LEGISLATIVE COUNCIL

Tuesday, 5 March 2024

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

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

Bills

STATUTES AMENDMENT (INDUSTRIAL RELATIONS PORTFOLIO) BILL

Assent

Her Excellency the Governor assented to the bill.

CRIMINAL LAW (HIGH RISK OFFENDERS) (ADDITIONAL HIGH RISK OFFENDERS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

BOTANIC GARDENS AND STATE HERBARIUM (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATE ASSETS (PRIVATISATION RESTRICTIONS) BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor-General—Report 3 of 2024: Update to Annual Report for the year ended 30 June 2023

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

Corporation By-laws—
- Copper Coast—
  - No. 1—Permits and Penalties
  - No. 2—Local Government Land
  - No. 3—Roads
  - No. 4—Moveable Signs
  - No. 5—Dogs
  - No. 6—Cats
  - No. 7—Waste Management

District Council By-laws—
- Port Pirie—

No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Cats
No. 7—Waste Management

Fees Notice under Acts—
Planning, Development and Infrastructure Act 2016

Regulations under Acts—
Planning, Development and Infrastructure Act 2016—General—Outline Consent

Response to the Environment, Resources and Development Committee Recommendations on the Interim Report: Urban Forest

Ministerial Statement

AVG DETECTION IN THE SOUTH-EAST

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I seek leave to make a ministerial statement on the topic of AVG detected in the South-East.

Leave granted.

The Hon. C.M. SCRIVEN: On 21 February 2024, a commercial abalone fisher reported dead and dying abalone at Breaksea reef, offshore from Port MacDonnell. Using PCR testing, samples from the mortality site were confirmed to have tested positive for the virus that causes abalone viral ganglioneuritis (AVG).

Abalone herpesvirus (Haliotid herpesvirus-1), the disease that causes AVG, is a notifiable disease under the Livestock Act 1997. It affects the nervous system of abalone, causing weakness and eventually death. There are no human health concerns associated with AVG. The disease is known to occur elsewhere in Australia, including in Victoria and Tasmania. It has not been detected in South Australian waters previously.

Once the presence of AVG was confirmed, PIRSA activated an incident management team (IMT) and initial measures to control the spread were put in place. Two notices were published on 23 February, the day AVG was confirmed: one under section 79 of the Fisheries Management Act 2007 and one under section 33 of the Livestock Act 1997.

A control area was enacted that covered the southern abalone zone, spanning the coastline from Nene Valley in the west to the South Australian-Victorian border in the east, extending approximately five nautical miles (or about 10 kilometres) out to sea. With assistance from the commercial abalone industry, PIRSA undertook surveillance within the control area to understand the extent of the presence of the virus. That surveillance found the virus was present at four out of five sites, including near the western boundary of the control area.

As a result, from today (5 March) the control zone has now been extended from the South Australian-Victorian border to Southend. Within the control zone, fishing activities are now permitted with the current restrictions:

- no abalone, rock lobster or spear fishing;
- no reef diving;
- no use of anchors; and
- anything permitted to be taken from the area (water or beach) cannot be returned to state waters (including for use as bait).

Also, from today, to assist with surveillance and help limit the spread of AVG, an additional buffer zone has been created that extends from Southend to the Murray Mouth, extending five nautical

miles out to sea. Within the buffer zone, all fishing activities are permitted, with the following requirements:

- fishing and diving equipment must be decontaminated following PIRSA guidelines;
- anchors must be cleaned when raised; and
- any catch can be consumed, disposed of on land, or returned to the buffer zone.

Failure to comply with control area or buffer zone restrictions may result in fines.

PIRSA is planning further surveillance in the remainder of the southern zone to determine the extent of the spread of the virus, to inform decisions around the future management of the virus. The detection of AVG has impacted upon the southern zone rock lobster fishery, with fishing activities halted within the control area. PIRSA continues to work with the Southern Rock Lobster Advisory Council and its members on appropriate measures to minimise the impact on the fishery and limit the spread of AVG through fishing activity. PIRSA has led an abalone industry meeting on 26 February 2024 and held rock lobster industry and public meetings in Port MacDonnell on 1 March 2024.

The SA abalone sector generated $35 million in 2022-23 and is an important part of the state's estimated $448 million seafood industry. It is critical that our local aquaculture and fishing industries are protected from the further spread of AVG by adhering to the measures that are now in place. For the most up-to-date information on AVG, including information about permitted recreation fishing activities, collection of recreational rock lobster pots, restrictions and closure areas, please visit the PIRSA website.

FRUIT FLY OUTBREAK

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I seek leave to make a ministerial statement on the topic of fruit fly outbreak in metropolitan Adelaide.

Leave granted.

The Hon. C.M. SCRIVEN: I have received advice from the Department of Primary Industries and Regions (PIRSA) that there have been six detections of male Queensland fruit fly in Salisbury North within an area of a one-kilometre radius and within a period of two weeks, which is an outbreak trigger under Australia's National Fruit Fly Management protocol. These detections have occurred in the permanent and supplementary trapping network in multiple locations in Salisbury North.

As a result, an outbreak has been declared and the following controls put in place: a 200-metre radius red centre, a 1.5-kilometre outbreak area and a 15-kilometre radius suspension area. A PIRSA response plan is in place and a response team has been established to commence eradication procedures.

A baiting program will commence and is intended to run for a period of 12 weeks, while bait will be applied to trees within the red centre, 200 metres from the outbreak point, twice per week and once per week within the 1.5-kilometre outbreak zone. At the conclusion of the baiting program, it is intended that aerial sterile insect technology (SIT) flies will be released across the outbreak area to contain this outbreak.

Hygiene practices will be put in place within the red centre where fallen fruit will be collected and fruit trees found to have larvae-infested fruit will be stripped. Technical checks will be undertaken within the outbreak area. Significant volumes of fresh produce are grown within the suspension area which will need to be treated to avoid fruit fly spreading further before leaving the suspension area.

Market access movement restrictions will be in place, with PIRSA working with industry and commercial partners to identify treatment capacity requirements and movement protocols. PIRSA is working with industry to establish additional treatment facilities to accommodate the expected increase in demand for the service. A significant public information program will commence today to ensure a clear understanding of the restrictions that will be in place across the three controlled areas.

Residents located in the 200-metre red centre and the 1.5-kilometre outbreak area must not move any homegrown fruit and vegetables from their property. Residents living within the 15-kilometre radius suspension area are permitted to move homegrown fruit and vegetables from their property so long as it remains within the 15-kilometre suspension area. Homegrown fruit and vegetables must not be moved out of the 15-kilometre radius suspension area.

There are no strict restrictions in place for packed school lunch boxes containing supermarket and retail outlet purchased fruit and vegetables. Further information is available at fruitfly.sa.gov.au or on the PIRSA website.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. T.A. Franks be appointed to the committee in place of the Hon. F. Pangallo (resigned).

Motion carried.

Question Time

PUBLIC SECTOR INTEGRITY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): I seek leave to provide a brief explanation before asking a question of the Attorney-General on the topic of integrity.

Leave granted.

The Hon. N.J. CENTOFANTI: Last week, a private and confidential job application and CV that was sent to the Attorney's office when he was shadow attorney was distributed to the media. It has been confirmed by the Minister for Infrastructure and Transport in the other place that the distribution came from the Labor Party, reportedly saying that the job application, and I quote, 'has obviously come from our side of politics—of course it has.' My questions to the Attorney-General are:

1. Did the Attorney-General or his staff, either current or previous, release a job application which was received by his office to the media?

