His Excellency the Governor's Deputy assented to the bill.

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

His Excellency the Governor's Deputy assented to the bill.

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

His Excellency the Governor's Deputy assented to the bill.

*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 President—

Independent Commission Against Corruption Report titled The Integrity Trade-off: An update on troubling ambiguity—Governance in SA Health, dated July 2023 [Ordered to be published]

Independent Commission Against Corruption Report titled Robust Recruitment, dated August 2023 [Ordered to be published]

Independent Commission Against Corruption Report titled Off the Radar: Failures of Supervision, dated August 2023 [Ordered to be published]

Report of the Auditor-General—Report 5 of 2023: Agency audit reports  
Corrigendum to the Report of the review of the operations of the Independent Commissioner Against Corruption and the Office of Public Integrity for the period 1 July 2021 to 30 June 2022

Report of the Ombudsman pursuant to section 29B(2)(c) of the Ombudsman Act 1972

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

Reports 2022—

Flinders University

Torrens University Australia

University of South Australia

Tandanya National Aboriginal Cultural Institute: Report, 2021-22

Fees Notice under Acts—

Lotteries Act 2019  
Regulations under Acts—  
Adelaide Festival Centre Trust Act 1971—Miscellaneous  
Health Care Act 2008—General  
Marine Parks Act 2007—General  
Petroleum Products Regulation Act 1995—General  
Public Corporations Act 1993—  
General  
Study Adelaide  
SACE Board of South Australia Act 1983—General  
Single-use and Other Plastic Products (Waste Avoidance) Act 2020—Prohibited  
Plastic Products  
Tobacco and E-Cigarette Products Act 1997—Prescribed Requirements  
Actuarial Investigation as at 30 June 2022 of the South Australian Superannuation Scheme  
Lifetime Support Authority of South Australia—Participant Service Standards  
Environment Protection (Commercial and Industrial Noise) Policy 2023  
TAFE SA Ministerial Charter dated June 2023

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

Reports, 2022-23—  
Australian Criminal Intelligence Commission—Criminal Investigation  
(Covert Operations) Act 2009  
Independent Commission Against Corruption—Criminal Investigation (Covert  
Operations) Act 2009  
Independent Commission Against Corruption—Report pursuant to section 4(B) of  
the Telecommunication (Interception) Act 2012  
Independent Commission Against Corruption—Report pursuant to section 30(1)(c)  
(2) and (3) of the Surveillance Devices Act 2016  
Regulations under Acts—  
Courts Administration Act 1993—General  
Crown Proceedings Act 1992—General  
Freedom of Information Act 1991—Exempt Agency  
Independent Commission Against Corruption Act 2012—National Anti-Corruption  
Commission  
Legislative Instruments Act 1978—Postponement of Expiry—No 2  
Members of Parliament (Register of Interests) Act 1983—General  
Serious and Organised Crime (Control) Act 2008—General  
Summary Offences Act 1953—Custody Notification Service  
Young Offenders Act 1993—General  
Government Response to recommendations contained in the finding of the inquest into the  
death of Adelene Leong Yi Hui  
Office of the Director of Public Prosecutions—2023 Workplace Experience Report  
Return pursuant to section 74B of the Summary Offences Act 1953—Road Blocks for the  
period for the period 1 April 2023—30 June 2023  
Return pursuant to section 83B of the Summary Offences Act 1953—Dangerous Areas  
Declarations for the period for the period 1 April 2023-30 June 2023  
Review of part 16A of the Summary Offences Act 1953—Report pursuant to section 74BZ

By the Minister for Industrial Relations and Public Sector (Hon. K.J. Maher)—

Regulations under Acts—  
Dangerous Substances Act 1979—Dangerous Goods Transport  
Return to Work Act 2014—Medical Expenses—Period of Entitlement  
Work Health and Safety Act 2012—  
Engineered Stone  
Psychosocial Risks

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

Reports 2021-22—

Board of the Australian Criminal Intelligence Commission Chair

Veterinary Surgeons Board of South Australia

Witness Protection Act: Report, 2022-23

By-laws under Acts—

Alexandrina—

No. 1—Permits and Penalties 2023

No. 2—Local Government Land 2023

No. 3—Roads 2023

No. 4—Moveable Signs 2023

No. 5—Dogs 2023

No. 6—Cats 2023

Campbelltown City

No. 1—Permits and Penalties 2023

No. 2—Moveable Signs 2023

No. 3—Roads 2023

No. 4—Local Government Land 2023

No. 5—Dogs 2023

Mitcham—No. 8—By-law Amendment 2023

City of Onkaparinga—

No. 1—Permits and Penalties 2023

No. 2—Moveable Signs 2023

No. 3—Roads 2023

No. 4—Local Government Land 2023

No. 6—Foreshore 2023

City of Victor Harbor—

No. 1—Permits and Penalties 2023

No. 2—Moveable Signs 2023

No. 3—Roads 2023

No. 4—Local Government Land 2023

No. 5—Dogs 2023

No. 6—Cats 2023

No. 7—Foreshore 2023

Barossa—No. 8—Dogs (Miscellaneous) Amendment 2023

Coorong—

No. 1—Permits and Penalties 2023

No. 2—Roads 2023

No. 3—Local Government Land 2023

No. 4—Dogs 2023

No. 5—Moveable Signs 2023

Kingston—

No. 1—Permits and Penalties 2023

No. 2—Moveable Signs 2023

No. 3—Local Government Land 2023

No. 4—Roads 2023

No. 5—Dogs 2023

No. 6—Cape Jaffa Anchorage (Waterways) 2023

Light—No 7—(Miscellaneous) Amendment 2023

Robe—

No. 1—Permits and Penalties 2023

No. 2—Local Government Land 2023

No. 3—Roads 2023

No. 4—Moveable Signs 2023

No. 5—Dogs 2023

No. 6—Cats 2023

Wakefield—No 7—Government Land Amendment 2023

Wudinna—

- No. 1—Permits and Penalties 2023
- No. 2—Moveable Signs 2023
- No. 3—Caravans and Camping 2023
- No. 4—Roads 2023
- No. 5—Dogs 2023
- No. 6—Cats 2023
- No. 7—Local Government Land 2023

Fees Notice under Acts—

Mining Act 1971

Regulations under Acts—

Fisheries Management Act—

Demerit Points—Rock Lobster Fisheries

Prawn Fisheries—Prescribed Period

Rock Lobster Fisheries—Miscellaneous—No2

Harbors and Navigation Act 1993—

Alcohol and Drug Testing

General

Planning, Development and Infrastructure Act 2016—General—Schedule 6A

*Parliamentary Committees*

**ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE**

**The Hon. E.S. BOURKE (14:21):** I bring up the first report of the committee on disposal of PFAS contaminated waste in South Australia.

Report received.

*Ministerial Statement*

**DPP WORKPLACE EXPERIENCE REPORT**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.J. MAHER:** In December 2022, after consulting with the Director of Public Prosecutions, my department engaged independent expert Rosslyn Cox to undertake a review of the workplace experience of current staff of the director's office of the Office of the Director of Public Prosecutions, and those who had left in the last five years, to get an understanding of their workplace experience and to ascertain why people were leaving the office. Today, I tabled Ms Cox's 2023 Workplace Experience Report in this place.

It was never intended that the report would be made public but, given the public interest in the work undertaken by Ms Cox, the director and chief executive of the department have agreed to the report being tabled. This has been an important piece of work that has recognised the challenges of working in the Office of the Director of Public Prosecutions, including relentless workload, largely impacted by external pressures beyond the director's control, and increasingly complex work.

Despite these challenges, Ms Cox did not find that the standard of work produced by the office has fallen. To the contrary, staff continue to maintain their commitment to assisting the Office of the Director of Public Prosecutions in fulfilling the director's functions. I commend staff at the ODPP for their diligent work. Importantly, respondents to the review reported that, in addition to workload pressure, there were concerns about some incidents of workplace conduct, which were reportedly not addressed, and a lack of effective and consistent performance management and leadership.

The report made 19 recommendations to ensure the office is the most safe and effective workplace it can be. The director and his executive team have accepted the findings of the report and will be implementing all of the recommendations. The report has been given to current staff and will be available to former staff on request.

Bearing in mind that one of those recommendations in the 2023 report is that the director engage with stakeholders to manage the external workload pressures, I intend to re-establish the Criminal Justice Ministerial Taskforce to examine issues raised by the 2023 Workplace Experience Report and to explore options to reduce mental workload pressures impacting on the criminal justice sector.

*Question Time*

**SHEEP AND GOAT ELECTRONIC IDENTIFICATION**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42):** My question is to the Minister for Primary Industries and Regional Development regarding sheep and goat electronic identification. Does the minister consider it appropriate that farmers who were promised subsidised electronic tags by her government back in June have been given absolutely no information on when or how they will be able to apply for these tags?

*Members interjecting:*

**The PRESIDENT:** Order! The honourable Leader of the Opposition, ignore the Hon. Mr Wortley.

**The Hon. K.J. Maher:** We do, sir.

**The PRESIDENT:** Wise man.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43):** I thank the honourable member for her question and I hope she is actually interested in listening to the answer. What I do think is appropriate is to be able to work through, in appropriate consultation with the industry, around the best mechanisms to implement the promises that we have made as a state government.

As members may recall, in June we announced that there would be an additional investment of \$9.4 million, as part of the state government's 2023-24 budget, to support the implementation of the first stage of electronic identification for farmed sheep and goats. This is a particularly important initiative. We support adopting a national approach to the individual tracking of sheep and farmed goats, so that we can further improve our world-leading livestock traceability systems. We want to ensure that they remain fit for purpose.

I am very glad to say that the announcements that we made were well received by industry, and that included the financial package to provide support of 75 per cent towards the cost of essential supply chain EID infrastructure, with support initially targeting processor and saleyard sectors, and a 50 per cent EID device discount for lambs and kids for the coming two financial years. I announced at that time that we would continue to work with industry on any further support going forward.

Bringing the cost down of the eligible EID devices is designed to target breeding animals that will be retained in the system over coming years, and this will help to avoid the cost of double taking after 2027, when the system is fully implemented at that time. We are also making available a rebate for producers who have already purchased eligible EID devices since 1 January 2023, and that rebate continues to be available, and PIRSA is working through with industry on how to best manage and implement these.

We have also established a sheep and goat implementation team to continue to progress EID in South Australia and a PIRSA-led industry advisory committee is also being established with representation from all sectors of the supply chain. This committee will provide advice to government on EID implementation matters. As I have said in a number of forums, including in the media, we hope to have further detailed information within the coming weeks.

**SHEEP AND GOAT ELECTRONIC IDENTIFICATION**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45):** Supplementary: can the minister inform the chamber when the majority of lambing occurs in this state and, subsequently, the time most lambs are tagged?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45):** I suggest that the shadow minister for primary industries should be aware of something as basic as that to do with our sheep industry.

#### SHEEP AND GOAT ELECTRONIC IDENTIFICATION

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45):** Supplementary: but can the minister inform the chamber herself, please, when the majority of lambing occurs in this state and, subsequently, when most lambs are tagged?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46):** I find it quite remarkable that someone who constantly proclaims her credentials from being from a country area, and was a vet, doesn't know or thinks that perhaps her colleagues don't know, what part of the year lambing is most prevalent. I would have thought that was pretty obvious.

#### SHEEP AND GOAT ELECTRONIC IDENTIFICATION

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:46):** Supplementary, Mr President.

**The PRESIDENT:** I will listen to a different supplementary question, Leader of the Opposition.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. N.J. CENTOFANTI:** Given that the majority of lambing is occurring as we speak, or has just occurred in this state, why hasn't the minister released any details about how sheep producers will be able to access subsidised tags for when they need to tag their lambs in the coming weeks?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47):** When I commenced my first answer I said that I hoped the honourable member would listen to the answer, but it seems she didn't. My department has been working through with industry. There will be a rebate for those who have already purchased tags.

#### COMMERCIAL FISHERIES REVIEW

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:47):** My question is to the Minister for Primary Industries and Regional Development regarding fisheries and cost recovery. When will the minister release the report from the fisheries and aquaculture independent cost-recovery review to industry stakeholders?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47):** I thank the honourable member for her question. The cost-recovery review, members may recall, was implemented as a result of a then opposition but now government election commitment. I received a copy of the draft report. There was some additional information required, so I requested that back through the panel. Once we have that and it has been considered by the department and provided to me in a briefing, I will look forward to being able to make further announcements.

#### COMMERCIAL FISHERIES REVIEW

**The Hon. C. BONAROS (14:48):** Supplementary: does the minister intend to release the report to relevant stakeholder groups for discussion prior to making any final recommendations and, if so, when?

**The PRESIDENT:** You talked about the report release, minister.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48):** I thank the honourable member for her supplementary question. I would like clarification around which report she is referring to in terms of the versions of the reports, whether she is referring to a report that potentially would be provided by PIRSA or the

various inputs into the cost-recovery review. That is why I am asking that she might want to be more specific. However, the general answer is that, once I have received all the information required, I will be making those decisions.

#### COMMERCIAL FISHERIES REVIEW

**The Hon. C. BONAROS (14:49):** Further supplementary: have there been specific requests to you to release that report for feedback prior to making any final recommendations on the cost-recovery review?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49):** I think what the member is asking is: will there be consultation before final decisions are made? The answer is yes.

**The PRESIDENT:** The honourable Leader of the Opposition, you have a supplementary question.

#### COMMERCIAL FISHERIES REVIEW

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49):** Will the minister publicly commit to releasing that report to stakeholders?

*Members interjecting:*

**The PRESIDENT:** The honourable Leader of the Opposition, a third question.

#### COMMERCIAL FISHERIES REVIEW

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49):** My question is for the Minister for Primary Industries and Regional Development regarding fisheries and cost recovery. What information does the minister have to hide from industry stakeholders to prevent her from releasing the report?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50):** Currently, I don't have a final report. As I did outline in my original answer, I received a draft report and some additional information was required. I have requested that additional information and I look forward to receiving it when it comes back.

#### PORT PIRIE DOMESTIC VIOLENCE ACTION GROUP

**The Hon. I. PNEVMATIKOS (14:50):** My question is to the Attorney-General. Will the minister inform the council about the Port Pirie Domestic Violence Action Group's 30<sup>th</sup> birthday commemoration that he attended?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50):** I thank the honourable member for her question and her dedication over a long period of time to promoting the safety of women and families. Over the winter break, I had the very great privilege of joining the Port Pirie Domestic Violence Action Group on the land of the Nukunu people to commemorate 30 years since the group was first formed.

While in many ways a sobering event reminding us of the continued existence of domestic and family violence in our community, it was a very special occasion to have so many passionate and committed long-term activists in the room and notably a significant proportion of men, which I think is incredibly important in the conversation to eliminate domestic violence.

Attendees included the Mayor of Port Pirie Regional Council, Mr Leon Stephens; Mr Peter Ackland, CEO of the Port Pirie Regional Council; Superintendent Mark Syrus, officer in charge at the Yorke and Mid North Local Service Area; Victim Support Service's General Manager, Sarah Scammell; and Trish Rollins, former chairperson of the Port Pirie Domestic Violence Action Group and Program Manager for Homelessness at Uniting Country SA. However, I particularly want to thank event organiser and chairperson of the action group, Jenny Lewis, and to all of the RSL volunteers in the kitchen who also put on a most delicious morning tea, including one or three sausage rolls.

To start the morning, it was wonderful to hear from Jenny, as the action group's chairperson, about the work the group has undertaken over the past 30 years. Jenny and her husband have travelled down from Port Pirie today to join us as we talk about the important work they have undertaken, together with VSS's Sarah Scammell.

The Port Pirie Domestic Violence Action Group is best described as a committee made up of both professionals in the field and passionate community members dedicated to raising greater awareness about the impact of domestic violence and working towards the ultimate elimination of all family, domestic and gender-based violence.

The Port Pirie Domestic Violence Action Group is one of the oldest domestic violence committees in South Australia. Back in the early 1990s, community consultation occurred with the then Port Pirie city council regarding the establishment and funding of a local crime prevention program through the then Attorney-General's crime prevention unit.

A social worker from the Department for Child Protection (formerly Families SA) participated in the consultation and ensured that domestic violence was on the agenda and recognised as a prevalent crime in the region that needed a collaborative community effort. Since that formation, the group has held many events to raise public awareness about domestic violence, including the hosting of themed mock trials during Law Week where students from the local high school took on roles for the trials, listening to evidence before giving their verdict.

In 2005, national advocacy group YWCA (formerly the Young Women's Christian Organisation) organised for the *Seventy7 Pairs of Shoes* exhibition to tour Australia, where at the time the number 77 signified the number of intimate partner homicides in Australia each year. The exhibit displayed prominent Australians who had donated their shoes to promote awareness about domestic violence and to formally pledge to take a stand against it. The Port Pirie Domestic Violence Action Group ensured that the travelling exhibition came to Port Pirie at the Northern Festival Centre to generate a broader community conversation about domestic violence.

For White Ribbon Day, the Port Pirie Domestic Violence Action Group have held marches with sausage sizzles and local bands, supported by police and Army cadets, and many football matches, morning teas and breakfasts for the local community. The action group has also facilitated a number of remembrance day events to remember women and children who have lost their lives to domestic violence.

These community awareness events organised by the action group have attracted some very impressive special guests over the years, including domestic violence victim survivor Glyn Scott whose momentous case in the High Court tested the then contentious question of the illegality of historic rape in marriage.

At the event during the winter break, after the speeches concluded, all attendees at the event headed outside to the RSL Club's Women's Memorial Garden to join in the planting of peace roses. The new rose was to symbolise everlasting peace, joining the other three roses in the garden, one being to remember women, another one being to remember children, and the third rose from the committee to represent the optimism and hope the group have in eliminating domestic violence.

I would like to take the opportunity to once again thank all the dedicated professionals and community members in the Port Pirie Domestic Violence Action Group, who work tirelessly to raise awareness about the detrimental impact that domestic violence has on individuals and the community, which is often especially pronounced in isolated regional areas. The work of groups such as the action group in Port Pirie is invaluable in providing a safe and supportive community for those experiencing domestic violence, because when we talk about these difficult topics it helps to break down stigmas and misconceptions that contribute to the cycle of abuse.

While in Port Pirie I was also very pleased to be able to visit my good friend and colleague the Hon. Geoff Brock, who met with representatives from the action group just today in parliament. I finish by paying tribute to everyone who has been involved, over the whole of the 30 years, in the Port Pirie Domestic Violence Action Group. I look forward to visiting Port Pirie in the near future and looking at the great work that they do in their community.



## PUBLIC SCHOOL TEACHERS

**The Hon. R.A. SIMMS (14:56):** I seek leave to make a brief explanation before addressing a question without notice to the Minister for Industrial Relations and Public Sector on the topic of teachers in the public sector.

Leave granted.

**The Hon. R.A. SIMMS:** In November last year, the University of South Australia presented a report to the Australian Education Union (SA Branch), titled 'Teachers at breaking point'. The report claimed that teachers work well above the hours for which they are paid, with South Australian public school teachers working an average of 50 hours per week. Thirty hours of time worked is spent on tasks beyond face-to-face teaching. The proportion of teachers satisfied with their wages has dropped to 37 per cent, a majority of teachers are now working on temporary contracts and almost half of the respondents intend to leave teaching within the next five years.

The Australian Education Union are calling on the state government to allow teachers to be able to spend more hours engaged in face-to-face activities with students, provide a school services officer in every classroom to support staff and students and to offer a salary that actually reflects the work that they do every day. The union have indicated their intention to strike this Friday 1 September to ask for better support for teachers in schools.

My question to the minister therefore is: as the Minister for Industrial Relations and Public Sector, is he concerned about the workload and wages of public school teachers, and is the minister satisfied that the government is actually meeting its obligations to teachers as key public sector employees?

**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 his question and his support and interest in public sector workers, particularly those who are very public facing, like teachers. We have a great deal of respect for and value workers in many of these areas, teachers included, as we do for other of those public facing, public sector workers, such as ambulance officers, or nurses, or firefighters. Teachers do an incredible job and are at the frontline of making sure our children get the best possible start in life.

We made a commitment from opposition that we have carried into government to negotiate and bargain in good faith with public sector unions when the industrial agreements come up for negotiation. We have started doing that as part of the negotiation with teachers. The sector of the government that deals with the public sector unions has had a number of constructive meetings—I think the latest today, from memory—to talk about some of the views of the union and what the union is requesting.

I think it's on the public record that the initial request from the union was just under a 25 per cent pay increase over four years. If my maths is right that would be somewhere around 6 per cent a year. We are considering that, but it would be almost double other recent outcomes that were achieved for public sector workers like firefighters, nurses and ambulance officers. We do understand how valuable teachers are, but we still are a fair distance apart given the outcomes that have occurred for other public sector workers.

The honourable member mentioned a couple of the other requests at the start of negotiations. I think it included a student support officer in every classroom, which would equate—if I remember correctly—to something like 6,000 extra SSOs, and the request for a 20 per cent reduction in face-to-face teaching would either be one day of school less for students every week of the year, or something like 3,000 extra teachers.

The non-wage components, the reduction in teaching time and the extra SSOs, equate to something like a billion dollars a year of extra funding that would be required. Whilst this is the start of negotiations—we will negotiate in good faith—we are still some way off and there is a gap between what the union has initially put forward and obviously what we are going to be able to sustain as a government, but we will continue those discussions.

**PUBLIC SCHOOL TEACHERS**

**The Hon. R.A. SIMMS (15:01):** Supplementary question: if the government has so much respect for teachers why have they put forward such a meagre offer, and why aren't they ensuring that they are being appropriately reimbursed, particularly after so many years of COVID?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01):** I thank the honourable member for his question but, as I have outlined, what we put is in line with the outcomes in terms of pay increases that were achieved for other very, very hardworking public sector workers like nurses, like ambulance officers and like firefighters.

**PUBLIC SCHOOL TEACHERS**

**The Hon. D.G.E. HOOD (15:01):** Supplementary question: does the minister have any words of reassurance for parents who might be concerned about strikes and the potential for future strikes?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01):** I thank the honourable member for his question. As is well known and on the public record, the union had polled the membership and had decided to look to conduct a strike this Friday. That was disappointing but it is the union's right to do that. I think a counteroffer of sorts was received from the union well after they had initiated the strike action about 15 minutes before the ballot closed—and, again, that is the union's right—and they have the ability to do that.

In terms of what it means for parents, if I remember correctly, sometime tomorrow further advice will be given to parents about exactly what to expect at each place they would be sending their children, but I think the education minister has been on the public record saying that there will be something occurring at every school site around South Australia to cater for children. It might not be the full program that would usually occur, but there will be something at sites for children. As I said, we will continue to negotiate in good faith with the teachers' union.

