

LEGISLATIVE COUNCIL**Thursday, 8 February 2024**

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:01 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:02): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, the giving of notices of motion and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

The PRESIDENT: I note the absolute majority.

Bills

ELECTORAL (CONTROL OF CORFLUTES) AMENDMENT BILL

Second Reading

The Hon. H.M. GIROLAMO (11:02): I move:

That this bill be now read a second time.

I am the lead speaker for the opposition and look forward to contributions from many of my colleagues. What a week of backflips. Mad March has come early. We find ourselves here again in a position today to confirm yet another backflip by the Labor Party—not one but three bills this week. As the opposition leading the legislative agenda in this state, we are very pleased that Labor is finally supporting this bill that came from the Leader of the Opposition near on two years ago.

David Speirs and myself are now moving this bill to ban corflutes on public infrastructure. By way of history, we can look at the title: The Electoral (Control of Corflutes) Amendment Bill 2023. Whilst 2023 ended almost 40 days ago, this legislation was not an end of year piece; it was introduced on 3 May in the other place, almost 280 days ago.

With control of the House of Assembly agenda, any time it was brought to a vote the Labor Party voted it down. Ten times the Labor Party did not care about the environmental impact these single-use plastics had. Ten times the Labor Party did not care about the visual pollution on our high streets and roads, plastered everywhere to make it known certainly that the election was happening. But yesterday, with great urgency, they finally relented, saw sense and backflipped again to the Leader of the Opposition's bill—

The Hon. R.A. Simms: Pressure from the Greens. It works.

The Hon. H.M. GIROLAMO: —from May 2023. With support from the Greens, thank you, Mr Simms. We wonder which of the rogue gallery corflutes the Labor Party was most afraid of at the upcoming Dunstan by-election. Was it the corflute that showed that Labor has delivered the 20 worst months of ramping in all of South Australian history? Was it the corflute showing the latest figures were the third worst ramping of all time? Was it that in almost two years since the now infamous promise to fix ramping, the Premier has failed and it only seems to get worse? Or, more simply, are they scared of a simple messaging corflute: 'Labor is failing on its core election commitment'?

Could they be scared of the corflute showing the energetic and professional woman running for the Liberal Party, Dr Anna Finizio? There would be a few corflutes required to talk about all her

achievements. It does make you wonder: why the rush? What could possibly be going on? After voting 10 times against a bill that would protect the environment, it took a by-election in the leafy streets of Dunstan for the Labor Party to realise that they needed to brush up on their green credentials.

On this side we have a proud history of protecting the environment and opening it for greater, easier and free access, not locking it up like those opposite wanted. Under the leadership of Leader of the Opposition David Speirs we introduced the single-use plastics ban in September 2020. Initially, the sale, supply and distribution of single-use plastic straws and cutlery were banned, with an ambitious agenda to further ban single-use plastics going forward.

These bans were well supported in the community, as they join in an effort to reduce reliance on single-use plastic that mostly ends up in landfill. Consistent with that community support, South Australians have backed the movement to ban corflutes but, as we have seen this week with a series of backflips on issues they care about, Labor is very slow to the party. However, we gladly take their support on this and other issues too.

From a single-use perspective, corflutes have limited opportunity for recycling. It can be done but it is very complex and at this stage there are very few options. The environmental impact goes further than the corflutes do, as to attach to public infrastructure they use wire and cable ties and other single-use items. Visually the pollution is massive, contributing to diminished roadside safety, amenities and with other distractions we all could frankly do without. I am very proud to take carriage of this bill and I commend the bill to the chamber.

The Hon. R.A. SIMMS (11:07): I rise to speak in favour of the Electoral (Control of Corflutes) Amendment Bill 2023. The Greens have long advocated for a ban on corflutes on public spaces. We have done so for a range of reasons. We recognise, as the honourable member has identified, that corflutes are single-use plastics. Indeed, as my colleague the Hon. Tammy Franks remarked the other day, this parliament has banned the use of single-use plastics except, of course, when it features the images of politicians.

I think that is a point of rank hypocrisy that rankles members of the community as they go about their daily business and face the visual pollution that comes from these corflutes, as well as the impact that it has on the environment in terms of them ending up in landfill. That is not the case with a candidate like myself, who has run for office many times and dusts off corflutes over and over—I am all for recycling—but there are candidates who change their corflutes every time and that is not a good thing in terms of the environmental impact.

I think it is worth looking at the history of this reform. I think it is true to say that this parliament has dealt with this matter many times over many years, but we might finally be on the cusp of actually getting something through. The two major parties have often had different positions on this. Indeed, the Rann Labor government tried to ban corflutes under the leadership of the then Attorney-General, Michael Atkinson, but that push tanked with opposition from the Liberal Party.

Then when the Liberals were in government, they tried to ban corflutes. That effort tanked with the opposition of the Labor Party and, I should point out, the Hon. John Darley, who originally I think at one point pointed out that he was in favour of banning corflutes and then performed a miraculous backflip and voted quite a different way for reasons that are still not clear to me or, potentially, the Hon. Mr Darley some could say.

I am pleased that we have finally reached a point where we are going to actually deal with this matter. I think what really has been the catalyst for this renewed push is a letter that I sent to the Premier on behalf of the Greens on Tuesday of this week, urging him to finally take action on this issue, recognising that we were heading into another by-election—yet another election—where the people of Dunstan were going to not only face another election in two years but were also going to face the spectre of more corflutes. I said, 'Look, we've got this by-election coming down the line. Let's finally deal with this. I recognise that the opposition has a bill. Why don't you dust it off and make it happen?'

Well, pressure works: pressure from the Greens works, and we welcome the fact that the government has taken this issue up and made it a priority. We made it very clear that we were happy

to cooperate with the government to get this done and the Hon. Tammy Franks and I welcome the opportunity for this reform.

The features of the bill have been identified by the Hon. Heidi Girolamo, so I will not go through all of those, but I might just briefly speak to some of the amendments that the Greens will be moving to save time in the committee stage. Back when the Hon. Vickie Chapman, then Attorney-General, proposed this reform in the last parliament, I had negotiated a number of amendments with her that we saw as being quite important safeguards against unintended consequences.

Some of those amendments related to putting into the act the provisions of the Public Assemblies Act to make it clear that members of the community could still carry signage and posters at public rallies and events. For instance, despite the Labor Party's best efforts to prevent them, we do still have protests happen on the steps of our parliament and we wanted to make it clear that members of the community can still carry signs, so we are putting that into the bill.

We are also making it clear that candidates or indeed politicians can still have A-frames out in public space and that signage would be permitted. Our amendments would also allow for the practice of wobble boarding, which I see from social media some members of this chamber are very keen on, so I expect them to support these sensible amendments as I have seen on social media they have been very active out wobble boarding in recent days. I am sure they do not want to see that activity being prohibited.

The other elements of the Greens' amendments speak to what constitutes an advertising poster. Under the previous Vickie Chapman bill, which I think the Hon. David Speirs' bill has been modelled on, the legislation was to prohibit the corflute material, which is in effect single-use plastics, but I think it was always the intention of the minister—at least by my understanding, the intention of the minister at that time—to prohibit election posters being on public space. It was about the single-use plastics, but it was also about the poster material.

The way the legislation was written meant that people could circumvent that. These provisions were applied to the Local Government Act and so what we saw was some local government candidates using cardboard cutouts and cardboard posters to try to circumvent the rules. This amendment tidies that up, because whilst the Greens have a concern about the environmental impact of corflutes, our concern is also about the equity element and the arms race that this sets off.

If you are a small player and you are wanting to compete in an election, you could be having to spend a fortune on getting these posters designed and getting them up and about. They cost about \$7 a pop, so we wanted to close that loophole as well, and stop what is, in effect, a pollution of our public space. We are also wanting to make it very clear that you cannot hold a street-corner meeting outside of a polling place on election day.

One of the other elements that we have sought to deal with is this issue that comes through in the act around posters or signs being placed on behalf of candidates. We could foresee a scenario where maybe an overzealous volunteer is putting up posters or a scenario perhaps where another party puts up posters that are masquerading as another political party's materials, and that could therefore take up the permissible number of posters for a party or candidate. We did not think that was fair, so our amendment is to make it clear that the consent of the candidate is required in relation to that.

We note that, where this occurs in relation to the Legislative Council candidates, the requirement of the lead candidate on the ticket, the candidate whose name appears at the top of the ballot paper, would be required. There are a number of amendments that flow through from that general principle which are consequential.

Another amendment we deal with is to increase the number of corflutes that a candidate can display on election day. The previous proposal from the Liberal Party was six. In the Greens we felt that was maybe a little bit too restrictive on election day. If you had a situation where you had lots of polling entrance points, we wanted to make sure people could still get their message out, so we propose to double it to twelve.

I have spoken a bit about the issue around consent. We also wanted to recognise this issue around authorisation of materials. The current rules provide that a candidate would only be liable for an offence of placing additional corflutes where they gave consent for this to occur. That is certainly what we are proposing through our amendment, but we did not want a situation where political parties could try to circumvent the offence provisions by maybe using a campaign manager or a surrogate to permit the placing of the corflutes. We have added in a new provision under amendment No. 15, and I will talk a little bit more about that when we get to it, but in effect it is also making it an offence for a party director or party manager to authorise those materials and have them displayed on their behalf.

To that point, the bill as it currently stands makes the candidate or the lead candidate, in the case of a Legislative Council group, responsible for all corflutes that are distributed in their seat. As I understand it, that is to ensure that there is someone who is ultimately responsible, and that individual volunteers are not being fined for following orders from campaign HQ. I get that, but I do not believe that when we know that a candidate has not consented to the distribution of materials on their behalf they would still be liable, and that is, I think, particularly true where another political party might be pulling out posters as some sort of tactic.

I cannot imagine why another political party would do such a thing, why it would masquerade as another political party, but sometimes these things happen, so it is an important loophole to close. In order to address that issue and ensure there is some accountability the amendment would create a new offence applicable to the person who authorised the material. In most cases that would be the registered officer of a political party, understanding for our party, the Greens, it is the state director. I think it is the same for the Liberal Party. I understand that would be the state secretary of the Labor Party. So that would ensure that there is somebody who is ultimately responsible for the materials that are being put out by the political party, and that occurs under the bill as it currently stands.

I note that there is a scenario that has not been addressed in the bill where unauthorised posters are being displayed, but we also recognise that that is already an offence under the Electoral Act. The bill also gives the power to the presiding officer at the polling place to remove those materials, and we think that is important, so that if someone is doing the wrong thing that material can be taken down.

I suspect that in practical terms, when you are looking the election day itself, the power to remove those materials would be very important. Nonetheless, I think the offence provisions included in the bill, which we are seeking to amend, are also really important in terms of trying to deter parties from intentionally breaking the rules and trying to gain political advantage, so we are trying to close that loophole.

To that end, one of the other issues we are proposing to include is giving the Electoral Commissioner the power to issue a formal written warning to a person who commits an offence under the bill relating to too many corflutes on election day. Again, what we did not want was a situation where you might have a really overzealous volunteer who turns up and puts too many posters in the wrong spot. It is a genuine mistake. Under the wording of the act as it currently stands, the lead candidate would face a significant fine, and it reads as if there is no opportunity to try to caution them and remedy the behaviour.

Under what we are proposing the commissioner would be given the power to give the candidate a caution and say, 'You need to take that down.' If they do not do so, they could issue the fine or they could go straight to a fine in the case of a serious breach, but it is giving a little more discretion to the commissioner so that we are not seeing people being pinged if there has been a genuine mistake or error.

That is a good summary of the amendments the Greens are seeking to advance. I will talk more about those at the committee stage, but that gives a good summary of the key general principles. It is fair to say that we have approached this in terms of wanting to make sure there are commonsense protections for all people who participate in our political process—candidates and members of the community more broadly. We are proposing some powers be given to the Attorney-General as well to make regulations as necessary. That is because there might be some particular exemptions required that we have not thought of.

A scenario mentioned to me is: if someone has a bumper sticker on the back of their car and has it parked on the side of the road, could they be captured under the provisions? It does not seem that they should be, but that is not really clear. We wanted to give the minister the power to make some regulations for those sorts of scenarios. It would be my hope that in crafting those regulations the minister would look at what works in other jurisdictions in terms of coming up with some of those carve-outs.

In crafting these amendments, I engaged with the current opposition, the Liberal Party, at the time under the leadership of then Minister Chapman, but we have also engaged with the Attorney-General's office in relation to some of the other elements as well. I want to apologise to members that the amendments were sent out very late last night. I am genuinely very sorry about that. I would like to have given people more time to consider them, but we were waiting for some of them to come back from the drafters. I did, however, contact the Hon. Heidi Girolamo to give her a general overview of some of the things we were seeking to address. I recognise that some of these will not be new to the Liberal Party, given that they were dealt with during the last period of parliament.

In closing, the Greens welcome this. We have been pushing this for a long time. The community will be breathing a sigh of relief if the parliament finally does away with conflutes. Our political parties' candidates should be judged on the merits of their policies and we should have a political system that puts the focus on that. I was on the FIVEaa Matthew Pantelis program the other day talking about this, and I said that politics is not a beauty pageant. He said, 'You've got that right.' I was not sure what he was meaning by that, but really we should be, I think, judged on our policies, not simple slogans and the like. This brings South Australia into line with other jurisdictions and is something that will be welcomed by most people in the community.

The Hon. S.L. GAME (11:24): I rise briefly to put on the record that I will be supporting the Electoral (Control of Conflutes) Amendment Bill. I think the public have made it clear that they do not like the influx of conflutes that we see around election time, and I agree with the sentiments that have already been made that, really, candidates should be elected on engagement and advocacy with the community. I want to acknowledge the Leader of the Opposition in the other place for his advocacy in this area and also the Hon. Robert Simms, although I have not been privy to any of the amendments; I do not believe they were emailed to me. Nevertheless, I support the Electoral (Control of Conflutes) Amendment Bill and look forward to its passage hopefully this morning.

The Hon. C. BONAROS (11:25): I rise also to speak on this bill. I am a little bit more cynical than my friend the Hon. Rob Simms, especially when it comes to the timing of this bill, I must say. I think the writing has been on the wall for some time that we were going to be having this conflutes debate, but there is nothing like a bit of prompting, to use the now Attorney's words from the previous debate that took place on this issue—I am sorry to do this to you, my friend—at the eleventh hour, well into the final quarter, with the umpire deciding to change the rules to hurry things along'. They were the words of the government at the time. Here we are once again, only this time it is not the eleventh hour—

The Hon. K.J. Maher: Two years: not even half-time.

The Hon. C. BONAROS: They did. They had a very long time. I stood shoulder to shoulder with the opposition and was appalled by the former Attorney-General's actions at the time because there were a number of really significant amendments that were being made in that bill, including conflutes, which they had two years to make, and they decided at the eleventh hour to make some very significant changes to the way that elections play out in this state. Nobody was going to cop that, and I was pleased to stand next to my colleagues to oppose it and ensure that did not happen.

But here we are again, and this time it is not a statewide election but rather a by-election. I do have some amendments that we are still drafting. One has just been filed in fact, and I will speak to that in a moment. The first is aimed at the inequity for minor parties but more so for Independents as well. With respect to my colleague from the Greens, even under the amendments by the Greens, they are still disadvantaged if they do not stand candidates in both houses.

If you are an Independent candidate under either model, under all the models, and you are standing for election in one of the houses of parliament, then the reality is you are disadvantaged by this because there is nothing actually requiring the additional number of conflutes that we are seeking

to have available on election day to promote even the lower house candidate if you are an upper house party. It simply promotes the party.

Even in the case of a minor party—us, the Greens, One Nation—if we are standing a candidate in a lower house seat, then at that booth we will be able to promote either that candidate or the party. An Independent who is running for a seat—and they may be running for a seat in this place—under both scenarios will only be able to use half the advertising material on election day.

I can clarify this when we get to the amendment, for the Leader of the Opposition, but if there is one thing that I do know after a very long time in this place it is that corflutes, love them or hate them—and we all hate them and hate having to find an army to put them up—have been really important tools for Independents and minor parties. Their importance is magnified on election day because there are two things that you are relying on on election day, and that is volunteers and people who are willing to stand there and promote the candidate who is running, and the easiest and most common way of doing that is by using a corflute.

If I am at one of those big booths that the Hon. Rob Simms has spoken of, and I am an Independent running for election, and I have a cap of six corflutes available to me but another minor party has 12 available to them because they are running candidates in both houses then I am already on the back foot. It is worth remembering that those additional six that that party has do not have to actually reflect the lower house candidate. They can simply reflect the party brand. So I guess if you want more posters, then you run more candidates, and that is a pretty terrible way of doing this, really.

My thinking on that front is given there are no rules around actually having to advertise the lower house candidate, then come up with one number and make it apply equally across the board to everybody. If you are going to have six, or if you are going to have 12, then let the parties decide what they are going to be featuring on those corflutes, within the rules. Let them decide whether it is going to be a corflute advertising the Labor Party or the Labor candidate, the Liberal Party or the Liberal candidate, the Greens party or the Greens candidate, the SA-Best party or the individual candidate, or whoever else it is—One Nation, whatever the case may be—but do not do more to disadvantage the Independents and minor parties who run for election. That is my main concern around those provisions.

As I said, the writing has been on the wall for some time around corflutes, but they are—and we have acknowledged that by virtue of the fact that we have put these exemptions in there for election day—a critical tool for minor parties and Independents, who simply do not have the resources of the major parties when it comes to advertising.

I think we are all looking at this knowing that this is going to be social media warfare in the lead-up to the next election. Everyone is using all the new and latest technology to reach their voter bases, and a lot of this will play out online. I do not think we ever could have anticipated—and I do not think that when we initially started with the concept of corflutes we ever anticipated—having, like we did at the last election, people holding spots on streets only for those corflutes to change as the election cycle continued and to have streets lined the way they have been.

I remember North Terrace and South Terrace as I drove into work one day just before the last election. Overnight all the volunteers had been out and busy replacing the nice smiling face of the now Premier with a very—I do not even know how to describe the posters that went up in terms of the advertising. It was around ramping, and I remember one with the member for Dunstan's face, the former Premier. We never anticipated that we were going to be bombarded with streets in Adelaide lined with this sort of political advertising. That was not really the intent of those corflutes, but that is what it became. They became a very important tool.

Certainly, it actually diminished our capacity to be able to use them as well, because it was, firstly, hard to find a piece of real estate to put up a corflute. It was virtually impossible, when you had an army out at midnight, ready to go across the state. They were not promoting a face; they were promoting a political campaign, whether it was ramping, whether it was the basketball stadium. We all remember them. Greenhill Road was awash with basketball stadium corflutes—every second post.

That also drowns out the Independents and minor parties, and I do not think that was ever the intention, because that is certainly not about promoting the advocacy of an individual person who is running for election. So there is that point. I note the Hon. Robert Simms had a very different view when he came into this place on the issue of corflutes. He had campaigned during local government for them to be banned and, indeed, they were banned in local government elections.

In the time that is available to us—and it is not very long by any stretch of the imagination because here we are trying to do this at the eleventh hour before a by-election—we have had to be very crafty in our office about our drafting, but I am sure that everyone in this place who has supported bans on single-use plastics will be pleased to know that if we are so vehemently opposed to single-use plastics, and so vehemently opposed to corflutes, then we ban them across the board, and that includes federal elections.

It is tricky trying to ban corflutes in federal elections right now because of the way that we are dealing with this debate but, fortunately for us in this place, who across the political divide—Labor, Liberal, Greens, me, SA-Best—we have all stood in this place and made very convincing arguments about the need to ban single-use plastics. The amendment that I have just filed, will actually be able to deal with the issue of federal elections to ensure that the ban applies across the board. I hope the government has consulted with its federal colleagues on this ban, via the single-use plastic bans that we have so happily supported and so vehemently supported in this place previously.

In short, if we are going to allow corflutes to be banned for local government, if we are going to allow them to be banned for state government, then it is only reasonable we do so for federal elections as well. We can do that by ensuring that, unless a poster is made from a biodegradable or compostable material approved by the Bioplastics Association or whichever other body is responsible under the Environment Protection Act, the same limitations will apply when it comes to corflutes.

That is a very sensible and reasonable measure to ensure that all elections are treated the same when it comes to corflutes, and it is entirely 100 per cent consistent with the views that have been expressed in this place, the environmental factors that have been raised both in the context of this debate but also in the debate surrounding single-use plastics.

I will speak to that amendment when we get to it further but I also indicate that, as we speak, we are still trying to work through another measure, and if I have to do that on the floor in this place then I will, to ensure that that inequity that I spoke of earlier, when it comes to Independents, is addressed. There is no reason why an Independent person running for election should be disadvantaged by comparison to either of the major parties or, indeed, any of the minor parties.

It is only fair that if we are going to allow corflutes—which I say, on election day, do play a critical role—it is only fair that we have a level playing field and that the rules are the same for everybody. Let your party decide what message and whose face is going to go on those posters but at least level the playing field because we know in this place, and particularly in South Australia, the importance—and in fact we have just seen it at the federal election as well—of having Independents and minor parties elected to our parliaments when it comes to scrutinising government legislation and conducting ourselves in this place.