2. If not, did the Attorney-General have any knowledge that the job application and CV was being provided to the media prior to the publishing of the *Advertiser* article on 1 March?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): Certainly, I am on the public record as saying, no, I didn't release any such thing to the media. However, I can understand why the Liberal Party would want to try to distract from the current problems they are facing, some very, very big problems they are facing in their Dunstan campaign themselves—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —some very, very big problems.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: For example, after some questions were asked about a directorship of a company, the Liberal candidate for Dunstan, Dr Finizio, said that she was—and I will quote because this is exceptionally important and I can understand why the opposition would want to try to distract from these sorts of quotes—the Liberal candidate for Dunstan said, and I quote, that she was—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The direct quote is—

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition! The Hon. Mr Hood!

The Hon. K.J. MAHER: The direct quote is:

> [A] director on paper and I had no involvement…so that's why I wouldn't put something on my CV that I actually wasn't properly involved in.

The candidate for Dunstan from the Liberal Party believes there is such a thing as a director on paper. That is a company director who doesn't have to have and, in fact, has no involvement in the company itself. On one level—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —I can understand the Liberal Party thinking—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —you can be involved in something but not take any active part: they had Steven Marshall as their Premier on paper. But the corporations law is very clear: a director of a corporation above all else must discharge their duties with care and diligence.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: According to the Liberal candidate for Dunstan, care and diligence means, 'I was only on paper and I had no involvement whatsoever in it.' This is completely at odds with what directors' duties involve.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I have to say, if there is a candidate who believes you can be a director on paper, have a duty to act diligently in their exercise and not do it—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —what hope does anyone have that such a person might act diligently in the discharge of their duties as a member of parliament?

PUBLIC SECTOR INTEGRITY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): Supplementary: has the Attorney-General sought to find out who is responsible for the distribution of private and confidential information originally given to his office?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for her question, but as I have said, I have already answered that question: I don't know who did that, who gave that to the media.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I have answered that question publicly and I have answered that in here. As I said in my previous answer, I can understand why they are so keen for these sorts of distractions, and I can understand why it's the Leader of the Opposition prosecuting this, because

Liberals talking to us are blaming the moderates of their party for the current state that they find the Dunstan campaign in.

The conservatives I think are unfairly blaming the moderates. We see in this chamber an almost complete takeover by the moderates and this is just a further nail in the coffin. I have to say, I think good government deserves a good opposition and the way that the Liberals are treating the moderates and blaming them for the problems in the Dunstan campaign doesn't lead to good government.

Members interjecting:

The PRESIDENT: Order! Before we have the supplementary question, it must arise from the original answer, which I did struggle to hear at times because there was just too much noise. Let's have your supplementary question and let me hear the answer, the honourable Leader of the Opposition.

PUBLIC SECTOR INTEGRITY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Will the Attorney-General apologise for the fact that it has been shown that his office has such little regard for the tenets of privacy and confidentiality?

Members interjecting:

The PRESIDENT: I will rule on it.

Members interjecting:

The PRESIDENT: Sit down.

Members interjecting:

The PRESIDENT: Order! Attorney, you can choose to answer that, if you wish.

The Hon. K.J. MAHER: I can't see how it relates to that.

The Hon. I.K. HUNTER: Point of order: further, almost the entirety of that supplementary was opinion.

Members interjecting:

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

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink! The Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, enough!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, enough! The honourable Leader of the Opposition, your second question.

REGIONAL MENTAL HEALTH SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding regional mental health.

Leave granted.

Members interjecting:

The PRESIDENT: Order! The Attorney-General and the Hon. Mr Wortley, listen in silence.

The Hon. N.J. CENTOFANTI: It is widely recognised that the work done by the FaB mentors is extremely valuable and appreciated in the Riverland region. However, with the continuing stress faced by Riverland growers industry groups are concerned there could be a rapid escalation in the requirement for mental health support. We understand that industry and stakeholder groups have requested additional support in readiness for this likelihood, but they report that none appears forthcoming at this stage. I quote from one local: 'It feels like there is a tsunami on the horizon.' My questions to the minister are:

1. What preparations is the minister making for this tsunami?

2. What additional funding is she committing to mental health services in the Riverland?

3. Is the minister concerned about her federal colleague's cut to funding to Rural Business Support's Small Business Financial Counselling program at this critical time, given the flow-on effects of the wine grape industry on small businesses in the Riverland region?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the honourable member for her question. Certainly, it is the case that the very severe stresses that are being experienced at the moment in the Riverland—but, I might also add, in other wine areas—are placing a lot of stress and difficulty upon grapegrowers and others within the wine industry. The family and business support mentor program, often known as FaB, as well as the Rural Financial Counselling Service, has been mobilised in the Riverland to support grapegrowers and winemakers impacted by the current market conditions.

The Wine Grape Council of South Australia, the South Australian Wine Industry Association and PIRSA have produced a document outlining regional, state and federal government support available to grapegrowers and winemakers. The document outlines services available for business and financial support, as well as mental health and legal services available to grapegrowers. Incidentally, the document also outlines information on recent vineyard resting research, which may be of benefit to growers as well.

Wine Australia has introduced a new inland wine grape price dashboard, and this tool provides valuable information to support growers with their decision-making. I am also advised that a further $200,000 is being made available through the Rural Business Support Relief Fund to assist with immediate financial support for impacted wine grapegrowers across the state.

The relief fund is providing immediate grants to those eligible of up to $1,500 to cover day-to-day living costs such as electricity bills. That is in addition to the $200,000 that has been allocated to the rollout of recommendations in the Riverland wine blueprint. Other support is available in the form of the commonwealth's Farm Household Allowance. While some Riverland grapegrowers are already receiving this support, many more are potentially eligible, and I do urge all grapegrowers to reach out to the Rural Financial Counselling Service and the Department of Primary Industries and Regions' FaB mentors so that they can assist.

I am also advised that a further figure, $60,000 in contingency, has been released to Rural Business Support for additional resources to the wine industry. I think it is important to note that, in addition to the mental health issues which have been correctly raised, there are many other aspects that we have been addressing, to the extent that a state government can, as well as advocacy through our federal colleagues.

We know that the red wine issue is an issue for the Riverland, it is an issue for other grapegrowing areas in South Australia, it is an issue for other grapegrowing areas across the country and it is also part of the global oversupply in terms of red wine grapes, particularly cab sav and shiraz. These are issues which continue to be very challenging, and I would encourage all those who are able to work together to support opportunities to support our grapegrowers and look at future steps and directions that can be initiated to further support the industry.

REGIONAL MENTAL HEALTH SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45): Supplementary: I thank the minister for her answer, but I ask again—and she's not addressing the core of my question, and that is—

The PRESIDENT: Just ask your supplementary question.

The Hon. N.J. CENTOFANTI: —what additional funding is her government looking to commit to mental health services in the Riverland over the next coming months?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I answered that question.

AVOCADO INDUSTRY AND FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45): I seek leave to make a brief explanation prior to addressing questions to the Minister for Primary Industries and Regional Development regarding avocados.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition understands that for over two years—since the current incursion of Queensland fruit fly here in South Australia—there has been a protocol discrepancy in managing Queensland fruit fly in avocados grown in the Riverland pest-free area. We understand that there is a working policy, ICA-30, 'Pre-harvest bait spraying & monitoring, & post-harvest packing, grading & inspection of host produce', for movement of produce interstate, which includes procedures for fumigation of five varietals of avocados in regard to Mediterranean fruit fly, but only includes Hass and Lamb Hass varietals for Queensland fruit fly and not Fuerte, Sharwill, Reed or other types.