**PUBLIC SCHOOL TEACHERS**

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:03):** Supplementary: will the staff lose a day's pay if they confirm that they will be participating in the strike on Friday?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03):** I will double-check, but that's my understanding, yes. When strike action is taken, workers are not paid for that day. I will double-check that, but that's my understanding, yes.

**CLOSING THE GAP ANNUAL REPORT**

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:03):** I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs about the 2021-22 Closing the Gap Annual Report.

Leave granted.

**The Hon. J.S. LEE:** Data released during the 2021-22 Closing the Gap Annual Report period indicated a worsening trend in the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care, despite the goal of a 45 per cent reduction by 2031. My questions to the minister are:

1. How does the minister and the government plan to reverse the concerning increase of Aboriginal and Torres Strait Islanders in out-of-home care?
2. What specific actions will the minister and the government be taking to address the root causes of the over-representation?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04):** I thank the honourable member for her question. It is a very important issue and an extraordinarily important question. Historically, we know that

removing Aboriginal children from their families, communities and culture had devastating impacts and continues to have devastating impacts when this occurs. There is an inquiry being undertaken by the Commissioner for Aboriginal Children and Young People that I am sure will have recommendations that can help inform government about this very specific issue the honourable member has raised. The honourable member asked about some of the underlying causes and, of course, that's something we take seriously also.

One of the factors that sees Aboriginal children come into contact with the child protection system is past contact with the criminal justice system and I was very pleased recently to announce the start of the Youth Aboriginal Community Court, which seeks to do exactly what the member has asked: look at some of those factors that see Aboriginal people come into contact with the child protection system addressed in a range of areas. We will eagerly await the report, but we won't wait for that before we take action in other areas, as I have mentioned.

### COUNTRY CABINET

**The Hon. T.T. NGO (15:05):** My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the house about the country cabinet that was held in the Adelaide Hills?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06):** I thank the honourable member for his question. It really was a fantastic few days in the Adelaide Hills last week. I was very pleased to meet with a range of producers and processors in what was a very busy and informative country cabinet.

It began for me at Ambleside Distillers in Hahndorf, which of course is a great example of the changing face of Adelaide Hills food, wine and beverage offerings and yet another drawcard to Hahndorf and a credit to its creators, Matt, Steve and Trudy Dickson.

Minister Bettison and I met with a range of the region's wine and tourism sector stakeholders to discuss future opportunities for agritourism. We also took part in a facilitated Q&A that covered a number of issues that are of particular importance in the sector in the Adelaide Hills, including how to overcome the challenges of converting what are incredible numbers of daytrip visitation into longer stays, how to increase the accommodation offerings and how to capitalise on the increasing overseas visitor numbers post COVID. The interaction and opportunities within agriculture, particularly in the agritourism sector, were a large part of that forum.

It was also valuable to catch up with members of the Mount Barker ag bureau, a group of dedicated producers from right across the Hills. We had a wideranging conversation about how government can support farmers and the things we are already doing to support them to do what they do best.

From there it was an absolute pleasure to get out to a range of farms and processing facilities and see firsthand the great work that is taking place across a wide range of ag sectors. From brussels sprouts to cherries, potatoes to cheese, and many things in-between, the Adelaide Hills is a hive of agricultural production, with great South Australian producers continuing to drive an ever increasing and evolving diversification of offerings that are in demand right around Australia and also importantly right around the world.

I must mention the incredible turnout on a cold night last Wednesday for the community forum. I am advised there were over 600 people.

**The Hon. K.J. Maher:** They got nine to their one in Port Augusta.

**The Hon. C.M. SCRIVEN:** I did hear that the opposition got nine to their forum in Port Augusta.

*Members interjecting:*

**The PRESIDENT:** Order! Minister, sit down. I can't hear you, so I will wait until they are finished. Is everybody good? Continue please.

**The Hon. C.M. SCRIVEN:** I appreciate that those opposite would be disappointed that they got nine people only to their turnout, which I think perhaps reflects how relevant they are seen in the

regions. It was great to be able to talk to over 600 people and hear the sorts of issues they have top of mind. There were a large number of questions that were asked and answered right across the spectrum of government agencies and ministers.

One recurring theme was that, as the region continues to grow, the Hills community want a government that is willing to invest in them. People are moving to the region because it is a great place to live, and our government will continue to work to realise its potential amongst that incredible growth, investing in health, roads and infrastructure, and continuing to support the farmers and producers who built the region.

I would also like to especially acknowledge local MP, the independent member for Kavel, Dan Cregan, for his involvement. He is a very hardworking local MP, and his strong support in local communities was evident.

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** As the Hon. Mr Maher is saying, he seems to be absolutely loved in that community. It's times like last week's country cabinet that I just cannot fathom why those opposite just weren't interested in holding them. They just went for four years and didn't bother to listen in forums such as this, so I am very pleased that we, this government, has reinstated them, and that we are having such a fantastic response in each and every place that we have gone to so far. I am proud to be a part of a government that takes the time to listen to regional communities right across the state.

#### COUNTRY CABINET

**The Hon. R.A. SIMMS (15:10):** Supplementary: was the issue of rail to the Hills raised at the country cabinet, and did the minister have an opportunity to read the parliamentary inquiry into transport, in particular the sections relating to the regions, during the midwinter break?

**The PRESIDENT:** The Hon. Mr Simms, I did listen intently, anticipating a question about rail. There was no such mention of rail. Now, having said that, minister, if you would like to answer the question you can.

**The Hon. R.A. Simms:** It was about country cabinet.

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11):** The issue was raised. If I recall correctly, it was at the public forum, and perhaps I would encourage the honourable member to get out a little bit more regionally, even to the Adelaide Hills, and join us at country cabinet to listen to some of the answers. You would be very, very welcome.

I am always pleased to see the Hon. Robert Simms wherever I may be travelling, even though it hasn't been here in South Australia and the regions that I have seen him, I don't think, but I have seen him elsewhere, which of course is always a great pleasure. Since he constantly comes back to the report, I read the report quite some time ago. It was particularly interesting around e-scooters, which seemed to be the main thrust of the report, and the ongoing discussions around rail continue.

*Members interjecting:*

**The PRESIDENT:** The Hon. Mr Simms, it's a bit early in the session for me to throw you out.

#### COUNTRY CABINET

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:12):** Supplementary: does the minister consider the Adelaide Hills part of regional South Australia or Greater Adelaide?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12):** I thank the honourable member for her question, and it is quite interesting because that was a topic that was raised at one of the forums that I attended.

For the Greater Adelaide Plan, the region is included but, as we have talked about before, for example, from the federal government looking at migration policy, it is not included as—sorry, it is included in the Greater Adelaide Plan under planning and for migration it is included in non-regional, whereas in other aspects it is definitely considered regional. As I have mentioned before in this place, different government departments in different spheres of government have different definitions for what is considered regional.

What I think though is particularly relevant, from my portfolio in particular, is how many producers and also processors are in the Adelaide Hills. A number of them talk very strongly about how proud they are to be regional residents. They talked about how much they contribute to the economy, which they do, and they are very keen—many of them who raised it with me—to continue to be considered regional because that is how they identify, that is how they relate.

**The Hon. N.J. Centofanti:** What do you think, Clare?

**The Hon. C.M. SCRIVEN:** The honourable member wants to interject with what do I think, and I know I shouldn't take any notice of interjections, but I think the answer is: in different circumstances different aspects are going to be taken into account, and that explains why we have various definitions under federal government in different departments, various definitions under state government in different departments, and no doubt local government.

*Members interjecting:*

**The PRESIDENT:** Order!

#### **DIRECTOR OF PUBLIC PROSECUTIONS OFFICE**

**The Hon. F. PANGALLO (15:14):** I seek leave to make a brief explanation before asking a question of the Attorney-General about dysfunction in the Office of the Director of Public Prosecutions.

Leave granted.

**The Hon. F. PANGALLO:** I note that *The Advertiser* is reporting today on a report that I had requested in June into the toxic workplace culture in the Office of the DPP conducted by consultant Rosslyn Cox. At the time, the Attorney-General batted away the serious problems I raised and that exist and have existed in the DPP since a similar report in 2017. The current DPP, Mr Hinton KC, as we know, a highly regarded prosecutor in this state, seems to have inherited a basket case.

Ms Cox's report is extremely blunt and unflattering of the management within the DPP, describing it as 'dysfunctional, reactive and broken', 'an organisation ill-equipped to manage the realities of the modern day'. My question to the Attorney-General is:

1. Has he discussed this with Mr Hinton, and did Mr Hinton offer his resignation?
2. Has he discussed this with the chief executive, Caroline Meador, and has she offered her resignation or accepted any responsibility?
3. Does the Attorney-General understand how this toxic culture may have contributed severely on the administration of justice, affected matters before the courts, affected the many staff who have either left or are still in the Office of the Director of Public Prosecutions?
4. What is he going to do to restore the legal community's confidence in the Office of the Director of Public Prosecutions?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16):** I thank the honourable member for his question. In response to the direct questions that were asked, yes, I have discussed it with both the Director of Public Prosecutions and the Chief Executive of the Attorney-General's Department. No, resignations have not been offered in relation to those. If they were, I would try to talk them out of it. I think everyone in the Attorney-General's Department and within the Office of the Director of Public Prosecutions do a tremendous job under challenging circumstances.

In relation to the honourable member's question about the effect on the justice system, I guess I can reiterate what I said earlier in my ministerial statement, that despite the challenges of

the office Ms Cox did not find that the standard of work produced by the office had fallen. To the contrary, staff continue to maintain their commitment to assisting the Office of the Director of Public Prosecutions in filling the director's functions.

As I have said here before, the sort of work that the DPP has done in the past and continues to do is difficult work. You are at the end of a system where you see the worst in humanity, the worst that humans treat other humans in some of the cases that the office deals with. It is challenging work.

In relation to the report itself, that has been tabled in this chamber today, so members will be free to look at it as they see fit. In relation to the management of the office, the report made 19 recommendations to ensure the office is the most safe and effective workplace it can be, and the director and his executive team have accepted the findings and will be implementing all of the recommendations.

#### **DIRECTOR OF PUBLIC PROSECUTIONS OFFICE**

**The Hon. F. PANGALLO (15:18):** I have a supplementary question in relation to that response. I think Ms Cox made it clear that she wasn't looking into the impact it had on prosecutions per se, she was only looking into the workplace culture. What does the Attorney-General intend to now do to ensure that problems in the office are rectified and rectified as soon as possible?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18):** I thank the honourable member for his question. I will be providing whatever support I can to the office and the director in implementing all of the 19 recommendations.

#### **CONSTRUCTION INDUSTRY**

**The Hon. J.M.A. LENSINK (15:18):** I seek leave to make a brief explanation before directing a question to the Minister for Industrial Relations regarding worker entitlement and redundancy schemes.

Leave granted.

**The Hon. J.M.A. LENSINK:** It has been widely reported that the CFMEU are using intimidating tactics to force workers on Adelaide construction sites to join the union. These tactics include threatening builders with loss of future work. There are also growing concerns from the sector over the CFMEU's national expansion plans with Incolink, moving to take over worker entitlements and redundancies here in South Australia.

The CFMEU secretary, John Setka, has been quoted in the media that SA builders who raise concerns are 'whingeing' and describing Incolink as, and I quote, 'easily the best scheme in Australia', with CEO, Erik Locke, describing the current BIRST fund as 'substandard'. My questions to the minister are:

1. Considering the significant contribution the building and construction industry makes to the state, does he believe that the alleged tactics from the CFMEU are warranted, and, if not, what is he doing to stamp out this behaviour?
2. Does the minister share the view of Mr Setka that SA builders are whingers?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20):** I thank the honourable member for her question. I note statements that have been made both by the Leader of the Opposition, David Speirs, and, I think, the shadow treasurer, Matt Cowdrey, in relation to concerns they have on worksites. I would encourage anyone, and if the Hon. Michelle Lensink has any evidence, to pass it on to the authorities.

I think it would be a very, very disappointing state of affairs if any member of the opposition had actual evidence and they didn't pass it on to the authorities but instead chose to use it for political purposes. If anyone actually has that evidence that the honourable member referred to there being reports of, particularly if it's people like the Leader of the Opposition, I would very strongly encourage them to pass it on to the proper authorities: the police or SafeWork South Australia or the federal regulator. If people don't do that then it is pretty difficult to complain about something that you are not prepared to act on yourself.

Having said that, in relation to private sector employees in South Australia, since the 2009 commonwealth Fair Work Act, the industrial relations system, save for work health and safety, has been governed by the commonwealth. That has been the case for nearly a decade and a half in Australia. Industrial agreements in the private sector are wholly governed by commonwealth law.

So in relation to any reports or any evidence that people have of untoward behaviour, given we have had such a harmonious industrial relations environment for many, many years in South Australia, would those people who say they have evidence of it please pass it on so it can be properly investigated.

#### CONSTRUCTION INDUSTRY

**The Hon. J.M.A. LENSINK (15:22):** Supplementary question: have any of these concerns been raised with the minister at all, and is he insinuating from his response that people who are making these comments publicly, secretly because they fear intimidation, are lying?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22):** I thank the honourable member for her supplementary question. I have had no evidence presented to me of what the honourable member refers to, but if she has such evidence, or if the Leader of the Opposition has such evidence, as I have said, please pass it on to the authorities.

#### CONSTRUCTION INDUSTRY

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:22):** Supplementary: will the government be supporting legislation to create an industry watchdog to protect builders on worksites?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22):** No, we won't be supporting the legislation the opposition has before parliament. What their legislation they have before parliament does is create basically a legislative telephone directory. What it is is a referral system. Something goes wrong and then you have a person who can ring someone else who has powers to look at and enforce. That's basically what the Liberal opposition are proposing: a legislative telephone directory disguised to take care of a problem that they won't even produce evidence for. That's where we are.

**The PRESIDENT:** The Hon. Ms Lensink, you have a supplementary question arising from the original answer?

#### CONSTRUCTION INDUSTRY

**The Hon. J.M.A. LENSINK (15:23):** Indeed, I do. In his multiple meetings that he has had with the CFMEU, what topics has he discussed and does he have agendas, or is he like Rik Morris and the Premier, who don't have agendas or minutes?

*Members interjecting:*

**The PRESIDENT:** Order! It's not a supplementary question arising from the original answer. The minister is not inclined to answer the question.

*Members interjecting:*

**The PRESIDENT:** Order! I will move on to the Hon. Mr Martin.

#### ABORIGINAL BASKETBALL ACADEMY

**The Hon. R.B. MARTIN (15:24):** My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council about his recent visit to a session of the Aboriginal Basketball Academy?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:24):** I thank the honourable member for his question and his interest in this area. Fortunately, I happen to remember that visit well, so I am able to inform the chamber about it. It was a pleasure recently to be asked to join a session for the female athletes of the Aboriginal Basketball Academy at the St Clair Recreation Centre during NAIDOC Week. As

luck would have it, this session was attended by Australian basketball legend—and, I would argue, the greatest team sports athlete Australia has ever produced—Lauren Jackson.

The Aboriginal Basketball Academy (ABA) was established in 2017 by a group of current and former Woodville Basketball Club members, with the aim of enriching the lives of Aboriginal basketball student athletes and encouraging the students to further their education by interweaving it with basketball. One day a week students attend the stadium at St Clair, instead of their traditional high school environment, to participate in the ABA's basketball and education programs.

The program targets senior school students who are keen basketball players and who are committed to their educational opportunities, and offers professional-level coaching, cardiovascular training, motivational presentations and ongoing development of their teamwork and leadership skills.

When I visited the ABA recently they were hosting a session of the She Hoops program, spearheaded by former Australian Olympic champion Lauren Jackson, and it was a great pleasure to attend to see both what the ABA and the She Hoops program are delivering. She Hoops seeks to increase the participation and confidence of women and girls in basketball by connecting them with high-level coaching and mentorship in a safe, inclusive environment.

At the end of the session Lauren Jackson took students through on-court drills and a leadership session, together with local basketball star Ally Wilson. It was clear to see for all who were there that the students were inspired by both Lauren and Ally's passion for the sport, their commitment to high pride performance and leadership at an elite level. I congratulate all from the Aboriginal Basketball Academy and the She Hoops program who aim to help these student athletes reach all of their goals.

#### EDUCATION SECURITY

**The Hon. S.L. GAME (15:27):** I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Education, on the matter of education in South Australia.

Leave granted.

**The Hon. S.L. GAME:** We have all seen disturbing footage of the spate of violent attacks in our public schools perpetrated by students on their peers. So serious and frequent are these events that security guards are being deployed into South Australian schools, like Golden Grove High, which is experiencing an epidemic of bullying and violence. As parents remove their children from schools for their protection, the department continues to assure parents and the community that its behaviour support policy and bullying prevention strategy is evidence based. My questions to the Attorney-General are:

1. What is the evidence behind the department's evidence-based program, how is it monitored and would the Attorney agree it is not working?
2. How has the department's evidence-based behaviour support policy and bullying prevention strategy impacted the number of violent assaults on children in our public system since its inception?
3. How much money has been spent on security guards since Labor took power, and how does that compare with previous years?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28):** I thank the honourable member for her questions; I will refer them to the minister in another place and bring back a reply.

#### CRIMINAL SENTENCING

**The Hon. D.G.E. HOOD (15:28):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding, you guessed it, lenient sentencing.

Leave granted.

*The Hon. K.J. Maher interjecting:*



**The Hon. D.G.E. HOOD:** I think it's very unlikely. On 21 April this year, at Jens Hotel in Mount Gambier, a local man was followed by a 19-year-old man named Seth Williams, before being brutally bashed without provocation. A 30-centimetre machete was pulled on the victim and he was fortunate not to sustain serious long-term injuries after the perpetrator stomped on the victim's head while he lay on the ground. Only two months earlier, Seth Williams was caught with a knife on Hindley Street and was charged for carrying a weapon and put on a good behaviour bond.

In Mount Gambier Magistrates Court, Mr Williams pleaded guilty to one count of aggravated affray, two counts of aggravated assault, one count of aggravated assault carrying a weapon and one count of illicit possession of prescription medication, in addition to breaching his good behaviour bond.

Magistrate Justin Wickins warned Mr Williams that a charge of affray attracted a maximum penalty of five years, whilst his aggravated assault charges could attract three years' imprisonment for each charge. However, he was handed just a three-month and 10-day prison sentence, which was suspended entirely on an 18-month good behaviour bond fixed at just \$500. My questions to the Attorney-General are:

1. Does the Attorney-General believe that justice has been served and that the public should feel safe as a result of this sentence? If not, what inquiries will the Attorney make to determine the reasoning for this lenient sentencing decision?

2. What assurances can the Attorney give the South-East community, and indeed the whole South Australian community, who believe that lenient sentences like these undermine the hard work being done by our police force?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30):** I thank the honourable member for his question and his interest, as displayed often in this chamber, in the criminal justice system. I will answer generally, as I have a number of times when the honourable member has asked about sentences that have been handed down.

I don't have any information before me about the particular case the honourable member refers to, but it is us as a parliament that set down the parameters in which the judiciary hand down sentences after criminal trials. I don't have the benefit—and I am sure the honourable member doesn't—of having heard all the evidence that was presented and tested in that court as to the exact nature of what occurred and the exact personal circumstances in which it occurred.

But what I can say as a general proposition is that magistrates and justices use the tools and the laws which we give them as a parliament in terms of handing sentences down, and if there is an occasion where, in the totality of the individual circumstances, the facts presented, tested and accepted by a jury or court, that sentence is too light, the DPP will and does often regularly lodge appeals against sentences that are manifestly inadequate. I am sure that if the decision was made in this case that is what would occur.

#### CRIMINAL SENTENCING

**The Hon. D.G.E. HOOD (15:31):** Supplementary: I thank the Attorney for his answer. Is the Attorney aware of the maximum penalty ever being delivered for aggravated assault in South Australia?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31):** I don't have those statistics in front of me.

#### LOWER MURRAY RECLAIMED IRRIGATION AREAS

**The Hon. J.E. HANSON (15:31):** My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber about the recent women of the Lower Murray Reclaimed Irrigation Area gathering in Murray Bridge and why it is important?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:32):** I thank the honourable member for his question. The Murray River flood events have shown the resilience of many who have been directly and indirectly

impacted, and highlighted the typically Australian and South Australian response of rolling up the sleeves and helping one another. Sometimes it feels like that's a cliché but often it's actually very accurate about the way people have reacted in times of such difficulties. There are too many examples of this to mention and I am sure we are all grateful for each and every one of them.

Farmers along the Lower Murray Reclaimed Irrigation Areas have been particularly hard hit, not only preparing for the water as they watched it slowly rise and then dealing with the water at its peak but also as it receded and large volumes of water remained on their land, needing to be pumped off.

With PIRSA, SADA and DEW working together, dewatering has continued at a steady rate, with most of the work now completed and a few remaining areas underway. Although it is complex for a range of factors, including the need to ensure levees were stabilised to allow dewatering to occur, it is encouraging that dewatering is nearing completion.

On a number of occasions when I was on the ground before, during and after the floods, I met with Long Flat producers Alex Westlake and Jo Pfeiffer at Jo's Long Flat property near Murray Bridge. Each of these visits gave me additional insight into the issues they were facing on their respective properties and any general issues that they encountered with the response to the floods. Each meeting was productive and informative, and the view from Jo's verandah over the flood plains was a stark reminder of the enormity of the situation.

In the past few months, I have also been very pleased to hear from Alex, who highlighted once again the impact of the floods on farming families, in particular women who carry many of the responsibilities in difficult times on the farm. Alex wrote to me about a project for which she was seeking support, women of the LMRIA, to facilitate gatherings for women in the LMRIA to get together and share experiences, to learn from one another and to hear from guest speakers who could provide insight into natural disaster, trauma, wellbeing and resilience. I was very pleased that Alex's project was able to be supported through PIRSA, and I understand that assistance was also given through other agencies and organisations.

The first gathering of women of the LMRIA took place in early August in Murray Bridge. Unfortunately, I was overseas at the time so I couldn't attend, but I was very pleased to hear of the success of the event, with a number of women in attendance hearing from Yorke Peninsula farmers Bec Smith and Kate Martin about their experiences after the terrible Yorketown fires a few short years ago, and also having the opportunity to support and network in a relaxing environment over coffee and cake in the fantastic 1924 steakhouse on the riverfront at Sturt Reserve.

It is incredibly important for communities to stay connected, particularly in the face of shared challenges. Women of the LMRIA is a great step forward for women in the area to seek the support of others who know what they are going through. I congratulate Alex and Jo and all of those in attendance at the first event, including PIRSA, DPC, RBS staff and other support agencies and networks. I really look forward to hopefully being able to attend the next event, which I hope will be in the near future.