With those words, I indicate for everybody's benefit that there is one amendment that has been filed and there is another on its way and, depending on the speed with which we move through this, if I have to seek to amend it on the floor then I will do that to ensure that level playing field.

The Hon. F. PANGALLO (11:39): I rise to say that I will support this legislation. Even though previously I have supported the use of corflutes in past elections, it is quite clear that the public of South Australia do not like them and they see them as a visual blight. I was torn between that and also what others have spoken in here about in relation to the ability for smaller political parties and Independents to advertise themselves without bearing a great deal of cost.

At the last state election, I have to admit that I suffered from corflute fatigue after having to, firstly, put them up, and if I did not get up there in time, it was a bit of a disadvantage for somebody as challenged as I am with my height to try to get either above or get a ladder that was tall enough for me to place a corflute.

Then, of course, after the election, was the chore of having to go and pull them down and then remember where you put them, and then be reminded by a lot of angry callers on talkback radio saying, 'You forgot to do it there. I saw his face here. I saw that mug there. Somebody needs to go and pull them down.' Then, you were getting calls from local government that were threatening to impose penalties because they had not been pulled down in time. Also, as has been mentioned, unfortunately, there is the lack of volunteers that some candidates would have had to enable them to carry out this type of work.

In saying all that, I have to say that corflutes were a very effective form of political advertising. We saw that with what Labor did in the last election in relation to its ramping posters. We also saw that in the 2018 election. I clearly remember going down Port Road and seeing a forest of corflutes relating to education and other promises that they were making in relation to trying to be re-elected at that time. They were just everywhere.

Then, of course, there is the usual bunfight that occurs on polling day when you try to find a spot for your corflutes to get in before somebody else does. Occasionally, you even have corflute rage, where members from parties and others start bickering over positions of corflutes and whatever. Nonetheless, I think the public of South Australia have spoken often enough and loud enough to say that enough is enough, they are a visual blight when travelling, people do not like them and it is time they were done away with.

In relation to the manufacture of these products, of course, we do know that they are from plastic. It was interesting that, after the last election, we were able to find a person who was able to recycle corflutes. I remember pulling into his yard and seeing tens of thousands of corflutes from various candidates and political parties all stacked up outside there.

I remember, while I was pulling some corflutes down at Pooraka on Bridge Road, being pulled up by a painter who wanted the stack of corflutes I had. I said, 'What do you want those for?' and he said they are fantastic to not only kneel on when you are painting skirting boards, but they have a great edging for painting. He said, 'They are a fantastic addition to my tools,' so I said, gladly, 'Take them.' So off he went with about one hundred and something corflutes, which he was going to use for his business—but he will not be able to do that anymore.

The Hon. E.S. Bourke: Frank side up?

The Hon. F. PANGALLO: You never do it with the printed side up, do you? You do it down. That is the best way to use a corflute. I note that when I visited Norway in 2019, just pre COVID, at the time of their local government elections, the Norwegians had a novel way of promoting their candidates. They still used corflutes but they were not displayed in public areas on telegraph posts and the like.

The Norwegians only allowed candidates to operate in specific areas in the city. There was an area, or parkland, reserved where they were able to set up their booths. It enabled them to set up electioneering slogans and corflutes, but there was certainly a control on the number of them. At the time I was impressed by the very clean way in which they were able to conduct their election campaigns using corflutes. But, again, the various jurisdictions are doing away with them because of the issue with the use of plastics.

In saying that, I will be sad to see them go in a way, glad in another. I wonder whether some of those corflutes from the last election and some of those coming up may one day, long after I am gone, become collectors items. Somebody may see some value in having those somewhere down the track in the future.

I will acknowledge a comment that the Hon. Robert Simms made about the display of corflutes on public roads. I guess it is something that needs to be canvassed as to where you can actually place them and whether they can be placed on private property. We saw that in the last election where corflutes were placed on private property. However, I know that there are certain councils that do not approve of having any form of advertising displayed on fencing or private property, so I will be interested to see what the Local Government Association and individual councils will have to say following the passage of this legislation. I guess there is nothing to stop parties or

individuals parking a whole range of trucks on private land that are just totally loaded with electioneering slogans.

I will say that I will be supporting the amendments moved by the Hon. Robert Simms. I acknowledge the lateness of them, but I had a look at them this morning and I will concur with the intent of his amendments. I note that there are other late amendments coming in. We just have to see the cynicism here of this legislation coming before the House of Assembly yesterday and now being brought up to the Legislative Council on the eve of a by-election in the seat of Dunstan. Again, it is the Premier being Popular Pete, I guess, because talkback radio yesterday was in thunderous applause of the measure that is being taken. It is a populist move, nonetheless.

It is done, quite cynically, on the eve of the Dunstan by-election. If this legislation was not passed and we still were able to put up corflutes in that seat, you can imagine what the Liberals would have been putting up in relation to broken promises about ramping and the like. It would have been rather embarrassing, I would say, for the current government to have to confront all these images of a promise that they have failed to keep so far, in a seat that really is hanging by a thread with barely a majority of 250. It is interesting and, as I have said, I am quite cynical that this would suddenly pop up now rather than further down the track.

A point was made about federal elections. We obviously want to see that if states follow it should naturally follow for federal elections. Some comment was made about beauty pageants. I have to say, the beauty pageants for state elections are much cleaner than they are for our federal colleagues, and certainly the creativity in state corflutes has been actually quite good. In saying that, I will be supporting the amendments by the Hon. Robert Simms. I look forward to a speedy passage of this bill and farewelling those corflutes that we have now and sending them to the tip.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:49): I rise today in full support of the Electoral (Control of Corflutes) Amendment Bill 2023. This is a straightforward bill, which seeks to make amendments to the Electoral Act 1985 and the Local Government Act 1999. It will effect a ban on the widespread use of election corflutes on public roads and related areas such as bridge structures, Stobie poles, trees and road barrier fencing, as the few obvious examples.

I would like to take this opportunity to point out, as other honourable members have done so already, that it has been a really interesting backflip that the government has done in supporting this bill over the last 24 to 48 hours. Such is the backflip that one has to question the motives of such a sudden change of heart.

One could think, as others have alluded to, that there might be a by-election coming up where the Premier and the government might be somewhat tentative around the possibility of the opposition putting up corflutes signalling what a terrible job the Premier and his government are doing when it comes to ramping, or perhaps the Malinauskas government has simply realised that it may not be such a good plan to produce hundreds of corflutes—thousands, in fact—with election promises and their faces stamped all over them if they are going to fail abysmally at keeping those promises.

We all remember the thousands upon thousands of posters that the government, then opposition, put up before the 2022 state election, promising that they were going to fix ramping. That was their core election promise, which was plastered all over the Stobie poles and the likes, not to mention the absolutely disgraceful corflutes put up by the unions which depicted the then Premier, Steven Marshall, as a rat. These are the lengths those opposite will stoop to to get their hands on the government coffers. I would just like to remind the chamber about that.

I am extremely proud that this Liberal Party initiative has the full momentum it deserves. Ten times the iteration of this bill has been dismissed by Labor in the other place—10 times. Whilst one popular radio presenter was adamant Tuesday morning that used election corflutes make fantastic art canvases for primary school students, they are designed by intention as a single-use corrugated polypropylene: a plastic with limited opportunities for recycling. The practical use of corflutes in most circumstances will utilise single-use plastic cable ties.

All in all, they are a physical pollution. They are a visual pollution. They can distract drivers and for a government that keeps banging on about renewables and climate impact, the Labor government have been extremely slow to this plastic free party. The Liberal Party are gifting this low

hanging fruit to the Minister for Climate, Environment and Water. This bill is simple, it is practical and it is popular.

South Australia is one of the last remaining jurisdictions to not be corflute free on public roadside infrastructure during elections and the South Australian community overwhelmingly support a ban on streetside corflutes. Our own small community consultation of 500 residents indicated that 93 per cent of residents view a ban on corflutes along major roads as a sensible and practical environmental initiative, and 95 per cent of respondents said that they were not at all influenced by the use of corflutes in an election.

What will be interesting to see is if the government actually do enact this legislation in time for it to be of effect in the upcoming Dunstan by-election, or will they, like in so many other instances, be all smoke and mirrors—all media release and no actual movement?

I note the amendments put forward by the honourable member, Mr Simms, and I appreciate what the honourable member is trying to achieve with wobbleboards and the like, but it is the opposition's opinion that these are already captured in the current bill. I want to point out that we do have some concerns about a number of the other amendments, and one in particular, which is the honourable member's amendment No. 1, in regard to electoral advertising posters that are not attached to buildings, hoardings or other structures, and the length of time that they must be placed in public view.

The Hon Heidi Girolamo will no doubt ask some questions about this in the committee stage, but many of our country members use their A-frames at country shows, and it is my understanding that under this amendment those country members would not be able to put up their corflutes for any longer than six hours at a time. Of course, we know that country shows can go on for hours and hours, and we love a good country show—

The Hon. K.J. Maher: If that's the case you couldn't put them up for a single minute under your bill, but I will get to that in the committee stage.

The Hon. N.J. CENTOFANTI: The Leader of the Government is interjecting me, but we can have these debates, and I appreciate his comments. We can have these debates and ask these questions around the committee stage. I guess I, as Leader of the Opposition, am just flagging that we do have some concerns, and we will no doubt ask questions during that committee stage. I am pleased to see this bill introduced. I am optimistic that all sides will support this practical and sensible approach, even if it has taken those opposite on the government benches a bit of time to come to the party. With that, I commend this bill to the chamber.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (11:56): I rise to join my colleagues, particularly my Liberal colleagues in both houses, to wholeheartedly support the Electoral (Control of Corflutes) Amendment Bill 2023. I commend the Hon. David Speirs, the Leader of the Opposition and the former Minister for Environment, for his strong and persistent advocacy to ban corflutes. The member for Black, the Hon. David Speirs, tried to ban corflutes in 2021, but it was blocked in the upper house.

The member for Black has shown great leadership in this matter by not putting up his own corflutes when campaigning at the 2022 state election. The Hon. David Speirs persisted in this important reform, and pushed the Malinauskas Labor government to backflip on their decision. Finally, after Labor had voted it down 10 times, they have suddenly changed their mind. We welcome their decision, even though one suspects that it has to do with the Dunstan by-election that is coming up.

Remember those misleading corflutes stating time and time again during the 2022 election that Labor will fix ramping? Well, they have not fixed ramping. Instead, less than two years after Peter Malinauskas promised to fix ramping, his Labor government has delivered more ramping hours in under two years than the former Liberal government did during its entire four-year term, even during the pandemic.

Peter Malinauskas's number one commitment to the people of South Australia was to fix ramping. We do not recall any fine print in Labor's plan to fix ramping stating that it would get so much worse. At the election, Labor claimed ramping was at crisis levels and urged people to vote for

them like their life depends on it. South Australians need to question why, why now, Labor is supporting a corflute ban. South Australians need to question whether the Labor Party is scared that the people of Dunstan will be given a visual reminder of Labor's failure to fix ramping at the upcoming Dunstan by-election.

Many of the multicultural communities actually do not understand what the corflutes stand for, so I want to take the opportunity to explain it a little bit for them and for the benefit of the community. Corflutes are corrugated polypropylene fluid plastic posters, which are weatherproof but flexible and lightweight enough to put up easily on Stobie poles or other areas. But, they are a single-use plastic and they are not environmentally friendly because they generate tonnes and tonnes of single-use plastic pollution every election cycle.

In addition to corflutes there are still the other plastic materials that some honourable members have already mentioned, such as cable ties used to attach corflutes to public infrastructure. Other hazards caused by corflutes are visual pollution, as many honourable speakers alluded to. Pole after pole—in so many consultations done by the Liberal Party and the Liberal leader, South Australians absolutely hate corflutes (the posters).

Our community is concerned about road safety, driver distractions and the preservation of public roadside amenity and buildings, so finally it is great to see that the ban of corflutes will become a reality to reflect the views of the South Australian community. I am proud that this Liberal initiative is a welcome reform for South Australia. As we bid farewell to corflutes, I want to express my sincere gratitude to all my family, friends and supporters, who worked tirelessly to put up hundreds of my corflutes in the 2018 election.

I recall seeing an article in the *ABC News* with the title, 'SA election: Liberal MP Jing Lee pushing for upper house success with poster blitz'. I would like to quote a few statements from the news article, on reflection:

She's not running in Adelaide, Croydon, Torrens or Dunstan, but if you're in the city you've probably seen Jing Lee's posters adorning stobie poles all over the place.

The Liberal MLC is seeking another eight years in South Australia's Legislative Council and from fourth spot on the ticket—in the face of a Nick Xenophon surge—her re-election is far from guaranteed.

As part of the ABC's Curious Campaign, an anonymous reader asked: I'm seeing an awful lot of posters for Jing Lee. Why is there a focus on her?

Others on social media are asking the same question and it may just be the most prominent upper house campaign in recent memory.

Reflecting on that, once again I cannot thank enough my volunteers, friends, family and supporters, for working tirelessly putting up my posters.

Another really funny story that some of you may or may not remember is that an artwork of a pyramid appeared during the 2018 election around, I think, Hindmarsh Square. Christopher Pyne was called to take down the corflutes in public places because a number of my posters, along with Therese Kenny (the candidate for Torrens) and Rachel Sanderson, were arranged in an artwork form. It was quite funny and it made national news.

In this particular second reading speech I wanted to reflect on the funny moments regarding corflutes. We have seen graffiti on various candidates' faces, but it is time for them to go. With those remarks, I commend the bill to the chamber.

The Hon. T.A. FRANKS (12:04): I rise to support this bill brought to this place through the auspices of it being on the *Notice Paper* for quite a period of time. I have forgotten the number of days that was quoted—eight hundred and something, I think—that it was in the lower house through the Leader of the Opposition, working in conjunction with the Malinauskas government. As a Greens member of parliament, it should come as no surprise that I look forward to the banning of the single-use corflute plastic that is allowed to go up with a politician's face on a Stobie pole come election time.

I think that it was quite hypocritical that this parliament took action on single-use plastics but did not ban corflutes, and I have been consistent in that. I refer members to my previous speeches in this place where I have consistently supported the banning of these corflutes from our streets. I

think it is not only visual pollution but not really democracy if you can flood the streets, if you are cashed up and you can have the army of volunteers needed to put those posters up and, as we know, tear others down.

It is everyone who suffers when it gets into an arms race of plastic posters on poles being apparently the epitome of our democracy. The South Australian people, and us as political people as well, deserve better than that. We deserve a better democracy than that. The last time I spoke to this—I have refreshed my memory—I mentioned my Myspace account from 2009, which I think still exists, although I do not use it anymore. At that point, I said:

I do not think that putting corflutes up on Stobie poles across the state enhances our democracy. What I do think enhances democracy is having the ability to ensure that we are on a level playing field, that those who have more money at their disposal are not advantaged, that those who can win the arms race of putting up corflutes and stealing other corflutes from other parties or Independents are not advantaged.

I then went on to share the story of the first time my now adult son voted in the Ramsay by-election, when the previous, previous, previous Premier stepped down and caused a by-election. The face of my longtime friend and now the member for Ramsay—and ongoing minister, in fact—Zoe Bettison was on all the corflutes on our streets.

My son, who was new to voting and had not had to vote at the general election, said to me, 'What do I do?' 'What do you think?' He said to me, 'Well, she has the most corflutes.' I despair at our democracy if that is what we are relying on for people to make their decisions. I did point out that she had known him since he was a toddler, and then he said, 'Well, she has the most corflutes and she knew me when I was young. That's good enough for me.' This is the son, by the way, who is not terribly political.

I also have an adult daughter who is very political, who actually enrolled to vote when she was 17 so she was on the roll should an election be called at any time, as opposed to the football-playing son who, for almost every election in his 20s—he is now in his 30s—would ring me up and go, 'What do I do?' I would always have to say, 'Look for the place that has busyness, people going in and out. Go in there, give them your name and address and, when I'm running, vote for me.' He has, as far as I know, always voted for me regardless of my poster being on a Stobie pole.

I am really pleased that we are passing this legislation through this parliament in time for the Dunstan by-election. It will allow an opportunity to see how the system works. Many other jurisdictions around Australia have banned this visual street pollution. It does not add to a democratic debate. It does not put policies front and centre. It allows for awful posters, such as the previous Premier with the body of a rat, for example. We can all think of the attack corflutes that we have seen as well that offer nothing to our democracy other than to denigrate it.

I also welcome and note that *The Advertiser* opinion piece today of Kathryn Bermingham talked about getting rid of how-to-vote cards. I am up for that as well and always have been. I note that in Tasmania, when they have an election, not only are they not handing out how-to-vote cards at polling booths that day but they all take a rest. The voter simply goes in to vote and has all of the information there in the polling booth so that they can assess for themselves without people and the arms race and the masses of volunteers thrusting what can often be misleading information at the last minute in their faces. I am pleased, also, that we do have truth in political advertising rules in this state.

These are all improvements to our democracy, and I do look forward to this being yet another improvement. I think it is unfortunate that we are having a by-election, and that has been caused by the resignation of the previous Premier, but this is an opportunity to do things differently—to work together—and I hope that is what we get done today.

The Hon. J.M.A. LENSINK (12:09): I, too, welcome the progress of this piece of legislation, albeit that it has come under curious circumstances for the government. Previous speakers have noted the number of times the Labor Party has chosen to reject this piece of legislation, but on the eve of the Dunstan by-election it is suddenly being rushed through the parliament.

It is still welcome, nevertheless, and has long been advocated by the Liberal Party leader, the Hon. David Speirs, the great environmentalist and proponent of banning of single-use plastics in

South Australia. The corflutes, or election posters, will now be consigned forever to history, so that is clearly welcome. We do live in an age of electronic communication, so a lot of people do receive information via other means. The corflute is an anachronism in our political system.

Just following on from the comments of the Hon. Tammy Franks about these posters, I can recall pre-polls and on polling day the forest of corflutes and A-frames that people have to make their way past and the virtual harassment. I think Australians as a nation—and South Australians are no different—like to kind of be left alone to make up their own minds and not feel that level of coercion that at times comes with these sorts of campaigns.

We do know this is something that South Australian people have been in favour of for a long time. The member for Black, David Speirs, is to be commended not only for bringing this legislation to the parliament again but also in his last campaign for making that decision—some people might have said it was a 'brave' decision—to deliberately choose not to use corflutes in that particular campaign of his, but he did so out of principle because banning and not using single-use plastics is something that he is very committed to.

It has been mentioned by previous speakers but it is worth reiterating that the level of corflutes we saw in the last campaign I think was quite unprecedented. It was not just the standard pictures of candidates with their leader. As has been said, those posters with the then Leader of the Opposition, now Premier, Peter Malinauskas, where he was going to fix ramping, were everywhere along with lots of very specific localised corflutes about how, if Labor got elected, they were going to bribe communities in key seats by throwing millions of dollars at particular sporting clubs, money that we in government knew was a scarce resource. But it was used effectively to buy people off in those key seats.

As has also been referred to those nasty, nasty posters we saw on all of the entrance routes, particularly into the city, depicting the previous Premier, Steven Marshall, as a rat were just—

The Hon. D.G.E. Hood: 'Can you trust Habib?'

The Hon. J.M.A. LENSINK: My honourable colleague reminds me of the 'Can you trust Habib?' posters. This was extremely offensive and should not be part of the visual display during an election campaign, which I think contributes to the general cynicism that a lot of people in our community have about the way election campaigns are run. We know that Labor play dirty. They play dirtier than any other political party. They have been rewarded with government. So this is one less mechanism they will have to lie to people and try to harass people into voting for their particular candidates in those particular seats.

I have mentioned it already, but I think it is curious that on the eve of the Dunstan by-election Labor has had this road to Damascus conversion, although I believe the Attorney-General said on radio that it was the persuasive powers of the Hon. Robert Simms—

The Hon. R.A. Simms: Green pressure works.

The Hon. J.M.A. LENSINK: I am very fond of the Hon. Mr Robert Simms, but I am not convinced that that was the reason. There were so many opportunities that Labor had, but there was one letter from the Hon. Robert Simms.

The Hon. R.A. Simms: I am going to write them more often.

The Hon. J.M.A. LENSINK: The Hon. Robert Simms must write letters to the Premier more often. If that is the impact that he can have on parliamentary processes, he is a very special man indeed. We are very fond of him, it is just that some of his policies are very misguided—but not this one.

I talked a little bit about my own experience with posters. I have put many, many posters up all over the state over the years. They are all very fresh the day the writs are issued but by the time the election day is held, they are hanging off the side of Stobie poles, they are crushed, they are bent, they are sitting on the side of roads and they might blow across roads in a storm—all sorts of things, no matter how much wire was used.

I was always very fond of using five-millimetre wire but other people preferred cable ties—cable ties are great but they are a single-use device—trying to make sure that the darned things stayed in place properly because wind, rain and time would mean that they would buckle and all sorts of things. Particularly those dirty, grotty ones were not much use for anything at the end of the process and really just contributed to landfill.