Growers have been urging PIRSA for two years to update their ICA-30 protocol scope with simple solutions, such as 'Hass and any other varietals', with no outcome. The latest update to ICA-30, I understand, was on 15 February this year. One grower has told me, and I quote: 'It's taking way too long to develop these protocols and the communication has been appalling.' My questions to the minister are:

1. Can the minister explain what is the bureaucratic hold-up in simple protocol updates for something as important as Queensland fruit fly management for our growers?

2. How is the minister ensuring that industry communication is prioritised, targeted and effective?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I thank the honourable member for her question. I think the phrase 'simple update to protocols' is worthy of some discussion and consideration. Protocols can refer both to international protocols—trade protocols—as well as our protocols within the country and therefore between states.

When there are changes to protocols my advice is that they can be quite a long process, particularly any changes to international protocols, because they need to not only be agreed with our trading partners—and different protocols apply for different trade destinations—but also I guess get to the top of the list of proposed changes to trade protocol arrangements. Given that many countries will be, if you like, almost competing for that space in terms of getting it onto the top of the agenda, that can take quite a long time.

In terms of interstate protocols there needs to obviously be consultation not just with industry but with the other jurisdictions, and I am aware that that can also take some time. As far as I am aware, the specific issue of avocados to which the honourable member refers hasn't been raised directly with me, but in terms of the overall process I appreciate it can be difficult, but changing any kind of protocols and particularly an item that has implications on other jurisdictions and nationally can be a difficult process.

AVOCADO INDUSTRY AND FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49): Supplementary: does the minister believe two years is long enough for consultation with interstate counterparts?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I thank the honourable member for her question. I think

what I outlined, albeit briefly, in the answer to the first part of the question is that it takes not only consultation but negotiation and agreement with other counterparts. Some of that, obviously with the best of intentions from our state, will not necessarily be achieved in a short time frame.

AVOCADO INDUSTRY AND FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49): Further supplementary: does the minister understand or care about the implications of these protocols to the avocado industry and growers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): As I mentioned, as far as I am aware, the specific issue of avocados has not been raised with me directly, but I think it is fair to say that on this side of the chamber we are always interested in any kind of barriers to business.

The Hon. N.J. Centofanti: It has been raised with your department plenty of times.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: It is something that we have committed to on many occasions where possible. Reducing red tape is something that we are always working on, and various areas within my department are working on that within different industry sectors. It is also a matter of when it comes to those things that need national agreement, which some of the sorts of things we are talking about can include and others will not, it can be a difficult process. That is unfortunate, and I think it is something that we will continue to work on.

AVOCADO INDUSTRY AND FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:50): Final supplementary: will the minister seek a briefing with her department on this issue and speak to industry representatives again on this important issue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): First of all, given that I have mentioned that it has not been raised with me directly to my knowledge or my memory, then I obviously can't say that I will meet again on that same topic because I have not for the first time. I am just pointing out the inconsistency within the member's question. But generally when things come to this place, I certainly do seek a briefing from my department.

REGIONAL DEVELOPMENT AUSTRALIA

The Hon. M. EL DANNAWI (14:51): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about how the Regional Development Australia network is working to facilitate economic and community development in the Upper Spencer Gulf in ways complementary to the government's State Prosperity Project?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for her question. Last week, it was a great pleasure to join my cabinet colleagues, including the Attorney-General and Minister for Aboriginal Affairs among others, for a series of public forums in the Upper Spencer Gulf to promote the government's State Prosperity Project and to inform members of the community about it. The forums, held on successive nights in Whyalla, Port Augusta and Port Pirie—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —were in fact a roaring success. They attracted a combined attendance of in excess of 1,000 community members—1,000 community members regionally.

The Hon. T.A. FRANKS: Point of order: when you have members of the opposition and the government heckling across the chamber, you can't hear the minister speak.

The PRESIDENT: Good point. I want to hear the answer, especially given it is about the Upper Spencer Gulf, which is rather dear to me. I would like to hear the answer.

The Hon. C.M. SCRIVEN: I would have hoped those opposite would be interested in the Upper Spencer Gulf, too, but clearly not.

The PRESIDENT: Minister, just give your answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: As I was trying to say, the forums attracted a combined attendance in excess of 1,000 community members, and they provided the Premier and our combined team the opportunity to demonstrate what real leadership and a real plan looks like: a real plan to unlock the region's wind and solar power generation, magnetite iron ore and copper resources and the region's smelters through projects like the Hydrogen Jobs Plan, Northern Water project and the construction of the Port Augusta Technical College.

These projects have the potential to unlock thousands of high-paid jobs in the Upper Spencer Gulf and generate prosperity for the state for generations to come. In conjunction with the housing development set to begin in the region, these projects incorporate the construction needed to provide these large, once-in-a-generation opportunities. Supporting this important work will be community-building initiatives, which benefit so much from the local intelligence and program development administration of the Regional Development Australia network, the RDAs.

While travelling through the region last week, I took the opportunity to catch up with the chief executives of the three RDA regions that incorporate the Upper Spencer Gulf: the Eyre Peninsula, Far North, and Yorke and Mid North regions. As I have come to expect, I was once again impressed by the initiative, program management and collaboration demonstrated by the network. In many instances, it is the RDA network that is doing the detailed work needed to measure and understand key components of livability, such as the current and projected shortages in housing, child care and primary healthcare services.

They are collaborating, I am advised, on a regional workforce program, and the RDA network is successfully administering the Regional Leadership Development Program on behalf of our government. As I have alluded to in this chamber before, this $2 million program plays a crucial role in expanding the capabilities of a new pool of leaders in regional communities.

From empowering the next generation of leaders with the skills needed to be well-informed board and committee members to building skills and effective people management, resilience and cultural awareness, the program is bringing new cohorts of leaders, and in particular young women, to prominence right across regional South Australia, including in the Upper Spencer Gulf.

One of the major benefits of this program is it is delivered in regional towns where regional people actually live, facilitating the participation of those who are unable to travel into Adelaide for formal training opportunities. I commend the initiative and hard work of the RDA network in the Upper Spencer Gulf and recognise that their endeavours are complementary to the government's plan laid out in the State Prosperity Project.

STATE PROSPERITY PROJECT

The Hon. F. PANGALLO (14:55): Supplementary: can the minister reveal the cost to taxpayers of the government's extravagant advertising spend in the *Sunday Mail* for the past two weeks, and also in other media, to promote itself through its ubiquitous State Prosperity Project?

The PRESIDENT: Minister, you can answer it, if you choose to, but I don't think you touched on anything to do with advertising in your answer.

The Hon. C.M. SCRIVEN: Indeed. I am happy to take your direction, Mr President.

CHILDREN IN STATE CARE

The Hon. S.L. GAME (14:56): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries, representing the Minister for Child Protection, regarding the child protection system.

Leave granted.

The Hon. S.L. GAME: In the last decade, states outside of South Australia have seen the rates of children in care stabilise while South Australia has seen a 62 per cent rise. This has seen government expenditure on out-of-home care services rise by 264 per cent over the same period. That equates to an additional $448 million per annum spent on children in state care. If South Australia performed at the national average, there would be 1,560 fewer children and young people in state care. My questions to the minister are:

1. Why is the Malinauskas government only investing 9.1 per cent of its child protection budget on family support services compared with Victoria which invests 26.7 per cent of its budget on family support services?

2. Will the Malinauskas government now consider matching the amount spent in other states?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for her question and her ongoing interest in this topic. I will refer it to the Minister for Child Protection in the other place and bring back a response.

FORESTRYSA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:57): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about ForestrySA.

Leave granted.