## WIND FARMS

**The Hon. C. BONAROS (15:35):** I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question around the Southern Ocean offshore wind farm zone.

Leave granted.

**The Hon. C. BONAROS:** Thankfully, the state government has today announced that it has recommended that South Australia not be included in the commonwealth's proposed offshore wind farm zone that runs from Warrnambool in Victoria to Port MacDonnell. In its submission and according to the media release to the commonwealth, the state government says it has expressed concerns about the potential impact that construction of an offshore wind farm in that area could have on South Australia's southern fisheries and marine environment. The state government's submission apparently recommends that the commonwealth moves or reduces the size of the proposed area to remove any waters adjacent to the South Australian coast, which also is in close proximity to existing marine parks and sanctuary zones.

To suggest that local Port MacDonnell residents and businesses are concerned about the proposed wind farm zone and wind farm to be built off the coast of the town—which has the potential to wipe out the region's \$187 million rock lobster industry, with a capital value of \$1.5 billion to \$2 billion, threaten hundreds of jobs and completely obliterate some of Australia's most pristine waters—is, according to many, the understatement of the year. Not only would the zone open the floodgates to more wind farm proposals in the South-East, with zero benefits to South Australia, but it will tie communities in knots for years to come and have wide-reaching impacts on conservation environment mammals and migrating birds. My questions to the minister are:

1. What level of advocacy has the minister engaged in, and did she or any of her colleagues attend the community forums that took place in Mount Gambier and Port MacDonnell earlier this month?
2. Does she accept that wind farms would decimate her home town of Port MacDonnell if changes to the proposed zones are not adopted?
3. What will the minister be doing hereon in, post that submission, to ensure the proposed zone doesn't extend into SA waters?
4. What, if any, discussions have taken place with the conservation sector around their concerns for this proposed zone?
5. What commitments will the minister give to Port MacDonnell community residents directly to stop this proposal from creeping into her home town?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:38):** I thank the honourable member for her question. For those of us who live down in the South-East, this issue has been bubbling away for some months. We are aware, of course, of the process, which I can touch on shortly, that the commonwealth government goes through for this type of declaration of a zone. For regional residents, and particularly for people involved in the industries that would potentially be impacted by such a wind farm zone, those processes are of great concern.

Nonetheless, I am very pleased to hear that Minister Chris Bowen in the federal government has been very open about the process, indicating to those who have been to see him that this is a very sincere consultation and that he is keen to listen to the feedback that is received.

The state government has indeed recommended that the federal government remove waters off the coast of South Australia from the proposed declared area. That is because, based on the evidence we have before us, the state government considers that the risk is too great to established industries in the South-East, as well as to biodiversity, ecosystems and wildlife within the region, particularly that which migrates through the region.

Our submission does express significant concerns of the potential impact to the state's southern zone rock lobster fishery. Over the last 10 years, on average, it has contributed \$187,500 million to the state's economy. Some of those significant concerns include the potential displacement of fishing effort and the disruption of biomass and juvenile recruitment of rock lobster. There are also potential impacts through noise and vibration which can potentially impact on the future of the fishery.

The submission also highlights concerns for biodiversity, ecosystems and migratory wildlife, marine animals and seabirds. The proposed declared area also directly overlaps with an area of what is of biological and oceanographic significance, not only at a national level but at an international level: namely, the area well known for the Bonney coast upwelling. Our government certainly supports renewable energy projects, particularly where they improve South Australia's energy security, but this proposal has risks for South Australia that the commonwealth needs to be aware of in addition to providing no benefit for South Australians.

It was in August last year that the commonwealth Minister for Energy announced Australia's first declared offshore wind energy zone in Bass Strait off Gippsland, Victoria. The commonwealth government also identified multiple coastal regions around Australia as priority areas to be assessed for suitability for offshore renewable energy, including offshore wind farms. On 28 June this year, the

federal minister announced a notice of proposal to declare an area in the Southern Ocean region off Victoria and South Australia. That area proposed is in commonwealth waters, with the western end commencing in South Australia adjacent to Port McDonnell and extending east to near Warrnambool in Victoria.

Commercial fishing industry members have voiced concerns regarding the proposed declaration and associated project through my department, PIRSA, as well as through local councils and members of parliament. We have particular concerns around rock lobster but it is also worth mentioning some of the others, around tuna and aquaculture, for example. Our submission raises concern for the zone being in the path of the annual migration of southern bluefin tuna, therefore also potentially having flow-on impacts to aquaculture.

Currently, southern bluefin tuna are not sourced from the area directly due to the species being migratory but the population migrates through the area and that could be connected to where they are currently caught and subsequently farmed, and the proposed area certainly could be fished in the future depending on appropriateness at that time. The southern bluefin tuna aquaculture industry is the most valuable aquaculture sector within South Australia, worth more than \$325 million and employing more than 1,100 FTEs, direct and indirect. Southern zone abalone also has the potential to be impacted, as does recreational fishing and the marine scalefish fishery.

In terms of the environmental concerns, they are many. I have mentioned a couple of them already, but I think when we put all of that together—which we are able to do through having some work done by my department, PIRSA, and SARDI, to be able to look at what evidence is currently in place—it was important that we went through that process so that we could present a comprehensive argument to the commonwealth on why they should not proceed in South Australian waters. Again, as I mentioned, we certainly support renewable energy but it cannot be at the expense—it cannot be at the expense—of local industries or local communities.

#### *Parliamentary Committees*

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

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:44):** I move:

That standing orders be so far suspended as to enable me to move for the substitution by motion of a member of the Joint Committee on the Establishment of Adelaide University.

Motion carried.

**The PRESIDENT:** I note the absolute majority.

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

That the Hon. R.A. Simms be substituted in place of the Hon. T.A. Franks (resigned) on the committee.

Motion carried.

#### *Bills*

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

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 6 July 2023.)

**The Hon. S.L. GAME (15:45):** I rise briefly in opposition to this bill. The Supreme Court (Distribution of Business) Amendment Bill 2023 aims, as the Attorney-General has suggested, to lead to efficiencies and improve case flow management. Section 47 of the Supreme Court Act 1935 provides exceptions to the general distribution of business between the Court of Appeal and the general division, therefore obtaining the consent of the president is not just appropriate but essential.

The proposed amendment to section 47 is said to offer more flexibility in the distribution of justices across jurisdictions; however, that is only by removing the current requirement for the consent of the President of the Court of Appeal, a move which I believe is extraordinary.

It is evident that the government has not consulted the two primary legal bodies in South Australia, the Law Society of South Australia and the South Australian Bar Association. After engaging with both entities, I learned that the Attorney-General had approached neither. Moreover, they have not been presented with any concrete data, instances or examples indicating inefficiencies in case flow management in South Australia directly stemming from the existing section 47 of the Supreme Court Act.

Allowing the removal of the agreement between both the Chief Justice and the President of the Court of Appeal would jeopardise their independence. If there is no substantial data justifying the amendment to the current legislation, I question the need for any change. It is crucial for us to thoughtfully assess this matter, equipped with comprehensive information. I firmly believe that the Legislative Council should take into account the insights of the two foremost legal organisations in South Australia.

**The Hon. F. PANGALLO (15:46):** I am unclear about the reason for this bill, apart from a bland explanation that it is to create more effective efficiencies and improve case flow management within the courts, which the Attorney-General told us was a compelling reason for the move.

The reality is that Labor and the Chief Justice never wanted a Court of Appeal, so this is all about politics, not the efficient, effective administration of justice in the state. It is a pity that the Attorney-General did not take the time to consult on this move with the South Australian Bar Association, the Law Society and others in the justice system to gauge whether such legislation was necessary and what impact it would have on the efficiencies and the highly skilled work of the Court of Appeal should this step go ahead. We do not even know if he has consulted the President of the Court of Appeal, the Hon. Justice Livesey KC.

I understand that the Bar Association only yesterday received a written response from the Attorney-General saying they would consider their submissions. They already made up their minds anyway, so that is quite disingenuous.

The directive for this bill has had to come from the Chief Justice, who made it obvious in 2019 that he was opposed to establishing this court. As a Labor appointee, Labor backed him in then and they do so again.

Interestingly, the Attorney-General, when he was in opposition, did not speak on the 2019 bill. It was left to the Hon. Ian Hunter, who argued that this state was too small and did not have enough matters to warrant an appellate court. This time all we got was a brief explanation of the amendment by the Hon. Tung Ngo, which does not go to the real issue that the Chief Justice has been unable to resolve: the backlog of matters piling up in the District Court.

I cannot tell you what the backlog is in the Supreme Court because the Chief Justice was unable to provide me with those figures when I asked for them, although I did get a variety of unsatisfactory reasons; however, according to the Bar Association, the state's backlog indicators in 2019 were among the highest in the nation. Obviously, they have not improved if it has got to this position.

Concerns were also raised about the length of time in which judgements are being delivered. Perhaps the Attorney-General could provide us with the figures of matters, both civil and criminal, which are longer than the expected six months. In one matter I raised here only a few months ago, a civil judgement in the District Court was finally delivered after 14 months when it was agreed to be an expedited decision. No reason has been given for that delay, but I am aware of others that took a longer than expected time, and the guideline of six months. It would be interesting to see figures on how many judgements were delivered within the preferred time limit. Justice delayed is justice denied, as they say.

Delays in getting timely listings and cost differences have also resulted in lawyers preferring to take some of their matters to the Federal Court. Currently, under section 47 of the bill that incidentally was passed in this place in 2019 with the support of the Liberals, the Greens and SA-Best, an agreement is required between the Chief Justice and the President of the Court of Appeal, as well as the agreement of the individual judge, to give an exemption to the general

distribution of business between the Court of Appeal and the general division of the Supreme Court to allow one judge from one division to sit in another.

In this amended bill, that agreement goes out the door. It allows the Chief Justice to override the President if there is not agreement or consent to a judge being assigned to another court. It effectively serves to undermine the independence of the appellate court. Is this the Chief Justice's answer to clearing backlogs and the expected flood of Ironside matters, avoiding consultation with the President and taking appellate expertise from the Court of Appeal to fill those voids? Who then decides which judge takes their place? Removing the experience in that court could well impact on the quality and efficiency of decisions.

My concern is that after waiting so long for this state to follow others with an appellate court, which has delivered several timely and reasoned outcomes, South Australia is falling behind the rest of the nation. No other state has in place what this legislation intends to do. It will weaken the Court of Appeal and, I would suggest to the Attorney-General and his party, lead to its eventual dismantling. It is shameful and I am disappointed that he and the government do not see this for what it is, or does he?

If there are not enough judges to clear the drains, then do something about it and appoint more. In 2019, then President of the Bar Association, Mark Hoffmann KC, proposed that the retirement age of judicial officers be increased prospectively. The current President of the Bar Association, Marie Shaw KC, a former distinguished Supreme Court judge and now barrister, rightly points out that the parliament does not have before it anything to identify that this is necessary, and cannot identify a good basis to support this bill. Let me quote from her letter, which I shall seek to table. She writes, and I quote:

No basis, data or examples have been put forward, which either make good the assertion that the amendment will lead to efficiencies in caseload management or indicate that the existing section 47 is not working properly and appropriately. The South Australian Bar Association would be concerned if the bill were to detract from the independence of the Court of Appeal.

That may well be the likely outcome and, as I have indicated, cause other consequences in what is one of the most critical areas of our justice system. It will also put South Australia out of step with every other state that has an appellate court, a point emphasised by the Law Society in a letter to the Attorney-General on 25 August in which it cites a lack of information about any efficiencies in case flow management that this legislation will supposedly fix. I seek leave to table that letter.

Leave granted.

**The Hon. F. PANGALLO:** I am not sure whether I sought or asked that leave be granted for Marie Shaw KC's letter?

**The PRESIDENT:** No, you didn't.

**The Hon. F. PANGALLO:** May I seek that as well, Mr President?

Leave granted.

**The Hon. F. PANGALLO:** Although this debate will hardly raise a ripple of interest in the general community, and Labor and the Chief Justice probably know this, this should worry those already in the system or those who may need it in the future. Having an effective and independent Court of Appeal in place was something I and my colleague at Channel 7, Graham Archer, had hoped for after a series of investigations conducted by the *Today Tonight* program into serious injustices.

While I am still in this place, I intend to revisit the establishment of a criminal cases review commission, where convicted persons who have legitimate claims of the safety of their conviction can have it investigated by an independent body and referred to a court where the conviction can be overturned. A bill to set up a body in this state was introduced in 2010 but was rejected by the Legislative Review Committee in July 2012. What a pity. It would have aided several injustices, including that of Henry Keogh and the much lesser known case of Adrian Drummond, who was wrongly accused in 2012 of an attempted abduction and was only released from jail in September 2015 on new appeal laws based on fresh and compelling evidence, which Channel 7 and Mr Archer had campaigned strongly for.

The importance of such an institution was evident in the UK recently when the conviction of Andrew Malkinson for a rape he did not commit was referred by Britain's CCRC to its Court of Appeal, where the conviction was resoundingly quashed. He spent 17 years behind bars pleading his innocence and refusing to admit to the crime to secure a release on parole—something quite disturbing which is still applied in South Australia, notably in the matter of Aboriginal man Derek Bromley, who was Australia's longest serving prisoner, now approaching 40 years.

The Legislative Review Committee was stacked with Labor members then as it is today, so I would not be confident that such a legal and human rights body would garner their support, especially when we know about the decades-long corruption under their watch within our own criminal justice system that sheltered a known fraud, none other than the state's chief forensic pathologist, Dr Colin Manock, who oversaw hundreds of criminal cases. That this wilful blindness is still shown here just to protect reputations and avoid monumental scandal is disgraceful and a blight on our criminal justice system. Not one person at the top has even bothered to respond to national television programs exposing this level of sanctioned corruption.

While I will not be supporting this bill, my colleague has already indicated her support for it, even though SA-Best supported the 2019 bill. That is her prerogative and something that we can do in our party when we see fit. I also note the about turn done by the Greens. It disappoints me that the Hon. Robert Simms has not followed the same learned path as his predecessor, the Hon. Mark Parnell. The Hon. Mark Parnell, in 2019, expressed his concerns that nobody was held accountable for lengthy delays in delivering judgements and quality control issues, noting the support the appellate court received from the Legal Services Commission.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:58):** I thank honourable members for their contributions on this matter. Yesterday, I received correspondence from the Chief Justice of the Supreme Court that addresses some of the concerns that have been raised by honourable members in their reflections on the Bar Association or the Law Society. It might be worth at this juncture, before we go into committee, reading out that letter, because I think it will be useful for the purposes of the debate. Yesterday, the Chief Justice wrote in relation to the Supreme Court (Distribution of Business) Amendment Bill 2023:

I refer to the letter of 17 August sent to you by the President of the South Australian Bar Association (the SA Bar), which reflects the letter of 5 July 2023 sent to the Honourable Connie Bonaros and the Honourable Frank Pangallo.

I address first the SA Bar's contention that there is no interstate statutory provision or convention to the effect that the President of the Court of Appeal 'is removed' from decisions on the assignment of Appeal Judges to the General Division. The submission, so put, is calculated to avoid acknowledging that there is no statutory provision anywhere in Australia which requires the Chief Justice to obtain the consent of the President of the Court of Appeal to the assignment of an Appeal Judge to hear a trial in the General Division. The current provisions in the Supreme Court Act 1935 (SA) (the Act), requiring the consent of the President, which were introduced by the previous government with the support of the SA Bar, are unique in that respect. No sound reason for the adoption of those peculiar provisions has ever been provided. Indeed, when I have discussed the provision with Chief Justices and Justices of Appeal around Australia, they have expressed surprise at the inclusion of that provision.

In any event, contrary to the assertion, and as you know, the proposed amendment does not 'remove' the President from the process of making an assignment. In fact, the President's involvement will be legislatively protected. The proposed s 47(1) of the Act provides that the Chief Justice may only assign a judge of the Court of Appeal to hear a matter in the General Division 'after consultation with the president of the Court of Appeal'. Moreover, s 47(1a) of the Act provides that the consultation must take place in accordance with a protocol approved by the Judges at a Council of Judges held pursuant to s 16 of the Act. The SA Bar's letter ignores these provisions. It is incorrect to suggest that the proposed amendment 'has potential to undermine the operation and integrity of the Court of Appeal' when the protocol to which the Chief Justice must adhere is one under the control of all of the Judges of the Supreme Court.

The unspoken premise of SA Bar's letter is that the Court of Appeal and the Supreme Court are two distinct courts. There is only one Supreme Court of this State recognised by the Australian Constitution. It is the Supreme Court which has a General Division and an Appeal Division, the principal judicial officer of which is the Chief Justice. It is not workable to allow the head of a division of any court to veto the rostering decisions of its principal judicial officer.

The President's letter claims that the SA Bar is not aware of difficulties faced by the Court in allocating a judge to hear a trial in the trial division. Pointing to examples of when Appeal Judges have sat in the General Division when it has been convenient for them to do so does not prove that there have been no such difficulties. Experience

has demonstrated that the division of the Supreme Court has reduced flexibility in the assignment of judges and accordingly reduced the capacity of the Court to hear matters expeditiously.

My request for this amendment was made after experiencing substantial difficulty in 2022 in the assigning of a permanent judge of this Court to hear a long and complex matter in this Court. The statutory provisions were a substantial impediment to assigning a judge of this Court to hear that matter.

I had no choice but to first appoint auxiliary judges from the District Court, who for reasons which need not be elaborated on here, were unable to continue with the hearings. Then I personally assumed the management of the case against the objections of counsel who sought that I recuse myself, until one of the Appeal Judges accepted an assignment to hear some of the preliminary questions of law and admissibility which had to be dealt with before the trial could commence.

My request for these amendments is strongly supported by the Judges of this Court. That support was given after substantial consideration and discussion. As a result of that discussion, all of the judges of the Court accepted that they have an ethical duty to put the needs of the Court, as a whole, as paramount.

The proposed amendment carefully limits the Chief Justice's power to those occasions when the assignment of an Appeal Court is necessary because of the unavailability of a Judge in the General Division. Only the Chief Justice sufficiently understands the needs of the Court as a whole to be able to make that final decision.

Finally, as to the suggestion that debate on the Bill should be adjourned to allow consultation with 'stakeholders', it is my view that this is unnecessary. The persons who best know the intricacies of listing matters in this Court are the Judges of this court. Necessarily the SA Bar can only have a limited understanding of the pressures and exigencies which apply in distributing the Court's workload. The final responsibility for performing that task lies with me as Chief Justice.

I do not have many years left to serve in the office of the Chief Justice. I do not wish to leave my successor statutory provisions which, in their current form, provide an unworkable division of responsibility, and cause of friction, in the important task of assigning Judges to attend to the work of the Court in a way which best serves the community.

Yours sincerely,

The Honourable Chris Kourakis

Chief Justice of South Australia.

I seek leave to table the letter to which I have just referred.

Leave granted.

**The Hon. K.J. MAHER:** That said, I think that substantially answers many, if not all, of the questions that have been raised in the formal submissions that have been made, and I look forward to the committee stage of this bill.

The council divided on the second reading:

Ayes .....11  
Noes.....8  
Majority .....3

#### AYES

Bonaros, C.  
Hanson, J.E.  
Martin, R.B.  
Scriven, C.M.

Bourke, E.S.  
Hunter, I.K.  
Ngo, T.T.  
Simms, R.A.

Franks, T.A.  
Maher, K.J. (teller)  
Pnevmatikos, I.

#### NOES

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

Game, S.L.  
Hood, D.G.E.  
Pangallo, F.

Henderson, L.A.  
Lee, J.S.

#### PAIRS

Wortley, R.P.

Girolamo, H.M.



Motion thus carried; bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. J.M.A. LENSINK:** I appreciate—and you will pull me up very quickly if I divert to a second reading speech—that it would be incumbent on me as the Liberal Party spokesperson to make a few comments as to why our position has altered from that which I gave in my second reading speech in May, largely for the reasons outlined by honourable members, particularly the Hon. Mr Pangallo, who has quoted directly from correspondence from both the Bar Association and the Law Society, which clearly supported this legislation in 2019. When we formed our position in May we took the bill at face value, which I suppose demonstrates that you cannot trust the Labor Party in government, or in opposition for that matter.

In relation to the fact that those two organisations have not been consulted by the government, I think that is a fairly stark thing to place on the record. The Court of Appeal is one of the great achievements of the former Attorney-General and Deputy Premier, the Hon. Vickie Chapman, in her term in which she was a prolific legislator, and to try to undermine this piece of legislation is a very sad day in politics indeed. Be that as it may, I want to place those comments on the record.

**The Hon. R.A. SIMMS:** I think briefly I should indicate the Greens' position on this bill. Like the opposition, I think it is fair to say we have been on a bit of a journey in terms of considering this piece of legislation. Initially, my office attended a briefing in relation to the bill. When we became aware of concerns, we supported a deferral of the bill for the eight-week recess. I have read the representations from the Bar Association and the Law Society and also engaged with the government to better understand the implications of the bill.

I note the letter that the Attorney-General has tabled in the parliament today. In particular, I note that the Chief Justice, which is not a political role but an independent role, has refuted a number of the claims that have been made and, on that basis, the Greens have formed the view that we will support the bill. I do want to make it clear that we support the Court of Appeal; we supported its creation. We see that as playing a very important role. But on the basis of the information that has been provided by the government, and of course the information that the Chief Justice has provided through the letter that has been tabled in the parliament, I am persuaded that it is in the interests of the administration of justice in our state that we see this legislation pass.

Clause passed.

Clause 2.

**The Hon. C. BONAROS:** I have some questions for the Attorney-General in relation to the clauses of the bill.

**The CHAIR:** It would have been better at clause 1, but is there anything specific at clause 2 or 3?

**The Hon. C. BONAROS:** I did not know if you were calling for general remarks about the bill or questions relating specifically to the bill, so I apologise for that, Chair.

**The CHAIR:** Okay. What are your questions?

**The Hon. C. BONAROS:** My first question to the Attorney is relating to some protocols that he referred to. I have a document before me dated 24 August 2022. I understand that was a protocol which effectively is a set of rules which have been developed to underpin this legislation and set out guidance, if you like, as to how these decisions will be made. Can the Attorney expand on that and confirm whether indeed that is what we are talking about with those protocols?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. Yes, that confirms my understanding. I understand a version of the protocols has already been agreed by the judges of the court, as was I think alluded to in the letter from the Chief Justice.

I am informed the protocol requires the Chief Justice to inform the President of the reasons why the judges of the general division are unavailable and requires the Chief Justice and the President to discuss the availability of judges and any reason why it might not be appropriate to sign any or a particular judge of the Court of Appeal to a proceeding. The protocol allows the President to respond to any work implications that may arise due to the assignment by suggesting an alternative arrangement or request an acting judge to replace the judge on the Court of Appeal who is assigned to a particular proceeding.