There used to be a company in Adelaide that would take corflutes and recycle them—crush them up—called Plastics Granulating Services. After one campaign I, with delight, was able to take all of the ones where I knew the candidate was not going to be running again in that seat. That is another point worth making: they get re-used if the person gets elected or they run again. If the person does not run again that is that, you have to start a whole new batch. The candidate might run somewhere else and then they have to get a whole new batch done. They certainly are physically very wasteful.

Plastics Granulating Services was located at Kilburn. You can Google them and the address will pop up but unfortunately it says that it has permanently closed because the factory burnt down. As someone who hates waste, that is all the more reason to ensure that we should be banning these things that effectively end up in landfill.

They can be sort of useful if you have a couple of them at home. My husband has cut them up and used them to move things around the house without bumping things on floors that might get scratched. He has used them as part of some of his home workout equipment routine, I think doing renegade rows or something like that.

Most recently, during last year's Feast Festival, we were able to use them at our Liberal Party stand at Feast in the Park, on the suggestion of Alan Howard-Jones, who was our candidate in Makin at the last election. I probably would not be telling tales out of school, but I do not think it is his intention to run there again so he has no use for his corflutes. He and I were able to use them as a competition for people who came past to dress us in drag and decorate our posters. People did love that but it certainly is not reason enough for us to continue to produce single-use posters that end up in landfill.

With those words, I support this piece of legislation. It is long overdue—long overdue—and, interestingly, just in time for the Dunstan by-election. For people reading, do not believe the spin of the government in relation to the timing of this. There is no doubt that this is not a coincidence but, nevertheless, we welcome that this environmental pest will be banished to history.

The Hon. L.A. HENDERSON (12:19): I rise today to support the bill. I will keep my contribution brief, as my honourable colleagues have very well put why the Liberal Party has decided to put forward this legislation. It is an outcome that I am sure will be very welcome out in the community, that every time there is an election they do not have to see their politicians every time they go and get a loaf of bread or a carton of milk. It will be much welcomed by the volunteers of all political parties, I am sure, that no longer will they have to get up and down a ladder at a Stobie pole to hang these corflutes.

This bill was introduced in the House of Assembly around May of last year. It has sat on their *Notice Paper* for quite some time, yet we have seen yesterday and today that there is a sudden enthusiasm from this government to pass this legislation, giving government business time today for a Liberal bill. The timing of this newly found enthusiasm from the government is quite interesting. If only we saw such enthusiasm from the government on all Liberal initiatives, but instead we see this government has an agenda that is so light on—so light on—that they can afford to give government business time for a Liberal bill.

The notion of banning, limiting or regulating the use of corflutes in election campaigns is not new to the parliament; in fact, Labor members in this chamber have voted against the notion in the past. The Hon. Justin Hanson voted against it on 12 October 2021, the Hon. Tung Ngo voted against it on 12 October 2021, the Hon. Clare Scriven voted against it on 12 October 2021, the Hon. Emily Bourke voted against it on 12 October 2021, the Hon. Ian Hunter voted against it on 12 October 2021, the Hon. Russell Wortley voted against it on 12 October 2021, and the honourable leader of this place voted against it on 12 October 2021.

I think you get my point: we know Labor's voting track record on this issue, yet curiously today we see the government have itchy feet to rush it through. Curiously, the government is supporting this initiative now. So what has changed? We all remember Labor's corflutes from the 2022 election, after they did not support the former attempt to change this legislation. We all remember Labor's corflutes lining the streets far and wide with a promise to fix the ramping crisis.

This government was happy to line the streets with corflutes then for an election commitment that I think, arguably, you could say, in its current status, is a broken commitment. Ramping is exponentially worse under this government. When South Australians listened to Labor when they said, 'Vote Labor like your life depends on it, because it just might,' I do not think that this is what they were expecting. So what has changed? Why have Labor changed their tune?

To quote my colleague in the lower house, one can only join the dots. With a by-election in Dunstan around the corner, one has to wonder: why now? With a by-election around the corner, with ramping worse than before, one has to wonder: why now? Why does the Labor government not want to hang corflutes on Stobie polls yet again to promise that they will fix the ramping crisis—a ramping crisis that they have already committed to fix but has gotten worse and worse under their watch?

It is interesting that this government was happy to put up those corflutes for that promise in 2022, yet they have conveniently changed their position now. Whilst I have no doubt that this will be a very welcome change in the community—thanks to this Liberal initiative—I think the timing around Labor's flip to support this bill is quite curious.

The Hon. B.R. HOOD (12:24): I rise to support this bill and welcome the government's belated and reluctant agreement to finally allow us to debate in this place the banning of corflutes. I know that many in this chamber yesterday posted pictures of their corflutes from over the years, celebrating the fact that we are banning corflutes.

I just want to reflect little bit on the fantastic artwork that has appeared on my corflutes throughout South Australia, in Mount Gambier and surrounds. I have been Harry Potter, I have been Groucho Marx, I have had some dental work, I have had moustaches—some more controversial than others. I have also been labelled 'Marshall's muppet'. I love Jim Henson's Muppets, so I thought that was actually a compliment. But no, I think a certain union down in my hometown of Mount Gambier managed to run around to nearly every single corflute that was up and post that over my name. Funnily enough, too, every other corflute was then painted in red paint. That was an interesting choice of colour, considering where the person who did that may have come from or their political leanings.

I do just want to say that I am supportive of this bill in banning corflutes, for a selfish reason: as a long-time volunteer for the Liberal Party and someone who has run in local government for Deputy Mayor of Mount Gambier, having to tear up and down ladders at midnight to get the best spots is not exactly fun so I am certainly happy that we will not be having to do that again.

There is also the fact that there is an environmental aspect to this. As the Hon. Frank Pangallo pointed out, these corflutes do have a use past coming down off Stobie poles, but ultimately they are going to find their way into landfill and we certainly do not want that. Of course, there is the visual pollution that we get from these corflutes as well. As the Hon. Laura Henderson said, no-one wants to be looking at politicians as they are driving down the street to get their loaf of bread.

It is very interesting, though, as to why this government has now, at the eleventh hour, decided that this is something that we have to do for our state. Many on the government benches here have voted against this very bill. But as we lead into a by-election in Dunstan, I would assume that the government does not want the public to be reminded of one particular corflute, and that was a corflute that was all over this state only a few years ago. That corflute said, 'Labor will fix ramping'. They have not. They do not want the people of Dunstan to be reminded of that, but we will be reminding the people of Dunstan about that and we will ensure that Labor does not forget it.

I am glad we are not going to see corflutes anymore, but I am disappointed that it has taken this political move from this government to enact this bill. With that, I commend the bill to the chamber.

The Hon. D.G.E. HOOD (12:28): I will start my contribution today, which will be relatively brief, in a way I do not think I ever have been before. I will not quote, but I will paraphrase the

Hon. Mr Simms, who unfortunately has just left the chamber for a moment. I thought he might enjoy that. Very early in his contribution he said that he made a phone call and he said that there was a Liberal bill in place, let's just dust it off and go with that. That is exactly what we are doing. We are using a Liberal bill that has been in place for some time now. I think it was May last year when it was presented to the other place by our leader, the member for Black, David Speirs.

I think one needs to acknowledge that our leader has had a particular commitment to this policy position on environmental grounds—not a political reason for doing it but on environmental grounds. In fact, so strong has his personal commitment been to this that, at the last state election, potentially to his own disadvantage, he actually did not put up any corflutes in his own electorate. This was apparently very well received by his constituents. I think that shows the genuineness of his commitment to this particular policy as we see presented in this bill as an environmental position. I think he deserves credit for that.

That said, the Liberal Party has been consistent on this position, but I should acknowledge that the Greens have also been consistent on this position for some time. In fact, the Liberal Party and the Greens are the only two parties in this place that have been consistent on this issue. It is something that, through bills, we have tried to—for want of a better word—ban corflutes in the electorate for some time now. We have not had any success because of course we have been opposed by Labor and some of the crossbench which, to my delight, appear to have changed their minds, on the crossbench especially.

It seems like finally this will get done and it is well and truly time, but it is I think something that the Liberal Party can be proud of because not only have we moved this consistently for some time now but we were responsible back in September 2020 when we were in government for banning the sale, supply and distribution of single-use plastic straws, cutlery and drinking implements. So this is a trend, this is something that our party has been committed to for some time.

Single-use plastics are a blight on our society. They are an unnecessary environmental hazard and something which just by literally passing this bill we can have a very substantial and positive impact upon. I think so committed have we been to these policies—in fact, as I said, we enacted the single-use plastics withdrawal of straws and the like when we were in government and we have been consistent on this corflute issue—that I expect the Greens will be lining up for preferences at the next election. I have no doubt about that. We will probably just cement that in right now, which would be interesting and worthy of discussion, let's say.

I think the other aspect of this that needs to be emphasised, as my colleagues have and indeed most people across the chamber have, is that this is going to be a very popular move in the electorate. I think the general populace, the constituency of South Australia, is fed up with corflutes. There was strong support for Liberal moves to ban them a number of years ago but, as I said, we were not able to be successful because of the then opposition, the Labor Party, opposing of our bill, which I think was a mistake.

Finally, I think they have seen the error of their ways. Why they have seen the error of their ways is a whole other discussion and I think my colleagues have highlighted there might be a certain seat called Dunstan in play in the very near future. I am sure that is the genuine motivation for their change of position, but regardless in the end it is the right decision and it is one that I strongly support.

In fact, not only is it supported broadly in the community but when the Liberal Party did community consultation on this matter late last year we had some 93 per cent of respondents, out of 474 responses, that supported a ban on corflutes—93 per cent. That is a very substantial number and this will be overwhelmingly popular in the electorate. They are a single-use plastic and it really is visual pollution. They can be misused as well. We have mentioned the 'Can you trust Habib' corflutes, which I think were the low point of politics in our state. It really was a disgraceful act and I think this banning of corflutes will go some way at least to preventing that sort of thing from happening again.

It is important to point out, and I think the Hon. Ms Franks might have pointed this out, that other jurisdictions across the nation—not all of them, but most of them—have now banned corflutes as well. They are not used in the way that we have been using them in South Australia for a very long time, so we are late to this party, if you like. We have been trying to get there, the Liberal Party

has been trying to get there for some time, and I think finally we are going to get there, which is welcome news.

The other thing that is important is that we have seen such a change in position from the Labor Party. The then opposition, the Labor Party, was so strong to the Liberal Party trying to ban corflutes that it is actually worth quoting some of the comments made by members at that time. I think it is important that that is put on the record for readers of *Hansard* to understand exactly the strength of the opposition by the then opposition to our government banning corflutes.

I quote from Chris Picton in the other place, the member for Kaurna, the current health minister, who said:

This is being done for one reason only: because the Liberal Party believes that it will help the Liberal Party's chances of retaining government at the next election.

Well, no, because we are still moving it in opposition. We are still moving that same thing in opposition, so I think that is quite unlikely to be the case. He also said:

It is very clear that the government believe that if they stop the display of these corflutes, then it will reduce the chances of their MPs being defeated at the next election. This is the reason why they have introduced this.

Well, no, we are doing it from opposition. He also went on to say:

I have never had anybody complaining to me about posters outside polling booths.

Or corflutes. I have had plenty of people complain to me. I find that interesting, to say the least. He said:

This will be very clearly a disaster for minor parties and for Independents who are seeking to get elected to this parliament.

When I was a member of Family First, I moved a bill in this place to ban corflutes. We were a minor party. We had two people at that time. It is a position I have held for a very long time. I think it is unnecessary. If somebody votes for somebody because they have a face on their corflute, a particular poster on a pole, then that is not a good reason to vote for somebody. I do not think they win you any votes at all. They may create awareness that there is an election on, but really that is the Electoral Commission's job, not a political party's job to inform people there is an election on.

I think it would be remiss if I did not quote some from our fearless leader on the government benches at the moment, the Attorney-General, who said, and I think he will enjoy this:

It is clear that the Attorney—

and he is referring, of course, to the previous Attorney-General, Vickie Chapman—

thinks there is some sort of political advantage, perhaps it will be to the detriment of minor or smaller parties who often use corflutes as a cheap and effective way to get their message and their branding out. Maybe the Attorney thinks she can wipe out minor and small parties with this. Well, we are not going to be a party to these anti-democratic measures.

With great respect to the Attorney, he has obviously had a complete change of heart, one which we all welcome, but I do look forward to him explaining to the chamber exactly why he has changed his position. The change of position is welcome. If it was the Hon. Mr Simms' letter, congratulations. It is a Liberal bill. We are very glad that it is about to pass this chamber, and I think we have all had a bit of fun with this but the sooner it passes the better.

The Hon. J.E. HANSON (12:36): I want to get up and have a good conversation. I have two minutes granted by my leader. Thank you very much, leader. That is very gracious of you. I think this bill is well named: control of corflutes. Vale corflutes? Well, without another letter from Mr Simms, who knows? They might yet still pop up around the place from time to time on various things, and they might still be useful at the odd fundraiser where people do tend to love having a signed corflute, and they do work quite well.

Perhaps, in feeling like I do about this, there is a bit of sadness. It is the end of an era. It is the end of corflutes. Politics generally involves getting your face up on a pole, and it seems like that will end. Maybe now it will just be bus stops, shop windows and other things. I am sure they will not use plastic for any of those, but in any event I do not think it will be end of politicians' faces, so maybe there is still a chance for B-grade Hollywood to have its day. In saying that, it is disappointing to me.

I have never really had my chance to have my face on a pole. I think I might have 12 corflutes lying around somewhere, but really that is about it.

The reason why I wanted to get up and actually have my say is to say thanks, and I know the Hon. Ms Lee did this as well. Anyone who has ever dealt with corflutes knows they do not go up easily. They do sometimes go up overnight, and that means that there are so many volunteers who assist in doing that. I have done that for many candidates across the years, and I have never done it alone. People do a great job—volunteers to our party—in getting them up, and then the unenviable task, the harder task, of getting people to volunteer to take them down.

I just want to say in this end of an era—very shortly and very quickly—to all those volunteers of all the parties, we will still need you for other things I am sure but no longer for corflutes on public roads and poles, and I want to extend on *Hansard* forevermore our thanks, certainly from the Labor Party and I am sure from every party in this place. To all our volunteers across the years, thanks very much.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:38): I will speak very briefly in support of the legislation that is currently before us. I think, as many contributions have pointed out, the views of parties and legislators have changed over time in relation to corflutes. There is no doubt about that.

Back a decade ago—I think it was 2014—a predecessor of mine, former Attorney-General the Hon. Mick Atkinson, had a bill before parliament that was opposed by the former Liberal Party. I am not sure whether there are any Liberal members still here and we could use the time of this chamber reading out quotes from people in *Hansard* or how they voted at the time, but the then Liberal Party voted against that bill.

In 2020, another one of my predecessors, the Hon. Vickie Chapman as Attorney-General, had a bill before parliament that included many things, including a ban on corflutes. Other things were included as well, like optional preferential voting in both houses of parliament, which I think was a characteristic overreach of the former Liberal government in terms of what they were trying to achieve with many, many things in one piece of legislation. Such is the divergence we have seen, even in this chamber on this issue, that in recent history we have had a party of two members who had different views on the banning of corflutes.

But a bill is currently before parliament, and more than any other individual I want to single out the Hon. Robert Simms for his fierce and staunch advocacy on this issue and the very persuasive way he has put forward his views to the Premier. I have also had the benefit of discussions with the Hon. Robert Simms over recent days, and I thank him for his persuasiveness and his ability to change minds. We will be supporting the bill as presented.

I also note that we will be supporting the amendments put forward by the Hon. Robert Simms. Amendments have also been filed by the Hon. Connie Bonaros. We understand the intent behind those amendments. We will not support them, but I will undertake to look at them, and we will have before us in this term of parliament other bills in relation to electoral reform.

There is a commitment to ban electoral donations, which will amend the Electoral Act. There will be, as there always is after an election and after the handing down of the Electoral Commission's report and recommendations, other electoral reforms, so we will have further opportunities to consider those. I look forward to the committee stage shortly.

The Hon. H.M. GIROLAMO (12:41): I thank everyone for their contributions. It is great that the Labor Party has finally seen the light and view this as a good thing for democracy, and good for many people in South Australia who detest corflutes on Stobie poles and on everything in between. Our leader the Hon. David Speirs has been a fierce advocate for this for a very long time and, as many have mentioned, took a risk in the last election by not having corflutes, but I do think that this is a good day for all of us. Thank you to the Greens in particular who supported this in the last parliament and for their advocacy in this space. It is good to see everyone in agreement.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms-1]—

Page 2, after line 12 [clause 2(1), after inserted subsection (2a)]—Insert:

- (2b) Subsection (2a) does not apply to the exhibition of—
- (a) an electoral advertising poster by a person holding the electoral advertising poster (either directly in their hands or by holding an implement or device to which the poster is attached); or
 - (b) an electoral advertising poster that—
 - (i) is not attached to a building, hoarding or other structure or fixture on a public road or road related area; and
 - (ii) is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held; and
 - (iii) is exhibited immediately before, during or immediately after the designated event or activity, provided that the electoral advertising poster is not exhibited at, or in the vicinity of, the place for more than 6 hours; or
 - (c) an electoral advertising poster—
 - (i) of a kind prescribed by regulation; or
 - (ii) in circumstances prescribed by regulation.

I spoke about this in my second reading remarks, so I do not intend to go into much detail around the purpose of this amendment other than to remind members that one of the concerns that we have with the original bill—the Hon. Vickie Chapman's bill, which then has been the Hon. David Speirs' bill—is that it is a feature of both of the bills that there could be some unintended consequences in terms of preventing candidates, politicians, from having A-frames at public events.

We were concerned about potentially prohibiting things like wobble boarding, those sorts of practices, which I know is something the opposition is very interested in—these things that are not fixed. We did not want to curtail those kinds of activities. There is the country show example and those sorts of events. That is why we have suggested that some of those things be carved out.

We have also added in an additional provision to give the minister the power to prescribe certain events or activities through regulation. That is because it is difficult to come up with a full range of scenarios where you might need to see exemptions. I mentioned some of the examples before that have been put to me. We thought it was important to see some level of flexibility. With a by-election coming up, were this bill to be put in place before that, that is a bit of a test case, too. It might be an opportunity to see how some of these things operate in practice.

The Greens have indicated to the government, and I am sure other parties in this place would agree, that if we see there are significant issues that come out of this bill that have not been anticipated, we would certainly be keen to revisit them in the parliament to make sure that we can tidy up any things that might have been overlooked.

The Hon. H.M. GIROLAMO: In regard to these amendments, we did have questions around the use of the six-hour mark. Our concerns are with the specific nature of the amendments, not necessarily not supporting them, because we do not want to see what you have just indicated occur or there being any challenges in that space. From an administrative point of view, how do you feel that this would be able to be monitored?

The Hon. R.A. SIMMS: When I developed this particular suite of amendments, at least amendments Nos 1 and 2, they were done in consultation with the then Attorney-General, Vickie

Chapman. I cannot remember, to be honest, how we arrived at the six-hour time frame. I think the intention was that we did not want to see the potential for, say, an A-frame to be left up overnight or something like that. The six-hour time frame is meant to capture a public event or a doorstep meeting, that sort of thing.

In terms of how this would be administered, I guess it is the same as every other element of the act. If someone sees a corflute or a sign that is there for a long period of time or positioned in a place that it should not be, it will rely on members of the public to make a report. That does tend to happen with corflutes at the moment, actually, if they are positioned in the wrong spot. I know I have been called up by members of the community saying my face is in a spot it should not be on a Stobie pole somewhere or whatever. I think the same principle would probably apply.

The Hon. K.J. Maher: There's heaps of snitching in this area.

The Hon. R.A. SIMMS: I did not hear that; I will have to follow that up later. I think the same kind of principle would apply. It would depend on members of the community making a report and raising the issue. The alternative, as the bill currently stands, is that those activities would be prohibited. That was our concern, so we wanted to carve that out.

The Hon. N.J. CENTOFANTI: I rise to make a contribution with respect to that question in particular. Obviously, there are a number of events that occur particularly in country areas. I am thinking field days and country shows, where signs often need to be put up for longer than six hours. I note that the Hon. Robert Simms also has an amendment that provides for regulation. I would like to place on the record that certainly the opposition would be keen for the government to consider some of these events to be able to be exempt via subordinate legislation or regulation.

The Hon. K.J. MAHER: I was not going to but I might just contribute very quickly. That is something the government, absolutely, is keen to have a look at, in two ways. Firstly, as the Hon. Robert Simms pointed out, if this gets passed in time it may apply to a by-election coming up, but certainly, as my previous contribution noted, there will be opportunities to revisit the Electoral Act again before the 2026 state election where anything we have missed or unintended consequences we can revisit.

That is also why I think it is particularly important that amendment No. 1 [Simms-1] provides for a regulation-making power. I think the 'road-related area' that is introduced in the Speirs bill but that was not in the Chapman bill under the Road Traffic Act enlarges the places this might apply to. It applies to public places. It is not my bill or my amendment, but my reading of it could mean something like a showground where you could drive a car. Whether it is lawful or not to do so, it is still captured by that.