The Hon. J.S. LEE: Last week, the forestry select committee heard disturbing evidence from Orienteering SA that they have been locked out of ForestrySA's native forests for the purpose of orienteering despite the 50-year longstanding agreement they have with ForestrySA. Their evidence was that, despite having met with the minister's staff on two occasions and with the minister herself once, after the bombshell letter was delivered to them by ForestrySA on the sudden change in policy, and despite having them supply the minister with significant documentation that was requested, the minister and her office have then gone into hiding.

To quote some of the evidence, when asked whether they had gone back to the minister's office to ask why no positive action had been taken, their reply was, 'Yes, many times. We have not had a response.' My questions to the minister are:

1. Can the minister please confirm whether her office received correspondence from Orienteering SA?

2. Can the minister explain why her office or herself have not responded to Orienteering SA despite their correspondence on several occasions on this important matter?

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. ForestrySA has a longstanding policy regarding no off-track access in areas of high conservation or heritage significance. This is detailed in the Native Forest Reserve Management Plans. While some recreational pursuits, such as scatter orienteering, may have historically been considered acceptable, contemporary forest management standards set a clear mandate for the primacy of protection of biodiversity and threatened species. This means limiting access of any type in some highly sensitive conservation or Aboriginal heritage areas.

It is true to say this policy has not always been applied consistently, according to my advice; however, a refocus of resources within ForestrySA has enabled staff to apply these standards and policy. There is now a clear and transparent process to assess event applications based on consistent criteria to work with groups to ensure events are in a suitable location and at an appropriate time of the year and monitor and evaluate outcomes.

I am pleased to advise there have been significant positive changes to ForestrySA's recreational fees and event management system, which have reduced red tape and improved equity

and transparency. I have met with Orienteering SA regarding these reforms and ForestrySA has had multiple similar interactions with Orienteering SA.

Event fees are applied when an event is ticketed, a competition or provides financial gain to the organiser. The fees go towards some level of cost recovery to ensure quality service and facilitation. I am advised that ForestrySA has implemented fee and event management reforms to align recreational use in the Mount Lofty Ranges with operational constraints, user demand, legislation and policy and to allow for some cost recovery.

Prior to the reforms, the per person fee for a recreational event held on forestry land was $2 per adult and $1 per child. After comparing fees charged by other agencies, I am advised, and aligning to government indexation, the per person recreation fees increased to $7.15 per adult and $4.10 per child. I might add that those increases occurred in 2021 under the former government.

Further reform in 2022-23 saw the removal of some fees and charges and a reframing of the event fees from the per person event fee to a flat rate fee based on the event size. These event categories and associated fees are, for under 30 participants, free—simply register it as an activity. From 30 to 100 participants, it is $265, and then it goes up in increments from there. For Orienteering SA and its member clubs, this means small gatherings of under 30 people are free. A typical medium orienteering event, I am advised, is between 30 to 100 participants. The event fee for this size event is $265. This is equivalent to a per person allocation of between $8.83 and $2.65, depending on how many people register for the event.

I am advised that a typical large orienteering event is 101 to 150 participants. The event fee for this size event is $525. This is equivalent to a per person fee of between $5.19 and $3.50. So, clearly, on average, the flat rate event fee in most cases has actually reduced the per person allocation the event organiser carries over into the event registration fee.

I also understand that Orienteering SA are unhappy that they can no longer access some areas where they have previously held events. I am advised that ForestrySA's policy is consistent with the conservation management objectives of SA Water and the Department for Environment and Water (DEW).

Orienteering SA inquired about holding a large event for 600 people in the Pewsey Vale Forest Reserve, which includes high-value biodiversity and Aboriginal heritage values. The event application did not pass the assessment criteria and Orienteering SA was provided with alternative options, namely the Bennett's Forest Reserve near Kersbrook, Watts Gully and Forties complex in the Mount Crawford Forest or the Dewell, Big Flat and Goat Farm complex in the Mount Crawford Forest. Second Valley Forest and the Green Triangle Forest were also suggested as suitable for such a large event but were rejected.

ForestrySA must also balance recreational use with public safety and economic imperatives. Operational and safety outcomes will always override recreational outcomes and from time to time an event may be disrupted because of forest operations, such as harvesting.

In terms of the select committee evidence that was referred to, I am advised that staff from my office have met with various members of Orienteering SA on a number of occasions, specifically 14 July 2022, 15 February 2023 and 8 May 2023.

The staff member who has been meeting and liaising with Orienteering SA is not my Chief of Staff, which I understand was alleged in the evidence, but another staff member from my office. I also met with representatives of Orienteering SA on 8 May 2023. Further to this, I am advised that my office staff have spoken with representatives of Orienteering SA by phone on a number of occasions.

In addition, I have raised the matter relating to access to forestry plantations by Orienteering SA with both the previous chief executive of ForestrySA as well as the current chief executive. I am advised that staff within my office have also previously raised this matter with ForestrySA, both with the previous chief executive and the current chief executive of ForestrySA.

I appreciate that potential contact from ForestrySA may not have been perceived as a response from my office; however, given that we were raising it with ForestrySA, further contact from

ForestrySA should have been seen in that light, but I appreciate that perhaps a direct communication of that fact may have been helpful for Orienteering SA.

However, we need to recall overall biodiversity as well as operational safety within commercial forests needs to take priority. I appreciate that Orienteering SA were not happy that that was the answer that was given, but I hope that my fulsome response here has clarified the matter.

ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE IN SOUTH AUSTRALIA

The Hon. R.P. WORTLEY (15:05): My question is to the Attorney-General. Will the minister inform the council about the recent announcement of who will lead the Royal Commission into Domestic, Family and Sexual Violence?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for his question, and I will be more than happy to do that. The government was very pleased to announce yesterday that Natasha Stott Despoja AO has been appointed to lead the South Australian Royal Commission into Domestic, Family and Sexual Violence.

Ms Stott Despoja is a highly respected South Australian advocate, author, former diplomat and senator, with extensive experience in the field of working to prevent domestic, family and sexual violence. Ms Stott Despoja was named the founding chair of Our Watch in July 2013, the national foundation to prevent violence against women and children, and was appointed live patron of Our Watch in August 2022.

Adjacent to that involvement, Ms Stott Despoja served as a national ambassador for women and girls from 2013 to 2016, and was a member of the World Bank's Gender Advisory Council from 2015 to 2017. Currently a member of the United Nations Committee on the Elimination of Discrimination Against Women, Ms Stott Despoja served on the 2017 UN High Level Working Group on the Health and Human Rights of Women, Children and Adolescents. An author, Ms Stott Despoja wrote the book titled *On Violence* and, of course, also served as a Leader of the Australian Democrats as a senator for South Australia in the federal parliament.

As recently announced, the royal commission is expected to take 12 months, and will have the powers to recommend policy, legislative, administrative and structural reform. Ms Stott Despoja will begin immediately with the preliminary work, with the formal commencement from 1 July. The royal commission will examine five key themes aligned with the National Plan to End Violence Against Women and Children:

1. Prevention: how South Australia can facilitate widespread change in the underlying social drivers of domestic, family and sexual violence.

2. Early intervention: how South Australia can improve effective early intervention through the identification and support of individuals who are at high risk of experiencing or perpetrating domestic, family and sexual violence.

3. Response: how South Australia can ensure best practice response to family, domestic and sexual violence through the provision of services and supports.

4. Recovery and healing: how South Australia can embed such an approach that supports recovery and healing through reducing the risk of retraumatisation and supporting victim survivors to be safe and healthy.

5. Coordination: how government agencies, non-government organisations and communities can better integrate and coordinate efforts across a spectrum of prevention, early intervention, response and recovery.