I am informed the protocol requires, if the Chief Justice proposes to exercise what is proposed in the bill before us, the Chief Justice will provide the President with written reasons for the decision and table those reasons at the next monthly judges' meeting.

**The Hon. C. BONAROS:** Thank you to the Attorney for that clarification. The Bar Association also makes reference to data and opinion that it has drawn on in reaching its position. Is it fair to say that neither the Bar Association nor indeed the Law Society has access to internal data that would have formed the basis of this bill and that the Bar Association and the Law Society would not be privy to?

**The Hon. K.J. MAHER:** That is my understanding, that there would be data and information that the Supreme Court, when making this request, would have used in deciding that this was something that they wish for and that, in my understanding, the Bar Association or the Law Society may not be privy to.

**The Hon. C. BONAROS:** Is it an ordinary process, Attorney, for you to consult with—indeed, there have been other instances in this case where much more important pieces of legislation have previously sailed through without taking into account the views of the Law Society or the Bar Association, and we have been subject to criticism over some of those pieces of legislation. Is it ordinary for you to consult with the Law Society or the Bar Association on matters that, even in the opposition's words, were previously described as pretty straightforward pieces of legislation that deal with administrative matters as opposed to substantive changes?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. I think it is fair to say that not every single bit of legislation or regulation will be subject to extensive consultation with the Bar Association or the Law Society, but that does not mean that those organisations do not put their views forward, as they have in this case.

**The Hon. C. BONAROS:** I am going to refer to a paper written in April 2021. It is called *The New Court of Appeal for South Australia* (published by the Australian Academy of Law). It is authored by the Hon. Justice Mark Livesey. Chair, if I can, I will table that document as well. It states:

In addition, it might be said that it is undesirable for judges to only be concerned with appellate work, rather than the dynamics and pressures associated with trial work. Indeed, the experience of conducting trials as counsel does not necessarily translate into a firm appreciation of the demands of conducting trials as a judge. Routine experience in trial work is sometimes said to be of considerable importance in the effective disposition of appellate work.

As well, it could be said that appellate judges may become too specialised and insufficiently exposed to the full range of judicial work, whether this be trial work or other first instance decision-making.

Are they considerations that also fed into the basis for this legislation, or was it purely of an administrative function? As well, is there something to be said for those comments that I have just referred to?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. The administration of the court, as outlined in the letter from the Chief Justice, is a primary driver for this legislation. It is true that I have had many representations made to me about the desirability of appellate judges hearing trials at first instance—understanding the pressures, what comes with making rulings immediately on evidence, and also being in situations where you have contact with victim survivors of crimes and understand the ins and outs of day-to-day trials. But that is not what is being proposed here, this is about the administration of the court and the ability for judges of the Court of Appeal to hear trials in the manner that is proposed.

**The Hon. F. PANGALLO:** Attorney, did you discuss this amendment, this bill, with the President of the Court of Appeal?

**The Hon. K.J. MAHER:** I thank the honourable member for his question. I provided and asked for views from both the Chief Justice and the President of the Court of Appeal. I received a response from the Chief Justice on behalf of the Supreme Court which is consistent with the procedures outlined in the guidelines for consulting with the judiciary.

**The Hon. F. PANGALLO:** That was not actually my question. I asked whether the Attorney discussed it with the President of the Court of Appeal, not with the Chief Justice. Did the Attorney reach out to the President to gauge his views on this, or has in fact the President of the Court of Appeal written or contacted you, your office or your department about this proposed amendment?

**The Hon. K.J. MAHER:** I thank the honourable member for his question. I consulted with the head of the jurisdiction of the Supreme Court, which includes both the Court of Appeal and the general division, the trial division, which is the Chief Justice. I have had a number of meetings, very productive meetings on a whole range of issues, with the President of the Court of Appeal. I do not recall discussing the substantive amendment that was being proposed here. I may have, at one of our meetings on very different matters, given an update of the progress of this but, from my memory, I think that would be it.

**The Hon. F. PANGALLO:** Just to clarify that: you are saying that you actually did raise—

**The Hon. K.J. MAHER:** No.

**The Hon. F. PANGALLO:** —this proposal—no? So you have not raised it with the President of the court. Can you explain why you have not?

**The Hon. K.J. MAHER:** To reiterate: I sent correspondence initially to both the Chief Justice and the President of the Court of Appeal. I received a response from the Chief Justice as the head of the Supreme Court.

**The Hon. F. PANGALLO:** Did you ask why you did not receive a response from the President of the Court of Appeal? I find it odd that you would get one from the Chief Justice but you would not get one from the President of the Court of Appeal.

**The Hon. K.J. MAHER:** I thank the Hon. Mr Pangallo and I understand that the Hon. Mr Pangallo might find that odd; however, it is entirely consistent with the guidelines from a communication with the judiciary, legislature and executive, adopted by the Council of Chief Justices of Australia and New Zealand on 23 April 2014. So although the honourable member may find it odd, it is entirely consistent with guidelines that the Council of Chief Justices adopted nearly a decade ago.

**The Hon. R.A. SIMMS:** Just to be clear, by way of clarification, that is because the Chief Justice is the head of the court, which includes the appeal court; is that the case?

**The Hon. K.J. MAHER:** Yes.

**The CHAIR:** I would like questions or contributions on clauses 2 and 3. I will allow this contribution but then we are going to move on.

**The Hon. C. BONAROS:** Just to be crystal clear, I referred to the protocol document earlier and it is fair to say, I think—or I am asking for your confirmation—that all of the judges of the Supreme Court made up a meeting of judges, including the President, in formulating those protocols. So everybody had input into the process of formulating those protocols that we know underpin this legislation.

**The Hon. K.J. MAHER:** That is my understanding, that it would be all judges of the Supreme Court, those of the appellate division and those of the general division, who would have been able to make contributions to that.

**The CHAIR:** Are there any further contributions with anything to do with clauses 2 or 3? The Hon. Ms Lensink, what are you referring to?

**The Hon. J.M.A. LENSINK:** The Attorney-General, I think in his summing-up, referred to a particular case that had potentially triggered this legislation as a form of efficiency measure, if my memory serves me correctly. Is he able to elaborate on that and provide us with some more detailed data to underpin this measure?

**The Hon. K.J. MAHER:** I think what the honourable member is referring to is my reading of the letter from the Chief Justice of the Supreme Court. I will read it again because it does not refer to the name of a particular case but the paragraph relevantly states:

My request for this amendment was made after experiencing substantial difficulty in 2022 in assigning a permanent judge of this Court to hear a long and complex matter in this Court. The statutory provisions were a substantial impediment in assigning a judge of this Court to hear the matter.

It refers to 'a matter' but it does not name the matter in that correspondence.

**The Hon. J.M.A. LENSINK:** I thank the Attorney for that explanation. Is he aware whether that is an isolated case or is he aware of others, and is he able to provide some statistical data to inform the reasons for this?

**The Hon. K.J. MAHER:** I do not have that data in front of me but that was one that was referred to. I have no doubt there would be others that fall into that category as well.

**The CHAIR:** The Hon. Mr Pangallo, you are referring to what in clause 2 or 3?

**The Hon. F. PANGALLO:** Sorry?

**The CHAIR:** In clause 2 or 3, what are you referring to? What is your question?

**The Hon. F. PANGALLO:** Clause 1 actually, as well.

**The CHAIR:** No, we have passed clause 1.

**The Hon. F. PANGALLO:** Can I ask the Attorney-General whether the Chief Justice can appoint the President of the Court of Appeal to another court to hear a matter?

**The Hon. K.J. MAHER:** I am informed that is not envisaged in the legislation. I am advised that under clause 3(1)(1)(b) it talks about the Chief Justice having consultation with the President of the Court of Appeal to assign and authorise a judge in the Court of Appeal. Because it refers to the President of the Court of Appeal and then later on refers to a judge, it would not be envisaged that that would be the president.

**The Hon. F. PANGALLO:** You are saying it is envisaged that that is not likely to happen, but technically it could happen, could it not?

**The Hon. K.J. MAHER:** I guess that if someone took a very different reading and statutory interpretation to the words that appear on the page, sure.

**The Hon. R.A. SIMMS:** In relation to clause 3 and the arrangements relating to the distribution of business, it has been suggested during debate in relation to this bill that it is the government's intention to undermine the independence of the Court of Appeal. Is that the government's intention and can the minister outline why he does not consider that to be the case?

**The Hon. K.J. MAHER:** I can answer that very simply: no, that is not the government's intention. This bill does nothing to undermine the Court of Appeal, the rule of law or the sun coming up, as has been suggested. This is simply about the distribution of work within that one court—the Supreme Court.

**The Hon. F. PANGALLO:** Can the Attorney-General provides examples that exist that justify this amendment?

**The Hon. K.J. MAHER:** I refer to the answer I gave the Hon. Michelle Lensink in the letter by the Chief Justice.

**The Hon. C. BONAROS:** In relation to clause 3—and there is nothing like robust debate in this place amongst colleagues, albeit over what many would consider an insignificant piece of legislation—is there anything in that clause that would warrant an about turn or a reversal of the

position in terms of support for the original piece of legislation that was passed under the former government?

**The Hon. K.J. MAHER:** I think that question has a couple of parts. It maybe goes to what the Hon. Robert Simms just asked. There is nothing in this that seeks to undermine how the Court of Appeal works. As the honourable member characterises it, this is a relatively simple, straightforward, administrative bill about the operation of two divisions within the Supreme Court and making sure it can operate as effectively as possible.

**The Hon. C. BONAROS:** Chair, with your indulgence, also in relation to the distribution of business and the concerns that the opposition has now raised, if she is willing to answer, I have a question for the Leader of the Opposition and that is: did she or anybody else from the Liberal government seek comments and feedback from the Law Society or the Bar Association regarding concerns around distribution of business prior to that information being made available to this place post the last sitting week?

**The Hon. J.M.A. LENSINK:** Sorry, if I understand the question, and the honourable member may wish to—

**The Hon. C. Bonaros:** Did you consult with them prior to forming your position on this bill?

**The Hon. J.M.A. LENSINK:** I think the honourable member is aware that we did not consult in May. I am not quite sure what her point is on discovering that significant stakeholders have concerns—that would just hide under the carpet and pretend that that does not exist. If she wants to raise this issue again, I think a number of us were quite disturbed by the way in which she addressed members of the Legislative Council when she made her contribution. I will leave it at that.

**The Hon. R.A. SIMMS:** In relation to clause 3, does the minister have any information in relation to the process that is adopted in other jurisdictions in this regard?

**The CHAIR:** I will let the Attorney answer this question, but then I am going to put that clause 2 stand as printed. These all appear to be at clause 3.

**The Hon. K.J. MAHER:** I am advised that there is no statutory provision anywhere in Australia which requires the Chief Justice to obtain consent of the President of the Court of Appeal for the assignment of an appeal judge to hear a trial in the general division, which would make how we currently have the law before this bill an anomaly in Australia. What all jurisdictions do have in common is that the Chief Justice is the principal officer and responsible for the administration of the Supreme Court and its divisions.

Clause passed.

Remaining clause (3) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:32):** I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes .....11  
 Noes.....8  
 Majority .....3

AYES

Bonaros, C.  
 Hunter, I.K.  
 Ngo, T.T.  
 Simms, R.A.

Franks, T.A.  
 Maher, K.J. (teller)  
 Pnevmatikos, I.  
 Wortley, R.P.

Hanson, J.E.  
 Martin, R.B.  
 Scriven, C.M.

## NOES

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

Game, S.L.  
Hood, D.G.E.  
Pangallo, F.

Henderson, L.A.  
Lee, J.S.

## PAIRS

Bourke, E.S.

Girolamo, H.M.

Third reading thus carried; bill passed.

**EXPLOSIVES BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 4 May 2023.)

**The Hon. D.G.E. HOOD (16:36):** I rise to speak on the Explosives Bill 2023 and indicate that I am the lead speaker from the opposition on this matter. This is another one of those fix-up bills that sits in the non-controversial and non-contentious categories of bills that come through this place from time to time. The Explosives Act 1936 is clearly an old piece of legislation given the dating, covering the licensing, transportation and use of explosives. It is now very out of date, and whilst previously it had been updated and somewhat modernised through ad hoc amendments, this bill repeals the 1936 act and replaces it with a new, what might be considered more efficient, more modern piece of legislation.

Each jurisdiction in Australia has its own legislation to deal with explosives. However, in an effort to harmonise the laws across the country we have had a set of consistent national policy principles that each jurisdiction is tasked with reflecting in their legislation, as it appears here. This bill seeks to expand on previous work, including during the Marshall government, to modernise the regulation of explosives in South Australia in line with those principles whilst delivering efficiencies and safety standards and reducing regulatory and administrative tools.

This bill has undergone consultation with those industries which it would affect, as you might expect, including the South Australian Chamber of Mines and Energy (SACOME). This bill outlines that the minister must appoint a regulator and sets out the functions of the regulator—consistent with current practice, the minister has indicated that this is intended to be the executive director of SafeWork SA.

Further on, the bill prescribes the process for the authorisation of explosives by the regulator. Once an explosive is authorised, a person with an appropriate licence can manufacture, store, transport, supply, use, import or export the explosive. In addition to being consistent with the national policy proposals, the authorisation process in the bill provides for the recognition of authorisations from other jurisdictions under corresponding laws—a good example of the harmonisation working to bring efficiencies to industry, which I am sure they would be supportive of.

Licensing is the key control that a regulator has over explosives, and under this bill a person must not 'carry on an activity'—they are the words used—unless authorised by license to do so. The new framework will contain licences to authorise activities (an activity licence) and licences to authorise a person to engage in an occupation involving explosives (an occupational licence). Activity licences include licences to manufacture, import, export, supply, store, transport or even use explosives. Occupational licences include those for fireworks contractors and operators and for driving and blasting.

Consequent to licensing is enforcement, in part 7, which of course is most important. It sets out the mechanisms for appointing a person with powers to enter and inspect a place or vehicle, give a direction to stop the movement of a vehicle or require that vehicle to be presented for inspection

and examine, test or take extracts to do their duty under this act and prevent the unauthorised movement or use of explosives.

In 2022, the mining sector accounted for more than 15 per cent of the national GDP across all sectors, according to the Australia Institute. These changes in this bill will only serve to improve the safety of those who work in mining and also improve the efficiencies for the gamut of companies in the mining industry, which of course are significant users of explosives and will be impacted by this bill.

This bill will serve two functions as I outlined earlier: ensure safety in the industries that require the use of explosives and also, when working in concert with those industries, deliver efficiencies for the betterment of all and the state. We support the bill.

**The Hon. R.A. SIMMS (16:40):** I rise to speak briefly on the Explosives Bill 2023. It is not the first time we have seen fireworks in this chamber today.

*Members interjecting:*

**The Hon. R.A. SIMMS:** I have. I love a good pun. We often see explosions in this place from time to time—not from the Greens, of course, and certainly not from myself. As a meek and mild person I sit back in a shy and retiring way.

This is a reform that originated from recommendations from SafeWork and it aims to address aspects of handling and transporting explosives. I understand it enhances safety measures and streamlines regulations within the industry. The Australasian Explosives Industry Safety Group is a reputable industry body representing the interests of those involved in the manufacturing, usage and transportation of explosives, and it has been consulted in the shaping of this bill. Their input ensures that the concerns of a range of stakeholders are adequately considered.

One of the key objectives of this bill is to establish uniformity across state jurisdictions, particularly in relation to the transportation of explosives. There are currently significant challenges and inconsistencies when explosives are being transported across state borders. Such discrepancies could open up the opportunity for unreasonable risk: something, of course, that we as legislators need to turn our minds to. This bill will create a cohesive approach to explosives transportation, ultimately providing better safety measures.

Furthermore, the bill updates and refines existing definitions to ensure the bill is current and relevant to reflect the existing explosives industry. Notably, this bill focuses on creating a more equitable licensing system. I understand that, currently, large mining companies are subject to the same licensing requirements as small-scale gem or precious metal miners. This lack of differentiation fails to account for the varying complexities and risks that are associated with different types of explosives operations. Under the proposed legislation, classes of licences will be prescribed by regulation, allowing for a more tailored approach. This will ensure that licensing requirements are fair, appropriate and proportionate.

Finally, this bill is a consolidation of the relevant provisions into a single act. This will streamline the legal framework to ensure efficiency and effectiveness. As a result of the recommendations from SafeWork, this bill will ensure consistency and proportionality, and the Greens are supportive of its passage. With that, I conclude my remarks.

**The Hon. E.S. BOURKE (16:43):** I rise to also speak in support of the Explosives Bill 2023. This bill is the result of feedback from industry and cooperation by state and federal governments to ensure there is a national consistency in the regulation of explosives.

While we might think of explosives being used for mining and fireworks—as the Hon. Rob Simms has highlighted—they are used in a much wider range of industries, including construction, agriculture, transport and logistics, and the automotive and aircraft industries. Explosives have many everyday uses, including in industrial tools, medical instruments, fire extinguishers, railroad track signals, airbag inflators, medication, tunnelling, welding, and in sparklers and party poppers.

Technology has come a long way since 1936 when the Explosives Act was first enacted, and the act has been amended only in piecemeal fashion since then. The amendments in this bill

will modernise the act to bring it into line with current industry practices and other jurisdictions around Australia.

A nationally consistent approach to the regulation of explosives was agreed by the commonwealth, state and territory work health and safety ministers in 2018. This followed a Council of Australian Governments agreement in 2012 that this work should commence. This bill sees South Australia following through with the agreement to make the explosives industry safer, while reducing red tape.

Feedback from industry operating across different jurisdictions was that the inconsistency in regulations imposed significant administrative burdens, increasing staff time and cost and making it harder to compete for jobs in other states. This bill implements consistent and nationally agreed principles on the definition of explosives, licensing and notification and authorisation regimes. The definition of explosives will be made clear and consistent with other jurisdictions, making it easier for businesses to comply with regulatory requirements.

A new licensing regime will be established that can be adapted for the significant requirements of applicants, reducing the need for licence holders to seek exemptions from regulations. An improved notification process will be implemented for information to be provided to regulators about events and incidents. Licence holders are required to notify regulators about how and when they intend to use explosives at their events, including serious injuries and deaths, theft or loss of explosives, and import or exporting of explosives.

This bill also implements the nationally agreed authorisation process. This is a process which a regulator uses to determine whether an explosive is safe and fit for purpose. The amendments will remove the requirement for the duplication of process across jurisdictions and reduce inconsistencies. Extensive consultation has been undertaken with stakeholders, including South Australia Police and other industries, including SafeWork SA.

Informing policy is just one aspect of the important work that SafeWork SA does. It also provides invaluable advice and education to workers and employers. I want to acknowledge the vital role that SafeWork SA plays in worker safety. Workers and businesses using explosives will be safer and more effective and efficient with the passing of this bill, and I commend it to the chamber.

**The Hon. R.P. WORTLEY (16:47):** I note that this bill has cross-party support, so I will be very brief. Explosives are used in a wide range of different industries, including mining, agriculture, construction and entertainment. Unfortunately, our current Explosives Act 1936 is widely considered out of date and out of line with other jurisdictions.

The bill seeks to modernise the regulation of explosives in South Australia to align with other states and territories. This is a product of significant consultation with stakeholders, including the South Australia Police and the Australasian Explosive Industry Safety Group. The bill implements consistent nationally agreed principles regarding the definition of explosives, the licensing framework, notification processes and authorisation processes. The bill provides for a new licensing regime, which is better tailored to the needs of different users and will reduce the need for licence holders to seek exemption from regulations.

Other key changes include more clarity about the definition of explosives, an improved notification process, which provides information to regulators about events and incidents, authorisation processes, which reduce inconsistencies with other states and territories and remove duplicate processes. Overall, the bill will reduce red tape for industry while ensuring that our legislation maintains the highest safety standards. I support the bill.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:48):** I thank honourable members for their contributions on this bill and, as honourable members have indicated, this is an updating of a bill that has not been updated for quite some time. I look forward to the committee stage.

Bill read a second time.

*Committee Stage*

In committee.



Clause 1.

**The Hon. D.G.E. HOOD:** Just a couple of questions, Attorney, to clarify the reasoning behind the bill. The first one is with respect to consultation. Attorney, I recall in your second reading speech, if I recall correctly, you mentioned that the police and the Australasian Explosives Industry Safety Group were consulted with for this bill. I am wondering who else. Was SAFECOM consulted? Were primary producers, large mining companies, chemical companies such as Incitec Pivot, consulted, for example, or any of those groups?

**The Hon. K.J. MAHER:** I thank the honourable member for the question. I can inform that information on the draft bill during the consultation period was made widely available through a variety of means.

I am informed that emails and letters were sent—and I do not have the exact details to whom—by SafeWork SA to 343 targeted stakeholders during the consultation period. I am informed that the YourSAY engagement campaign achieved a combined reach of 32,819 engagements and generated 1,887 visits to a website to access further information, which seems quite an impressive set of statistics for this bill.

The new Explosives Bill consultation process was promoted through articles in SafeWork SA's e-news, achieving 3,557 opens and 215 clicked links. So, although I do not have the names of each stakeholder group that was consulted, with 343 targeted stakeholders receiving letters it was obviously quite extensive.

**The Hon. D.G.E. HOOD:** I thank the Attorney for his answer. That sounds like very solid consultation. I will move off that topic then and onto the next one with respect to the progress of other jurisdictions for the harmonisation of their bill. Is the Attorney able to update the chamber on where they are at and where we are relative to them?

**The Hon. K.J. MAHER:** I am advised that most other states are already to where this bill seeks to take us, so we are essentially catching up to where other states have already got to in terms of these laws.

**The Hon. D.G.E. HOOD:** This is quite a specific one; I am not sure if you are in a position to be able to answer this, Attorney, but we will give it a go. I am interested in how this bill aligns with the UN Recommendations on the Transport of Dangerous Goods as contained in the UN Model Regulations. It would be helpful information for us.

**The Hon. K.J. MAHER:** I thank the honourable member for his question and his regular and ongoing interest in the UN's views about the handling of explosives. I know the honourable member was just talking to me in the cafeteria previously, and I am sure he will bring it up later this week.

**The Hon. I.K. Hunter:** It is a daily topic.

**The Hon. K.J. MAHER:** It is a daily topic for the honourable member. I am advised that our code draws on the 2009 Australian explosives code. The latest we have to draw on is the Australian explosives code. That code is now 14 years old, but when that is updated we can revisit further updating ours, but it draws on the Australian code.

Clause passed.

Clauses 2 to 14 passed.

Clause 15.