It may have been under the Speirs bill that it might have been illegal to have an A-frame up at a field day or a country show for any time whatsoever, but I think that is why it is important to have the regulation-making power, and certainly we will be happy to work with members of parliament on what sort of things—bumper stickers, if there is an argument, could be included—we regularly do to inform the public of what we are doing and where we are that ought to be excluded by regulation.

The Hon. C. BONAROS: Just to seek some further clarity from the Attorney when he says he is undertaking to have those considerations, I raise two issues. One is the inequities when it comes to minor parties and Independents in particular, and there is also the issue of corflutes for federal elections being dealt with by way of single-use plastics bans. I am assuming from the Attorney's comments that he is very open to addressing any inequities that may exist when it comes to Independents and minor parties—and I hope favourably—but does that also extend to the single-use plastics bans and federal elections?

The Hon. K.J. MAHER: I do not think I mentioned it, but I know I have had a discussion with the honourable member and, as we have seen even earlier in this week, we have had good outcomes for the state of South Australia when we have worked with the crossbench to examine issues, and we are more than willing and happy to do that again.

We may traverse it when we get there, but in relation to the federal ban, absolutely we are happy to consider it. I think the way the amendment may be drafted—and I have only had a brief

look at it—might still allow things like cardboard or tin or canvas to be used for federal elections but not state elections, so there would be that disparity, but we are happy to have a look at that.

There is also how it might apply to local government elections and certainly the concerns the honourable member has raised in terms of the number, depending on whether you have a lower house or an upper house candidate or just one of those, we are more than happy to have a look at.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 2 [Simms-1]—

Page 2, after line 16 [clause 2(3), inserted subsection (4), before the definition of *electoral advertising poster*]—Insert:

designated event or activity means—

- (a) an assembly within the meaning of the *Public Assemblies Act 1972*; or
- (b) an organised gathering, meeting, function or event relating to an election; or
- (c) a person canvassing for votes relating to an election; or
- (d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations;

This amendment deals with the issue I flagged previously, which is around designated events, things like protests, gatherings and the like. One of the things we in the Greens were concerned about in relation to the previous Vickie Chapman bill—but it is also a feature of the David Speirs bill—was the potential for the bill to prevent people from standing on North Terrace with a placard or holding placards at protests and the like. We wanted to ensure that those things were protected, so that is what this amendment does.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 3 [Simms-1]—

Page 2, lines 17 to 22 [clause 2(3), inserted subsection (4), definition of *electoral advertising poster*]—Delete the definition of *electoral advertising poster* and substitute:

electoral advertising poster means a poster, notice or sign displaying an electoral advertisement;

This broadens the definition of what is an electoral poster so that it is not contingent just on the material that is used. This is the issue that I flagged earlier in my second reading remarks where when these changes were brought into place for the local government elections you then had some local government candidates trying to circumvent the new rules by having cardboard signage put up or signage made from other materials. I think that was not what the parliament was intending, so this just broadens the definition. It will ensure that cardboard, metal, fabric and other materials are not being used to defeat the intention of the bill.

Amendment carried; clause as amended passed.

New clause 2A.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros-1]—

Page 3, after line 2—Insert:

2A—Insertion of section 115AA

After section 115A insert:

115AA—Regulation of electoral advertising posters for Commonwealth elections

- (1) A person must not, during the relevant period for a Commonwealth election, exhibit a designated electoral advertising poster on a public road or road-related area (including any structure, fixture or vegetation on a public road or road-related area), unless the poster is made from a biodegradable or compostable material approved by the Australian

Bioplastics Association (or a successor body recognised by the Minister responsible for the administration of the *Environment Protection Act 1993*).

- (2) Subsection (1) does not apply to the exhibition of—
- (a) a designated electoral advertising poster by a person holding the poster (either directly in their hands or by holding an implement or device to which the poster is attached); or
 - (b) a designated electoral advertising poster that—
 - (i) is not attached to a building, hoarding or other structure or fixture on a public road or road related area; and
 - (ii) is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held; and
 - (iii) is exhibited immediately before, during or immediately after the designated event or activity, provided that the electoral advertising poster is not exhibited at, or in the vicinity of, the place for more than 6 hours.

- (3) In this section—

designated electoral advertising poster means a poster, notice or sign containing matter calculated to affect the result of a Commonwealth election (as the case may be);

designated event or activity means—

- (a) an assembly within the meaning of the *Public Assemblies Act 1972*; or
- (b) an organised gathering, meeting, function or event relating to an election; or
- (c) a person canvassing for votes relating to an election; or
- (d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations;

public road means a road within the meaning of the *Road Traffic Act 1961*;

relevant period, for a Commonwealth election, means the period commencing at 5pm on the day before the day of the issue of the writ or writs for the election and ending at the close of polls on polling day;

road-related area has the same meaning as in the *Road Traffic Act 1961*.

I spoke to this amendment during my second reading contribution and heard from many honourable members in this place about the staunch and fierce advocacy that they and their parties have taken on the issue of single-use plastics. Basically, I have said that if we are going to ban corflutes, let's ban them across the board. In local government elections you cannot have them and now we are implementing that here and it is only appropriate that we look at what we can do when it comes to federal elections.

I note in particular the contribution of the Hon. Nicola Centofanti, and the question has arisen about where we have stood previously on this. The Hon. Robert Simms, when it comes to single-use plastics, has been a fierce advocate of their ban, as has the Leader of the Opposition in the other place, particularly when the opposition were in government. Not only did he take on the issue of corflutes, as others have done before him, but I think, much to my surprise at the time, he fiercely took on the issue of single-use plastics.

Just on the issue of those federal politicians, I note that when the Hon. Mr Simms spoke on this during the last debate he reminded us that two former ministers at the time, Minister Kate Ellis and Liberal Minister Christopher Pyne, had argued for corflutes to be banned. Back in 2019, the Hon. Robert Simms reminded us that Kate Ellis, of the Labor Party, told *The Advertiser*—and he quoted directly from her statement:

It is a massive amount of resources, the public don't particularly like them and it's a huge distraction for the first week of the campaign.

Your office gets inundated with calls about, 'you've got too many posters here, or you don't have enough posters there'.

Wouldn't it be great if we had an election campaign where we were talking about the issues that were going to be determined and how that would impact on our community?

There are too many of these signs, they don't really serve much purpose and we have this debate every couple of years; the rest of the country do not do this the way that we do.

Get rid of them, I say.

They were the contributions made by a former Labor minister. The Hon. Rob Simms also referred to the comments made by a former Liberal minister at the time, so this is something that has very much been topical amongst our federal colleagues from all political parties represented here today. Frankly, I think, thanks very much to the exceptional work of parliamentary counsel, we have found a way of resolving the problem for everybody and that is by banning commonwealth election posters where they are using plastic as opposed to biodegradable or compostable materials.

If they do manage to come up with a poster that uses biodegradable or compostable material, then, under this amendment, they would be more than able to display those, but if, as we have said time and time again and have all acknowledged, aside from the posters being an eyesore and the general sentiment in the public of not liking them, we are genuinely concerned about the environmental impacts then, thanks to the creative work of parliamentary counsel, we have found a very appropriate mechanism to deal with those environmental factors at all state levels of government when it comes to bans on election posters.

New clause negated.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:16.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Commissioner for the River Murray in South Australia—Mr Richard Beasley SC—
Report, 2022-23

Question Time

LIVE ANIMAL EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding live exports.

Leave granted.

The Hon. N.J. CENTOFANTI: Livestock SA, in December 2023, penned a letter to yourself and the federal agriculture minister, Murray Watt, seeking your support to revive the live sheep shipments out of Adelaide. Livestock SA, which is strongly opposed to the Labor government's ban on live export of sheep, say there is enough producer interest to load 50,000 SA sheep on boats already and that the required infrastructure to do so is still in place.

Feedback from the agricultural sector is that this policy—that is, the banning of live exports—is a very bad idea. Our trading partners are saying that it will cause irreparable damage to the industry. One interested constituent wrote to me and said:

The Government is only listening to the Greens and the activists at the expense of rural Australia and farmers.

The minister's Western Australian colleagues, agriculture minister Jackie Jarvis and Premier Roger Cook, have called the proposed ban on live exports an unnecessary burden and that the Prime Minister should reconsider. My questions to the minister are:

1. Has she responded to the letter from Livestock SA or met with representatives from Livestock SA on this important issue?

2. Does the minister and will the minister support the resumption of live exports out of Adelaide and if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I thank the honourable member for her question. As she has referred to, this is a proposed ban by the federal government. My advice is there is no current legislative reason why live exports could not depart from South Australian ports, but the reality is that, according to my advice, there has been no live export of sheep from South Australian ports since 2018. That is clearly a commercial decision that is being driven by industry and commercial matters.

LIVE ANIMAL EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): Supplementary: given there are no legislative impediments, will the minister support the resumption of live exports out of Adelaide?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): This is a matter for the market to decide. Nothing is preventing the market from doing that now.

AUSTRALIAN FOREST AND WOOD INNOVATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding Australian Forest and Wood Innovations.

Leave granted.

The Hon. N.J. CENTOFANTI: The federal government is currently assessing expressions of interest for two research centres, given the operational name of Australian Forest and Wood Innovations. One already exists at the University of Tasmania and, in total, the research centres will receive over \$100 million in funding from the Australian government over the next three years.

Mount Gambier has 140 years of history of growing and producing world-renowned forest products, with well-established research capabilities at the University of South Australia. Co-location with the Forestry Centre of Excellence aligns with the existing collaborative model for sector growth, industry legacy and vision for the future. Myself and the Hon. Ben Hood, Liberal representative for the South-East, have both written to the federal government in support of this proposal.

My question to the Minister for Primary Industries and Regional Development is: given the strategic importance of applied research development innovation in the forest and forest products industry and the Green Triangle, can the minister inform the chamber what support she has given to the proposal for a federally funded research centre to be co-located in Mount Gambier with the Forestry Centre of Excellence?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I am absolutely delighted that the opposition has finally acknowledged the importance of the industry that is the forest industry sector in South Australia. It is wonderful to find that they have discovered that this is important in terms of its economic contribution, in terms of the number of jobs it provides and also in terms of its identity in the South-East.

Of course, we know that those opposite went to the last state election without a forestry policy, without a forestry policy at all. The then minister responsible didn't turn up to the forum that was in Mount Gambier and sent a video message that looked like it had at least 10 different takes through it, such as his familiarity or lack thereof with the topic. We know that those opposite occasionally pay lip service to the importance of the industry, so I am glad that there is finally some level of interest.

The Forestry Centre of Excellence, of course, is about bringing together various funding streams. It was an election commitment of the now Malinauskas Labor government. It's something

that is incredibly important. We have huge reserves of expertise in terms of research, particularly around genetics, for example, but not confined to that and so working with the federal government and the funding is a key part of what we are doing in the South-East.

AUSTRALIAN FOREST AND WOOD INNOVATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Supplementary: has the minister made any direct representation to her federal colleagues to provide support in regard to expressions of interest for the two research centres under the Australian Forest and Wood Innovations program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I am constantly having interactions with my federal counterparts. The very establishment of the Forestry Centre of Excellence and the work that we do with the Green Triangle forest industries hub and the various projects that have been put forward through that are all part of one coordinated policy initiative.

AUSTRALIAN FOREST AND WOOD INNOVATIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Further supplementary: has the minister made any formal representations to her federal colleagues in regard to the Australian Forest and Wood Innovations program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I have certainly seen a number of briefs. I will have to check whether the letter came directly from me or from the department, both of which are entirely valid ways of advocating on this issue.

BEE DEATHS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development on bee deaths in the Riverland.

Leave granted.

The Hon. N.J. CENTOFANTI: On Tuesday 6 February, in response to a question asked by myself, the minister declared that 'Naturalure...is not applied directly onto bees, hives or flowering plants where bees are foraging', and that, 'PIRSA conducts a risk assessment on properties where the agency is aware that managed beehives are present', and that, 'In communication with the landowner, Naturalure may be applied appropriately in those circumstances.'

In freedom of information documents obtained by the opposition, documentation about a phone call to the fruit fly hotline on 20 July 2023 states that:

A person has phoned up quite distressed. She has a registered beehive on the property and has allegedly witnessed a team member bait the hive today.

In a different FOI document about a separate phone call to the PIRSA fruit fly hotline three months later, it states that on 20 October 2023:

A person has called this morning. She has three beehives on the property and the team have left a card to say they have baited. The person said that she has had numerous conversations (with PIRSA personnel) and each time is advised that there would be no return for baiting; however the team returned.

So my questions to the minister are:

1. Is she aware of these complaints?
2. Given there have been repeated multiple complaints to her department, as well as to the minister herself, will she now commit to an independent review—that is, a review outside of her department and her government—into bee deaths in the Riverland?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I am certainly happy to take on notice the two inquiries that are being referred to, the apparent calls to the hotline, and bring back any additional information that

might be available. It is, however, worth emphasising again that there are many activities within the urban environment that can impact on bees. It is important to note that bees can be vulnerable to different herbicides and pesticides, including common garden products. In terms of the specific queries that the honourable member has asked, I will seek a response from the department.

CELLAR DOOR FEST

The Hon. M. EL DANNAWI (14:27): My question is—

Members interjecting:

The PRESIDENT: Order! I want to hear the Hon. Ms El Dannawi.

The Hon. M. EL DANNAWI: Thank you, Mr President. My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the Cellar Door Fest held at Adelaide Convention Centre this past weekend?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): I thank the honourable member for her question. Between 2 and 4 February, this weekend just past, thousands of festival goers enjoyed gourmet food, wine and spirits at the Cellar Door Fest, a premier showcase of our state's food and drink.

Celebrating its 13th year, this event brings together more than 100 of South Australia's food, wine and spirit producers to one venue in the heart of Adelaide. From boutique to well-recognised brands, the Cellar Door Fest offers attendees the opportunity to learn more about South Australia's wine regions, our emerging vibrant distillery scene and, of course, incredible produce. Indeed, this event also provides the inspiration to many attendees to plan a future visit to one of South Australia's wine regions.

The 2024 Cellar Door Fest provides a wonderful platform for exhibitors hailing from Eyre Peninsula all the way to the Coonawarra, and 15 South Australian wine regions were showcased at this year's event. The scale of our local industry is impressive. South Australia is home to 18 wine regions, more than 3,250 vineyard owners, 700 wineries and more than 340 cellar doors.

South Australia also produces almost 80 per cent of Australia's premium wine, produced from some of the oldest vines in the world, thanks to our rigorous biosecurity measures. The festival also featured the Great Wine Capitals discovery stage, which showcased some of South Australia's Best of Wine Tourism Award winners, some of whom I have spoken about in this place before, who have been recognised for their innovation and excellence in wine tourism.

The Best of Wine Tourism Showcase was hosted by wine personality Nick Ryan and featured McLaren Vale's Yangarra Estate Vineyard; Pindarie and Alkina Wine Estate from the Barossa Valley; and the Adelaide Hills' Mount Lofty Ranges and Sidewood Estate. Personally, I particularly enjoyed visiting the emerging producer zone, which showcases new talent from across the state who have been in the industry for only three years or less.

Cellar Door Fest is proudly supported by the South Australian government through the Department of Primary Industries and Regions South Australia and is an example of how our government is working hard to both support and promote our wine, food and spirits sectors.

CELLAR DOOR FEST

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:30): Supplementary: can the minister inform the house what expenditure is required to organise the Cellar Door Fest?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I am happy to take that on notice and bring back an answer.

CELLAR DOOR FEST

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:30): Supplementary: have any of the wine personalities mentioned in the minister's answers been sponsored in any form or shape, as in given any funding?

The PRESIDENT: You can answer it if you choose, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I am afraid the question is not clear.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The Hon. F. PANGALLO (14:31): I seek leave to make a brief explanation before asking a question of the Attorney-General about the ICAC investigation into John Hanlon.

Leave granted.

The Hon. F. PANGALLO: Today's *Advertiser* carries a story about ICAC's secret surveillance tapes, made during the bugging of the office of former Renewal SA boss John Hanlon. No secret: they were in the inspector's report tabled last year. The conversations published appear to be another attempt by ICAC, the DPP or the Attorney-General's Department to further smear Mr Hanlon and his former senior colleague Georgina Vasilevski and derail mediation, which is about to start in a civil action by Mr Hanlon. No mention is made anywhere in the article of the most damning findings by the inspector of institutional maladministration by ICAC while he conveniently absolved individuals responsible for the botched investigation.

Only in the last lines is it mentioned that neither Mr Hanlon nor Ms Vasilevski were convicted of any offence and entitled to the presumption of innocence. Neither a court, the inspector nor ICAC have ever seen Mr Hanlon's substantive defence to the charges levelled against him—only the DPP, and when they were viewed they folded. In an obvious plea deal to get something from nothing, former Renewal SA worker Stephanie Hardy pleaded guilty to unlawfully disclosing the ICAC investigation to Mr Hanlon and Ms Vasilevski, which was also caught on the secret surveillance tapes. She was not convicted. She walked away with a \$1,000 fine.

So, after a costly exercise leaving ICAC humiliated and facing civil damages, not one person has been or will be convicted of anything. Compare this to a similar matter of Mr Nick Fletcher, a pensioner in the South-East, publishing information about an investigation in an obscure blog in 2013. The definition of 'publish' was so broad that, when Mr Fletcher tried to get clarification, the government of the day instead moved to quickly fix it in 2014, capturing Mr Fletcher's offending retrospectively. No mercy was shown to Mr Fletcher, nor a plea deal. He was convicted and the fine was \$500,000—500 times that handed to Ms Hardy, with no conviction. My questions to the Attorney are:

1. Can the Attorney explain the chasm between these two offences, and was he aware of the plea deal?
2. Can he assure the chamber that the timing of the story as mediation begins wasn't the result of tip-offs from either his department, the DPP or ICAC?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I thank the honourable member for his question. In relation to a sentence or a fine imposed by a court, as I have answered questions from the opposition before, it is, as it should be, properly a matter for a court.

If a sentence is thought by the prosecuting authority, whether it be the police or the DPP, to be too lenient, there is usually an option to appeal the sentence that is given in a court. If a defendant considers a sentence or a fine manifestly excessive, there is always the possibility that can be appealed in a court as well. I have not taken the habit—and I am not going to start the habit today, I am afraid, Hon. Mr Pangallo—of commenting on why a court imposes a fine within the bounds of what we set down in parliament.

In relation to the honourable member's second part of the question that relates to a story in *The Advertiser*, I have seen the headlines. I have not read the story myself. I have had no suggestion that anywhere from government had anything to do with the publication of a story at all. The headline is all that I know about that story. I am not aware of any suggestion, apart from what has been raised today in parliament, that there was anything from government that had anything to do with any story in any media right now about the Hanlon case.

ABORIGINAL HERITAGE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:36): I seek leave to make a brief explanation prior to asking a question of the Minister for Aboriginal Affairs about the Aboriginal Heritage Act.

Leave granted.

The Hon. J.S. LEE: The opposition understands that there have been at least two section 23 requests for authorisation under the Aboriginal Heritage Act 1988 within the same region near Hawker that have recently been decided upon by the Minister for Aboriginal Affairs. The opposition also understands that these section 23 requests for authorisation have involved the same Aboriginal group claiming the same or similar cultural heritage values at each site.

The projects are Strikeline Resources (Taruga Minerals) Flinders Project, a low-impact exploration drilling program whose request for authorisation was rejected, and the Neuroodla Energy Project by Yadlamalka Energy, which is a large-scale infrastructure development project with far more substantial and permanent disturbance than that proposed by Strikeline Resources, which was approved. My questions are:

1. Through what process, and based on what information and recommendations to the minister, were the decisions made to either reject or approve these requests on each occasion in line with the Aboriginal Heritage Act 1988?
2. Were the decisions made on an equitable and merit-based approach; can the minister explain?
3. Will the minister release any details surrounding his decision?
4. Did the minister receive any independent advice from the South Australian Aboriginal Heritage Committee regarding the Flinders project, and if so, what was the nature of that advice?
5. Did the minister receive any advice from the Aboriginal Affairs and Reconciliation division in his department regarding the Flinders project, and if so, what was the nature of that advice?
6. Did the minister receive any advice from the Crown Solicitor's Office regarding the Flinders project and Neuroodla section 23 applications? If so, please indicate that advice.
7. How long did it take to make a decision on the Flinders project application for authorisation from when they initially made their application and, given that, does the minister feel that there are any deficiencies in the section 23 request for authorisation process under the act?
8. Is the Malinauskas Labor government's focus on establishing an Aboriginal Voice to Parliament influencing decision-making at all under the Aboriginal Heritage Act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): There were many questions throughout there, so I will try to answer as many as I can. I will start with the most recent: does anything in the First Nations Voice legislation that we passed last year influence considerations or decisions made under the Aboriginal Heritage Act 1988? The answer to that is no.

In relation to questions about was advice taken from the South Australian State Aboriginal Heritage Committee in relation to section 23 and section 13 applications, in this case yes and I think in all cases yes. Is advice received from the department in relation to such applications? I think in all my experience the answer is yes for those, as it is in this case.

The honourable member made a number of assertions and premises in coming to her questions, and I think the way she has expressed them is unfortunate and a fundamental misunderstanding of Aboriginal heritage in this nation if the honourable member thinks that two different sites, regardless of their geographic proximity, with two different projects have exactly the same Aboriginal heritage value and values to traditional owners. That is not the case, and it is a fundamental misunderstanding that I hope is accidental from the honourable member.