The royal commission will have a strong focus on empowering the voices of survivors and will help shift community understanding and discourse about domestic, family and sexual violence. The royal commission adds to significant reforms already being progressed, including:

- a commitment to criminalise coercive control, with extensive consultation being undertaken with the community and the sector;

- making the experience of domestic violence a ground for discrimination in the Equal Opportunity Act;
- already having enshrined 15 days' paid domestic violence leave for workers engaged in the state industrial relations system;
- committing $1 million to the establishment of southern and northern domestic violence prevention and recovery hubs;
- providing $800,000 to restore funding to the Women's and Domestic Violence Court Assistance Service; and
- reinstating funding to Catherine House.

I am very excited, and I think many members will be very excited, when Ms Stott Despoja commences in this important role and immediately begins the preparatory work for that.

ADELAIDE PARKLANDS FLYING FOX COLONY

The Hon. T.A. FRANKS (15:09): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about the Adelaide Parklands flying fox colony and biosecurity.

Leave granted.

The Hon. T.A. FRANKS: This weekend, we will see the Parklands transformed into a bright, colourful and loud venue of WOMADelaide. While many enjoy this festival experience, one group that has raised some concerns is the Fauna Rescue Flying Fox and Microbat coordination team that work with the substantial colony of some 60,000 bats that call this part of the Parklands home.

I note that the trees that these animals would normally move to, to avoid any excessive heat, are within the WOMADelaide event footprint and, indeed, that WOMADelaide has informed the wildlife carers that no sprinklers to assist the animals are allowed to be turned on during the event as these would impact the electrical equipment, stall operators and patrons.

I note the reason that we have sprinkler equipment in these trees is because in 2019, a heat wave saw the bat population almost halved. As a response, the sprinklers were installed. Similar sprinkler systems in other states have seen a significant reduction in heat-related bat deaths, and the Adelaide Parklands population now, of course, also has the benefit of this sprinkler system.

Yet, we know for the long weekend ahead we have a day of at least 37º, and we are looking at a hot long weekend. It is a concern that we may see bat deaths, deaths that would almost certainly be prevented if that sprinkler system, that is already in place, is employed. We could have bats falling to the ground amongst the stalls, the stages and people.

We know that bats die at WOMADelaide because, in the past, they have had to be put into dedicated, bright yellow wheelie bins marked 'Toxic waste. Bat carcasses', which of course is not something we wish to see detracting from the WOMADelaide experience. Indeed, if animals or branches come down there is real concern not only for safety and public health outcomes but, of course, the impact it will have on this major event for South Australia.

My question to the minister is: how will you ensure that those who attend WOMADelaide do not face a biosecurity risk from the presence of the dead bats, should there be any, and will the purpose-built sprinkler system be employed should there be hot days?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12): I thank the honourable member for her question. I have a few pieces of information initially. I am advised that the flying fox colony is a highly mobile species that became established in South Australia in 2010, correlating with food shortages in the Eastern States. The size of the colonies fluctuates with food resource availability.

I am advised that the creatures are important to Australia's forests and woodlands as long-distance dispersers of pollen and seed, and are of conservation concern due to threats associated with habitat loss, and climate-related impacts such as heat stress events that cause mass

mortalities, as the honourable member has mentioned, as well as large-scale bushfires that reduce the availability of foraging habitat.

There is a national flying fox monitoring program, which is a collaborative project between the Australian and state governments and the CSIRO. It estimates the national population as approximately 600,000 individuals. As the colony has resided at Botanic Park since 2010, I am advised that Green Adelaide is working with the Botanic Gardens and State Herbarium to implement a management plan for long-term impacts at Botanic Park, including, for example, a planting scheme to replace trees being impacted by the colony.

As was mentioned, heat stress events can kill large numbers in Botanic Park and they also pose a risk to public safety and create poor welfare outcomes for the species. I don't have detail here, and I am happy to take it on notice, but I am advised that the sprinkler system was a trial to cool the colony during high temperature days in order to reduce both welfare impacts of heat stress and potential public health risks of large numbers of heat-affected animals on the ground. As such, as a trial, I don't know whether the outcomes of that trial will result in its being continued, but I am happy to take that on notice and bring back a response. The comments in regard to how that is impacted by WOMAD, I can also seek additional information.

The Department for Environment and Water regulates native fauna under the National Parks and Wildlife Act 1972, and initiatives that manage and/or protect fauna must also comply with the Animal Welfare Act 1985. As a list of threatened species under the Environment Protection and Biodiversity Conservation Act 1999, management of the Botanic Park colony comes under that, which of course is my colleague in the other place the Minister for Environment and Water.

I will seek additional information, but I would also mention that Green Adelaide convenes a South Australian flying fox working group with stakeholders to guide impact mitigation and conservation strategies for the species. It may be that further information could be provided through that avenue.

ADELAIDE PARKLANDS FLYING FOX COLONY

The Hon. T.A. FRANKS (15:15): Supplementary: given that the sprinklers are installed, why can't they be turned on should it be too hot?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I will check with my colleague whether the information is accurate and, if so, what is the reason.

ADELAIDE PARKLANDS FLYING FOX COLONY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:16): Supplementary: what is the minister doing to reduce the impact of flying foxes on horticultural properties in the Adelaide Hills?

The PRESIDENT: Minister, I am not sure that you can get that from the original answer, but you can answer it, if you choose to.

The Hon. C.M. SCRIVEN: As always, happy to take your direction, Mr President.

PUBLIC SECTOR INTEGRITY

The Hon. J.M.A. LENSINK (15:16): I seek leave to provide a brief explanation before asking a question of the Attorney-General about the Public Sector (Data Sharing) Act.

Leave granted.

The Hon. J.M.A. LENSINK: Section 4(a) of the Public Sector (Data Sharing) Act 2016 reads as follows:

> If data to be shared and used contains personal information, the personal information must be de-identified unless—
>
> (i) the person to whom the personal information relates has consented to the sharing and use; or
>
> (ii) the sharing and use of the personal information is reasonably related to the original purpose for which it was collected and there is no reason to think that the person to whom the information relates would object to the sharing and use;

As we know, last week it was revealed that a private and confidential job application and CV that was sent to the Attorney's office was distributed to the media. My question to the Attorney is: will he guarantee that he and his staff adhered to the principles outlined in the Public Sector (Data Sharing) Act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for her question. It is most curious on two fronts that the honourable member asks this question: first, the Leader of the Opposition herself has already asked questions about this. There is clearly no strategy or no discussion. I can understand the Hon. Michelle Lensink would be quite annoyed that she does not get to ask these questions and has been usurped by the dominant conservative faction of the Legislative Council. But, be that as it may, the second curious aspect—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —of the asking of this question is the Hon. Michelle Lensink's complete failure to explain her possession of an email in previous weeks. That is something we might hear more about, but I have already answered the substance of this question in reply to the Leader of the Opposition.

PUBLIC SECTOR INTEGRITY

The Hon. D.G.E. HOOD (15:19): Supplementary: does the Attorney regret that an email sent to his office in confidence has been shown publicly?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for his question. As I have often said, he is the only one we really fear from that side. He asked a very good, incisive question, but I have already answered the substance of that when I replied to the Leader of the Opposition. But I do admire the Hon. Dennis Hood's tenacity in asking probing questions.

PUBLIC SECTOR INTEGRITY

The Hon. D.G.E. HOOD (15:19): Further supplementary: does the Attorney believe that the public distribution of confidential emails to his office undermines the confidence of subsequent applicants who may wish or may wish not to submit a résumé for his consideration?

The PRESIDENT: You can choose to answer, Attorney, but it's not really arising from the original answer.

The Hon. K.J. MAHER: I wouldn't want to encourage breaching standing orders, sir.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink and the Attorney-General, order! The Hon. Mr Hanson, ask your question.