**The Hon. D.G.E. HOOD:** Is there already an executive director responsible for the regulations of the explosives industry in South Australia? If so, who is that and will that person simply continue in that role, following this bill being passed?

**The Hon. K.J. MAHER:** I thank the honourable member for his question. It is the head of SafeWork SA, before and after this bill.

Clause passed

Clause 16 passed.

Clause 17.

**The Hon. D.G.E. HOOD:** This should be my last question for the entire bill, if it is answered satisfactorily!

**The Hon. K.J. Maher:** Are you threatening me?

**The Hon. D.G.E. HOOD:** Gently. Is there intended, Attorney, to be a public register of authorised persons under this bill, should it pass?

**The Hon. K.J. MAHER:** I am informed that it is not a requirement, but it is something that we are looking into.

**The Hon. D.G.E. HOOD:** That is partially satisfactory, so I will ask one more, if I might. It is a supplementary of sorts, though. The bill mentions an extract from the register, identifying that authorised explosives must be published on the department's website. My question is: what is intended to be accessible in the extract, as such? Were there any concerns raised with this information being publicly available and, indeed, is it publicly available?

**The Hon. K.J. MAHER:** My advice is that that information is currently publicly available, it will continue to be publicly available, and I am advised that no-one has raised concerns with it being publicly available. That is a very thorough answer and should put an end to the questions.

Clause passed.

Remaining clauses (18 to 104), schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:00):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**RETURN TO WORK CORPORATION (CONSTITUTION OF BOARD OF MANAGEMENT)  
AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 23 March 2023.)

**The Hon. C. BONAROS (17:01):** I rise to speak very briefly on behalf of SA-Best on the Return to Work Corporation (Constitution of Board of Management) Amendment Bill 2023. This is a relatively simple bill which seeks to legislate the current status quo for the seven-member board of management in terms of the minimum employee and employer representation. It was generally considered a given until the former industrial relations minister, the Hon. Rob Lucas, did not appoint an employee representative following the expiry of the terms. I think most would agree that this was a break in convention and somewhat unprecedented but, as luck would have it, the lack of balance was addressed by the change of government last year, and in November Ms Atherton, a highly experienced employee representative, was appointed to the board.

The board is tasked, as we know, with a variety of functions including administration of the Return to Work Act, the promotion of work health and safety and welfare, and the management of funds under its control to ensure its ongoing viability. I think we have well and truly thrashed out that debate in this place and, indeed, in the committee dealing with return to work. We had an example of this last function in July last year when the board signalled its intention to raise the average employer premium from 1.272 to 1.8 for 2022-23, requiring legislative amendment to do so.

There has, as I understand it, been a slight increase for 2023-24 to 1.85 but that, of course, is part of a much broader and larger debate, of which this bill is an important element, in terms of the

role of the board, but I am sure it will be fleshed out sooner rather than later in a further bill that we are expecting to come before this parliament.

The act currently prescribes that board appointments are made by the Governor on the recommendation of the Minister for Industrial Relations and Public Sector, and has to consist of at least three women and three men. Appointments are for terms not exceeding three years, with members eligible for re-election. While the bill seeks to establish a minimum balance, it does not preclude higher representation.

I understand that some employees say stakeholders are of the view it should be a fifty-fifty mix, but SA-Best agrees that it is important to retain some degree of flexibility in that mix. The act does not specifically prescribe one legal, one insurance and one medical rep, allowing for flexibility of skills and aptitude and for members who tick more than one box.

I do understand—and perhaps the Attorney can confirm this soon—that the government has committed to further consultation and dialogue with those various stakeholders, should it indeed be returned at the next election or perhaps even prior to that. I note that the Minister for Industrial Relations filed an amendment to clarify consultation of a suitable employer representative and that it will not just be limited to Business SA because, as we all know, there are other probably equally qualified and aptly qualified and influential businesses and industry groups, like the Master Builders Association or the Australian Industry Group, whose views are also equally important, equally valid and equally warranted.

Before I close, I note that the opposition has filed a last-minute amendment this morning seeking to preclude any member of the CFMEU from sitting on the board or being consulted in relation to an appointment. I have to say that I find this a curious amendment, the likes of which I have never seen or recall seeing filed in this place. Talk about singling out a particular group.

Subclause (2b) is perhaps even more curious than the first one in that the opposition is asking us to agree that there has to be a certification not only that you will not have a representative from the CFMEU but that there has to be a certification process to ensure that there was no consultation with the CFMEU. How on earth, even if you agreed with that in principle, that would work in practice is well and truly beyond me and certainly not something I am willing to contemplate in the time available to us given that the amendment was filed, as I said, just this morning and we are already dealing with this bill. Notwithstanding that, I am not buying into this attempt to grab a headline in relation to issues regarding ReturnToWork or the CFMEU on a bill that is important in its nature.

We are absolutely of the view that you need flexibility to remain where we sit if decisions are made and representatives are appointed. If there are issues with those, I am sure there will be mechanisms to deal with those issues as well. With those words, we indicate that we will be supporting the government's bill as proposed with amendment by the Attorney.

**The Hon. J.M.A. LENSINK (17:08):** I am standing in for the Hon. Heidi Girolamo, who is paired out today. I will make some comments in relation to this piece of legislation which, as has already been noted, deals with the composition of the board of ReturnToWorkSA, the statutory corporation established under the Return to Work Corporation of South Australia Act 1994.

Obviously, we on this side of the chamber have a variance with other members in relation to the way a new board would be constituted. Currently under the act, section 5 sets out the constitution of the board of management (the board), which consists of seven members. At least three must be women and three must be men. On the recommendation of the minister, a chair will be appointed by the Governor.

The act goes on to state that members of the board 'must at all times act professionally and in accordance with recognised principles of good corporate governance'. Further on, the act states that the Governor may remove a member of the board for dishonourable conduct. In relation to those two points, I would just highlight that firstly all members must act professionally and in accordance with good principles of good corporate governance and, secondly, that the Governor may remove a member of the board for dishonourable conduct.

I would also like to talk to the proposed government amendment, which we do support, recognising that Business SA is not the only group in South Australia that represents employers in

this state. We will have some questions in the committee stage for the Attorney on that. As members will also note, we have lodged an amendment to this bill, which I will move in the name of the Hon. Heidi Girolamo, which I would have thought was fairly simple and self-explanatory.

Having in government and in opposition dealt with unions of various types over the years, the CFMEU I think is rather extraordinary and stands on its own. We on this side do not believe that the Construction, Forestry, Maritime, Mining and Energy Union is a good union. There have been countless stories in the press and there are Federal Court cases about the actions of its leader, its leadership and its members, which should speak for itself.

This is an organisation that has tried to intimidate the Master Builders Association in South Australia. In the case of the Premier, it is a case of saying one thing and doing nothing. He said, and I quote:

If we see evidence, that the Victorian branch takeover of the South Australian branch of the CFMEU, that manifests itself in unacceptable behaviour, then we will act.

This was said over a year ago, in August of last year. What we have seen since, just this week, are further intimidation tactics forcing workers on Adelaide construction sites to join the union, threatening builders with the loss of future work if they refuse to join the union. *The Advertiser* has quoted one construction worker as saying the behaviour was reminiscent of union intimidation tactics 20 or 30 years ago.

I have not even touched on the allegations surrounding the CFMEU's leader in South Australia, Mr John Setka. The Prime Minister kicked Mr Setka out of the Australian Labor Party and, in contrast, the Premier and the Labor Party in South Australia have rolled out the welcome mat by turning a blind eye to intimidation tactics, and turning a blind eye to the incoming exorbitant fees to be imposed by the arrival of the Victorian system of a worker entitlement scheme, Incolink, in South Australia. Once again, the Premier has made much of the promise to do what he could to protect builders in South Australia from the CFMEU and their Victorian scheme, Incolink, but we have not heard anything since. This Premier is all hat and no cattle. He makes promises but does not follow through with them, hoping that the public have moved on.

If the conduct of the CFMEU leader is already dishonourable conduct, why do they deserve a say in the outcomes of the Return to Work scheme, which is funded through some 50,000 South Australian employers, particularly when they are making efforts to divert South Australian funds to Victoria. Until it was closed down by the new federal Labor government, the Australian Building and Construction Commission had issued more than \$16 million in fines to the CFMEU since 2016. This is not a union with good governance practices. It does not adhere to the rules and it does not care about its workers, and certainly not women in the industry.

This amendment is a strong line in the sand to say enough is enough. We do not need the detestable influence of the CFMEU in South Australia, and Mr Setka and his intimidation tactics are not welcome here. I would ask members in this chamber to support this amendment, and declare that South Australia does not stand for, nor accepts the intimidation that the CFMEU represents.

**The Hon. R.B. MARTIN (17:13):** Members here would be aware that ReturnToWorkSA, as the statutory insurer under South Australia's workers compensation scheme, is governed by a board composed of seven members. The purpose of this bill is to amend the constitution of the board to ensure a minimum level of stakeholder representation from representatives for workers and for business.

The Return to Work scheme involves complex medical, legal, insurance and regulatory issues, which means that certain technical skills should quite rightly be represented within the board membership. The decisions taken by the ReturnToWorkSA board members have very significant implications for the lives and livelihoods of injured workers, and significant financial implications for business, so the Malinauskas Labor government considers it crucial to ensure that both groups of people within our state who stand to be most directly impacted by the decisions of the board have security in their opportunity to be directly represented within the board's membership.

It has long been the custom to include the voices of both workers and business amongst the board membership through the appointment of representatives for each. However, the previous

government contravened this longstanding practice by overseeing a period during which the board was without worker representation.

This government has restored balance to the composition of the board by returning worker representation and preserving representation for business. We recognise that stronger outcomes in decision-making are achieved when a diverse range of views are represented in the process. I cannot speak for the opposition in this regard, although evidence does suggest that perhaps they do not agree in all cases that this is correct, but it is the view of this government that diversity in the composition of the ReturnToWorkSA board can only improve the integrity and quality of its decisions and processes.

It is considered sensible and appropriate that representation for the two groups that are most affected by the operations of the Return to Work scheme be enshrined in legislation. Under the provisions of this bill, the seven members of the ReturnToWorkSA board must include at least one member who is deemed suitable to represent the interests of workers, as well as at least one member who is deemed suitable to represent the interests of employers.

This bill further provides that the minister will have to consult with stakeholder organisations from both groups—namely, with SA Unions in the case of workers and with Business SA in the case of business—before making appointments of board candidates. This gives the two peak bodies the opportunity to make representation as to the suitability of the candidates. Under the provisions of this bill, high-quality candidates must still be selected. All persons appointed to the board must still possess the requisite competencies, qualifications and experience to ensure that the board can undertake its functions effectively.

As the Attorney-General explained last month, this government takes the view that the current composition of the board is suitable. Upon the passage of this bill, it can therefore be proclaimed to take effect upon the expiry of the terms of incumbent board members.

I recognise and appreciate the advocacy that our government has heard from the union movement in relation to the important matter of representation for workers on this board. We have listened, and with this bill we are taking action to ensure that fairness and balance are better ensured in the board's decision-making. Ideologies which in any way treat workers as unimportant, or the interests of workers as being lesser than the interests of business, are socially harmful. Diminishing or minimising the gravity of workplace injuries in terms of the profound adverse impact they can have on the lives of the workers who suffer them, on their families and on their livelihoods, fundamentally gets it wrong on a human level.

Our government recognises the balance that must be struck to ensure the interests of workers and the interests of business are both served, both protected and both treated as important from social and economic perspectives. We have tried with this bill to take a step which seeks to achieve that in the decision-making of ReturnToWorkSA through legislating balance in board membership. I am pleased to commend this bill to the council.

**The Hon. I. PNEVMATIKOS (17:17):** I rise today to speak in support of the Return to Work Corporation (Constitution of Board of Management) Amendment Bill. ReturnToWorkSA, the statutory agency under South Australia's workers compensation scheme, is governed by a board of seven members. The bill amends the constitution of the board to ensure a minimum level of stakeholder representation.

Under this bill, the seven members of the board must include at least one who is suitable to represent the interests of workers and one who is suitable to represent the interests of employers. Being that the board makes decisions that have significant impacts on injured workers and employers, the importance of this representation cannot be overstated. These decisions include fixing the average premium rate and decisions around litigation and claims management. Workers deserve fair and effective representation in matters affecting their health and safety. They deserve a just, equitable and relevant workers compensation system.

With worker representation, the board gains valuable insight into the experiences of those directly affected by workplace injuries. We already know that we have better health and safety outcomes when workers have input before decisions are made about health and safety that affect

them. Similarly, employers are responsible for creating safe working environments. Their experiences will help shape policies that consider the challenges that employers face in maintaining safe workplaces, and the economic realities of workplace injuries.

Put simply, this bill ensures that the voices of the groups most affected by the Return to Work scheme are included in the board process. That should include all groups. Last I understood, the CFMEU was not an illegal organisation. Certainly, in a democratic pluralistic society you would expect that they have the same rights as anyone else. It is very difficult to support an amendment that seeks to exclude an organisation that legitimately and legally represents a portion of the workforce.

The minister will have to consult with SA Unions and employer organisations about appropriate board candidates. This bill also ensures the situation under the Liberal government, where no worker representatives were present on the board, cannot be repeated. It is not just about getting a seat at the table. It is about promoting fairness and cooperation. We need to embrace the principles of industrial democracy if we want to create safe and healthy workplaces.

**The Hon. T.A. FRANKS (17:21):** I rise on behalf of the Greens to speak briefly about this bill and indicate our support. I reiterate what I have previously said in this place: the turmoil we have all witnessed of late regarding the Return to Work scheme can and must be attributed, at least in part, to the ReturnToWork board. We have seen the board seriously mismanage the scheme by holding up workers' claims through lengthy and failed legal battles over many years.

The role of the board is significant and, as alluded to by the Minister for Industrial Relations, possibly more significant than any other statutory corporation in this state. The board has the power to fix the average premium levy that applies to employers covered by the Return to Work scheme, and has the power to significantly impact workers' entitlements in Return to Work claims.

This bill before us is similar to legislation that I have introduced in this very place, so it will come as no surprise to the minister that we will be supporting it. That bill and this bill allow for proper representation on the board by including the additional requirements for the minister to undertake consultation with peak stakeholders such as SA Unions and Business SA, and that will ensure that they identify suitable persons to represent their respective interests—representative democracy and consultation.

This will, of course, provide us with a more representative board that does reflect the interests of both business and workers in the operation of the Return to Work scheme. One would imagine that you would want all parties at the table. The Greens acknowledge that a skills-based appointment of this board is important, but it should not take away from the voice of stakeholder groups including those, of course, of the unions.

The failings of the current board have been a frequent factor in the feedback that we have received on Return to Work matters in this state. Certainly, my office has constantly been told that the board and the corporation operate to turn a profit to keep premiums lower than they otherwise would, at the expense of outcomes for injured workers. This is not acceptable, and I do not think it is acceptable for us to continue to have a board operating—for such a vital scheme that affects the lives of so many vulnerable and injured workers—without this sort of representation. We support the legislation before us to ensure that workers have a fair representation at the table.

I note that the Liberal opposition have an amendment, or a series of amendments, to exclude the CFMEU not only from being represented on the board but from even being consulted about who would be represented on the board. I find this extraordinary. I note that there are members of this parliament who are members of the CFMEU. I note that many good people are members of unions, and to try to run some sort of 'reds under the bed' scandal in this way is ludicrous. I urge the Liberal opposition to grow up. With that, I support the bill.

**The Hon. R.P. WORTLEY (17:24):** I stand to support the bill. ReturnToWorkSA, the statutory insurer under South Australia's workers compensation scheme, is governed by a board of seven members. The board makes decisions with significant impact on injured workers and employers. These include fixing the average premium rate and the decisions around litigation and

claims management. The bill amends the constitution of the board to ensure a minimum level of stakeholder representation.

Over previous Labor governments, since the introduction of WorkCover and now ReturnToWork, we have always acknowledged that there is expertise and knowledge required from both employer and employee representative associations. That worked very well under past Labor governments. It was very disappointing when the Liberals gained power and allowed their absolute hatred of the trade union movement to cloud their better judgement and remove that requirement. What they did was deprive the board of immense knowledge and experience within the workforce, which must have an effect on the decisions of the board.

Tripartite committees became very popular during the Hawke and Keating governments back in the 1980s, and Australia experienced some of the greatest economic growth in the history of this country, where unions and employers worked together in the best interests of this country. That cannot happen when you have boards and bodies which fail to acknowledge the expertise of those representing working people in this country.

I also notice the amendment by the Hon. Ms Girolamo, trying to ensure that the CFMEU is not only banned from being represented on the board but also from being consulted. Once again, they are allowing their hatred of the trade union movement to get in the way of good policy. I will make a couple of comments. The CFMEU is not a prescribed organisation. They are registered under the act, they have elections, their officials are elected by elections run by the Australian Electoral Commission and they are there at the behest of their members. To try to deny an organisation the right of putting in their nomination is reminiscent of bad times in our history in this country. Again, it shows that the Liberals, because of their hatred of the trade union movement, are prepared to implement bad policy within their policy network.

Most people in this country support tripartite committees, but the vast majority would support the fact that they are the most productive and that probably some of the greatest decisions come as a result of everyone working together and coming to an outcome. I have been involved in tripartite committees over the years, I know how they work and I know that people from both sides of the chamber and the government have their debates, sometimes robust debates, but at the end of the day they come to a resolution that is in the best interests of their industries.

It is disappointing that the opposition has this point of view. The CFMEU is the result of an amalgamation. There are four different sections to that: you have the construction industry, run now by John Setka, who I must say I have never met before. You have the maritime union, a highly regarded union, and the forestry union, which is very highly regarded and plays a significant role down in the South-East. The Hon. Mr Hood would know the officials down there, I imagine. They work very productively within the industry. Then they have the mining and energy unions. These are very highly regarded sections of that union that will be excluded from even nominating a person from their union for consideration, which I think is an absolutely appalling position to have.

Under this bill, the seven members of the board must include at least one who is suitable to represent the interests of workers and one who is suitable to represent the interests of employers. This ensures the voices of the groups most affected by the Return to Work scheme are included in the board process. The minister will also have to consult with SA Unions and employer organisations about appropriate candidates. This also ensures that the situation under the Liberal government, where no worker representatives were present on the board, cannot be repeated.

I also make the comment that past practice of the Liberals was that where there were employer representatives on the boards under the legislation, on occasions they have actually chosen that person and not allowed the actual associations to determine that. Naturally, that caused all sorts of dissension and problems within the industry. With those few words, I support the legislation and seek the support of it from the council.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:30):** I thank all honourable members for their contribution. This is a reasonably simple bill. I note the Hon. Michelle Lensink has indicated there will be a few questions at the committee stage, and I am hopeful we can do that before 6 o'clock tonight. If not, we can come back and finish it.

As has been outlined, we have a couple of government amendments: a couple of technical amendments and one amendment that provides, as people have outlined, consultation with other employer groups. I can indicate that, like other speakers have indicated, we will not be supporting the opposition's amendments. I cannot remember the exact words used by the Greens, but those amendments are plainly absurd.

I am sure that the Hon. Ben Hood, for example, will be happy to explain to his community his party's desire to completely exclude any representative of the forestry union, who in my experience are exceptionally highly regarded in what they do for workers in the forestry union in the South-East and have been for a long time. It will be, when this is raised publicly in the South-East, up to the Hon. Ben Hood to explain to his constituents why he would seek to make sure that representatives of workers in the forestry industries should not have a right to participate in institutions in this state. That will be up to him to explain, but we will not be supporting the amendment.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. J.M.A. LENSINK:** I might at this point put all of the questions just to keep it tidy. My first question to the minister is to seek to understand why the government, at the time when the Hon. Ms Franks introduced her bill, which she spoke to, did not merely support that bill and has chosen to introduce its own.

**The Hon. K.J. MAHER:** I thank the Hon. Tammy Franks for her commitment in this area and the bills that she has brought before parliament. If I am remembering correctly, the Hon. Tammy Franks' bill sought to increase the membership of the board and make several positions representative of different groups. We are keen to keep the skills-based representation the board has rather than a purely representative structure, but recognising that there does need to be an element of representation. That is the balance we have sought to strike with this legislation.

**The Hon. J.M.A. LENSINK:** I also understand that the minister has spoken about this change beginning at the end of the current term, so I just seek clarification as to when that is. If the minister could also elaborate on what would take place if someone resigns or is removed: will this new regime be in effect at that point?

**The Hon. K.J. MAHER:** I am advised that the licences of current board members expire in November 2025, so it is intended that this comes into operation at that stage.

**The Hon. J.M.A. LENSINK:** Can the minister explain what will happen if there are any resignations in the meantime? Will this new regime be in effect to account for that, and how will the selection take place?

**The Hon. K.J. MAHER:** If there are resignations that take place we will consider the composition of the board at that time and make appointments, noting who has resigned and what composition of the board is needed.

**The Hon. J.M.A. LENSINK:** I understand that these questions are for clause 3, but I will ask them now. Did the government make its own amendments to this amendment bill to include other associations instead of Business SA, or were there others considered as well?

**The Hon. K.J. MAHER:** I do not understand.

**The Hon. J.M.A. LENSINK:** I will try to rephrase. In terms of employer associations, what other employer associations would be under consideration, other than Business SA?

**The Hon. K.J. MAHER:** The amendments that we are putting forward are the result of contributions that were put forward from, in particular, the Master Builders Association and the Australian Industry Group South Australia. They are some of the other ones but it would not be limited to those.



**The Hon. J.M.A. LENSINK:** Can the minister advise whether it was a broad range of all associations that were consulted in relation to this particular bill? Is there a consultation report available and further details?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. I do not have a complete list, but certainly the concepts that we have in this bill now were raised with a very wide range of industry stakeholders, both employer representative groups and employee representative groups, in consultations on issues to do with the Return to Work scheme, mainly during the course of last year.

**The Hon. J.M.A. LENSINK:** I thank the minister for that clarification. Can he advise whether Self Insurers of South Australia were consulted on this amendment?

**The Hon. K.J. MAHER:** I can confirm very specifically that Self Insurers of South Australia were consulted specifically about this proposed change.

**The Hon. J.M.A. LENSINK:** Further to that, can the minister advise whether there was consideration given to include a specific representative of that sector?

**The Hon. K.J. MAHER:** No, there was not.

**The CHAIR:** Attorney, the government have an amendment at clause 1.

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

Amendment No 1 [IndRelPubSec-2]—

Page 2, line 4—After '*Corporation*' insert:

*of South Australia*

This is a technical amendment.

**The Hon. C. BONAROS:** I indicate for the record our support for the amendment.

Amendment carried; clause as amended passed.

Clause 2 passed.

Clause 3.