In relation to decisions that are made, they are made under the requirements of the Aboriginal Heritage Act 1988 to take into account relevant information that is put forward. Relevant information is sought under a consultation process under section 13 of that act from traditional owners and other interested Aboriginal persons. It is generally a very, very extensive consultation process that does take some time. As I have said, advice is then, as is the usual course of the process, sought from the Aboriginal Heritage Committee, and eventually it finds its way for a minister to make a decision.

FORBES PRIMARY SCHOOL

The Hon. R.P. WORTLEY (14:41): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the recent visit to Forbes Primary School?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41): I would be very happy to do so, and I thank the honourable member for his question. It was a great pleasure to recently visit the Forbes Primary School, accompanied by my colleague from another place the member for Badcoe, Jayne Stinson. It was a privilege to tour the site of the Forbes Primary School, located in South Plympton, a school that has a significant number of Aboriginal and Torres Strait Islander students.

The tour of the school began with a student yarning circle and included an impressive Acknowledgement of Country that was expressed through song and was followed by all students in the yarning circle introducing themselves, incorporating the Kurna language. As we sat in the yarning circle, students and staff highlighted their appreciation for the advocacy that the member for Badcoe has provided for their school, bringing particular attention to the upgrades of their sports facilities, particularly accessing South Australian Cricket Association grants for their cricket nets.

I was able to meet a number of students, one in particular who was a third-generation Forbes Primary School student. I was also informed about some of the notable alumni. Over the years there have been many members of the Forbes Primary School community who have gone on to do very important things. Members of the school today talked about the pride they have in the school. Some of the alumni that were mentioned include household names such as four-time Olympian Phil Smyth, Brownlow medallist and Australian of the Year Adam Goodes, and yonks and yonks ago, and less well-known for his athletic prowess, the broadcaster David Bevan attended the school, I was informed.

As we continued the site tour there was the opportunity to participate in the opening ceremony of the primary school's newly established bush tucker garden. The students and staff had been working very hard on the bush tucker garden for many months, even putting on the final touches and involving us in the painting of some of the planter boxes on the day of our visit. What made the garden very special to the students was not only that it was a reflective place to sit and talk but it was also designed with many of their own life stories and journeys, which was reflected through the paintings on those garden planter boxes.

Although I was unable to stay for the rest of the night, the Forbes Primary School were holding their Family Fun Night that evening, which has historically been praised for its diverse and vibrant atmosphere. I was able to see some of the displays during the afternoon's tour. This year the event included various games and activities and also featured stallholders and food trucks.

Outside of providing a wonderful event for students, parents and the wider community, I am advised that the Family Fun Night raised in excess of \$700, which will be put towards a new playground. I would like to thank all of the staff and the students, particularly the Aboriginal and Torres Strait Islander students, who are using language and keeping culture alive at the Forbes Primary School.

WALKER TOWER

The Hon. R.A. SIMMS (14:44): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Planning on the topic of the second Walker Tower.

Leave granted.

The Hon. R.A. SIMMS: Today, InDaily have reported on the negotiations between the Malinauskas government and the Walker Corporation over the building of a second tower on the Festival Plaza. InDaily reports that, and I quote from the article:

The Premier said there were 'a few different options kicking around' for the site but negotiations are currently focused on the commercial parameters of the new tower and what the public realm investment will be.

He confirmed the proposed building would be a mixed-use tower with retail and hospitality on the ground level and commercial and/or office space above.

The article goes on to state that:

Malinauskas said the 'quid pro-quo' with Walker Corporation was allowing them to go 'potentially a lot further in height'.

In 2021, it was reported that the state government contributed \$213 million of public money towards upgrading the area around the first Walker Tower. Then, in 2020, the *Adelaide Advertiser* reported that the first Walker Tower was exempt from rates during the construction phase as it was situated on Crown land. The article stated that this was estimated to have cost the City of Adelaide \$150,000 in lost revenue every year. I understand that SkyCity was exempt from rates during the construction phase because it was also on Crown land. However, the title was returned after construction was complete to ensure that SkyCity would be required to pay rates. My questions to the minister therefore are:

1. Will the government rule out using more public money to support a private development on Crown land?
2. If the second tower is built, will the government ensure that the development is required to pay rates to the City of Adelaide both during construction and after completion of the building?
3. What does the Premier mean when he refers to potentially going a lot further in height? How high can the Malinauskas government go?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I thank the honourable member for his questions. I noted that some parts of his introduction referred to decisions that I would assume were made under the previous government, given they were 2020 and 2021. In terms of the other parts of the question, I will refer it to the relevant minister in the other place and bring back a response.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (14:47): I seek leave to make a brief explanation before directing questions to the Assistant Minister to the Premier about Elliston Reserve, Hope Valley Reservoir and Highbury Aqueduct Reserve.

Leave granted.

The Hon. J.M.A. LENSINK: In September 2023, as has been spoken about in this chamber before, hundreds of pine trees of various species were removed in those two locations by PIRSA due to pine scale and the threat to South Australia's forestry industry. In recent weeks, local residents have received a letter from the assistant minister. My questions to the assistant minister are:

1. Did she send this letter in her capacity as parliamentary secretary to the Premier?
2. What funding sources were used to produce and post the letters?
3. Does the parliamentary secretary have responsibility for a project that is being managed by PIRSA?
4. Can she outline what long-term strategies and measures are being implemented to prevent future outbreaks?

The Hon. E.S. BOURKE (14:48): Thank you for the question. As members in this chamber would know, we are able to represent all South Australians by being in this incredible place in the upper house, and I take that role seriously and enjoy getting out and about and hearing from our community. I am more than happy to share information with the local community as I see fit.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (14:48): Supplementary: what were the funding sources used to produce and post the letters?

The Hon. E.S. BOURKE (14:48): I think I answered that question in my previous comments. As an upper house member—as we all do—we can communicate with our community.

The Hon. J.M.A. Lensink: And so we should.

The Hon. E.S. BOURKE: As we should.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (14:49): Further supplementary: why has the assistant minister signed the letter as assistant minister rather than merely MLC, and why is there a picture of the Premier and herself on this letter if it is in her capacity as an MLC?

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE (14:49): I think I have answered that question quite a number of times now. I am a member of the upper house and I am an assistant minister, and I think I have well and truly answered that question.

MARINE SCALEFISH FISHERY

The Hon. J.E. HANSON (14:49): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the government's recent announcement to continue fee relief for the marine scalefish fishery?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for his question. The South Australian marine scalefish fishery is an important contributor to the state's economy, to regional jobs, businesses and communities and, of course, supplies some of the most popular seafood species renowned for freshness, quality and sustainability.

The sector has gone through significant and difficult change in recent years. The marine scalefish fishery reform, commenced by the former Liberal government, saw a voluntary licence surrender program which removed 100 licences and the introduction of individual transferable quota (ITQ) for key species based on previous catch history, amongst other structural changes.

The reforms continued to roll out over the life of the former government, led into its final stages under the Malinauskas government. One of the more disappointing aspects of the reform process was undoubtedly the handling of exceptional circumstances for catch history by former Minister Basham, which led to lengthy processes to rectify and numerous SACAT proceedings, some of which found the former minister's policy had 'no legal foundation'. They also revealed that the pro rata policy of the former minister resulted in unjust and unfair outcomes and should not have been implemented.

However, notwithstanding some of the disappointing aspects of how the reform process unfolded under those opposite, as minister I certainly understand and support the principles of the reform, which were to create long-term sustainability and viability of fishing businesses. As part of the reform, the former state government provided assistance to the industry, including fee relief for licence holders for a four-year period, which was due to expire in 2023-24, or at the end of that time.

The overall fee structure was also set to be considered as part of the reform process and this work was done through a working group consisting of key stakeholders, including the MFA and rock lobster associations representing the main quota holders of the MSF.

Through the working group process, varying suggestions were put forward regarding the percentage split of base fees and quota-based fees. Considering the varying views within industry, the state government determined that a base fee of 30 per cent and quota fee of 70 per cent would apply, representing a middle ground between what the sectors were calling for and providing a fair

structure that will see a licence holder with greater access to the resource pay more than one with little access, which up until now has not been the case.

Though the Leader of the Opposition in this chamber has criticised the state government as it continues to roll out the reforms started by her government, despite it being rolled out very much as intended by the former government, it is fair to say that fisheries management is complex, with an overall focus of maintaining sustainable fish stocks and sustainable businesses.

Late last year, I was pleased to announce that the Malinauskas government would continue to support marine scalefish fishery licence holders with a further three years of licence fee relief in recognition of the difficulty of the reforms and the ongoing adaptation of industry to what are major changes.

The additional \$1.55 million of fee relief over three years is an important step in getting to a point where South Australian MSF licence holders are fully transitioned to a new system for doing business with ITQ and a new fee structure that is much fairer, and as a defining feature will mean that many licence holders will pay less than is currently the case. I look forward to seeing this key sector continuing to change and adapt as the important businesses they are for our state and in particular for our regions.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:54): Supplementary: given that licence fees contribute to compliance, when is the minister going to release the report of the independent cost-recovery bid to industry and stakeholders?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): Thank you. I answered that question earlier this week, and then I answered it again yesterday.

RIVERLAND WINE INDUSTRY BLUEPRINT

The Hon. F. PANGALLO (14:54): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about Riverland grapegrowers.

Leave granted.

The Hon. F. PANGALLO: As mentioned on Tuesday, last week I met with about 100 Riverland grapegrowers at Loveday to hear their concerns about the economic sustainability of their industry and the fears they have about their long-term futures. The minister and her department were one of the major funding sources of a report, the Riverland Wine Industry Blueprint, which outlined a 10-year pathway for the Riverland wine industry.

Releasing the report, the minister revealed the government has committed \$200,000 over two years to support the industry to implement the blueprint's recommendations. This is in addition to the \$100,000 provided to Riverland Wine, the local grapegrowers peak lobby group, to develop the blueprint. In the report's foreword, the minister states:

...the result of collective wisdom, drawing on contributions of regional and industry stakeholders...

On ABC radio on 1 February, the minister said she and her department had 'spoken to growers over the last year' in the development of the 10-year plan.

My question to the minister is: who exactly did the minister and/or her department consult with in the development of the report, which was largely funded by the taxpayer and the industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I thank the honourable member for his question. I think I did mention earlier in the week, but am happy to mention again, that we have been having meetings over close to two years now. Certainly, a key meeting was in November 2022 where we had a round table with the industry. I am afraid I can't remember off the top of my head who was at that. It was a room of about 20 or 25 people and included various growers, the industry association and winemakers, but I'm afraid I don't recall all of them to hand.

Since then, I have had multiple meetings in the Riverland, as well as meetings with associations here in Adelaide. There was a group set up to develop the plan and, as I understand it, that consultation was broad.

RIVERLAND WINE INDUSTRY BLUEPRINT

The Hon. F. PANGALLO (14:57): Supplementary: can the minister identify who was involved in implementing that plan, and why is it that many Riverland growers are saying that they knew nothing about the blueprint and were not broadly consulted?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for his supplementary question. I am happy to take on notice and bring back a more fulsome response, but I think it is also fair to say that communication with every individual is difficult for all governments, regardless of their colours. We know that CCW alone, for example, has over 500 growers.

The communications we attempt are through many different forms—obviously through the industry association would have been a key one, as well as through the usual PIRSA forums and formats, including online. I recall speaking about the blueprint on many occasions in various media. We continue to look at ways that we can engage even more closely. If there are suggestions for additional ways, I am always open to hearing them.

CROSS BORDER COMMISSIONER

The Hon. H.M. GIROLAMO (14:59): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development regarding the Cross Border Commissioner.

Leave granted.

The Hon. H.M. GIROLAMO: Ms McKinnon was appointed by the government to the role of Cross Border Commissioner in December 2022 and started in the role in April 2023. Twelve months after being appointed and some eight months after beginning the role, Ms McKinnon resigned in December 2023. My questions to the minister are:

1. Why did Ms McKinnon resign less than one year into the role?
2. When will a new Cross Border Commissioner be appointed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for her question. I think it's worth noting here that the commissioner is not a political role. Privacy around people's reasons for changing jobs I think should be respected. People change jobs for all sorts of reasons all the time. I think people change their jobs because of family reasons or because of health reasons. They change because of a particular affinity for a particular industry or they change for any number of reasons. I don't think it's appropriate that the former commissioner's personal circumstances should be the subject of scrutiny in this place.

CROSS BORDER COMMISSIONER

The Hon. H.M. GIROLAMO (15:00): Supplementary: when will the new Cross Border Commissioner be appointed?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): As soon as the recruitment process is complete.

CROSS BORDER COMMISSIONER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:01): Supplementary: has the recruitment process started?

Members interjecting:

The PRESIDENT: Order! I call the Hon. Mr Martin.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter! The Hon. Ms Girolamo! The honourable Leader of the Opposition!

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter! Enough!

HOMICIDE VICTIM SUPPORT GROUP

The Hon. R.B. MARTIN (15:01): It feels like that always seems to happen when I ask a question.

The PRESIDENT: The Hon. Mr Martin, you might provoke that. Now please ask your question.

The Hon. R.B. MARTIN: My question is to the Attorney-General. Will the minister please inform the council about his recent attendance at the annual Homicide Victim Support Group candlelight memorial service?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for his question. It was a great pleasure late last year to attend the Homicide Victim Support Group's annual candlelight vigil at St Augustine's church. The Homicide Victim Support Group SA is a group largely made up of volunteers who provide support to people who have lost friends or loved ones to homicide.

Chaired by Lynette Nitschke, the support group provides a critical network to guide families and friends of people tragically lost to homicide through the justice system and beyond, during what is certainly the most traumatic period in their lives. The loss of a family member or friend to homicide is, for most, unimaginable, but for those assisted by the support group it is their reality. The support group walks with these people gently and with great kindness and we are proud to support their work and have done so recently, with additional funding provided last year to boost the group's resources and ability to provide services.

Additionally, we have recently completed a round of consultation on a suite of reforms aimed at giving victims of crime a stronger voice in the sentencing process. We have a draft bill that we will be introducing to parliament this year that seeks to provide better opportunities for victims to provide a victim impact statement and to do so in the way that they choose. These proposed reforms complement other work to provide justice to victims, including restoring base funding to the Victim Support Service and particularly their core companion services I have talked about a number of times in this place.

As I said, it was good to have the opportunity to see the work of the Homicide Victim Support Group in action at the end of year candlelight memorial service and to be with them while they honoured their loved ones with so much strength and dignity. I thank the Homicide Victim Support Group for inviting me to share this occasion and for their work more broadly. I know that their incredible efforts have provided and will continue to provide comfort and guidance to those needing it during some of their darkest hours.

TANDANYA

The Hon. T.A. FRANKS (15:04): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs on the subject of Tandanya.

Leave granted.

The Hon. T.A. FRANKS: Tandanya, also the Tandanya National Aboriginal Cultural Institute, is well known to many South Australians. The management of Tandanya comes under the Aboriginal Lands Trust Act, and it has been for many decades something that many South Australians are rightfully proud of. Recently, it has come to my attention that Tandanya has been closed for some time, so my questions to the minister are:

1. How long has Tandanya been closed for?
2. What have been the reasons for its closure?
3. What meetings has the minister had with the Aboriginal Lands Trust in regard to its continuance, or any other bodies in regard to it reopening?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I thank the honourable member for her question. Again, Tandanya itself as an operational organisation falls within the Minister for Arts portfolio area but, as the honourable member has correctly identified, the building and the land on which Tandanya operates out of is part of the estate of the Aboriginal Lands Trust.

I have had a number of meetings with the Aboriginal Lands Trust on occasions where Tandanya has been discussed. I have also had the opportunity to have discussions, and I think I have one due in the coming days with representatives from Tandanya about where they are, and what they need in the circumstances.

I am aware that certainly areas of the building and large parts of the building—and sometimes the entire building—have been closed to the public in recent times with physical issues to do with the site. It is a very old building. I think some of the issues included the skylight windows at the top of the building, and other forms of maintenance that are needed. I understand that there is likely some work being done on a report to identify what infrastructure work needs to be done. As the member identified, it is property of the Aboriginal Lands Trust, but certainly as a government we are keen to understand what Tandanya need, and how we can help if possible.

ABORIGINAL AFFAIRS

The Hon. L.A. HENDERSON (15:06): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding Aboriginal affairs.

Leave granted.

The Hon. L.A. HENDERSON: The South Australian Aboriginal Advisory Council operated as the government of South Australia's peak advisory body on matters of Aboriginal affairs, and it ceased on 30 June 2023 in anticipation of the establishment of South Australia's First Nations Voice to Parliament. My question to the minister is: given that it will be around nine months since the cessation of the South Australian Aboriginal Advisory Council by the time of the State First Nations Voice election, what has been in place that is equivalent to the council to advise the government on Aboriginal matters since 30 June 2023?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the honourable member for her question. I can well remember when the South Australian Aboriginal Advisory Council was set up. It was set up in South Australia after the then Howard federal government abolished ATSIC around about 2004 from memory, which left a void of representation, and particularly advice, to be provided not just to the federal government but also—I was working within Aboriginal affairs policy at the time—it left a void in terms of state government representations from Aboriginal people and Aboriginal communities.

It was after the abolition of ATSIC that the South Australian Aboriginal Advisory Council was set up in South Australia, and that operated up until June of last year. As members would be aware, it was our intention to have the South Australian First Nations Voice elections occur in September of last year; however, once the date of the federal referendum was announced for October, and after representations from elders right across South Australia, we and the Electoral Commissioner agreed that the elections would be postponed until this year, and they will be happening, as I have mentioned before, on 16 March of this year.

In the intervening period between the end of June last year and March of this year, there are many people who have continued to provide advice to the government. I know members, and former members immediately before its cessation, and people who have been on the committee before regularly access—they have had my mobile phone number for decades and continue to use it to provide advice to me and to the government. I know that advice has been provided on a range of

issues through consultations we have held, not just on the First Nations Voice, but on a range of other matters.

But I think the fundamental difference we will see in the advice that was provided to government by the old South Australian Aboriginal Advisory Council and the First Nations Voice to Parliament is that the South Australian Aboriginal Advisory Council was appointed by the government of the day; the First Nations Voice will be selected from and by Aboriginal people to represent their communities to provide advice to government.

ABORIGINAL AFFAIRS

The Hon. L.A. HENDERSON (15:09): Supplementary: can the minister confirm whether he is saying that there has been no formal body that is the equivalent of the council that has been advising the government on Aboriginal matters since 30 June last year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): The honourable member stated in her question and I replied to her question that the South Australian Aboriginal Advisory Council ceased its formal functions at the end of June last year. As I have said, many members of that body—and many members have been members of that body before—I have appreciated have continued to provide advice to the government.

ABORIGINAL AFFAIRS

The Hon. T.A. FRANKS (15:10): Supplementary: does the minister find it a bit rich that the opposition, who want to abolish the State Voice to Parliament, are now concerned about there being no Aboriginal voices giving advice?

The PRESIDENT: That is probably not a supplementary question, but, minister, you seem to want to answer the question.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): It does strike me as a little bit odd, if not supremely hypocritical, that a political party that previously has supported a representative body, albeit partially appointed by the government, like the South Australian Aboriginal Advisory Council was, and partially elected like the whole of the First Nations Voice to Parliament is, the party that has changed their mind and now does not support that representation, seems now to be concerned about the representation of Aboriginal voices here. Not on this question, but I would caution the opposition sometimes on the way they frame and ask questions, and about the long-term view of how Aboriginal leaders will view the way they conduct themselves in this chamber.

AGTECH PRODUCER GROUPS

The Hon. T.T. NGO (15:11): My question is to the Minister for Primary Industries and Regional Development. Can the minister explain how the government is supporting the adoption of technological advancements in primary industries through the formation of AgTech Producer Groups?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12): I thank the honourable member for his question. The efficiency and productivity of Australian primary producers has long underpinned our national prosperity, and technological advancements have played a vital role in this. Technological innovation must be constantly monitored and continually developed, however, to ensure that our primary producers remain at the cutting edge.

In this context it has been estimated that the return on realising the potential of agtech in South Australia is currently \$2.6 billion a year in gross additional value of agricultural production. This is the economic benefit that we can harness as a state if new technological innovations are adopted that better manage our scarce resources amidst a changing climate. The South Australian government is investing in several programs that support both the development of technological advancements and their adoption in primary industries.

A new initiative in this latter space is the establishment of AgTech Producer Groups. This is a \$555,000 initiative that provides eligible primary producers with the opportunity to join AgTech Producer Groups, through which they can increase their knowledge and understanding of advancements in technology in a peer-to-peer learning environment.

Under this initiative, each AgTech Producer Group will be able to apply for funding for costs associated with activities that encourage or facilitate the adoption of agtech, up to a maximum of \$18,500, excluding GST, per group. Eligible costs include those associated with facilitating engagement, presenters, workshops, agtech training and travel to agtech demonstration farms, including PIRSA's research farms at Struan, Loxton, Nuriootpa and Minnipa, as well as private farms located on Kangaroo Island.