CHINA TRADE TRIP

The Hon. J.E. HANSON (15:20): My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber about the state government food and wine trade delegation to China later this month?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for his question. South Australia continues to position itself to capitalise on opportunities to re-engage with China. Next week, I will lead a trade delegation to China, with a key focus on wine, food and agriculture. I will be joined by senior representatives from the Department of Primary Industries and Regions (PIRSA) and a delegation of wine, food and agribusiness representatives.

The schedule includes attending Taste of South Australia showcases in Guangzhou and Chengdu. These are significant events for South Australian producers, as produce and products will

be featured to key importers and buyers. The trade delegation will also attend the China Food and Drinks Fair and join the South Australian wine summit in Chengdu.

In October 2022, at peak trade and prior to the commencement of tariffs, China was South Australia's largest wine export market and accounted for 47.2 per cent of South Australia's wine exports globally. In terms of dollar value, this market was worth $946.5 million. China remains an important market for our wine exporters, who are also continuing efforts to diversify market representation.

The delegation will also meet with key government counterparts in South Australia's sister state of Shandong to explore ways our jurisdictions can work together to build research, trade and business opportunities between the two states. South Australia has strong historical ties with the Shandong province, dating 38 years as an active and longstanding sister state partnership.

There will also be opportunities for technical cooperation through meetings with the Shandong Academy of Sciences and PIRSA, with shared interests in marine biosciences, crops, horticulture and wine. This trade delegation follows on, of course, from the Premier's trip to China in September last year where he met with government officials and businesses to discuss strengthening China's trade and education ties in South Australia.

The Australian government, I am advised, and we have seen, of course, publicly, is also focused on engagement and stabilisation of our relationship in China, including Prime Minister Anthony Albanese having met with President Xi Jinping in Beijing last year. Foreign affairs minister Penny Wong and federal trade minister Don Farrell have also visited China and I am advised that they continued to advocate for Australian producers on their recent trips.

I am sorry, I think I may have misread earlier—I talked about October 2022 at the peak trade period; I, of course, meant October 2020, prior to the tariffs. This trip will be an important opportunity to once again put South Australian wine and other products front and centre for Chinese importers and to collaborate through our sister state and friendship city relationships as we support our producers for a risk-managed re-engagement with China.

CHINA TRADE TRIP

The Hon. F. PANGALLO (15:23): Supplementary: can the minister say whether any representatives from the Riverland wine region will be on the trade delegation going on the junket to China?

The PRESIDENT: Minister, you will disregard the bit about the junket, but you did talk about wine representatives accompanying you so I will rule that in order.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:24): Indeed. I know that an invitation was put out to industry. I don't have a list in front of me of those who are coming on the final delegation. But I would hope that the importance of re-establishing ties and strengthening our trade relationship would be appreciated by those in this chamber, particularly given the importance of trade for so many industries, including the wine industry here in SA.

CHINA TRADE TRIP

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:24): Further supplementary: does the minister believe that the resumption of trade with China will save the Riverland wine industry in the short term?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:24): As I have said on many occasions in this place, there is not a single solution to the oversupply issue that we have in terms of red wine here in South Australia, here in Australia, or indeed globally.

The issue of oversupply is one that is being felt across the world. It is certainly very acute in the Riverland, which is why we have worked so hard over the last 18 months in supporting the Riverland industry in terms of establishing what they need for a strategic future and how wine fits into the regional economy and the state economy.

This is something that we will continue to work with, but I think the importance of re-engaging with China is a very important step. It is, however, only one step. We know that even if the tariffs from China are lifted that will not immediately return our trade in wine to what it was back in 2020. We know that there have been changes within the Chinese economy and changes in tastes globally as well as here in Australia, and there are many different factors to be taken into account.

The Hon. N.J. CENTOFANTI: Final supplementary, Mr President?

The PRESIDENT: No. We have had 10 questions so far.

The Hon. N.J. CENTOFANTI: It's a very important issue.

The PRESIDENT: Yes. Ask it in your next question.

DOMESTIC VIOLENCE

The Hon. F. PANGALLO (15:26): I seek leave to make a brief explanation before asking the Attorney-General a question about potential breaches of parole.

Leave granted.

The Hon. F. PANGALLO: As I mentioned in the last sitting week, for the past year I have been advocating for an extremely brave and determined young woman and her equally committed family after she was violently stabbed close to death by her then husband in a horrendous act of domestic violence almost three years ago. That has escalated in recent months, after her attacker was released from prison on home detention seven months early, despite the sentencing judge specifically precluding him from serving any of his sentence on home detention.

I have asked the Attorney a number of questions on that and am awaiting his response. However, since asking those questions the woman and her family have raised some further serious concerns, which I am committed to seeking answers to. My questions to the minister are:

1. Is a prisoner on home detention and/or parole legally eligible to apply for and receive an ABN?

2. Would it be a breach of parole/home detention if a prisoner applied for an ABN knowing it was illegal to do so?

3. Would it be a breach of parole/home detention if a prisoner applied to be an NDIS support business knowing he had a criminal record, which includes not only horrendous acts of domestic violence but also fraud?

4. Do you think it's appropriate that a person with such an appalling criminal history should be able to operate a business within the NDIS system?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I thank the honourable member for his question. In relation to matters that he has previously raised, I have referred elements of those on to my colleague the minister for corrections, the Hon. Joe Szakacs, and some were also referred to the Commissioner for Victims' Rights, Commissioner Sarah Quick.

I am happy to take on board those further questions that the honourable member has asked in relation to conditions. Each parole has its own conditions. Sometimes there are dozens of conditions that someone has when they are on parole. The interaction with home detention and other issues I am happy to take on notice and bring back the honourable member a reply.

VICTIMS OF CRIME FUND

The Hon. L.A. HENDERSON (15:28): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the Victims of Crime Fund.

Leave granted.

The Hon. L.A. HENDERSON: Last month, *The Advertiser* reported that the Victims of Crime Fund had grown to $200 million, up from $196 million in 2021-22. As the Attorney-General would be aware, victims can incur various expenses, including medical, psychological and funeral, as well as

travel-related expenses to attend court, just to name a few. In this article, Ron Lillecrapp, brother of victim Joanne Lillecrapp, said it should cover travel and accommodation expenses for victims and families travelling to Adelaide to attend court. Julie Kelbin, whose son Jack died in a one-punch incident, said the travel and accommodation support was vital.

My question to the minister is: will the minister consider making necessary changes to allow the utilisation of the Victims of Crime Fund to compensate applicable victims for their travel and accommodation expenses to attend court?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:29): I thank the honourable member for her question. The Victims of Crime Fund is a very important fund that funds not just victims of crime directly and individually but services and supports generally for victims of crime. I am looking through, and I've got the figure somewhere I think, but for the last reporting period I am pretty sure—and I am happy to correct the record if it's wrong—there was more expended out of the fund than came into it; that is, that there was more spent from the fund in that year than was paid into the fund, primarily by victims of crime levies.

I think there was an overall slight increase in the balance due to interest on investments from the fund, but on the year I am pretty sure more went out than came in. There are sometimes very substantial payments that are made from the fund. For example, in 2017-18 $146.4 million was set aside from the Victims of Crime Fund to meet costs for the participation in the National Redress Scheme in response to institutional child sex abuse. Since then, even though just under $150 million was set aside, due to a higher than anticipated number of redress applications there has been a further $25 million provided from the fund.