**The CHAIR:** There are amendments in the name of the Attorney-General and the Hon. Ms Girolamo. Attorney, I believe your two amendments were filed first, so would you like to speak to them?

**The Hon. K.J. MAHER:** I move the first of those at clause 3, line 12:

Amendment No 2 [IndRelPubSec-2]—

Page 2, line 12—Delete 'and substitute' and substitute:

insert

Again, this is a technical amendment.

Amendment carried.

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

Amendment No 1 [IndRelPubSec-1]—

Page 2, line 19 [clause 3, inserted section 5(2)(b)]—after '(trading as Business SA)' insert:

, and with other associations representing the interests of employers determined to be appropriate by the Minister,

I am moving that for the reasons that we have canvassed already in contributions today.

Amendment carried.

**The Hon. J.M.A. LENSINK:** I move:

Amendment No 1 [Girolamo-1]—

Page 2, after line 20—Insert:

- (2) Section 5—after subsection (2) insert:
  - (2a) However, a member or officer of the Construction, Forestry, Maritime, Mining and Energy Union must not be appointed as a member of the board.
  - (2b) In addition, the Minister must, when making a recommendation in respect of an appointment under subsection (2), certify that the Construction, Forestry, Maritime, Mining and Energy Union was not consulted in relation to the appointment.
  - (2c) A copy of a certificate referred to in subsection (2b) must be published in the Gazette as soon as is reasonably practicable after the appointment to which the certificate relates is made.

I think I can read the room in terms of whether it will gain the support of colleagues or not. As I outlined in the second reading contribution, we do know that there are significant issues with this particular union. I think quietly around the corridors when we do talk to people they are embarrassed by the behaviour of this particular union and its behaviour upon entering South Australia. I think there are a large number of builders who are very concerned about the CFMEU and its behaviour. I think that speaks for itself. I would urge members to give due consideration to this amendment.

**The Hon. C. BONAROS:** I am sure many individuals, including those from forestry, would probably take exception to some of the comments that have just been made around that; notwithstanding the fact that we all know that there are issues that are raised, but the generalisations are somewhat outrageous today. Notwithstanding that, I have a question of the mover. I am wondering if she can tell us with whom she consulted before, during or after the drafting of this amendment.

**The Hon. J.M.A. LENSINK:** As the honourable member knows, I am standing in for the—

**The Hon. C. BONAROS:** With whom the Liberal Party consulted.

**The Hon. J.M.A. LENSINK:** I am standing in for the Hon. Ms Girolamo, who is unfortunately not able to be here today. It will be hard for me to go into a lot of the specifics, but I think it is fair to say that in relation to the CFMEU generally we do receive a large number of representations with concern particularly around the behaviour of Mr John Setka, and that is why we have formed a view on this particular amendment.

**The Hon. C. BONAROS:** Just to confirm: the member with carriage of this particular amendment, albeit on behalf of another member, cannot confirm for the record whether construction, forestry, maritime, mining and energy, as sectors, were consulted on this amendment. Can she also, I suppose, not confirm whether any of the industries that have apparently raised these issues were consulted in relation to this amendment. I would be curious to know whether we sought input from the Law Society or, indeed, the Bar Association, about the practical application of this provision that is being proposed, particularly in relation to the certification clause at clause (2b).

**The Hon. J.M.A. LENSINK:** I thank the honourable member for her question. I am not able to elaborate because I have not had carriage of this legislation; I am standing in. My understanding in relation to subclause (2b) is—although we are not really supposed to refer to advice from parliamentary counsel, I understand that that was considered as part of the consequential part of the drafting instructions.

**The Hon. C. BONAROS:** I guess therein lies the issue when you file an amendment on the morning of a debate. Is the member suggesting that the certification process in (2b) is a consequence of (2a), or are they standalone provisions? We have here something that says you 'must not be appointed as a member of the board' and 'In addition'. I think my legal interpretation of 'In addition' would be different to what has just been outlined—there cannot be any consultation and that you have to certify that there has not been any consultation.

How do you actually envisage that working in practice? If I go and speak to an individual from the Construction, Forestry, Maritime, Mining and Energy Union, how do you confirm that that will not qualify as a level of consultation? What is consultation, in this instance, and how do you certify that it has or has not occurred?

**The Hon. J.M.A. LENSINK:** I think the consultation processes through government are fairly well established, in that there is a range of ways in which it can take place in a formal sense in that there are meetings about specific issues, there are letters and there is the YourSAy process, which is a very generalised process. Those are the streams in which consultation takes place and, as I said, they are fairly well established.

**The Hon. C. BONAROS:** What will be the ramifications if advertently or inadvertently there is some level of consultation with someone from the CFMEU without certification or indeed with? We signed off a certification document and, lo and behold, it turns out that there has been some level of discussion or consultation that has not been disclosed under these. What is the outcome? What is the penalty? What happens if that occurs?

**The Hon. J.M.A. LENSINK:** I have a question perhaps back to the honourable member in terms of 'inadvertent'. I am not quite sure what she is anticipating by that. Is it whether a letter unintentionally was sent to that organisation?

**The Hon. C. BONAROS:** I guess the point I am trying to make is that, regardless of whether it is intentional or unintentional—and let's take the intentional example for a moment—you have this provision here that you cannot consult. If you certify that and it turns out to be wrong, what is the ramification of that?

**The Hon. J.M.A. LENSINK:** The ramification of not having gone through the proper process is that the board would need to be informed, the minister would certainly need to be informed and cabinet would need to be informed and they would need to determine if there was any rectification that would need to take place.

**The Hon. C. BONAROS:** Where is that process outlined in this amendment?

**The Hon. J.M.A. LENSINK:** As the honourable member would understand, there are a lot of matters that are not specific in legislation that relate to the way that government operates generally and the way policies are promulgated.

**The Hon. C. BONAROS:** I will go back to my original question. The member might think I am being a bit cheeky, but these are all very valid questions. The point I am trying to make is—

*The Hon. R.P. Wortley interjecting:*

**The CHAIR:** I am trying to listen to this contribution.

**The Hon. C. BONAROS:** The point I am trying to make is: are we just taking your word for it that this is going to work, or have we got some legal and substantive basis to follow your lead in terms of ensuring that this will not have unintended consequences or consequences that we simply cannot contemplate today in moving this amendment?

*The Hon. R.P. Wortley interjecting:*

**The CHAIR:** The Hon. Mr Wortley, do you want to make a contribution?

**The Hon. J.M.A. LENSINK:** I feel like we are straying into—someone might correct me if I am wrong—Donald Rumsfeld territory about known unknowns and known knowns.

*The Hon. C. Bonaros interjecting:*

**The Hon. J.M.A. LENSINK:** I think we have all looked at enough legislation over the years where there have been penalties. For instance, there is a whole range of government legislation where the Crown cannot be penalised and those sorts of things. If the honourable member would like somebody to be penalised for those actions not taking place, then she might seek to amend the legislation in some way. I am not quite sure where she is getting at, but I am sure we will be enlightened in due course.

**The Hon. C. BONAROS:** You sure will be because I would not be introducing an amendment like this one into this place, particularly without answers to some of the questions that have been asked, and with such little consideration of the unintended consequences of it. That much you can be assured of. My next question to the mover of this amendment is—I have lost my train of thought now. It was a very good question.

**The Hon. T.A. Franks:** I have one.

**The Hon. C. BONAROS:** There we go.

**The Hon. T.A. FRANKS:** In terms of this amendment, I am interested to understand why on earth the Liberal opposition would move it, and what their understanding is of who might be a member or officer of the Construction, Forestry, Maritime, Mining and Energy Union who cannot be appointed to the board. Does this include Minister Penny Wong? She is a member of the CFMMEU. Is she specifically prohibited from holding a position on the board? What consideration did you make about not being more specific about who you meant to be captured, because this is a very broad class of people, and how does it accord with freedom of association principles and the Liberal Party?

**The Hon. J.M.A. LENSINK:** I did outline in my second reading speech why we believe this particular union, and the leadership particularly, represented by Mr Setka, is not fit to be represented on this particular board. I am not sure that the federal minister would be appointed in any case, given that she is a federal minister, so there may be other examples that the honourable member is able to provide.

**The Hon. T.A. FRANKS:** Why has the Liberal opposition included members, not just officers of the CFMMEU? Why have they included thousands of people, and made a value judgement that they do not have any right to represent injured workers on this board?

**The Hon. J.M.A. LENSINK:** I think this comes down to the crux of the particular issue, which is that we on this side of the chamber are very, very concerned about the bullying tactics that are being undertaken, particularly by the leadership of the CFMEU in South Australia. We make no apology for that. That is our position. Clearly a lot of other members do not agree with us.

**The Hon. T.A. FRANKS:** I am just going to point out that the amendment speaks about members or officers. It does not talk about the leadership. It does not cite that John Setka may not be appointed to the board. It talks about members so why could I not now move an amendment from the floor to say, 'However, a member or officer of the Liberal Party of South Australia must not be appointed as a member of this board'? Would you find that acceptable?

**The Hon. J.M.A. LENSINK:** Honourable members are entitled to move whatever amendments they choose, and we would vote on it accordingly.

**The Hon. C. BONAROS:** I would like the minister to perhaps retract her statement that she just made. It is objectionable and it is offensive that you would attribute those comments to all of us because I am sure none of us would find bullying and inappropriate behaviour at any worksite appropriate, and to suggest that we would support that and that somehow you have moved an amendment that is going to save that issue, and we are not supporting it and therefore we endorse that behaviour on a worksite, is objectionable and I would ask you to take that statement back.

**The Hon. J.M.A. LENSINK:** The Hon. Ms Bonaros is putting words in my mouth. I will not be verbally by Ms Bonaros. She tried that two months ago, and I will not be verbally by you today.

**The Hon. T.A. FRANKS:** Chair, just one last one, because I wanted to then go to part (2c) of the amendment in which the minister is required to certify, and part (2b), in which the minister must undertake that they do not consult the CFMMEU. Is the minister required to start every meeting with, 'Are you now or have you ever been a member of the CFMMEU?' and have them sign a piece of paper to attest to that?

**The Hon. J.M.A. LENSINK:** That is an absurd suggestion.

**The Hon. T.A. FRANKS:** Chair, this is an absurd amendment and the Greens will be opposing it.

**The Hon. K.J. MAHER:** I have one very quick question on the part that we are up to where it talks about the minister 'must not', when making a recommendation, consult in relation to appointments. If it is members of unions, does that mean if this was successful any minister would be prohibited from consulting with people who work at timber mills in Mount Gambier about an appointment to the ReturnToWork board? Does this specifically exclude a minister consulting with

hardworking people in timber mills in the South-East about things that are relevant to them, like the composition of the ReturnToWork board, and why on earth would the Liberal Party want to do that?

**The Hon. J.M.A. LENSINK:** Again, I think the minister is trying to put words in our mouth. In terms of this particular amendment, it states the members of this particular union, if he had discussions—he has not actually stated in his particular question whether these individuals working there were union members or not.

**The Hon. C. BONAROS:** Can the mover just confirm: if you have someone like our federal Minister Wong who has a dual role—she is a minister and she is also a member of the CFMEU—and there arises a situation where it is appropriate to consult with her on an issue that concerns return to work, what would be the ramifications of this amendment? Would they be able to consult with Minister Wong in her capacity, or would they be precluded from doing so because she is also a member of the CFMEU?

**An honourable member:** Good question.

**The Hon. C. BONAROS:** It is a good question, if I must say so myself.

**The Hon. J.M.A. LENSINK:** I cannot imagine under what circumstances she is consulted at the moment. She is the foreign affairs minister of Australia, so what does she have to do with this?

**The Hon. C. BONAROS:** But let's assume for a moment that Minister Wong moves portfolios and she becomes the federal IR minister, and let's remember where jurisdictions for a lot of our IR laws sit in South Australia. I think we have a national model and they sit under the federal IR minister. So let's assume that next month Minister Wong moves portfolios, she has IR, and she is also a member of the CFMEU. What is the ramification of this amendment in that scenario?

**The Hon. J.M.A. LENSINK:** Did the state minister consult with the federal IR minister on this particular legislation?

**The Hon. C. BONAROS:** Did you consult with anyone about any of these possible scenarios on this amendment?

**The CHAIR:** The Hon. Ms Lensink, you have moved your amendment. I am going to put the amendment standing in your name.

The committee divided on the amendment:

Ayes .....6  
 Noes.....11  
 Majority .....5

AYES

Game, S.L.  
 Hood, D.G.E.

Henderson, L.A.  
 Lee, J.S.

Hood, B.R.  
 Lensink, J.M.A. (teller)

NOES

Bonaros, C.  
 Hunter, I.K.  
 Ngo, T.T.  
 Simms, R.A.

Franks, T.A.  
 Maher, K.J. (teller)  
 Pangallo, F.  
 Wortley, R.P.

Hanson, J.E.  
 Martin, R.B.  
 Pnevmatikos, I.

PAIRS

Girolamo, H.M.  
 Bourke, E.S.

Scriven, C.M.

Centofanti, N.J.

Amendment negatived; clause as amended passed.

Title 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) (18:02):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (EMISSIONS REDUCTION OBJECTIVES) BILL**

*Introduction and First Reading*

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

At 18:03 the council adjourned until Wednesday 30 August 2023 at 14:15.

*Answers to Questions***SPRINGBANK SECONDARY COLLEGE**

**284 The Hon. R.A. SIMMS** (14 June 2023). Can the Minister for Education, Training and Skills advise:

1. What is the status of the Springbank Secondary College upgrade project?
2. Has the government committed to fund the upgrade of the science labs as part of phase 2 of the school's building works?
3. Can the minister guarantee that there are no plans to merge Springbank Secondary College with another secondary school?
4. What is the Department for Education doing to support Springbank Secondary College's renewal plan to fill its 450-student capacity?

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

Springbank Secondary College was allocated \$10 million in 2017 as part of the then Weatherill government's \$692m Building Better Schools program.

Further funding was approved by the current government in April 2023, increasing the project budget to \$11.55 million.

All refurbished areas are now complete with the school occupying the new classrooms. It is expected that the remaining external works, which have experienced a delay due to wet weather, will be completed in July 2023.

The Department for Education has worked with the architects to consider several options for the science wing refurbishment including associated costs. These are currently being reviewed. Once this process is complete the project will be considered for funding through the department's annual capital investment prioritisation process.

I can guarantee there are no plans to amalgamate or merge Springbank Secondary College with another secondary school. The Labor Party, when in opposition, stood with the school as attempts were made to close it. We continue to support Springbank as it grows.

Growing the enrolments of Springbank Secondary College is a priority for the Malinauskas Labor government. On top of the previously mentioned capital works upgrades, the school's leadership and governing council have implemented strategies to develop and renew the school. This includes refocusing on how the education program was delivered and developing key partnerships with other local educational facilities and universities.

The school's specialist basketball academy continues to be an integral part of the school.

These strategies and programs have seen a steady increase in enrolments in the last few years.

We will continue to look at ways we can further encourage more families to choose Springbank Secondary College.

**HUNTING AND CONSERVATION**

**285 The Hon. S.L. GAME** (6 July 2023). Can the Minister for Environment and Water advise:

1. Does the minister agree that hunters in South Australia have contributed to the conservation of wetland ecosystems, and that consequently biodiversity has been advanced by their actions?
2. Considering that all land tenures are governed by National Parks and Wildlife Act, which includes provisions for biodiversity, why does the department choose not to favour game reserves over national or conservation parks?

**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 advised:

1. Many groups, including hunting organisations, contribute to the conservation of wetland habitats and biodiversity in South Australia.

2. When the opportunity to proclaim a new reserve arises, the category of the new reserve is assessed on its characteristics and the aspirations and expectations of the community regarding biodiversity conservation and recreational access. In the last five years we have made six new parks: Mullins Swamp Conservation Park, Hindmarsh Valley National Park, Wapma Thura- Southern Flinders Ranges National Park, Nilpena Ediacara National Park, Balparudda Recreation Park and Glenthorne National Park- Iityamaitpinna Yarta. In that same time frame we have made 25 additions to existing parks.

**UNETHICAL HUNTING PRACTICES**

**286 The Hon. S.L. GAME** (6 July 2023). Can the Department for Environment explain their opposition to unethical hunting practices while condoning the use of pindone poison in areas where native birds and wildlife are?

**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 advised:

The Department for Environment and Water regulates hunting in South Australia, in accordance with the requirements of the National Parks and Wildlife Act 1972 and the Animal Welfare Act 1985.

The department is the custodian of an extensive conservation estate and must abide by the requirements made under the Landscape South Australia Act 2019 to control rabbits. Baiting is one recognised method for controlling rabbits. Pindone poison is approved by the Australian government's Australian Pesticides and Veterinary Medicines Authority (APVMA) for rabbit control in South Australia. Pindone is used in South Australia subject to the PIRSA-administered Agricultural and Veterinary Products (Control of Use) Act 2002. Baiting with Pindone must be done in accordance with the label instructions. These instructions include requirements to protect non-target species.

#### FERAL ANIMAL CONTROL

**287 The Hon. S.L. GAME** (6 July 2023). Can the Department of Primary Industries explain their endorsement for shotguns being used to cull animals as safe practice, but not their use for hunting practices?

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

Feral animals, such as goats, pigs and deer are agricultural and environmental pests, and cause severe impacts to our state's agricultural productivity and precious biodiversity.

Shotguns are specifically endorsed in national codes of practice and standard operating procedures for the aerial culling of goats, pigs and deer in Australia, and are routinely used for aerial culling of these pests in New Zealand.

Recent research published in the internationally recognised scientific journal *NeoBiota*, led by researchers from Flinders University, the Department of Primary Industries and Regions, regional Landscape Boards, SA Health and retired veterinarians, demonstrated that when used in this way, shotguns improve animal welfare outcomes and increase efficiency of aerial culling operations for feral deer.

A key difference between ground-based recreational hunting and aerial culling, which is conducted by accredited and experienced pest animal control professionals, is that in aerial culling short distances are maintained by the pilot of the helicopter between the marksman and the target animal. This eliminates the possibility that the target animal may be wounded and escape. A minimum of two shots are used to ensure rapid and humane destruction of every target animal before moving on.

In a recreational hunting context, the short range of a shotgun poses animal welfare concerns for larger game species, since an animal could be hit by an inaccurate or inexperienced hunter, or one using inadequate equipment or ammunition, and then escape the lethal range of the weapon before the necessary follow-up shots can be taken to humanely destroy the animal.

#### ENERGY BILL RELIEF REBATE

**288 The Hon. H.M. GIROLAMO** (6 July 2023). Can the Minister for Human Services advise:

1. How many households have applied for the energy bill relief rebate?
2. How many households have been approved for the energy bill relief rebate?
3. How many households have received the rebate for energy bill relief?

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

Energy bill relief rebates will commence from July 2023 and will be received quarterly with households to receive up to \$500 over 12 months.

Around 200,000 current recipients of the state government energy concession will receive the \$125 rebate on their quarterly bills from July 2023. DHS will also be responsible for processing energy bill relief payments to approximately 2,800 current eligible customers in embedded networks.

Eligibility criteria for this payment extends beyond the state government energy concession. It is estimated up to 229,000 additional households may be eligible who will be contacted by commonwealth agencies in July 2023 and September 2023 prior to the application of rebates.

#### MOBILE PHONE BAN

**289 The Hon. H.M. GIROLAMO** (6 July 2023). Can the Minister for Education, Training and Skills advise:

1. How much was spent on the 'Phones off while school's on' policy public advertising?
2. Of the total amount spent, how much was spent on digital advertising of the policy?
3. Of the total amount spent, how much was spent on print advertising of the policy?



**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** The Minister for Education, Training and Skills has advised that:

The campaign was managed and funded by the Department of the Premier and Cabinet, who has confirmed that the total budget for the 'Phones off while school's on' campaign is approximately \$900,000 excluding GST.

The campaign was developed as a result of feedback from the South Australian Secondary Principal's Association that an advertising campaign alongside the mobile phone ban would be beneficial.

The campaign is still in market and therefore final costs have not been received.

#### VICE-CHANCELLOR SALARIES

**290 The Hon. R.A. SIMMS** (6 July 2023). Can the Minister for Industry, Innovation and Science advise:

1. What are the salaries of the chancellors and vice-chancellors of the University of Adelaide, the University of South Australia and Flinders University for each financial year from 2019 to this financial year?

2. What added benefits or bonuses are in the packages beyond salary for the chancellors and vice-chancellors of the University of Adelaide, the University of South Australia and Flinders University?

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

The statutes for all three South Australian public universities outline that the councils of the respective universities are responsible for determining the terms and conditions upon which the vice-chancellors and chancellors hold office. The salaries and benefits of vice-chancellors and chancellors are therefore a matter to be determined by the councils of each respective university.

#### PUBLIC TRUSTEE

**291 The Hon. H.M. GIROLAMO** (6 July 2023). Can the Attorney-General advise:

1. Has the Attorney-General or his department received any complaints of the Public Trustee overcharging in the past three years?

2. If so, in a table format can you provide how many complaints (by year) have been received for each of the past three years?

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

The Public Trustee has received three (3) complaints over the last three financial years relating to overcharging by the Public Trustee.

These complaints are summarised by year below:

Financial Year	2020-21	2021-22	2022-23
Over charging	1	-	2

It has received a further seven (7) complaints referencing fees charged, high fees or seeking fee waivers. It is noted these are predominantly associated with administering deceased estates and trusts.

These complaints are summarised by year below:

Financial Year	2020-21	2021-22	2022-23
Fees and charges	2	3	2

#### FLOOD RECOVERY PACKAGES

**292 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (29 August 2023). Can the Minister for Climate, Environment and Water advise—In relation to the River Murray flooding event and flood recovery, how much has been allocated to and how much has been spent of the following:

1. Emergency Accommodation Assistance package?
2. \$300 Travel Assistance package?
3. Clean-Up and Waste Program?
4. Essential Services Reconnection Property Assessment Program?

5. Housing Re-establishment Grants?
6. Small Business Recovery Grants?
7. Small Business Industry Support Grants?
8. Primary Producer Recovery Grants?
9. Road Repair Package?
10. Council Support Package?
11. Tax Relief Package?
12. Aboriginal Heritage Protection Package?
13. Legal Assistance Package?
14. River Murray Flood Event Extraordinary Response Costs?
15. Flood Recovery Grant?
16. Small Business Industry Support Grant?
17. Financial Counselling program?
18. Levee embankment remediation and construction grants?
19. Levee embankment engineering support grant?
20. Irrigation Infrastructure and electricity supply?
21. Flood Barrier Cache Program?

**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 advised:

The Flood Recovery Packages were coordinated and disbursed by a number of different agencies outside of Minister's Climate, Environment and Water portfolio.