Interestingly, the initiative has been modelled on a previously successful program run exclusively for the red meat and wool industries at that time, which led to 75 per cent of participants making changes to their enterprises and 50 per cent either using data for the first time or improving their use of data in their agricultural production processes. However, unlike the Red Meat and Wool Growth Program, the AgTech Producer Group initiative will provide support across all primary industry sectors, including livestock, viticulture, horticulture, aquaculture and fisheries, broadacre and grains, forestry and other primary producers such as apiarists.

So far, I am advised that PIRSA has received expressions of interest from groups involved in viticulture, livestock, horticulture and seafood who wish to explore training on different technologies and courses on digital literacy as well as study tours. Expressions of interest are still open until Monday 19 February, and I encourage all interested primary producers to find further information about the AgTech Producer Group initiative and application forms on the PIRSA website.

AGTECH PRODUCER GROUPS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:15): Supplementary: can the minister advise the council when the next AgTech Growth Fund grants process will be available?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I don't have that information with me today.

AGTECH PRODUCER GROUPS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:15): Supplementary: can the minister take that on notice?

The PRESIDENT: I thought that is what she said.

The Hon. N.J. CENTOFANTI: She said she didn't have that information with her today.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I am just checking that I have not misled the parliament and whether I do have that information with me today, if you will bear with me a moment.

Members interjecting:

The PRESIDENT: Order! Minister, sit down.

The Hon. C.M. SCRIVEN: I was about to answer.

The PRESIDENT: I think you can provide the information later.

COVID-19 VACCINE MANDATES

The Hon. S.L. GAME (15:16): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health and Wellbeing, regarding COVID-19 vaccine mandates.

Leave granted.

The Hon. S.L. GAME: The ruling in *Shepherd v State of South Australia* by the South Australian Employment Tribunal favoured Mr Shepherd, a youth worker who developed pericarditis post a COVID vaccination. Additionally, an ongoing class action lawsuit involving 230 health

practitioners who are in mediation against SA Health for refusing the COVID-19 vaccine further intensifies concerns about the impact on both people's health and their livelihoods. My questions to the Attorney-General are:

1. How does the minister plan to confront a surge in cases challenging COVID vaccine mandates?
2. Does the minister acknowledge the risk of informed consent violations spreading across sectors as employers mirror health sector policies, leading to adverse reactions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I am happy to in large part answer this question without referring it on. As the member has talked about, the matter that was before the South Australian Employment Tribunal is an industrial relations matter, so I can provide some information about that.

The idea that the awarding of workers compensation rights for a work injury creates some challenge to the legitimacy of vaccines is just not supported by any evidence whatsoever. It is a bipartisan position that the Labor and Liberal parties have had in South Australia that the vaccination program during COVID-19, like vaccination programs that we have seen over decades around the world, was overwhelmingly a massive health benefit to society.

There are in many jurisdictions, for those very few, very rare cases where there are adverse reactions to the vaccine, vaccine tribunals that have been set up to recognise that there are very, very rare cases where individuals will have an adverse reaction, but overwhelmingly the societal effect it has on public health is that great that there are tribunals set up around the world for different vaccination programs to compensate.

There is a fundamental presumption in the Return to Work system that if you are injured as a result of what you have to do at work you are entitled to some sort of compensation and recognition of that. If you are one of those people who have had an adverse reaction to a vaccination, whether it be COVID-19 or another sort of vaccination, if it is required by your work the fundamental principle that that can be a work injury is not surprising or not startling, and it does not place, I think, any adverse reflection on COVID-19 vaccinations or vaccinations generally, which are one of the most effective public health programs that we have seen implemented worldwide this century.

Bills

ELECTORAL (CONTROL OF CORFLUTES) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 3.

The Hon. R.A. SIMMS: I move:

Amendment No 4 [Simms-1]—

Page 3, line 5 [clause 3(1), inserted subsection (1a)]—Delete 'Without limiting subsection (1)(e) but' and substitute:

Notwithstanding any other provision in this Act, but without limiting subsection (1)(e) and

The CHAIR: The Hon. Mr Simms, we believe that is actually consequential to an amendment that you have had passed.

The Hon. R.A. SIMMS: Is it? Good; I rest my case.

The CHAIR: According to the Black Rod you can rest your case.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 5 [Simms-1]—

Page 3, line 13 [clause 3(1), inserted subsection (1a)(a)(i)]—Delete 'on behalf' and substitute 'with the consent'

I spoke about this a little bit in my second reading remarks. This deals with that issue I spoke of earlier where there is a scenario that could exist where one party seeks to put out negative materials masquerading as another political party's materials and that could be seen to fill their permissible number of corflutes or posters. This amendment would actually require the consent of the candidate so that we can make sure that practice does not occur. It is really just a safeguard.

The Hon. H.M. GIROLAMO: I have some questions in regard to this amendment. We do not necessarily support the change because we have concerns that 'with the consent' could be misused as well. From your reading and your, I guess, advice, could that be used by third parties such as unions or other groups with the consent of the member for a particular seat?

The Hon. R.A. SIMMS: I do not think there would be anything to stop a candidate from providing their consent for someone to put up materials on their behalf, but that would, of course, count towards the number of materials they would have at a relevant polling place. That is my understanding of how that would work in practice. In terms of how the consent would be obtained and so on, we do not speak to that in our amendment. It could be done through some sort of form or something like that that a candidate is required to fill out to make it clear that they have authorised the corflute going up.

The concern we have with the way the law is currently written—'on behalf of'—is that someone could say, 'I'm doing this on behalf of so-and-so candidate', and it is difficult to confirm whether or not that is the case. So we just wanted to provide that extra layer of protection.

The Hon. K.J. MAHER: From our point of view, we have the same interpretation as the Hon. Robert Simms, that 'on behalf of' does not necessarily apply any sort of consent. For example, if the Liberal Party in the by-election had 12 corflutes allowed within 50 metres of a polling booth and a third party put up a sign saying, 'The Liberals, not as terrible as they used to be,' or something like that, on behalf of the Liberal Party, that could conceivably count towards the limit of 12 that they are allowed, even though they would not wish for them. With the idea of 'with the consent of' it takes that possibility away. Like the Hon. Robert Simms, I now rest my case.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 6 [Simms-1]—

Page 3, line 15 [clause 3(1), inserted subsection (1a)(a)(ii)]—Delete '6' and substitute '12'

That is self-explanatory; it is doubling the number of corflutes on polling day. We were concerned that six might be too prohibitive, particularly if you had some large polling places, and we are of the view that it should be doubled to ensure that candidates and political parties can have a decent presence on the election day itself.

The Hon. H.M. GIROLAMO: As a party we would prefer to stay at six versus 12 but we understand the government has indicated its support for this. We do not think this is a particularly Green amendment for you, Mr Simms, going from six to 12, but I appreciate that the main intention of this bill is to ensure that the majority of corflutes on Stobie poles and other areas are removed. With that, and given the government support, I would like it noted for the record that we would like to see as minimal a number of corflutes as possible.

The Hon. K.J. MAHER: The government will be supporting this amendment. I think similar amendments flow from this one and others up until other amendments that replace six for 12. We are persuaded by—I think the Hon. Robert Simms mentioned perhaps in the second reading that there are polling booths that have a number of different entrances; schools and others will have different entrances before you get to the polling booth entrance itself. In terms of Green credentials, I am sure we might even see the Greens having their posters on some sort of hemp fabric or something else in the future.

The Hon. C. BONAROS: Just to confirm for the record—and I will deal with this when I speak to my amendment, and I appreciate the outcome has already been decided, but I will still deal

with it now. When we say under either scenario 12, that is in an instance where you have a party that is running a candidate in a lower house seat and an upper house seat, a total of 24 that can actually be displayed at that booth.

There is no requirement that the 12 that are for the lower house candidate—there is no prescription around what they are to contain, so there is nothing actually preventing all 24 of the corflutes, if the party chooses to indeed take 24. It seems like a bit of overkill but if you had 24 at a booth there is nothing in there that would actually require the 12 to be for an individual candidate running in the lower house and not just for the party that they are representing.

You could have 24 generic corflutes that advocate for the election of a person to that party at that booth. There is nothing requiring that 12 of them have the individual who is running for that lower house seat on that material. I suppose that goes to the heart of what I will move as an amendment, which I have had discussions with the government about.

The Hon. R.A. SIMMS: I might just respond to some of the issues that have been raised. I do understand the point that the opposition is making. I guess, in considering the bill, we formed the view in the Greens that the election day itself is kind of the main attraction and it made sense to have more material there on election day. Particularly given the fact that some polling booths have multiple entrance points, you do not want to have a situation where people are not able to have a significant presence on the election day itself.

I do understand the point that the honourable member has made but on balance we thought it was better to have a bigger presence on the election day, recognising, of course, that we are reducing all of that other waste and domination of the public space during the election period on Stobie polls and the like.

To address the point of the Hon. Connie Bonaros, the Greens are not supportive of her amendment. I did give this a little bit of consideration. I do understand the point the honourable member is trying to make, but at the same time while she has indicated that there is a potential issue that arises where a political party that is running a candidate in the lower house and a series of candidates in the upper house could have up to 24 corflutes, conversely I think the Greens could see it as being quite unfair if one single candidate is getting the same number of corflutes individually as a political party outfit. Indeed, that does seem to offend the principle that was in the original Vickie Chapman bill and also in the David Speirs bill. On that basis, we are not supportive of the honourable member's amendment.

The Hon. C. BONAROS: I think it is a bit of a stretch to say it offends the principle, because if you are one of these parties you could be running those corflutes at multiple booths across the state. You could have one of the parties with 24 corflutes at every booth where they choose to run a candidate, as opposed to the Independent or minor party that is just promoting their own party. I do not think it offends any principle, with respect.

However, I want to clarify that it is the member's understanding that in doing so there is no requirement in there that if it was me and I put 'SA-Best' on a corflute, then I would not necessarily have to distinguish between SA-Best lower house candidate and SA-Best upper house candidate. I could just write 'Vote 1 SA-Best', put it in a booth and put it on display on election day in the requisite spaces.

So there is nothing limiting the 12 to the lower house candidate who is actually running. That is the point I am making. You are getting 24 in total but they could be 24 'Vote Labor', they could be 24 'Vote Liberal', they could be 24 'Vote Greens', they could be 24 'Vote SA-Best'. There is nothing in there that actually requires you—you make your own judgement call about what you put on that corflute. But, in total, the suggestion is that you can have 24 in every other instance except for those individuals who are running for one chamber only. That is the point I am making.

The Hon. R.A. SIMMS: Yes, I accept the honourable member's point and, yes, her interpretation is the same as mine. I guess, though, conversely, I would argue that were the Hon. Connie Bonaros's amendment to succeed, you could have a situation where one candidate has 24 corflutes stating 'Vote 1 X Independent member', versus another candidate who is running who only has 12. That does not seem to be a fair proposition.

The Greens are not supportive of the amendment but if there are issues that come up and we notice them, were these changes to be put in place, say, in time for the by-election, there is an opportunity to review how things work and certainly down the track we are happy to tweak it and reconsider it if a compelling case can be made. But at the moment I am not persuaded by that argument.

The Hon. C. BONAROS: I thank the member for his response. I have not moved my amendment yet, so I will speak to that when I get there, but as long as it is crystal clear: when it is left to the discretion of the party to determine who or what they will put on their corflute, it is exactly that. If they want 24 corflutes with Jane Smith's name on there, saying, 'Vote 1 Jane Smith for the [I do not know what] party', then that is entirely at their discretion. There is no inequity there. It is based purely on the discretion of the political party to choose what it is that they will put on those 24 corflutes.

The point is that you have 24 of them, you choose what goes on them, and the same should apply to everybody who is running for re-election at the same time. That is the underlying principle and the equity issue that this amendment seeks to address. I will speak to it further when we get to the amendment.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 7 [Simms-1]—

Page 3, line 16 [clause 3(1), inserted subsection (1a)(a)(ii)]—Delete 'on behalf' and substitute:
with the consent

Amendment No 8 [Simms-1]—

Page 3, lines 21 to 23 [clause 3(1), inserted subsection (1a)(b)(i)]—Delete inserted subparagraph (i) and substitute:

- (i) it is exhibited—
- (A) in the case of a group of candidates—by a member of the group or with the consent of the member of the group whose name on the ballot paper is at the top of the group; or
- (B) in the case of any other candidate—by or with the consent of the candidate; and

I note that these are really consequential amendments. They do relate to the issues around consent of candidates that I have already ventilated. I guess just to highlight for members, in relation to amendment No. 8, this would ensure that permission is required from the lead candidate in relation to a group of Legislative Council candidates, to avoid a situation where you could have conflicting sets of permission that are given by multiple candidates who share the same total cap of posters.

For instance, you could have a ticket where you have four members running for the Legislative Council. We want to avoid the situation where there is confusion if the No. 2 on the ticket says, 'Yes, it's fine to distribute these corflutes' but the No. 1 has not actually signed off on that and provided permission. We are just trying to clarify those arrangements. Again, it goes to that point that I talked about earlier in terms of making it crystal clear whether or not the candidate has consented to the distribution of material.

Amendments carried.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros-2]—

Page 3, lines 24 to 34 [clause 3(1), inserted subsection (1a)(b)(ii)]—Delete subparagraph (ii) and substitute:

- (ii) —
- (A) in the case of a group of candidates—
- if the group is endorsed by a registered political party and a candidate endorsed by the party is standing for election in the House of Assembly district in which the poster is being exhibited—no more than 12 electoral advertising posters are exhibited by a member of the group or with the consent of the member of the group whose name

on the ballot paper is at the top of the group within 50 metres of an entrance to the polling booth; or

- in any other case—no more than 24 electoral advertising posters are exhibited by a member of the group or with the consent of the member of the group whose name on the ballot paper is at the top of the group within 50 metres of an entrance to the polling booth; and

(B) in the case of any other candidate—

- if the candidate is endorsed by a registered political party and a candidate endorsed by the party is standing for election in the House of Assembly district in which the poster is being exhibited—no more than 12 electoral advertising posters are exhibited by or with the consent of the candidate within 50 metres of an entrance to the polling booth; or
- in any other case—no more than 24 electoral advertising posters are exhibited by or with the consent of the candidate within 50 metres of an entrance to the polling booth.

I have spoken to this amendment, obviously, throughout the course of this debate. It goes to the issue that I have just asked my colleagues questions on and also the undertaking provided by the Attorney, which I am hoping he will confirm in speaking to this amendment. Effectively, and for the purposes of the public record, we have had a change in numbers from six to 12 and so a total number of corflutes that are allowed increasing effectively under the new amendments to 12 for a candidate standing in their own right or 24 where there are multiple candidates running for election in both the upper and lower house.

This amendment, as I have said, seeks to address that inequity that I have spoken of. With respect to my colleague the Hon. Robert Simms, I do not agree with his summation and I accept that he does not agree with mine, but I hope that he will be open to further consideration as we explore these issues going forward in other pieces of legislation that are subject to more timely debates than this one is going to be.

What we do know—and for the reasons that the Hon. Robert Simms sought to increase that number from six to 12, with a total being potentially 24 at a booth—is that corflutes on election day do play a critical role. As much as we hate them, materials on election day do play a critical role. I would like to address a point, I think made by the Hon. Dennis Hood, that you do not vote for someone based on the face on a corflute. Nobody is suggesting that; that would be a ridiculous suggestion. The idea is on election day when you go to a booth we know, through history, that having a corflute there is a prompt reminder for voters of who is standing for election in that seat.

You do not need a face on a poster but they do work wonders in terms of reminding voters of what the options are and that is a tool that minor parties and Independents have been served best by more than anything else. That is what 20 years in this place has taught me in terms of all the elections that I have worked on.

The most critical thing is feet on the ground and corflutes on election day. They are important. It is not a face on a picture that makes people vote. It is underestimating and is in fact quite insulting to voters, I think, to suggest that they would vote for you because they see your face on a glossy picture on election day, but it is a very useful tool to remind voters what those options are. It has played a critical role in terms of the election of the crossbench in this chamber and we know that to be the case.

It has done so for a very long time, so whilst we accept that we hate these things leading into election day, they do have a very valuable purpose on election day and my position firmly is that no person—whether they are standing for a party or by themselves—should be disadvantaged by having less of a presence on election day. This amendment would effectively allow that party to have the same number, or that individual to have the same number, and it is completely at the discretion then of the political party to nominate what it is that they put on there.

If they want to put 24 posters saying 'Vote 1 for SA-Best' or 'Vote 1 for Labor' or 'Vote 1 for Greens' then so be it. That is their call and they will exercise their own judgement in doing that, but an Independent or minor party who chooses not to run candidates in both seats should be afforded that same entitlement.

The Hon. R.A. SIMMS: Just to reiterate, the Greens do not support the amendment for the reasons that I outlined earlier. I want to make the point that it is certainly not the intention of the Greens to disadvantage any small players or Independent candidates. Indeed, under the original bill, a sole candidate—that is, one who is standing just for one house—would only have been able to have six corflutes at the polling booth. Under this Greens amendment, they would be able to have 12. I do think, as a general principle, the number of corflutes should be proportionate to the candidate and should follow with the candidate's standing, so if each candidate gets 12 it seems pretty fair to me.

The Hon. K.J. MAHER: I will reiterate that we are happy to explore the issues that the Hon. Connie Bonaros has raised.

The Hon. H.M. GIROLAMO: In line with both the Greens and Labor, we are not supportive of the amendments but, as the Attorney indicated, if there is further exploration in this area then we will look at it in due course.

The CHAIR: The Hon. Mr Simms, we are going to get you to move your amendment No. 9 [Simms-1] because there is apparently a crossover so we need you to move your amendment before I put the Hon. Ms Bonaros's amendment.

The Hon. R.A. SIMMS: I move:

Amendment No 9 [Simms-1]—

Page 3, line 26 [clause 3(1), inserted subsection (1a)(b)(ii)(A)]—Delete '6' and substitute '12'

The CHAIR: The question I am going to put is that all words down to and including '6' in line 26 on page 3 stand as printed. If you are supporting the Hon. Mr Simms you are going to vote yes. If you are supporting the Hon. Ms Bonaros you are going to vote no.

Question agreed to.

The CHAIR: Now the question we are going to put is on amendment No. 9 [Simms-1].

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 10 [Simms-1]—

Page 3, line 27 [clause 3(1), inserted subsection (1a)(b)(ii)(A)]—Delete 'by or on behalf of the group' and substitute:

by a member of the group or with the consent of the member of the group whose name on the ballot paper is at the top of the group

This one is pretty clear.

The CHAIR: It is basically consequential, the Hon. Mr Simms, so well moved. I am going to put the question.

Amendment carried.

The CHAIR: The next amendment is amendment No. 11 [Simms-1], which is also consequential.

The Hon. R.A. SIMMS: I move:

Amendment No 11 [Simms-1]—

Page 3, line 31 [clause 3(1), inserted subsection (1a)(b)(ii)(B)]—Delete '6' and substitute '12'

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 12 [Simms-1]—

Page 3, line 32 [clause 3(1), inserted subsection (1a)(b)(ii)(B)]—Delete 'on behalf' and substitute 'with the consent'

Amendment No 13 [Simms–1]—

Page 3, lines 37 and 38 [clause 3(1), inserted subsection (1c)]—Delete 'is exhibited by or on behalf of a candidate in contravention of' and substitute:

exhibited by or with the consent of a candidate contravenes

Amendment No 14 [Simms–1]—

Page 4, lines 1 and 2 [clause 3(1), inserted subsection (1d)]—Delete 'is exhibited by or on behalf of a group in contravention of subsection (1a) or (1b), the candidate' and substitute:

exhibited by a member of a group or with the consent of the member of the group whose name on the ballot paper is at the top of the group contravenes subsection (1a) or (1b), the member

Amendment No 15 [Simms–1]—

Page 4, lines 6 to 10 [clause 3(1), inserted subsection (1e)]—Delete inserted subsection (1e) and substitute:

(1e) If an electoral advertising poster is exhibited within 50 metres of an entrance to a polling booth open for polling without the consent of a candidate or group required under subsection (1a), the person who authorised the exhibition of the poster is guilty of an offence.

Maximum penalty: \$5,000.

Amendments carried.

The Hon. R.A. SIMMS: I move:

Amendment No 16 [Simms–1]—

Page 4, after line 10 [clause 3(1), after inserted subsection (1e)]—Insert:

(1ea) Despite subsections (1c) to (1e), if the Electoral Commissioner is satisfied that a person has contravened subsection (1c), (1d) or (1e), the Electoral Commissioner may give the person a written formal caution against further such contraventions.

(1eb) Subject to subsection (1ec), if the Electoral Commissioner gives a person a written formal caution under subsection (1ea), no further proceedings may be taken against the person for the contravention in relation to which the person was cautioned.

Note—

The presiding officer at a polling booth may (under subsection (1f)) direct or cause the removal of an electoral advertising poster exhibited in contravention of this section (whether a written formal caution is given in relation to the contravention or otherwise).