While there is a significant balance in the fund there are big one-off hits that come occasionally, as we have seen in relation to the National Redress Scheme. In addition, as I said, there are very substantial direct payments to individual victims of crime, but it also funds numerous special services focused on supporting victims of crime. We are always open to see if there is anything we can do to increase supports to victims of crime. The Victims of Crime Fund was not set up and has not been intended to be the primary avenue, necessarily, for victims of crime but a funder of last resort for victims of crime.

As I said, it funds other individual specialty services: for example, funding from the Victims of Crime Fund includes supporting victims of domestic and family violence to navigate the court system; funding extended the Domestic Violence Crisis Line to a 24/7 crisis line; it provides rape and sexual assault services, including in Mount Gambier, Berri and Whyalla; it contributes to an on-call allowance for medical officers to conduct after-hours forensic medical services; it maintains a register of victims and next of kin, where the defendant is mentally ill, to be notified of key information affecting them, including court decisions relating to the defendant; it provides trauma informed counselling to victims of crime; and it provides support to co-victims of homicide.

So there are many areas that the Victims of Crime Fund services victims in relation to individual payments. The Victims of Crime Act sets out that the purpose of payments is in order to advance the interests of victims of crime, to help victims recover from the effects of crime and to assist in the prevention of crime, amongst other things.

As I said, there was a small increase in the total amount in the fund from the previous reporting period to this one due to interest earned on the amount that is in the fund, but more went out of the fund than came in in that year. Most of the money that comes into the fund is accumulated through the victims of crime levy, appropriations from Treasury, confiscation of profits and assets through the Office of the Director of Public Prosecutions and amounts paid by offenders for compensation through the Fines Enforcement and Recovery Unit.

Individual compensation is made to victims of crime but also payments, as I said, as part of the National Redress Scheme. As the honourable member indicated, the balance of the Victims of Crime Fund as at 31 January was a bit over $200 million, I am informed—$207.9 million.

Bills

INTERVENTION ORDERS (PREVENTION OF ABUSE) (SECTION 31 OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2024.)

The Hon. J.M.A. LENSINK (15:34): I rise to place on the record some remarks in relation to this legislation that is being introduced to correct incorrect charging for offences that took place between 2011 and 2019. I am advised that SAPOL detected the issue in May 2019 and have ensured they have checked every time since they realised those errors had been made.

This bill was introduced quite recently, in the last sitting week. It amends the principal act, being the Intervention Orders (Prevention of Abuse) Act 2009. Some multiple persons, in the order of 700, were prosecuted and found guilty of breaching the incorrect offence under the act. Under section 31(1) of the act, it is an offence to fail to attend an intervention program mandated under section 13 of the act, the maximum penalty for this offence being $2,000 or two years' imprisonment. Section 31(2) provides for an offence contravening any other provisions of an intervention that are not covered by section 31(1), with a maximum penalty of three years' imprisonment or five years' imprisonment for an aggravated offence.

For the period over 2011 to 2019, as I mentioned, some 700 individuals were charged under section 31(1) when they had, in fact, committed an offence under section 31(2). In each case, the individual was prosecuted as if they had committed a section 31(2) offence while being charged with section 31(1). This was due to an error in the SAPOL software, which was rectified in early 2019. As a result of the penalty for a subsection (1) offence being lesser than a subsection (2) offence, no individual was exposed to a greater penalty than they would have been if charged correctly; nonetheless, a review proceeding may be available in some cases as each conviction remains valid until quashed.

That is the purpose of this bill before us now. Clause 3(3) of the bill provides for a definition of a 'deemed subsection (1) offence' as an offence charged under section 31(1) that a person has been found guilty of before the commencement of the definition even though the person did not fail to attend an intervention program, instead contravening another term of an intervention order. Clauses 3(1) and 3(2) of the bill ensure that a deemed subsection (1) offence counts as a prior offence for the purposes of sections 31(2aa) and 31(2ab), which provide for harsher penalties for subsequent offences.

Clause 4 inserts new section 31A to provide special provisions for those applying for review or an appeal in relation to deemed subsection (1) offences. This would transfer review proceedings to the jurisdiction of the Supreme Court, constituted of a single judge. It would also provide for the court to hear a prosecution for a section 31(2) offence at the same time. As the statute of limitations for a summary offence is two years, new section 31A(1)(c) would extend the time for an additional two years at the commencement of any review proceedings.

Importantly, section 31A(1)(f) would allow sentencing remarks made in relation to the original erroneous section 31(1) conviction to be used as evidence in any subsequent section 31(2) proceedings as a result of any review proceedings. Further, section 31A(1)(g) would provide for a mechanism by which the court could determine a sentence for a previous conviction be considered the sentence for a new conviction, completed or otherwise. If the court makes a different sentencing determination, any paid or complete penalties for a previous conviction would count towards the penalties for a new conviction.

I am advised the prosecution error has resulted in no avoidance of conviction nor arguably any miscarriage of justice; that is, no convicted person has been subjected to any harsher penalty than they should have been. The Liberal Party supports this bill.

The Hon. F. PANGALLO (15:39): I rise to speak on the Intervention Orders (Prevention of Abuse) (Section 31 Offences) Amendment Bill. This bill is essentially to fix and wallpaper an

embarrassing mistake that had gone undetected by anyone in Crown law, the Office of the DPP, SAPOL, prosecutions, the legal profession, the judiciary and of course the Attorney-General's own department for 13 years, until it caught the eye of a sharp magistrate.

There was an error in charging breaches of intervention orders under section 31(1), which is only applicable if the person did not attend a program, rather than 31(2), which covers all other offences. Section 31(2) is more serious and subsequent breaches of 31(2) can be seen as a second offence and so on, whereas 31(1) is not as serious and carries a lesser penalty, and if you breach that for a second time or more a much higher penalty can apply.

According to the government, this amends an historical charging error where 700 offenders were charged and found guilty of a lesser offence when they should have been charged with a more serious offence. The less serious offence carries a maximum penalty of a $2,000 fine or two years' imprisonment, with an expiation fee of $315. The more serious offence carries a maximum penalty of three years' imprisonment for a basic offence and five years for an aggravated offence.

The historical charging error occurred from when the act was first introduced in 2011 and continued until 2019 when the error was identified under then Attorney-General Vickie Chapman's watch. What happened? The reason for this oversight is incredible. SAPOL's charging system, which produce the required forms, had somehow defaulted to the less serious charge. So who is at fault here? Why did SAPOL not conduct a full audit of the system?

But this bill does more than correct the bungle. It changes intervention order laws into the future in more substantive ways than just correcting an error and it also indemnifies the government from any legal action or liability arising from any previous action. The Attorney-General will beat his chest and claim it is all about his government getting tough on crime, especially in relation to domestic violence incidents. There is no argument from me there. This is as it should be.

However, what concerns me, what concerns the legal profession and what should concern every South Australian is the lack of opportunity to have this legislation properly assessed by various stakeholders. I asked the Attorney-General to defer it to at least the next sitting week to enable consultation and engagement with the Law Society and the Bar Association, something the Attorney-General has failed to do. Of course, in opposition he took a much different approach to consultation and engagement.

I am also disappointed with the opposition, who have just rolled over rather than ensure this government is accountable and held responsible for legislation it presents in this place. The Attorney told me yesterday that any concerns could be raised when the bill was being debated today. What arrogance! This bill raises so many questions, which I am going to have to put to the Attorney-General shortly, and I hope I get some clarity from him.