The programs that are within the Minister for Climate, Environment and Water's portfolio are listed below:

Department for Environment and Water

As at 21 July 2023:

Grant	Allocation	Expenditure (excl GST)
Levee Embankment Remediation and Construction Grant	\$1,000,000	\$1,077,427.26
Levee Embankment Engineering Support Grant	\$100,000	\$14,157.22
Houseboat businesses—reinforcement of moorings	\$115,682	\$88,203.21
Council Grants—Levee Embankment Remediation and Construction works	\$13,749,000	\$12,139,808.93
Council Grants—other eligible counter disaster operations	\$5,501,000	\$3,698,843.20

Green Industries SA—Disaster Waste Clean Up Program

As at 21 July 2023:

Grant	Allocation	Expenditure (excl GST)
Disaster Waste Clean Up Program	\$60,000,000	\$12,082,671

Department for Industry, Innovation and Science – Flood Support Program

As at 4 August 2023:

Grant	Allocation	Expenditure (excl GST)
Small Business Flood Recovery Grant	\$4,500,000	\$1,174,772
Small Business Industry Support Grant	\$4,000,000	\$1,550,000
Rural Business Support—Financial Counselling	\$500,000	\$266,000

#### LANDSCAPE ADMINISTRATION FUND

**293 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (29 August 2023). Can the Minister for Climate, Environment and Water advise:

1. What is the cause and explanation of the variance attributed to the Landscape Administration Fund's actual inflow, forecast inflow, and budget spend:

(a) for the year 2021-22?

(b) for the year 2022-23?

2. What is the cause and explanation behind the budget forecast being above average for a second year running?

3. How much money was distributed in projects into the regions through the Landscape Priorities Fund for 2022-23?

**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 advised:

1. (a) Appropriation cash inflow budget for the Landscape Administration Fund in 2021-22 included provision of \$8.610 million for a working capital mechanism. This is available to the landscape boards to allow them to receive funding in advance of receiving levy income in September, should they require it to meet their fixed costs. In 2021-22 no landscape board requested to utilise the working capital mechanism. Accordingly, the appropriation and expenditure budgets were reduced, which accounts for the difference between the original budget vs the actuals and estimated result.

(b) Appropriation cash inflow budget for the Landscape Administration Fund in 2022-23 included provision of \$8.825 million for a working capital mechanism. This is available to the landscape boards to allow them to receive funding in advance of receiving levy income in September, should they require it to meet their fixed costs. In 2022-23 no landscape board requested to utilise the working capital mechanism. The appropriation and expenditure budgets were reduced, which accounts for the difference between the original budget vs the actuals and estimated result.

2. The original budget for the Landscape Administration Fund includes provision for a working capital mechanism. If the landscape boards do not require access to this working capital mechanism, there is a reduction to appropriation and expenditure budgets during the year, which impacts the actuals and estimated result.

3. In 2022-23, \$3.945 million was distributed from the Landscape Priorities Fund for projects in the regions.

#### DRY CREEK LAND RESERVE

**294 The Hon. J.M.A. LENSINK** (29 August 2023). Can the Minister for Housing and Urban Development advise:

1. What investigations have taken place regarding the suitability of the Dry Creek land release for residential purposes?

2. What investigations have taken place regarding the required remediation works for the Dry Creek land release, and the potential effects they would have on the ecologically compromised St Kilda mangroves?

3. Which agency will undertake these works and how would they be monitored to ensure there is no further deterioration of the mangroves at St Kilda or the surrounding wetlands?

4. What remediation work will be required for the site to be ready for building and construction?

5. What financial interests does the government have in relation to the Concordia and/or Dry Creek land releases?

6. Will the government enter into an agreement to acquire either of the sites (including partial stakes)?

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

1. Any change of use for land at Dry Creek can only occur following extensive investigations. Aside from geotechnical investigations, which are necessary before any residential use is approved, the Dry Creek land is subject to a program for environmental protection and rehabilitation (PEPR). To date investigations for residential use have been occurring across stage 1 of the project area (owned by Buckland Dry Creek) and are being closely monitored by government stakeholders including the Environment Protection Authority. The current PEPR is available at [www.energymining.sa.gov.au](http://www.energymining.sa.gov.au) under Approved Programs.

2. The PEPR contains the details of current investigations. Any future development across Dry Creek is required to first gain approval from the governing steering committee which includes the Department for Environment and Water who are closely monitoring the mangroves amongst other matters of environmental importance within the area. No approval of a development process will be provided until a strategy is in place that satisfies the steering committee as well as supporting agencies such as the Environment Protection Authority.

3. The PEPR documents contain the details of approved program/s.

4. Remediation work where initial development within the project area is anticipated to commence are in the final stages of completion. Prior to any change of land use being finalised for residential or other use, the Department for Energy and Mining as the lead regulator, the Department for Environment and Water and the Environment Protection Authority are required to be satisfied that any requirements of the PEPR (including fill) have been satisfied. The remediation work over further stages of land within the growth area are still being investigated and requirements are yet to be determined. These will be outlined in future updates of the PEPR.

5. The government does not have any financial interest at Concordia. The government owns 397 hectares of land at Dry Creek that may be suitable for development.

6. Dry Creek—The government has not made any agreements or commitments to acquire any sites owned by the private landowner within the growth area.

Concordia—No agreements to acquire the land have been considered.

#### VAPING

In reply to **the Hon. H.M. GIROLAMO** (8 March 2023).

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

The relevant legislation applicable to the behaviour in the video is the Tobacco and E-Cigarette Products Act 1997.

The person supplying the minor depicted in the video is a 16-year-old male who has been reported by South Australia Police in relation to a breach of section 38A—Sale or supply of tobacco products or e-cigarette products to children.

#### RENTAL AFFORDABILITY

In reply to **the Hon. R.A. SIMMS** (2 May 2023).

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

1. The government received 5,565 responses to the YourSAy survey and 156 written submissions. Of these written submissions, 60 were from stakeholder groups and the remaining submissions were from interested individuals.

2. Consumer and Business Services has advised of its intention to publish submissions received from stakeholder groups on the CBS website, excluding those marked as confidential. CBS has also advised that it intends to publish a summary of the YourSAy survey outcome on the CBS website.

3. The Malinauskas government remains committed to introducing further reforms to the Residential Tenancies Act 1995 in the second half of 2023.

#### RIVER MURRAY FLOOD RESPONSE

In reply to **the Hon. F. PANGALLO** (3 May 2023).

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

1. In total, the government has committed more than \$194 million of additional funding for response, relief and recovery assistance measures to support those impacted by the River Murray flood event.

These measures include:

- Personal hardship assistance—one-off payments of up to \$1,000 per family for those forced to leave their home by the flood event.

- Rental assistance—up to \$2,000 for singles and up to \$5,000 for families displaced from their homes by the flood event and without insurance.
- Power Shut Off—Generator Grants—up to \$500 for households and up to \$4,000 for businesses, who were notified of electricity disconnection or interruption due to the flood event, to purchase a generator.
- Business Early Closure Grant—up to \$20,000 to support businesses that were required to close early or cease trading as a result of the flood event.
- Business Levee Embankments Remediation and Construction Grant—up to \$50,000 provided to businesses on a 50 per cent cost share basis for the remediation or construction of levee embankments.
- Business Levee Embankments Engineering Support Grant—up to \$1,000 to assist businesses in funding engineering service provider's advice on the remediation or construction of levees.
- Primary Producer Irrigation Infrastructure Grants—up to \$25,000 to assist with relocating and re-establishing irrigation infrastructure impacted by the flood event.
- Levee works—funding provided to councils for levee works to mitigate the impact of the flood event.
- Sandbags—purchase of additional sandbags and other flood defence systems.
- Tourism recovery support—targeted voucher program and campaign to encourage a return to tourism along the River Murray following the flood event.
- Community recovery fund—local preparedness and recovery fund administered by the Community Recovery Coordinator.
- Financial counselling—information, advice, and referrals on cost-of-living and financial matters for those adversely impacted by the flood event.
- Mental health support—multiple programs providing professional counselling and support.
- Fee Waivers for houseboat and tourism operators—waiver of annual licence fees for licence holders unable to access the River Murray.
- Essential services reconnection grants—up to \$5,000 per eligible household to assist with reconnecting electricity, gas, water, septic, or sewer services.
- Clean-up and waste program—structural assessments, removal of hazardous waste and debris, kerbside collections, and waste management.
- Small business recovery grant—up to \$50,000 to assist small businesses meet clean-up and reinstatement costs.
- Primary producer recovery grant—up to \$75,000 to assist affected primary producers with essential recovery and reinstatement activities.
- Emergency accommodation bookings—for those displaced from their homes by the floods without alternative accommodation arrangements.
- Travel assistance—payments of \$300 for those on lower income to assist with the cost of travelling longer distances.
- Re-establishment grant—up to \$20,000 for lower income households to assist with flood damage repairs and replacement of essential items.
- Land tax, stamp duty and emergency services levy relief—land tax relief for businesses and rentals damaged by the flood, stamp duty relief for those purchasing a replacement for a flood destroyed home or vehicle, and emergency services levy relief for flood destroyed vehicles.
- Small business industry support grants—up to \$10,000 to support small businesses with operating costs during the flood event.
- Family and business support—a free confidential triage program for primary producers that connects people with family and business mentors.
- Council counter disaster operations—assistance for councils with a variety of flood mitigation, response and remediation activities.
- Fire service false alarm fee waivers—waiver of fees for unwanted fire alarm activations.
- Road repair package—to repair state and council roads damaged by the flood event.
- Legal assistance—to help those affected by the flood with a range of legal issues including insurance, tenancies, employment, and hardship matters.

- Fish clean-up—clean-up of large numbers of dead fish resulting from the flood.

A number of these measures are jointly funded by the commonwealth and the state under the Disaster Recovery Funding Arrangements.

The government is working with impacted councils to understand the damage that has been caused to the road network from the River Murray flood event. The immediate focus has been on ensuring that roads could reopen as soon as possible to restore community links and transport routes, however, consideration will be given to proposals to improve disaster resilience as longer term repairs are progressed.

2. On 5 February 2023, the government announced a \$60 million road repair package for state and council-maintained roads damaged by the River Murray flood event.

While \$30 million of this package will be funded from the Department for Infrastructure and Transport's (DIT) annual capital program, there is \$30 million of new additional funding being made available to support road repairs.

Based on preliminary damage assessments, \$40 million from the road repair package has been allocated for state-maintained roads and \$20 million has been allocated for council-maintained roads, however it will be some time before the final funding shares are determined.

3. There are a range of matters to be taken into account when considering betterment proposals to improve disaster resilience when repairing flood damaged roads. This includes the potential social and economic impacts, as well as the likelihood of future disaster events relative to the investment that would be required to improve disaster resilience.

The government is working with impacted councils to identify and explore betterment options as part of the recovery process from the River Murray flood event.

4. DIT has an annual program budget which it allocates to address priority road repair needs. These funds are prioritised towards roads that most urgently require repair and it is appropriate that some of these funds are allocated towards roads that have been significantly damaged due to the River Murray flood event.

As part of the government's \$194 million additional relief funding, included is \$30 million of new funding allocated for road repairs on top of the \$30 million funded through DIT's existing annual program allocation.

#### **CENTRE FOR INVASIVE SPECIES SOLUTIONS**

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (16 May 2023).

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

The Centre for Invasive Species Solutions (CISS) is a collaboration of state governments and industry groups that work together on pest and weed programs. The Department of Primary Industries and Regions, the Department for Environment and Water, regional landscape boards and the University of Adelaide have led these projects..

CISS projects delivered by South Australia have included:

- Rabbit calicivirus research.
- Developing a feral deer aggregator.
- Registering the Eradecat bait for feral cats.
- Uncovering the trade of exotic species.
- Hosting the National Feral Deer Coordinator.
- A desktop study to determine candidate toxins for feral deer.

In 2021, the commonwealth chose to fund the National Feral Deer Coordinator for 12 months external to CISS. I am pleased to advise that the commonwealth has recently announced that it will continue to fund the National Feral Deer Coordinator, hosted by the Department of Primary Industries and Regions for a further two years.

South Australia's Department of Primary Industries and Regions, the Department for Environment and Water and regional Landscape Boards are supporting CISS and other members to maximise the opportunities from this collaborative research on pests and weeds in the next financial year and we expect that collaborative approach to continue to yield ongoing benefits for South Australia.

#### **GOVERNMENT PROCUREMENT**

In reply to **the Hon. F. PANGALLO** (18 May 2023).

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

1. 30 public authorities have reported approximately 282 contracts were executed by the South Australian government with PwC since 2016. These reported contracts have a total estimated value of \$57.56 million. The total value of invoices issued by PwC across all public authorities were worth \$56.94 million.

2. There are currently 32 contracts in place across government with PwC. These contracts when established had an estimated total value of up to \$20 million.

3. In response to the recent findings by the Tax Practitioners Board regarding PwC's use of confidential government information obtained through government contracts, the Department of Treasury and Finance is taking a range of measures to ensure there are sufficient safeguards in place to prevent similar events occurring in the future.

The Under Treasurer has written to the managing director of PwC SA twice to understand how PwC intend to address these concerns as it relates to contracts with the South Australian government, and to receive assurance that safeguards are in place to prevent similar events occurring in future and ensure any personnel currently being investigated are removed from all government work.

In their initial response, PwC gave assurance that the highest possible standards of integrity and confidentiality are maintained through each engagement, panel agreement and associated contract in respect of their work with the South Australian government.

In a subsequent letter to PwC, the Under Treasurer requested that all PwC personnel, no matter their location, that are currently being investigated be excluded from all existing and future work with the South Australian government.

The Procurement Review Committee provides strategic oversight and review of procurements that are high risk, high value or of public interest. The committee will continue to be briefed on the situation by the Department of Treasury and Finance and will provide advice to public authorities and the Treasurer as appropriate.

4. A letter has been issued to all other suppliers on the across-government Audit and Financial Advisory Services panel, seeking a similar assurance and commitment.

The Department of Treasury and Finance will continue to monitor the situation with PwC following the sale of its government consulting business to Allegro Funds.

The Crown Solicitor's Office is reviewing existing contract clauses to ensure there is sufficient security and safeguards in place for the use of confidential information obtained through government contracts, and disclosure of any breaches. This review is considering existing whole of government panel arrangements and standard contract templates.

The South Australian government may seek to vary existing arrangements if it considers it necessary to impose further measures.

Chief executives are responsible for ensuring that appropriate risks are considered when evaluating offers from all suppliers and contract management of suppliers. All public authorities have been encouraged to have ongoing discussions with contractors about their obligations relating to probity and confidentiality in respect to the provision of services to the South Australian government.

The Department of Treasury and Finance will continue to provide advice to public authorities as more information is known.

#### **CRIME IN PORT AUGUSTA**

In reply to **the Hon. S.L. GAME** (31 May 2023).

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

The Port Augusta Youth Centre has had hours extended from 21 March 2023, with approximately 50 young people engaged at the centre each night.

The Port Augusta Youth Bus have had hours extended from 19 December 2022, with on average 270 young people transported each month.

The Community Participation Fund will commence 1 July 2023.

The Intensive Youth Support Group commenced 1 May 2023 with 10 young people initially identified for a response, and two actively receiving a multi-agency response.

The Assertive Youth Outreach Service will commence 3 July 2023, and a pool of youth workers will be employed.

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

In the period from 1 January 2023 to 8 June 2023, 87 youths were charged for offences occurring in Port Augusta, (defined as the region incorporating Port Augusta, Port Augusta West, Davenport and Stirling North).

## Charges for offences occurring in Port Augusta, by number of youths charged, 01/01/2023–8/06/2023

Offence charged	Number of youths charged with offence
Affray	9
Assault a Prescribed Emergency Worker	5
Carry an Offensive Weapon or an Article of Disguise	8
Carry Visible Offensive Weapon in a School or Public Place	1
Cause Harm by Dangerous Driving	1
Commit Assault	17
Commit Assault that Causes Harm	3
Contravene a Condition of a Learner's Licence	1
Damage Property – Building or Motor Vehicle (Not Arson)	10
Damage Property Other Than a Building or Motor Vehicle	5
Dangerous Driving to Escape Police Pursuit	1
Dishonestly Deal with Property Without Owner's Consent	25
Disorderly or Offensive Behaviour	5
Drive Under the Influence with a Child Under 16 Present	1
Drive Uninsured Motor Vehicle on Road	3
Drive Unregistered Motor Vehicle on a Road	3
Drive with Prescribed Alcohol With a Child Under 16 Present	1
Drive/Use/Interfere With Motor Vehicle Without Owner Consent	17
Fail to Comply with Bail Agreement	21
Fighting	15
Hinder or Resist Police	11
Hinder Police Officer	1
Light or Maintain Fire in Open Air in Fire Danger Season	1
Making Off Without Payment	1
Mark Graffiti	3
Not Programs-Contravene Intervention Order Term	2
Obstruct or Hinder an Officer Exercising Road Law Powers	1
Offensive Language	3
Possess Article to Commit Offence (Suspicious Circumstances)	4
Possess Cannabis, Cannabis Resin or Cannabis Oil	9
Possess Equipment for Cannabis Use or Preparation	2
Possess Prescribed Equipment	1
Prohibited Act with Human Biological Material Causing Harm	1
Refuse Name and Address	1
Ride Bicycle at Night Without Warning Lights as Specified	1
Serious Criminal Trespass in Non-Residential Building	7
Serious Criminal Trespass in Place of Residence	7
State False Personal Detail	3
Throw Missile With Intention to Injure, Annoy or Frighten	3
Throw Missile, Reckless as to Damage to Property	2
Throw Missile, Reckless as to Harm to a Person	1
Trespass in Residence Knowing Another Present	1
Unauthorised Person Drive Motor Vehicle on Road	5
Unlawful Possession	10
Unlawfully on Premises	22
Use or Threaten Unlawful Violence	1



\*SAPOL does not include sexual offending when reporting by postcode to ensure victims aren't identified—four charges have been removed.

### FARM TRESPASSING

In reply to **the Hon. J.M.A. LENSINK** (31 May 2023).

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

In response to concerns raised in relation to trespassing on farms, in 2020 the Summary Offences Act 1953 was amended to insert an aggravated farm trespass offence and to increase the penalties for trespass-related offences on agricultural premises.

In particular, the offence of being on primary production premises for an unlawful purpose or without lawful excuse is now section 17(a1) of the Summary Offences Act 1953, which if committed in aggravated circumstances has a maximum penalty of \$10,000 or imprisonment for 12 months. Being on premises to intimidate or harass is likely to be unlawful for the purposes of section 17(a1).

An offence occurs in aggravated circumstances if while on primary production premises, the person:

- interferes with, or attempts to or intends to interfere with primary production activities;
- is accompanied by two or more persons;
- does anything that gives rise to a serious risk to the safety of the person or any other person on the premises; or
- does anything that—
- involves, or gives rise to a risk of—
- the introduction, spread or increase of a disease or pest; or
- the contamination of any substance or thing; or
- gives rise to any other risk, or kind of risk, related to primary production activities prescribed by the regulations; or
- intentionally causes, or is recklessly indifferent as to whether they cause, damage to an operation or activity connected to the primary production activities at the premises: section 17(a2).

A primary production premises is defined to be a premises used for the purpose of primary production activities.

In addition to the new aggravated offence, in 2020 the penalties for some of the existing offences in relation to trespassing in South Australia in both the Summary Offences Act 1953 and the Criminal Law Consolidation Act 1935 were increased.

A table summarising the relevant offences and their maximum penalties, which identifies which penalties were increased in 2020, is attached for information.

### GAMBLING REGULATION

In reply to **the Hon. F. PANGALLO** (31 May 2023).

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** The Minister for Consumer and Business Affairs has advised, in relation to question 1:

I welcome the Auditor-General's report and note that AGD Chief Executive Ms Caroline Meador has accepted or accepted in principle each of the recommendations of the audit to ensure we are effectively protecting South Australians at risk of gambling related harm.

I note that the Auditor-General's recommendations build on an extensive program of work that was already being undertaken by Consumer and Business Services (CBS), prior to the audit, to improve the effectiveness of its gambling harm minimisation compliance activities.

This included the recruitment of additional staff in key positions as well as the establishment of a new team to undertake data analysis, research and operational, tactical and strategic intelligence work.

South Australians rightly expect that the state's gambling industry is compliant and remains compliant with gambling regulations. To that end, CBS has put measures in place for the frequent inspections of gambling venues which pose a higher risk of gambling harm to the community and is using data to better inform regulatory decision making and the risk rating of gaming venues, which in turn is driving CBS compliance activities.

Building on this important work, the Liquor and Gambling Commissioner, Mr Dini Soulio, has established a project team to respond to each of the Auditor-General's recommendations. I am advised that significant work on implementing the recommendations has been achieved, with all recommendations contained in the first of four implementation phases, aimed to be completed by September 2023.

In addition, the commissioner is providing me with regular updates regarding the status of the implementation of each recommendation.

The Minister for Human Services has provided the following advice in relation to questions 2 and 3:

Changes to the Gaming Machines Act 1992 proclaimed on 1 August 2020 expanded the scope of the Gamblers Rehabilitation Fund (GRF) to allow investment in prevention, early intervention, public education and gambling research in addition to therapeutic treatment and support. Under the reforms, Parliament committed an additional \$1 million to the GRF.

Prior to operationalising the expanded GRF scope, the Department of Human Services (DHS) consulted with key stakeholders in the South Australian gambling environment and people with lived experience of gambling harm, reviewed existing data and academic literature, and examined the policy direction taken in other national and international jurisdictions.

The resulting Gambling Harm Minimisation Investment Plan 2021 to 2026 (the investment plan) describes clear goals for future GRF investment, prioritises strategic areas of focus, and identifies evidence-based, practice-informed opportunities to minimise gambling harm. The purpose of the investment plan is to guide government spending toward strategic priorities identified by stakeholders.

As a result of GRF investments, South Australians have access to information and/or support, including online counselling services through the 24/7 Gambling Helpline and the website Gambling Help Online.

Gambling help services are also physically located across 12 metropolitan and country regions. These services provide free and confidential therapy, counselling, assistance and support for individuals and families seeking face to face support. Services are also available that specialise in supporting individuals and communities who may be at higher risk of experiencing gambling harm, including culturally and linguistically diverse groups and Aboriginal and Torres Strait Islander people.

In addition to providing therapeutic support, gambling help services are responsible for working in community to raise awareness of gambling harms, reduce stigma, challenge attitudes and beliefs, and encourage early help seeking. Services are also expected to build strong working relationships with the gaming industry to improve their capability to assist people experiencing gambling harm and establish appropriate referral pathways. DHS provides a range of communication materials free of charge for use in gaming venues and gambling help services.