(1ec) If, in relation to an electoral advertising poster exhibited in contravention of subsection (1c), (1d) or (1e)—

- (a) a person given a direction by a presiding officer under subsection (1f) to remove the poster fails to comply with a direction; and
- (b) the person is also given a written formal caution under subsection (1ea) in respect of the contravention; and
- (c) the failure to comply with the direction continues after the person is given the written formal caution,

nothing prevents criminal or civil proceedings from being taken against the person in relation to the contravention.

Just to refresh members' memories, I spoke about this issue in my second reading speech. This relates to the potential for the issuing of a warning before a fine. The amendment confers a discretion on the Electoral Commissioner to issue a formal written caution to a person who has committed an offence under the bill relating to having too many corflutes within 50 metres of the entrance to a polling place.

The intention behind this is to prevent a situation where an overzealous volunteer might place too many corflutes out there on election day or violate the rules. A candidate could be slapped with quite a significant fine and, indeed, the wording of the original bill goes straight to that. This would give the Electoral Commissioner the flexibility to issue a warning as well, noting that the existing

provisions in clause 3 of the bill remain and that would allow the presiding officer at the polling booth to remove the material, so there is no potential for that to be staying there and impacting on the election.

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 17 [Simms-1]—

Page 4, line 17 [clause 3(1), inserted subsection (1f)(b)]—Delete 'on behalf' and substitute 'with the consent'

Amendment No 18 [Simms-1]—

Page 4, line 22 [clause 3(1), inserted subsection (1f)(c)]—Delete 'on behalf' and substitute 'with the consent'

These are consequential, relating to the consent issue.

Amendments carried; clause as amended passed.

Schedule 1.

The Hon. R.A. SIMMS: I move:

Amendment No 19 [Simms-1]—

Page 5, line 11 [Schedule 1 clause 1(2), inserted paragraph (caa)]—After '(or is a poster' insert:

within the ambit of section 115(2b) of that Act or

Amendment carried.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms-2]—

Page 5, after line 13 [Schedule 1 clause 1]—After subclause (2) insert:

(3) Section 226(5)—delete 'this section' and substitute 'subsection (2a)'

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. H.M. GIROLAMO (15:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ABORIGINAL HERITAGE (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2024.)

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:50): I thank honourable members for their contributions on the second reading of this bill. As honourable members have pointed out, this does a number of things. Principally, it implements a commitment we took to the last election to increase a range of penalties in relation to breaches of the Aboriginal Heritage Act to bring it more in line with what happens in other jurisdictions interstate but also with what happens in other regulatory regimes, such as breaching environmental acts designed to protect the environment. It also clarifies and codifies some of the uncertainty that arose from the decision in the *Bilney v Kelaray* matter.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:53): I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Motions***PNEVMATIKOS, HON. I.**

Adjourned debate on motion of Hon. K.J. Maher:

That this council acknowledges the meritorious service to the parliament of the Hon. Irene Pnevmatikos since March 2018.

(Continued from 30 November 2023.)

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:55): I would like to add a few brief words to this motion, because much has already been said of the Hon. Irene Pnevmatikos's service to our state and to this place. I would like to acknowledge her many years of service to the union movement, her passion for workers' rights and her work in the multicultural sphere with those migrating to our state.

It is probably fair to say that Irene and I have expressed different points of view on some issues, but it is a strength of the Labor Party that there are so many more things that unite us. We can differ on some things while being united by foundational Labor principles. They include the right to suitable pay and conditions, the right to a safe workplace, equality of opportunity and social justice, just to name a few. They are things the Hon. Ms Pnevmatikos worked on very wholeheartedly, sincerely and passionately, and I think that is something that is worthy of noting.

Finally, I would like to share my sincere sorrow for the reason that has led to Irene's premature departure from this chamber and wish her peace and strength for the path that lies ahead.

The Hon. D.G.E. HOOD (15:57): I also rise to pay tribute to Irene Pnevmatikos's contribution to this place. The previous speaker, the minister, said she had a number of differences with Irene. I think it is fair to say I had very many differences with Irene on policy matters. Nonetheless, I found her to be an intelligent person, someone who was reasonably easy to deal with in terms of negotiating an outcome.

I served on a number of committees with her: the health services committee, the Social Development Committee, Budget and Finance, the gig economy committee and the Legislative Review Committee, where she was Chair for a while and I was Chair previous to that, so we did serve on a number of committees together. There may be others that have slipped my mind.

I always found her quite personable. As I said, we spent more time disagreeing than we did agreeing, but she did so, I thought, in a reasonable, decent manner. One of the things I grew to like and even admire about her at some level was that she really had a genuine passion for what she was doing; that is, she was here for the right reasons.

It was a relatively short time that she occupied the benches of this place, I think about 5½ years, being elected back in 2018, as my notes suggest. It was a relatively short time, but in that time she made a significant impact, and she did so with a genuineness about her. She was quite passionate about the issues she pursued. Obviously, in that relatively short time, she would not have had the opportunity to pursue all the issues she would have liked, but she did use that time effectively, I think. I grew to have a high regard for her.

She obviously has a very significant battle on her hands at the moment. I have been updated by her personally and then heard some accounts from others about where she is at at the moment. It is not great. No-one would wish that on anyone, and I take the opportunity to give her my most

sincere best wishes in what is this very difficult time for her and her family. I sincerely hope she comes through it and at the other side she is stronger and better for it. I just wanted to provide my absolute best wishes for her.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:59): In summing-up, I thank members for their thoughtful contributions on this motion. It is very clear from the words that have been spoken in this chamber that Irene was well loved and respected in this place and only slightly feared some of the time. In commending the motion to the chamber I just want to add a few brief words about the Hon. Irene Pnevmatikos.

As has been traversed, Irene came to this place following the 2018 state election after a long and distinguished career in the law. She was the first ever migrant workers' rights officer at what is now the United Workers Union before going on to the Trade Union Training Authority to continue her mission to empower workers. Her career in the law began as a review officer at the Workers Compensation Tribunal and then as a workers compensation practitioner for over a decade.

Whether here or in her previous working life, Irene has always been a voice for the voiceless, and I would struggle to name another individual who matches her passion for workers' rights and social justice. Irene is Labor through and through. Her inherent sense of fairness and equality shine through in all that she does, and she will never shy away from advocating for a fair go.

Irene reassured the chamber in her final speech in this place that we should not worry about what she had to say, because it was not likely to be anything we had not heard before. With Irene's track record as a fearless advocate it did not fill any of us with confidence that she would not be speaking some truths.

I am reminded—I think it sums it up—of one meeting I remember in opposition where the whole worker impairment scheme had been changed by the Liberal industrial relations minister at the time and Irene was firmly against the changes the Liberal Party had made. Irene had organised a group of industrial advocates and industrial lawyers to meet with myself as shadow industrial relations minister and the then Leader of the Opposition, Peter Malinauskas. We came into this room to the meeting Irene had organised, and Irene opened up the meeting by addressing the Hon. Peter Malinauskas and myself by saying, 'Now, you two are going to do the right thing, aren't you, by workers this time?' We literally had no choice but to follow the lead that Irene had made in no uncertain terms.

Her work in the industrial relations area is unparalleled. Her contributions are countless, and the Labor Party has been lucky and privileged to have been part of her life's work. She established and served on several parliamentary committees, including in relation to the gig economy, wage theft, repeal of sex work offences and ReturnToWorkSA, and has contributed very, very significantly to Labor's suite of reforms in this area, which we have been implementing since coming into government.

We will certainly miss Irene, her advocacy, her intelligence, her friendliness, her sense of humour and her fierceness. As has been mentioned, we know she faces a challenge with the battle ahead of her with her health, and on behalf of all members, in summing-up, we send her our thoughts and best wishes. I commend the motion to the chamber and express my deepest thanks and gratitude to our friend Irene for all that she has brought to this place.

Motion carried.

Bills

CONTROLLED SUBSTANCES (DESTRUCTION OF SEIZED PROPERTY) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:02): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

*Second Reading***The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:03): I move:**

That this bill be now read a second time.

I am pleased to introduce the Controlled Substances (Destruction of Seized Property) Amendment Bill 2024. This bill amends the Controlled Substances Act to enable the Commissioner of Police to authorise the destruction of prescribed hydroponic equipment (PHE) seized under the act. PHE refers to the equipment prescribed under regulation 9(1)(a) of the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014, being equipment that is, or may at some stage have been, capable of being used for hydroponic cannabis cultivation.

Where a police officer suspects on reasonable grounds that an offence against the act has been committed, the officer may seize and remove from the premises anything the officer has reasonable cause to suspect affords evidence of the offence. PHE is often seized as evidence in relation to a charge of possessing or supplying prescribed equipment under section 33LA of the act. It may also be seized as evidence in relation to the prosecution of more serious offences such as cultivation and trafficking offences.

Currently, the act requires seized PHE to be held pending proceedings for an offence against the act. The property value may only be destroyed once a court has ordered that it be forfeited to the Crown. The bill enables the Commissioner of Police to authorise the destruction of seized PHE prior to the finalisation of proceedings and without the need for the aforementioned court order.

The bill also provides a mechanism for the Commissioner of Police to seek a court order to recover the reasonable costs of destruction of PHE from a person who was convicted of an offence in relation to the destroyed PHE. This may include the costs of collecting, transporting and dismantling the PHE as may be reasonably required for the purposes of destroying it.

Schedule 1 of the bill contains transitional provisions. These make it clear that the Commissioner of Police may authorise the destruction of PHE in the commissioner's possession on or after the commencement of the bill, whether the equipment was seized before or after that commencement. The transitional provisions also clarify that the Commissioner of Police may only apply to the court for the recovery of the costs of the destruction of the PHE in relation to property seized after the commencement of the bill.

The requirement to hold PHE is resource intensive for South Australia Police and has resulted in a large and expanding value of PHE being stored awaiting finalisation of proceedings. This bill is intended to alleviate this burden by enabling the Commissioner of Police to authorise the destruction of PHE where appropriate and in accordance with guidelines developed with the Director of Public Prosecutions.

Retention of PHE is not necessary for the prosecution of an offence under the act. It is common and accepted practice to rely on secondary evidence of PHE such as photographs and video recordings during the prosecution of such offences. Further, given it is an offence to possess prescribed equipment without reasonable excuse, PHE would not ordinarily be returned to the person from whom it was seized.

A key objective of this bill is to free up police resources so that rather than seizing and sitting on pallets upon pallets of PHE, police can be out on the beat, fighting crime and protecting the community. This government will do what we can to effect improvement so that South Australia Police can operate as a modern and efficient police force for South Australia.

The 2022-23 Report on Government Services shows that South Australia Police has 238 operational sworn staff per 100,000 people, the most of any state and 8 per cent higher than the national average of 221, while satisfaction with services provided by SAPOL leads the country at 78.8 per cent, compared with the national average of 73.9 per cent.

This comes off the back of the recent South Australian state budget, in which the government committed more than \$12 million to an accelerated police recruitment course to hire 900 new officers

over three years and an additional 189 police security officers. I commend the bill to the chamber and seek leave to insert the explanation of causes without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Controlled Substances Act 1984*

2—Amendment of section 52E—Seized property and forfeiture

This clause provides for destruction of prescribed equipment for the purposes of section 33LA that is, or may at some stage have been, capable of being used for hydroponic cannabis cultivation and also clarifies the power to recover costs of destruction from convicted persons.

Schedule 1—Transitional provision

1—Equipment seized prior to commencement

The amendment allowing destruction of prescribed equipment applies to any such equipment in the possession of the Commissioner of Police on or after the commencement of the measure (whether the equipment was seized before or after that commencement) but the ability to recover the costs of destruction only applies to such equipment seized after that commencement.

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

STATUTES AMENDMENT (IDENTITY THEFT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2024.)

The Hon. T.T. NGO (16:08): I rise to speak in support of the Statutes Amendment (Identity Theft) Bill. The increasing phenomenon of identity theft and scamming offences is one of the greatest challenges of the 21st century. It is now 20 years since the legislative provisions for identity theft were first introduced in South Australia in 2003, and I acknowledge that a version of this bill was introduced by the former Liberal government in 2021.

The changing nature of Internet usage has been dramatic and so, too, has the increase in cybercrime and identity theft in the online world we live in today. As cited on the Australian Bureau of Statistics (ABS) website, in February 2023 a total of 13.2 million Australians were exposed to some sort of scam.

It is concerning that the number of Australians who experienced scams in the 2021-22 financial year increased from the previous financial year. The largest increases involved scam text messages, which increased from 23 per cent to 47 per cent of all reported scams. Scams occurring over the phone increased from 38 per cent to 48 per cent of all reported scams.

This bill improves the provisions in part 5A of the Criminal Law Consolidation Act to make it easier to prosecute identity theft and increase the penalties associated with this crime. There is an update of the definition in clause 3 of the bill, with a focus around information that is most often used online in relation to debit and credit cards. In 2022, more than 30,000 customers of the four big banks lost a combined \$558 million to scams.

This bill addresses a complex issue that requires contributions not only from governments at every level but also from our financial institutions, communication platforms and others. I want to make it clear that it is imperative that we do all we can to address this complex issue, which is one that no single measure is going to guarantee 100 per cent protection from.

It is of some consolation to the public that these amendments will support victims by making it easier for them to obtain verification from a court that they have been a victim of identity theft. The Magistrates Court will have the jurisdiction to issue a certificate to a person on the basis of the

balance of probability that the person is a victim of identity theft. This measure will assist victims to restore their ability to access credit and follow up with other agencies, such as telecommunications companies and so forth.

The bill inserts a new offence in the Criminal Law Consolidation Act of possessing or using another person's identification without a reasonable excuse. This new offence in section 144DA of the act places the onus of proof on the defendant to show reasonable cause for possessing another person's identification or information. The new offence is a summary level offence, carrying a maximum penalty of two years' imprisonment.

The fact is that identity theft offences are continuing to increase and are most often committed remotely from the victim. Consequently, there is often limited if any physical evidence, making this form of theft so much harder to track than other property theft offences. Although there has been a rise in exposure to identity theft, there has also been a decrease in the number of people responding to scams. As people have become more aware of the nature of scams, the victimisation rate reported by the ABS in February 2023 has dropped from 3.6 per cent to 2.6 per cent, which is promising.

These amendments, along with this greater public awareness, will help to tackle the complexities associated with scamming. The Statutes Amendment (Identity Theft) Bill will offer our community more protections from the malicious intent that continues to thrive in the ever-changing digital world. I commend this bill to the council.

The Hon. C. BONAROS (16:13): I rise to speak in support of the Statutes Amendment (Identity Theft) Bill 2023. As we have heard, it is not too dissimilar to the previous government's bill of 2021, which did not enjoy the support of parliament the first time around for a few reasons.

This bill does not include the removal of underage exclusions which relate to online gambling and video games, and that is a noteworthy omission from the previous bill. As I said at the time, our laws require updating, especially given the ever-changing face of identity theft. On the current laws it is a crime that can be difficult to prove and difficult for victims to clear their name of in the aftermath.

The ABS report on the 2021-22 financial year estimated that about 160,000 Australians aged 15 and over had experienced identity theft. Of this, 56 per cent was used to access money in a bank account, superannuation, investments and shares; 16 per cent was used to open accounts in another person's name, including phone and utility accounts; 7.9 per cent was used to apply for a loan or to get credit; and most of the remainder was used to provide false information to rent premises, to police, or to apply for government benefits.

The bill increases the penalty for possessing or producing prohibited material from three years to five years. The new offence shifts the onus on the defendant to prove why they were in the possession of another person's identity without reasonable excuse. I certainly have been very vocal, and remain so, in terms of changes to fundamental legal principles.

Whilst I do acknowledge the concerns that were raised by the Hon. Robert Simms yesterday, what we have seen over time in this place is that sometimes there are exceptions to the rule. My position at the time was that the former Attorney-General got it right, and I think the current Attorney-General has now got it right. It is accompanied by very sensible defences: if the person is a close relative, or the information is held by a person in the ordinary course of doing their job, or if the person in possession is power of attorney or guardian or administrator.

This clause was the subject of debate when the previous government introduced a similar bill. I note again that the Hon. Robert Simms has filed an amendment to remove and replace the reversal of onus proof provisions, which is something the Law Society has taken issue with now on two occasions, and it would mean the prosecution would need to prove its case beyond reasonable doubt.

Funnily enough, it was a position the current government also took in opposition, but with the benefit of a direct line to the Commissioner of Police the government has now done a backflip on that position by recognising the need for the reversal of the onus of proof clause. The reason for that is plain and simple. It is the same reason we were given back in 2021, as I am sure the Attorney has now acknowledged. Plain and simply, the police and prosecutors are saying, 'We can't do anything

in this space without that.' It is proving impossible in that ever-increasing number of cases that involve identity theft to be able to do something about it.

The whole purpose of this bill was to provide mechanisms which made that easy, because if anyone has been the subject of identity theft you would know that it is an absolute nightmare trying to clear your name. You have done nothing wrong, but you have ended up with money taken from your account, super taken from your super account, rental properties being taken out in your name—sometimes those rental properties are used for illegal criminal activities, you have credit cards you did not know about, you have purchased a car you did not know about. The list is endless and it is becoming rife.

For the person who is at the receiving end of that, it is usually not until a debt collector calls, or something of that nature, or indeed they check their balances, that they know they have been the subject of that criminal activity. It is an absolute logistical nightmare trying to prove that that occurred. It is absolutely a logistical nightmare for police and prosecution to help people in those instances to show that they were the victims of identity theft and to clear their names of any wrongdoing.

In many instances, you will not find the person who is responsible. There may be more than one person responsible; there is all manner of things. I think the bottom line is that we have now reached a point where we know that in the absence of these sorts of provisions, those numbers that we have heard of—about 160,000 Australians aged 15 years and over experiencing this sort of theft—are only going to increase.

We now have very clear advice that, in the absence of this sort of provision, it is going to remain difficult for a person to reclaim their identity without this provision. I did promise the Attorney's staff that I would say 'I told you so' at the time, but we told you so at the time. I think it was a very sensible measure by the former Attorney, so I am really pleased that we have reached this point. I do not say that lightly because I do not make the decision lightly to go against what is a very fundamental legal principle.

I have always said that any time that has occurred it has been reserved for the most difficult cases, but we have had difficult cases and in this instance where there is a poor old person on the other end who cannot get about their daily lives anymore because they have been the victim of this sort of theft, it can prove damaging, it can prove debilitating, it can have huge financial impacts for them. It affects them in so many ways and what we know is that in the absence of these sorts of provisions, we are somewhat hamstrung in terms of the remedies that are required. I do in this instance exercise my ability to say, 'Well, this ought to be an exception to the general principle and the general rule.'

The bill seeks to amend the Criminal Procedure Act so a victim can apply to the Magistrates Court to clear their name, regardless of whether the charges have been laid or if a successful conviction has been made. I think it is important to remember that, given that a lot of this is happening online by faceless people, it is really difficult to be able to do that under the current legal structure. Currently, a conviction is required before a victim can apply to the court for an identity theft certificate. With low conviction rates due to the existing onus of proof requirement in addition to the time it takes for these types of cases to be finalised, I think that these are very necessary amendments for victims.

That is what we have to remember, that we are dealing here with victims of crime. There might not be any physical assault or injury, but the impacts of these crimes can be equally crippling and debilitating. There have been numerous instances in the last two years since the previous government's bill went down where constituents have contacted my office in desperate need of a mechanism to clear their name following an identity theft.

I am really pleased that we are here now finally making progress today to ensure that victims do not suffer through any more than they already have when their identities are stolen. It is absolutely needless and we ought to be doing what we can to make it as easy as possible for a person effectively to reclaim their identity. That is what we are talking about. Someone has stolen your identity as a person and used it for illegal gain and benefit and that has gone to the detriment of that victim and can have absolutely crippling impacts.

As I said, these are much-needed reforms, and I will certainly be supporting the bill without amendment. This is not by any stretch the only changes we need. I am working on some issues that canvas or traverse the same sorts of areas, but one thing is absolutely crystal clear: we are always on the back foot when it comes to emerging technologies in every way, shape and form, in every way that they impact us, whether it is through identity theft, child exploitation, deep fakes, there is a whole manner of laws out there that simply have not managed to keep up with technology. In some respects we are being asked to pre-empt things and in others we are being asked to react to situations as they become so much of a problem in our society.

This is a good bill and I acknowledge the work of the former government in this space and the former Attorney-General and do so of this government and our current Attorney-General in progressing it through this place today.

The Hon. F. PANGALLO (16:24): These days you do not rob banks and people with guns anymore. It is done with pens, phones, laptops, emails and dating sites. They will do, and they have been very effective in scamming a lot of people. An alarming figure was that over \$3 billion was fleeced from Australians last year alone, and I am told that in South Australia over \$1 million a week is lost through scams that are perpetrated on individuals of all ages, although the over 65s seem to be the main targets.

While this bill works to protect individuals from identity theft by making it easier to prosecute and also to support victims, it is obvious that much more is needed in this sphere—both state and federally—just to get on top of what is going on out there.

In my previous career, when I was working as a journalist, it was one of the areas that I investigated quite often and covered. It is amazing to see the evolution of scams in a period of two or three decades and the changing guises of the scammers themselves over that period of time. They would normally start as Casanova cads, and it just went on as technology improved to being shadowy figures working offshore or even on the dark web.