Most recently, DHS invested in a communication campaign that aims to disrupt the normalisation of betting in sport by reminding South Australians to be 'Here For The Game'. Professional sport clubs involved in 'Here For The Game' include Adelaide United Football Club, Adelaide 36ers, Adelaide Giants and the Adelaide Football Club (the Crows). The initiative is also supported by the Alcohol and Drug Foundation who will offer resources and education to amateur sport clubs modelled on the successful Good Sports program.

DHS recently released a Strategic Research Agenda which invests in research projects that build the evidence for what works to prevent and minimise gambling harm in South Australia and foster growth in the local gambling research community. The first funding round closed on 18 May 2023 and successful applicants are expected to be announced in coming weeks.

In 2022-23, the GRF budget was \$8.6 million. The vast majority of GRF funds are invested by DHS in gambling help services, communication materials and gambling harm prevention and minimisation initiatives. Just over 10 per cent of the GRF supports staffing within the Office for Problem Gambling (OPG). This includes contract managers to manage the help service system and project officers who implement early intervention and prevention initiatives.

Table 1 – Indicative GRF Expenditure 2022-23 as at 6 June 2023

Activity	Expenditure
Metropolitan and Country Gambling Help Services	\$2,857,000
Targeted Gambling Help Services	\$3,245,000
Gambling Help Online and Statewide Gambling Therapy Services	\$400,000
Early Intervention and Prevention Initiatives (Strategic Projects)	\$700,000
Staffing and Administration	\$1,070,000

#### CODE OF ETHICS

In reply to **the Hon. T.A. FRANKS** (1 June 2023).

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

The Clerk of the Legislative Council has undertaken an investigation, the outcomes of which the President informed the council on 13 June 2023.

The legal employer of the trainee whom this matter relates to, is the Department of Treasury and Finance (DTF). The Electorate Services division of DTF has not conducted a separate investigation into the matter. Neither has the Office of the Commissioner for Public Sector Employment been approached to investigate a potential breach of the Code of Ethics.

#### LIV GOLF

In reply to **the Hon. T.A. FRANKS** (13 June 2023).

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

1. The government has a multi-year contract with LIV Golf.
2. The details of the agreement for LIV Golf Adelaide are subject to contractual confidentiality restrictions and therefore cannot be disclosed.
3. The state government has not invested in permanent infrastructure.

#### DEFENCE SHIPBUILDING

In reply to **the Hon. F. PANGALLO** (13 June 2023).

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

1. No.
2. South Australia understands and respects the Australian government's Department of Defence and Australian Defence Forces' primary role in force structure, size and composition and we stand ready to continue partnering with the Australian government and other states and territories to chart a pathway forward to advance our nation's security. A core element of our nation's security will be working together to secure and sustain continuous naval shipbuilding.
3. Yes.

#### MEN'S HEALTH

In reply to **the Hon. S.L. GAME** (13 June 2023).

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

SA Health focuses on improving the health and wellbeing of all South Australians.

In areas where the data identifies particular need, targeted strategies are implemented.

For example, in the area of bowel cancer screening, Wellbeing SA has a full-time dedicated position for Aboriginal men's health and wellbeing with a particular focus on increasing participation in bowel cancer screening. A dedicated multicultural officer also runs separate men's education sessions to individual community groups targeting new arrivals.

Based on data that indicated higher levels of skin cancer, men have been the target group for skin cancer prevention campaigns funded by Wellbeing SA. The most recent featured a father and son with a tag line 'if you cover things, they last longer'.

Drug and Alcohol Services SA implements a statewide campaign to encourage tobacco cessation to help drive down smoking prevalence. The campaign material and channels used are skewed to reach more males, particularly those aged 25-59 years old. Despite the higher rates of smoking among men compared to women, there has been a decline in smoking rates among men from 18 per cent in 2017 to 8.9 per cent in 2022[1].

SA Health delivers specialist inpatient and community based alcohol and other drug treatment services, engaging men in the community through a universal approach. It also partners with non-government organisations in the delivery of alcohol, tobacco and other drug services in both metropolitan and regional Adelaide. In 2021-22, 62 per cent of clients who received treatment for their own alcohol and/or drug use were male. This is monitored and has remained stable over time [2].

Wellbeing SA is responsible for community-based suicide prevention and promotion of mental health and wellbeing activities. Men are an identified priority population for suicide prevention initiatives, and Wellbeing SA has undertaken numerous activities and projects aimed at tackling male suicide including providing funding support for the Tailoring Suicide Prevention Strategies for Men in Farming Occupations, conducted by UniSA and published in 2022.

Targeted consultation with men was held during the development of the South Australian Suicide Prevention Plan to hear about their specific needs via survey, phone calls, in person interviews and consultation groups held with:

- Aboriginal men in metropolitan and rural communities
- Men in construction and other occupations with high rates of suicide such as dentists, lawyers, and health practitioners
- Men in the armed services, veterans and first responders
- Men in metropolitan and regional settings.

National Health and Medical Research Council funding is a matter for the federal government.

1. South Australian Public Health Survey
2. Alcohol and Other Drug Treatment Services National Minimum Data Set, AIHW

#### TREATMENT OF PRISONERS

In reply to **the Hon. D.G.E. HOOD** (13 June 2023).

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** In respect to the second part of the honourable member's question, I am advised:

Mr Daniele's compensation money was paid on 30 March 2023 to the Prisoner's Quarantine Fund as required by the Correctional Services Act 1982 and it will be held for at least the initial quarantine period of 12 months from that date. A notice to potential claimants has been published in the *Government Gazette*. To date, no claims from victims of Mr Daniele's offending have been made to the Crown Solicitor's Office.

Should a claim arise, the state will use its best endeavours to apply the sum in the quarantine fund to pay such a victim. Should a claim not arise until after the quarantine period expires, any victim of this offending will be paid out of the general fund for that purpose.'

The Minister for Police, Emergency Services and Correctional Services has advised, in relation to part I, that:

There have been no payments made to prisoners under these provisions in the last two years.

#### REGIONAL CHILDCARE SERVICES

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (14 June 2023).

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

1. The government is committed to ensuring families in regional and remote areas can access the high-quality early childhood education and care they need. The government has established the Royal Commission into Early Childhood Education and Care, which is examining the extent to which families are supported in the first 1000 days of life. The royal commission will hand down its findings by 31 August 2023.

It is important to recognise that funding for childcare is a federal government responsibility. Our government continues to actively work with the federal government on opportunities to ensure that childcare funding supports the delivery of childcare in regional and remote locations.

There is also a range of work being done nationally to support greater access, including the Productivity Commission's review of ECEC, the ACCC's inquiry into childcare prices, and work to develop a National Vision on Early Childhood Education and Care. South Australia is participating in this work.

At a local level, the state government has a team within the Department for Education that is dedicated to working with regional communities to support local led solutions to childcare issues. This team is providing direct support to 24 regional communities.

This team has been integral in supporting many rural SA communities to establish childcare facilities. This includes Kingston South East where the government has committed \$2.5 million to relocate the preschool to the school site to allow for co-located childcare and preschool services.

The department is also exploring options to establish family day care programs to help bridge the gap in communities that need greater choice and flexibility, either as an alternative to or alongside centre-based care options.

2. The Education Standards Board is the South Australian regulatory authority responsible for regulating the provision of early childhood services under the Education and Care Services National Law (South Australia) (National Law SA) adopted under the Education and Early Childhood Services (Registration and Standards) Act 2011 (SA). The Education Standards Board considers applications for service approvals in accordance with the National Law SA and National Regulations. In determining a service approval application, it is not within the Education Standards Board's legislative remit to make a determination based on market requirements. In regulating education

and care service providers, the Education Standards Board's primary consideration is the welfare and best interests of children and young people.

However, there is a range of work underway that will support the accessibility of ECEC in regional areas, including the Royal Commission into Early Childhood Education and Care, the Productivity Commission's inquiry into ECEC, the ACCC's childcare price inquiry, and the National Vision on Early Childhood Education and Care. This work will examine the appropriate regulatory, funding, and policy settings to ensure that regional and remote areas have access to high-quality ECEC.

3. Through the work of many government departments including the Department of Primary Industries and Regions, as well as via the targeted investment of the Thriving Regions Fund, the Malinauskas government is supporting a range of initiatives that underpin enabling infrastructure, service delivery and capability development in regional South Australia.

This government has always had a strong commitment to regional development in the state. Providing enabling infrastructure and critical service delivery factors are key elements of our investment that will empower regional areas to attract and retain workforce, enhance liveability and increase population so that regional, rural and remote townships don't just survive but thrive.

### ADELAIDE CASINO

In reply to **the Hon. C. BONAROS** (14 June 2023).

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

I can advise the honourable member, the holder of the state's casino licence, SkyCity Adelaide, is not approving the appointment of the independent monitor but has been asked to provide the Liquor and Gambling Commissioner, Mr Dini Soulio, with the details of entities who could be considered for appointment as the independent monitor.

This does not mean that SkyCity will get to handpick its own independent expert. The commissioner, as the state's gambling regulator, will determine who is appointed to be the independent monitor and the terms on which they are appointed.

The commissioner has kept me informed of the progress of this matter and the issuing of a direction to require the appointment of the independent monitor is significant and not a matter that has been taken lightly. It is important that the community can have confidence that the operator of the Adelaide Casino is effectively minimising gambling harm and ensuring the compliance with all anti-money laundering and counter-terrorism financing obligations.

The community can be assured that the commissioner will only approve the appointment of the independent monitor if he is satisfied that the proposed entity is suitably qualified, can fulfil its duties in an impartial, independent manner and importantly, is at arm's length from the Casino.

The commissioner has directed that any costs arising from the independent monitor will be borne fully by SkyCity, not by the South Australian taxpayer.

In response to the honourable member's question regarding AUSTRAC, as the member is aware, as a result of AUSTRAC commencing proceedings in the Federal Court of Australia against SkyCity, Mr Martin informed the commissioner that until these proceedings are resolved, it is not possible to determine reliably the question of suitability under his terms of reference.

I am advised that while the court has not indicated at this time when it expects to set the matter down for hearing, the commissioner having examined the preliminary material provided by Mr Martin and the allegations contained in the statement of claim filed by AUSTRAC in the Federal Court, concluded that there is some overlap between the two matters and as a result determined to place Mr Martin's investigation on hold until the AUSTRAC proceedings have been resolved and to direct the appointment of an independent monitor.

Importantly, the material provided to the commissioner by Mr Martin are his preliminary views, noting that the investigation is yet to conclude. As such, in the absence of any definitive findings being reported, the release of any information at this time could prejudice any subsequent investigation or future disciplinary action being taken against SkyCity.

Furthermore, in accordance with section 19 of the Gambling Administration Act 2019, the commissioner is prevented from disclosing information obtained in the course of carrying out official function.

### EYRE PENINSULA OVERTAKING LANES

In reply to **the Hon. S.L. GAME** (15 June 2023).

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

The Minister for Regional Roads has advised that the Australian and South Australian governments have jointly committed \$51.25 million (80:20) through the Roads of Strategic Importance Program for the upgrade of roads on the Eyre Peninsula.

The funding was split across a number of priority projects including overtaking lanes, intersection improvements, shoulder sealing and pavement works. The overtaking lane works included the construction of a total of four overtaking lanes—two on Lincoln Highway (between Tumby Bay and Louth Bay), one on Flinders Highway and one on Western Approach Road, and planning work for an overtaking lane for Tod Highway.

The roads have been subject to traffic restrictions at different times to allow for repair works due to issues with the bituminous surface following adverse weather conditions.

The contractor is responsible for the completion of all works.

In July 2023, an apology was issued by the contractor to the community, which appeared in the Port Lincoln Times and Eyre Peninsula Advocate (attachment 1).

Attachment 1: Reproduction of Port Wakefield to Port Augusta Alliance, apology. 13 July 2023.

Apology

Recent adverse weather conditions on the Lower Eyre Peninsula have impacted the road surfaces of the overtaking lanes on Flinders Highway and Western Approach Road. We acknowledge the community's frustration, particularly regarding the multiple remediation works undertaken, and assure everyone that we are working to fix this as soon as practically possible.

On behalf of the PW2PA Alliance, we sincerely apologise for the poor road surface and resulting frustrations caused by our ongoing work.

Fixing the surface and ensuring the highest standard of work is our priority. The road surface condition will be continuously monitored and planned to keep all lanes safely open as far as possible in the areas of intermittent works.

Works are currently underway and will be ongoing until the weather enables completion of the surface remediation.

We thank everyone for their ongoing patience and understanding as we work towards providing safer and more reliable road infrastructure.

Sincerely,

Port Wakefield to Port Augusta Alliance (PW2PA Alliance) Phone: 1300 161 407

Email: [enquiries@pw2pa.com.au](mailto:enquiries@pw2pa.com.au)

[pw2pa.com.au](http://pw2pa.com.au)

## REGIONAL SCHOOLS

In reply to **the Hon. R.A. SIMMS** (27 June 2023).

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

1. A teacher supply shortage is being experienced across Australia, with teacher supply and retention being a focus for all jurisdictions. The Malinauskas Labor government is acutely aware of this issue and has been taking action since coming to government to address teacher shortages in country South Australia.

2. The Malinauskas Labor government made important election commitments to tackle teacher shortages, particularly in the country. We are delivering on our election commitment to make the country incentive zone allowance ongoing for all teachers who are eligible to receive it in the 2024 school year, rather than it cease after 5 or 8 years. This will help attract teachers to work in the country, and support teacher retention in regional areas.

To build the teacher pipeline for country schools and preschools the Department for Education has also developed two new initiatives aimed at pre-service teachers.

Firstly, they are being supported to undertake funded professional experience placements in country sites to increase their visibility of career opportunities and the lifestyle of these locations. This initiative aims to remove a major barrier for pre-service teachers to participate in country professional experiences by providing financial support recognising the need to relocate for a period.

Secondly, the department has developed an employment program to support pre-service teachers who move to country locations in their first teaching appointment. This initiative is designed to support their transition from study to employment, and to support their induction into the local community and teaching.

To support these initiatives we have developed a country campaign to profile what it looks like to live and teach in regional South Australia

This campaign includes the inspiring personal stories of teachers from across the state

[https://www.education.sa.gov.au/working-us/careers-education/opportunities-country-south-australia/teaching-opportunities-country-south-australia.](https://www.education.sa.gov.au/working-us/careers-education/opportunities-country-south-australia/teaching-opportunities-country-south-australia)'

The government is also delivering the Country Education Strategy, which aims to provide quality leadership and expert teaching in every country school and preschool; better access to digital infrastructure, student support services and business administration systems for country schools and preschools; and access to quality learning and career, study and training opportunities for country children and young people. A key intent of this strategy is to make our country schools more attractive for staff to work in.

Alongside specific actions targeting country teachers, the Malinauskas Labor government has joined with other jurisdictions in developing the National Teacher Workforce Plan, which sets 27 priority actions the commonwealth, state and territory government are taking to improve teacher supply and keep teachers in the profession.

Our government will continue to make the important investments needed to address teacher shortages, including in the country.

3. I am in frequent discussion with my cabinet colleagues about regional issues.

### RETAIL ENERGY PRICES

In reply to **the Hon. S.L. GAME** (27 June 2023).

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

1. The final report by the Essential Services Commission of South Australia about its inquiry into retail energy prices will be published in compliance with the terms of reference.

2. In regard to the contribution to electricity supply of solar panels and wind turbines in winter, renewable energy is definitely not rendered useless in winter. The Australian Energy Market Operator publishes quarterly reports on energy dynamics. The most recent quarterly report for a winter period—Q3 2022—showed that across the National Electricity Market, average variable renewable energy generation reached a record quarterly high of 4,465 megawatts.

South Australia is, of course, part of the National Electricity Market. During August 2022, records were set for wind generation and for the output of wind and grid-scale solar combined. What did decline in the quarter, was the contribution of generation from power stations fuelled by black coal.

The Australian Energy Market Operator said this was 'primarily due to a shift in supply offers to higher price bands' from these coal-fired generators. That is, coal is essentially pricing itself out of the market when competing with cheaper renewable energy. Those high prices for coal ultimately flow through to consumers' bills.

### CHILDREN IN STATE CARE

In reply to **the Hon. C. BONAROS** (28 June 2023).

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

The Guardian for Children and Young People has produced various reports. It is assumed that the questions are in reference to her report on the Productivity Commission's Report on Government Services, May 2023.

The state government is determined to implement change that begins to improve the child protection and family support system in ways that make a lasting, positive difference in the lives of children. To do so requires a collaborative effort across government, community and the sector. We are working to empower and harness that collective effort.

The state government is investing in the child protection and family support system with approx. \$372 million committed since coming to government.

We are taking direct action in a range of ways, including, but not limited to:

- Increasing investment in family supports such as intensive family services and family group conferencing.
- Expanding family group conferencing, particularly for Aboriginal children and young people.
- Expanding family reunification efforts.
- Improving governance and advocacy structures through establishing a child protection expert group, carer council, lived experience group and CE governance group and continuing with existing groups.

- Investing in CREATE and continuing with No Capes for Change to amplify the voices of children and young people with a care experience.
- Establishing a peak body for Aboriginal children and young people.
- Increasing investment in kinship care assessments.
- Supporting non-government organisations delivering services.
- Increasing foster and kinship carer payments from 1 July 2023 and improving access to respite care.
- Progressing other major reforms through increased investment, legislative change, practice improvements and enhanced governance and advocacy mechanisms across the child protection and family support system.

The Children and Young People (Safety) Act 2017 was reviewed last year and early this year with over 900 people engaging. Further consultation on legislative change will be undertaken and a bill will be introduced to parliament following this further consultation.

#### AVIAN BIRD FLU

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (28 June 2023).

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

Yes, I have been advised of the changing global risk profile of highly pathogenic avian influenza (HPAI), including H5N1. Should HPAI be detected in nomadic birds in our near SE Asian neighbours the risk of outbreak in Australia would be increased.

HPAI preparedness is a high priority for all Australian, state and territory governments along with the poultry industry, all of which have been preparing for HPAI outbreak over a long period of time.

#### AVIAN BIRD FLU

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 June 2023).

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

HPAI preparedness is a high priority for all Australian, state and territory governments along with the poultry industry. I understand these parties have been preparing for HPAI outbreak over a long period of time.

South Australia is actively investing in preparedness activities for high threat diseases, including HPAI.

As the honourable member would be aware, last year the Malinauskas Labor government provided a \$6.8 million investment into EAD preparedness which will assist with HPAI preparedness through:

- Epidemiology and risk—to enhance epidemiological capacity and technical skills required to support preparedness and effective, informed, flexible responses
- Operational preparedness—to engage in national policy and procedure development and develop state level action plans to enhance operational preparedness and technical expertise in South Australia.
- Regional detection and response—to undertake regional activities to minimise risk of disease outbreaks, disease spread and ensure regional level preparedness, including working with livestock industry parties on contingency planning.
- Diagnostic capability—to improve SA laboratory services, capability and capacity to respond to an EAD outbreak
- Emergency response capability and capacity—to enhance PIRSA Incident Management Team (IMT) capacity and capability for an EAD response

The funding will also assist with procurement of capital items to assist with destruction, disposal and decontamination in the event of an HPAI outbreak, including scoping for specialised equipment for mass depopulation of large numbers of birds.

#### PIRSA AND RSPCA CONTRACTUAL FUNDING DEEDS

In reply to **the Hon. T.A. FRANKS** (28 June 2023).

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



The Animal Welfare Act 1985 is committed to the Minister for Climate, Environment and Water (the Hon. Susan Close). The Department for Environment and Water currently administers the arrangements for enforcement of that act.

#### FERAL PIGS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (6 July 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:

During the 2022-23 financial year, 493 pigs were removed from the South Australian catchment of Diamantina Warburton. This control operation cost \$79,069 and was funded by the SA Arid Lands Landscape Board, incorporating some project funding from the commonwealth government as part of the board's SA Lake Eyre Basin priority Riparian Vegetation and Great Artesian Basin Springs project.

The Limestone Coast Landscape Board does not have a specific feral pig control program or separate budget for this purpose. Small numbers of feral pigs are being eradicated by landscape board staff by trapping and poisoning, which is funded by the board.

Since 2020-21, the Murraylands and Riverland Landscape Board has spent \$143,820 on the control of feral pigs. An additional \$35,000 was contributed by the National Parks and Wildlife Service for additional contractors.

#### GAZANIA

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (6 July 2023).

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

From 2014-2016, the South Australian government Department of Primary Industries and Regions supported a trial by the Riverland Wine Viticulture Technical Group, with funding from Wine Australia, trialling different chemical mixes to control gazania.

As well as herbicide mix, the trial considered the most effective time of year and growth phases for controlling gazania.

The trial was focused on identifying the most effective control treatments for gazanias under Riverland conditions, particularly in vineyards.

Recommendations from this study can still be applied today and by growers more broadly. They are available in a factsheet on the Wine Australia website.

If growers are concerned about gazania and wish to seek advice on control methods, the best course of action is to contact their local landscape board, who can advise them on the most up-to-date and suitable control methods for their region and land use type.

Gazania is a common garden escapee throughout South Australia. Wild populations are widespread in coastal and mallee areas near former plantings, from the west coast to the lower Limestone Coast and inland.

Gazania can occupy bare ground under perennial horticulture, and summer fallows in no-till agricultural systems, where it can impede sowing in autumn. The economic impact of gazania in these systems has yet to be quantified.

Gazania have been assessed for their weed risk and feasibility of containment and subsequently declared under the Landscape South Australia Act 2019.

Landscape boards have their own regional management plans for gazania. They determine the level of response according to presence, type of habitats impacted, and through a collaborative approach with their communities.

#### WILD DOG MANAGEMENT

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (6 July 2023).

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

1. Following extensive consultation with stakeholder groups, a new Wild Dog Management Strategy 2023-33 has been drafted and is undergoing finalisation.

2. Broad stakeholder consultation processes have occurred throughout development of the draft Wild Dog Management Strategy; groups that were consulted include:

- Regional landscape boards, including:
- Alinytjara Wilurara Landscape Board

- SA Arid Lands Landscape Board
- Eyre Peninsula Landscape Board
- Limestone Coast Landscape Board
- Murraylands and Riverland Landscape Board
- Northern and Yorke Landscape Board
- The SA Wild Dog Advisory Group, whose membership includes:
  - Box Flat Wild Dog Control Committee
  - Conservation Unit of the Department for Environment and Water (DEW)
  - Aboriginal Engagement and Reconciliation Unit of DEW
  - Conservation Council of SA
  - Dog Fence Board
  - Biosecurity division of the Department of Primary Industries and Regions
  - Livestock SA
  - Cattle and sheep producers