Trust seems to be the biggest casualty of this tech-driven society, with modern-day crooks looking to expose people's emotional weaknesses, and usually that is how it is done. You have often heard that saying, 'If it's too good to be true, well, it is.' Many people get caught and stung by that, even though there are ample warnings out there that people really do not adhere to despite the amount of exposure that this criminal activity does get.

Cybersecurity is probably the biggest threat today to companies, individuals and government. They now have to be hypervigilant in their security measures on a constant basis, on a daily basis, almost on an hourly basis, really. It is no surprise. I am sure many other members in this place are now starting to receive scam emails even on their personal parliamentary email list. I had one last night just as I was about to leave. Fortunately, I did not click onto it and just put it to trash, but it happens on a constant basis. It happens on a constant basis on your telephones, where the scammers will try to induce you into responding to what looks like an innocuous message but, nonetheless, some evil lurks behind it.

Criminals realise that information of individuals is like gold. It can be traded and, of course, as we have seen, it can be exploited, with identities being stolen as a result of massive data breaches. So it becomes a constant cat-and-mouse game being played out globally as the scammers, these cyber crooks, up the ante.

Add to that, of course, the rapid evolution of artificial intelligence, and the challenges will now be enormous for all of us as that technology continues to evolve into areas that are quite alarming. AI can recreate people's identities, recreate people's voices, produce images, videos, messaging. We now hear this new term 'deepfake scam', and these are ads that are prevalent on the popular social media platforms. Andrew Forrest, Dick Smith and Gina Rinehart are just some of the prominent Australians who have been caught in this web, in this caper, and caught unknowingly. It has been going for some time, where their identities have been stolen and used by these criminals to help promote a non-existent product, or one that is inferior, without their knowledge or consent.

It also comes back to the responsibilities of the social media site platform operators, the people who run those popular sites. What are they doing to try to curb what is going on? I do not

think they are doing that much about it. I think even they are overwhelmed at what is going on and at the sophistication of a lot of these scams being promoted. It is clear that we need much tougher legislation to protect consumers and make the banks and social media platforms more responsible and liable for companies.

Banks and bank accounts we know are now prime targets, and it is easy to see how people can be sucked in by these crooks because of the sophistication that many of these criminals adopt. I can give an example of a constituent who called me after her bank account was siphoned by a very clever, smooth-talking person who appeared to be a representative of her bank. He had certain details about her, which were probably gained because of cybersecurity breaches on sites like Medicare and whatever and sold on the dark web. This person was able to give her assurances and information so that she felt safe enough that he was from her bank. Even though she was on the phone with this person for a long period of time, she felt enough trust in this person to then hand details of her bank account to them.

The scammer had called her to warn her that some money had been taken out of her bank account and it looked like the scammers were going to come back and take the rest, so the bank supposedly had opened up a bank account in her name. He gave her the details and wanted her authority to shift the money in, which she gave. Once she hung up the phone, she suddenly had a realisation that this was not an accurate or true representation or call from her bank. She immediately called the bank within minutes of that transaction, only to be told it was too late. The transaction had gone through to another bank.

She asked for the details of that bank, but the bank would not give her the details. She asked that the information be passed onto the police. They dragged their heels on that and were not prepared even to do that, and as a result of that she lost her life savings and the bank refused to compensate her for what had happened. Again, it comes back to the responsibilities of the banks. What is their responsibility when all this is happening out there? Should they be taking more precautions and have more alerts or provisions in place for customers to be able to make an alert before the money is actually transferred?

After talking to a bank executive in Melbourne recently, talking about what was going on, the banks are very aware of having to improve their security measures to combat this type of activity. They are actually spending hundreds of millions of dollars on software and hiring staff and others just to deal with this now because it is such a big problem.

I will give you another example, an elderly widow who came to see me late last year. This scam actually involved her own children. She was estranged from her children, yet they still had credit cards in their mother's name, who was paying the credit cards off before the estrangement happened. After that, when she wanted to cut her ties with her children, she called the banks to cancel all those cards.

The banks did not do that. The children still managed to get new cards issued, and they kept racking up debts in the widow's name and not paying them off. The woman was distraught by what had gone on. Again, she turned to the banks for assistance, and they would not, unfortunately. Certainly, my office had a good outcome with that after I spoke to a bank executive in Victoria. We managed to have those debts waived for that particular person.

Only recently—and this is again a very sad story—a very elderly Italian migrant came to see me. He had lost the entire worth of his portfolio of properties in South Australia. They were worth nearly \$3.5 million to \$4 million. He was conned by a very smooth-talking property spruiker. The property spruiker was well educated and, unfortunately, the migrant was not. He came here with nothing, he built up his portfolio and he had retired and expected to live comfortably. He had met this person at a trade show at Wayville showground. The scammer certainly exploited the person's lack of education and also limited English.

As a result of that, he lost everything. He went to the police, and the police found it too hard for them to investigate. They were not interested in it. He went to the lending institutions that this person had used to borrow enormous amounts of money off his portfolio. Even they were not interested. He had nowhere to turn. Now he is living in rented accommodation and living off a pension

when he should be quite comfortable. Again, he is a victim of this rising crime of scamming. I commend the bill to the chamber, and I look forward to its speedy passage.

The Hon. R.P. WORTLEY (16:37): I will be brief. I think the seriousness and the extent of this problem has been quite well prosecuted by previous speakers. Legislative provisions for the offence of identity theft were first introduced in South Australia in 2003. Since then, with the exponential growth of the internet and the ways in which we use it, the need for updated, modernised amendments to this law has similarly grown. A version of the bill was first introduced by the former Liberal government in 2021, developed by the former Attorney-General.

This bill makes several amendments to part 5A of the criminal law act, known as the CLCA. Firstly, clause 3 of the bill updates definitions in the CLCA to reflect modern terminology, particularly around information regularly used online in relation to debit and credit cards. Clauses 4 and 5 of the bill respectively amend sections 144B and 144C of the act. These sections of the act establish criminal offences for acts where a person has either used a false identity or misused the personal information of another person to commit a serious criminal offence.

The bill deletes the word 'serious' from these sections, meaning that these offences would be enlivened by using a false identity or misusing the personal information of another person to commit any criminal offence, not just a serious one. The unreasonably high threshold of requiring a serious criminal offence to have occurred meant that other high-volume, low-value offences have not been captured, such as card skimming.

The current bill also increases the maximum penalty for each of these offences to five years' imprisonment, increased from three years. Section 144D of the existing act establishes an offence for producing or possessing prohibited material with the intent to use that material to commit a criminal offence. Clause 6 of the current bill increases the maximum penalty for this offence to five years, increased from three.

Clause 7 of the bill establishes a new section 144DA of the act, which prescribes a new offence of possessing another person's personal identification information without reasonable excuse. A person charged with this offence would bear the onus of proving that they had a reasonable excuse for possessing the material, unless in the case of a number of exemptions set out in the bill, in which case the prosecution would retain the onus of proving that a reasonable excuse did not exist. The new offence carries a maximum penalty of two years' imprisonment.

Clause 8 of the current bill inserts a new provision into the Criminal Procedure Act, which grants the Magistrates Court the jurisdiction to, on application by a person, issue a certificate to a person if the court is satisfied on the balance of probability that the person is a victim of identity theft. The detail to be included on the certificate is at the discretion of the court but will include details of how the person's information was used to commit an offence regardless of whether any person has been charged with or found guilty of an offence. Clauses 9 and 10 of the bill make corresponding operational amendments to the Sentencing Act and the Youth Court Act.

There is no fix-all solution to issues of identity theft, scamming and fraud that continue to grow in today's online world. These complex issues require the contributions of governments at every level, financial institutions, retailers, tech companies and communication platforms, among others. This bill is a big step in the right direction and ensures that law enforcement agencies have the tools they need to tackle these offences.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:42): I would like to thank all members for their contributions and also for their indications of broad support for this bill. There were some points raised in the second reading contribution, particularly by the Hon. Robert Simms, that I would like to address, and I would like to provide some information that will hopefully assist members with some of their concerns and points raised.

There are a couple of points I would like to make on the reverse onus of proof aspect of the possession offence. In doing so, as I said in my second reading explanation, I acknowledge that whilst in opposition we moved amendments that were similar to—they might even be the same as—amendments moved by the Hon. Robert Simms. Now having had the benefit of, as I have said, further

departmental advice and briefings from South Australia Police, I am of the view and the government is of the view that the current formulation of the offence, including the reverse onus of proof aspect, will be the most effective way for police to target this type of offending.

I know in the business of politics we are in that changing your mind or accepting new evidence and on the basis of that new evidence coming to a different conclusion is often referred to as backflipping or changing, but I think when you do avail yourself of new evidence you are not doing your job properly if you do not consider that new evidence and whether or not you should change your mind on that.

This is certainly one of the areas, now being in government and having access to much further and better information, where on that basis we have changed our mind on whether there should be this reverse onus of proof. Noting that it is a rare exception—but there are other exceptions in other legislation on that—we are now convinced on the basis of further and better information that this is warranted in this case.

To respond to some of the specific points made in the second reading debate, firstly, I would like to make the point that the possession of personal identification information that consists only of public identification information does not fall within the scope of offence. Public identification information is defined to be a person's name, address or other contact details, date of birth or place, marital status or relatives.

That personal identification information (PII) that is within the scope of the offence is not this type of commonly available benign information; it is things like a driver's licence number, a passport number, a person's biometric data, their credit or debit card details, their PIN or password. This is not information that a person can ordinarily stumble across accidentally or should have in their possession without a genuine reason.

The second point to be made is that criminal offences that are formulated to require proof of behaviour without reasonable excuse or without a lawful excuse or without lawful authority are not uncommon, so much so that there is already a presumption in the Criminal Law Consolidation Act in section 5B that sets out proceedings of this type for a criminal offence. The onus of proving the existence of the authority or excuse lies with the defendant. This presumption has been in the Criminal Law Consolidation Act since 1992, so we are not introducing a brand-new or radical concept within this bill.

The proof for these type of offences operates in this manner, firstly, because the defendant is a person who will most readily have information as to whether or not they have the authority or excuse to engage in the behaviour in question; and, secondly, it is because there are some offences where it is appropriate to have a starting point that the behaviour should not be engaged in or be permissible as the default unless a person can demonstrate that there was a good and legitimate reason for it.

This offence—as I said, having availed ourselves of better and further information than we had in opposition—in our view, is one of those. This is the starting point, that people should not generally have the personal identification information that is not their own unless they have a reasonable excuse. We go on to set out the types of PII that do not fall within the scope of the offence and the exceptions for the reverse onus of proof in certain cases.

The third point I think is important to keep in mind, especially when considering the various hypothetical scenarios that have been put forward, is that there are many steps that occur in the process between a person engaging in a particular behaviour all the way through to a successful or unsuccessful criminal prosecution. The police would need to become aware of the behaviour, so it is unlikely that the person performing ordinary aspects of their job where they legitimately have PII for their work function would ever come to the attention of police if everything is above board in the course of a person's lawful business activity.

There would also be a police investigation once law enforcement became aware of the conduct. To take one example given by the Bar Association in their submission of a man having a legal power of attorney for his father and therefore having possession of some of his father's PII and an estranged sister then maliciously reporting her brother to the police, in the course of the police

examining the complaint the man in this scenario would readily be able to provide the police with evidence of power of attorney and it would almost certainly be the case that if there were no indications of wrongdoing the matter would stop there. This is well within the ordinary processes of police investigating complaints made to them. I am sure the police would receive many hundreds of complaints that do not warrant further investigation after an initial examination.

Taking the process a step further, to proceed to charging and prosecuting persons, the prosecution needs to have a reasonable prospect of success and also it needs to be in the public interest. There are substantial and detailed guidelines as to when a matter should proceed to prosecution and it is not realistic to think that a prosecution would be pursued in a clear case of a person having a genuine need to possess the PII in question.

It is also important to note that SAPOL have advised that instances of a person having one set of PII are really not conduct that they are coming across. What they find is that people are in possession of hundreds of sets of different PII that there is no good reason for that person to have. With cybercrime and identity theft on the rise, there needs to be a way for the police to be able to disrupt the behaviour and prevent further offending rather than having to wait for the commission of even further offences using the PII to act.

I hope this information illustrates to members the reason for drafting the possession offence in this way, and it also demonstrates why, having that further and better information that we are now able to have in government, we have also come to the view that the former government had in turn based on the facts that they had available to them. Once again, I thank members for their contribution and look forward to the passage of the bill through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: In his closing remarks, the Attorney referenced information or evidence that had been provided to him by the department and South Australia Police in relation to the reverse onus of proof. Would the Attorney be in a position to share that advice with the council?

The Hon. K.J. MAHER: I thank the honourable member for his question. The advice provided has been both in verbal briefings, but, in terms of legal advice provided, the honourable member would appreciate we do not generally share and breach the legal professional privilege that we receive and other confidential briefings from SAPOL. I do not have hesitation in saying, based on the advice I have received, I am confident that the reverse onus of proof in this instance is warranted.

The Hon. C. BONAROS: Perhaps just to reiterate that point: it is the case I think, which the Attorney pointed to during his second reading explanation, that this is not uncommon in our legislation in such areas, including, for instance, criminal offences like carrying offensive weapons or unlawful possession, so we do use this in other areas. During those meetings that have been referred to, the commissioner has also pointed to the fact that in the absence of this reversal of the onus of proof, which does come with a number of disclaimers, they simply are not able to do a lot to help those victims of identity theft. Would that be a fair summation for the Attorney?

The Hon. K.J. MAHER: I think that would be a reasonable characterisation and, as I am advised, that reverse onus of proof aspect is really the key part that will allow them to target this actively.

The Hon. C. BONAROS: Perhaps just on from that as well, to assist in terms of any concerns that have been raised by the Law Society, there are also a number of exemptions that have been contemplated in this bill to narrow the scope of when that reversal will apply.

The Hon. K.J. MAHER: I thank the honourable member for her statement rather than question. Yes, that is correct, and I mentioned that in my second reading sum-up speech.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 4, lines 3 to 18 [clause 7, inserted section 144DA(3)]—Delete subsection (3) and substitute:

- (3) Despite section 5B, in proceedings for an offence against subsection (1) the prosecution will be required to prove that the defendant had possession of the relevant material without reasonable excuse.

I will not go through the rationale for the amendment; I spoke about it in my second reading speech. I certainly acknowledge what the Attorney-General has said in terms of him having access to advice from the department and advice from SAPOL. The previous Attorney-General raised the same issues and at that time the Greens were persuaded by the arguments that were put by the then shadow attorney-general and opposition leader. My view has not changed. I will still advance the amendment, but I recognise where the numbers stand.

Amendment negated; clause passed.

Remaining clauses (8 to 10) 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) (16:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PASTORAL LAND MANAGEMENT AND CONSERVATION (USE OF PASTORAL LAND) AMENDMENT BILL

Introduction and First Reading

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

BOTANIC GARDENS AND STATE HERBARIUM (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:57): I move:

That this bill be now read a second time.

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

Leave granted.

The Board of the Botanic Gardens and State Herbarium is required to provide for the establishment and management of public botanic gardens and herbaria, and for other purposes under the *Botanic Gardens and State Herbarium Act 1978*.

To achieve its purpose, the Board is tasked with supplementing its funding from government with additional sources of revenue in order to deliver the full scope of its responsibilities and program.

Increasing and diversifying the revenue options open to the Board enable it to raise money which is needed to support capital expenditure and maintenance of its existing assets, and to enable the Botanic Gardens and State Herbarium to deliver important new scientific, conservation and public engagement projects.

The Ministerial letter of direction to the Board, dated August 2021, requires it to:

- endeavour as far as reasonably practicable to supplement the annual operating budget allocation it receives from Government from a range of sources including commercial activities (to the extent it has power to engage in such activities), and

- in order to help carry out its functions ... seek funds through commercial activity, sponsorship and bequests.

The *Botanic Gardens and State Herbarium Act 1978*, as currently drafted, provides limited capacity for the Board to pursue commercial opportunities which could support its ability to secure additional sources of funding.

The Board has explored a range of commercial and joint venture opportunities to increase revenue, but has found its capacity to do so limited within the bounds of its authority under the current legislation.

Under the current wording of the Act, the Board's legal capacity and powers to raise revenue through commercial activities is limited to a very narrow range of projects, and specifically cannot engage in any joint ventures. This is in contrast to other similar Arts and Cultural organisations where the legislation is broader allowing for greater flexibility.

To ensure that the Gardens has the ability to pursue commercial opportunities, the government is introducing the Botanic Gardens and State Herbarium (Miscellaneous) Amendment Bill 2023, and the Botanic Gardens and State Herbarium (Miscellaneous) Amendment Regulations 2023.

The Act amendments aim to enable the Board to address the issue of entering into a broader range of commercial arrangements (including commercial partnerships and/or joint ventures) under the Functions and Powers clauses of the legislation. The amendments ensure that the Board may not charge or collect fees for general entry to Adelaide, Mount Lofty or Wittunga Botanic Gardens, and that no changes will be made to the current paid parking arrangements.

These changes, which are in line with community expectations for its public gardens, will enable the Board to find diverse ways to raise money to support the important work of the organisation and ensure the Botanic Gardens and State Herbarium remain places of great beauty for all to enjoy and resourced to pursue significant scientific research that informs our understanding of plants, fungi, algae and biodiversity.

The *Botanic Gardens and State Herbarium (Miscellaneous) Amendment Bill 2023* passed the House of Assembly on 6 February 2024. The government supports this bill and commends it to the Legislative Council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Botanic Gardens and State Herbarium Act 1978*

3—Amendment of section 13—Functions of Board

The functions and powers of the Board are amended by this clause to allow the Board to engage in commercial activities. This clause also amends section 13 to the extent that the Minister may assign further functions to the Board, rather than such further functions being prescribed by the regulations as is presently the case.

The power of the Board to deal with shares or other interests or securities, or to borrow money or other forms of financial accommodation can only be exercised with the approval of the Treasurer.

4—Amendment of section 27—Regulations

This clause amends section 27(2)(c) such that the regulations may only prescribe charges for admission to the Bicentennial Conservatory rather than to the gardens generally.

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

STATUTES AMENDMENT (INDUSTRIAL RELATIONS PORTFOLIO) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:58): I move:

That this bill be now read a second time.

As members will be aware, portfolio bills provide the opportunity to make amendments that are often minor or technical in nature across a number of acts in one bill. This portfolio bill makes such amendments in relation to the naming conventions in several pieces of industrial legislation.

Part 2 of the bill amends the Fair Work Act 1994 to update references from the Fair Work Act to the Fair Work Commission. Part 3 of the bill amends the Public Holidays Act 2023 to insert

bracketed names for each public holiday next to their date—notwithstanding that many of them have not had that in over a century—or, in the case of public holidays over Easter, the description of the day they fall on. These amendments will dispel a fear campaign that the Liberal Party has run targeting our often vulnerable veterans community, spreading misinformation about ANZAC Day and other public holidays.

In early December, I spoke to the president of the RSL in South Australia, Mr Dave Petersen, who spoke on radio talking about his frustration that veterans were calling him late into the night thinking that ANZAC Day had actually been completely cancelled. In discussions with him, he was not offended by the changes in the Public Holidays Act—that is, doing something that had been there for over a century—but was offended by the misrepresentations being made.

The last thing the government wants is for veterans to be treated as a political football, fearing that the sanctity of ANZAC Day has been eroded in any way by misinformation being spread. These amendments will guarantee that ANZAC and public holidays are treated as they always have been—as sacred days in this state. Part 4 of the bill amends the Work Health and Safety Act 2012 to update references to the 'Executive Director' to the 'regulator' consistent with the rest of the act.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Fair Work Act 1994*

3—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to replace the definition of Fair Work Australia with a definition of Fair Work Commission. This change reflects the name of the relevant body in the *Fair Work Act 2009* of the Commonwealth.

4—Amendment of section 92—Retrospectivity

5—Amendment of section 100—Adoption of principles affecting determination of remuneration and working conditions

These clauses replace references to Fair Work Australia with references to the Fair Work Commission.

Part 3—Amendment of *Public Holidays Act 2023*

6—Amendment of section 3—Days fixed as public holidays

This clause amends section 3 of the principal Act to:

- insert names of public holidays to correspond with the dates or days on which they fall; and
- insert an explanation of which days Good Friday, Easter Saturday, Easter Sunday and Easter Monday fall on in a year, to correspond with the names of the public holidays; and
- replace references to the dates of public holidays with references to the names of the public holidays in the provisions about additional and substitute public holidays.

7—Amendment of section 4—Part-day public holidays

This clause amends section 4 of the principal Act to insert the names of part-day public holidays to correspond with the dates on which they fall.

Part 4—Amendment of *Work Health and Safety Act 2012*

8—Amendment of section 117—Entry to inquire into suspected contraventions

9—Amendment of section 277—Reviews

These clauses replace references to Executive Director with references to regulator. The principal Act provides (in section 4) that regulator means the Executive Director so the changes are simply providing consistency in language within the principal Act.

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

At 17:00 the council adjourned until Tuesday 20 February 2024 at 14:15.