The Law Society, in a letter to the Attorney-General on 4 March, says it only became aware of the bill when it was tabled, and its views have been informed by the Criminal Law Committee. To quote from the letter:

> 5. The society queries the utility of the mechanisms set out in proposed section 31A. It is difficult to ascertain why the imposition of a review process is necessary at all to correct any implications arising from the historical charging error, or to envisage a situation where an offender would seek to review such a sentence.
>
> 6. Despite references to appeal proceedings being available to offenders who have been incorrectly charged, it would appear the Bill may provide the prosecution with the ability to also apply under the new scheme.
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> 7. There may have been people convicted of the lesser offence but sentenced on the actual facts of the matter (which would have been a breach by something other than not attending a program as is required by section 31(1)) and the penalty actually applied was that of the more serious offence. In such circumstances it is difficult to see how and why such a person (or the prosecution) would appeal, or even why there would be an appeal other than to correct the section name of the offence as the offence on the face of it would have been properly dealt with.
>
> 8. Noting this, the Society queries whether the charging error is appropriately addressed by the simple inclusion of a 'deeming' provision.

The bill exempts the Crown from liability in respect of an act or omission in this, which seems to the Law Society to deprive a person of a civil remedy that they may have otherwise been entitled to. They are concerned that if there was a false imprisonment that your rights regarding this are gone.

The question is why 31A(5) is being legislated at all. I seek leave to table the letter dated 4 March to the Attorney-General, which was also distributed to other members.

Leave granted.

The Hon. F. PANGALLO: Disturbingly, the proposed new laws will be retrospective, allowing the government to recharge the 700 offenders incorrectly charged and convicted of 711 offences as section 31(1) offences when some or all of them should have been under the more serious 31(2). What we do not know is how many of the 700 charged under 31(1) were sentenced or penalised as if they had contravened section 31(2); that is, how many received more than the maximum penalty of $2,000 or imprisonment for two years and an expiation fee of $315.

The defendant can apply out of time for a review of their 31(1) conviction by a judge sitting alone in the Supreme Court, but it also allows for the prosecution to lay fresh prosecutions in the same proceeding. It can be remitted by that court to another court as a matter of summary jurisdiction for trial to deal with as a new offence. I will have many other questions to put to the Attorney-General during the debate.

The Hon. R.A. SIMMS (15:48): I rise to speak on the Intervention Orders (Prevention of Abuse) (Section 31 Offences) Amendment Bill. I understand the bill comes after an error was discovered relating to charges under section 31 of the Intervention Orders (Prevention of Abuse) Act 2009. The parliament has been advised that, of the 771 files that contained this error, none of them were charged with the higher offence.

What is interesting about this scenario is that the error began in 2011 after the commencement of the act and then in 2017 SAPOL addressed the issue; however, a change in the system in 2018 meant that the error continued to occur. This is concerning and we need to ensure that this does not happen again in relation to other criminal matters. Indeed, I can imagine this would be very distressing for the victims who have seen a sentencing process and understood a matter has been closed to then see this reopened again. To see an element of doubt being cast over that process must be very concerning for them.

We know, of course, that domestic abuse and violence is a serious issue, a serious scourge in our state, and errors of this kind can have very serious, real-life consequences. While we understand that all of those charged were charged with a lesser offence, the impacts of those who have experienced family abuse and violence must be considered.

The housing crisis and the cost-of-living crisis are felt much more acutely by people who are experiencing family and domestic violence, with many people, especially women, being forced to choose between living in an environment of abuse or homelessness in circumstances where they have nowhere to go.

It is important for all of the facts relating to this error to be put on the table. We need to be mindful that there is potential for an emotional toll for people who had felt that a matter had been heard by the corrective and judicial systems and are now discovering that that may not be the case. People who have experienced abuse need to be assured that the system is working; otherwise, trust will be lost.

This bill is a sensible measure to ensure that there is a provision to review these situations as required. This will give some certainty to people who have experienced abuse, while at the same time protecting the integrity of our justice system from what appears to have been an administrative error.

I do note the concerns of the Law Society, and I understand the concerns of the Hon. Frank Pangallo about the potential consequences of this. I think he is right to raise those issues—that is the role of the crossbench in this place, to raise issues such as that and to ensure that we apply appropriate scrutiny to the government's legislative program.

In this instance, it is the view of the Greens that it is appropriate for us to move quickly to remedy this, so that we can ensure that there is confidence in the judicial system and so that we can close this chapter for the victims of this abuse. Like the Hon. Mr Pangallo, I do intend to ask some questions at the committee stage to satisfy myself that there will not be unintended consequences.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:51): I thank members for their contributions and look forward to answering questions in the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: I have some questions for the Attorney. Can the Attorney explain why there has been so much secrecy about this legislation, and why has the Courts Administration Authority advised defendants about the impact of the legislation, rather than tell them to get legal advice?

The Hon. K.J. MAHER: Of course, the Courts Administration Authority is an independent authority in South Australia. I was informed about this, as I think I said in my second reading explanation, in September of last year. I have taken a great deal of advice about the potential impact, the potential avenues that may flow from this, and also what the potential remedies could be and, in particular, the ability to withstand any possible constitutional challenge to potential remedies.

The simplest thing would be just a bill to say the court said you were convicted of this, but we, as a parliament, say you are actually convicted of the other offence, which would have difficulties withstanding a High Court challenge. So, as I said, I found out in September and I have spent the last few months getting advice and having a bill drafted. I understand that when this was introduced into parliament, the Courts Administration Authority notified—from the addresses that they had—the defendants and/or their legal representatives, and I understand the majority of people this relates to were legally represented.

Certainly, when I first found out in September I was very keen to find a way to fix this problem before making a public announcement. The last thing I wanted to see happen was a big public announcement about this, and see people who had been convicted under the wrong subsection—because of an administrative typographical error on a form—thinking they could lodge an appeal, retraumatise victims and then potentially have that conviction overturned.

That is something I was very keen to avoid and that is why we have put in place this bit of legislation. It will disincentivise appeals by putting in place a process—if someone does lodge an appeal because they were convicted under the wrong subsection—whereby a fresh prosecution can be lodged. I suspect that will act as a massive disincentive to try to lodge an appeal that would have the effect, I think, of retraumatising victims.

We know that perpetrators of domestic and family violence use the court system to traumatise victims, so when I found out about it I was keen, firstly, to find a way to put in a fix for what had been a mistake that spanned governments of both persuasions for more than a decade, but also do everything that I could to fix it. I think I had an obligation, as I think this parliament does as well, to make sure that victims are treated with as much respect as possible and put under the least trauma possible. We need to make sure that because of an error, putting a wrong subsection on a piece of paper, we did not let people off from an offence that would appear that everyone involved in any of these cases thought was correct.

The Hon. R.A. SIMMS: I guess I am really keen to understand, Attorney-General, how this has happened. I understand it happened some time ago, but have you investigated what occurred, and what steps have you taken to ensure that an administrative error like this cannot occur again? As you have quite rightly described, the consequences are really serious in terms of what it means for victims and the broader community in terms of their faith in the justice system.

The Hon. K.J. MAHER: Mind you, this is more than a decade ago, but my advice is that there was an error in terms of a drop-down box. Whether it was a technology error or a human error I do not have advice about, and I am not sure that I can get it, but the error, having been identified, we were keen to fix it as soon as possible. I am advised that they have a new system that does not have the same drop-down box that would allow this to happen again.

The Hon. F. PANGALLO: How many of the 711 charges were actually 31(1) offences and how many were actually 31(2) offences, or has SAPOL only counted those that were wrongly laid? That is, how many were correctly laid in that period of eight years?

The Hon. K.J. MAHER: Upon taking further advice in relation to the Hon. Robert Simms's last question, I think I may have said that it does not have a drop-down box. I am not sure if it has a drop-down box on the new system or not, but I am advised that the way it is designed ought to prevent this happening again.

In relation to the Hon. Frank Pangallo's question, we have spreadsheets but it is not apparent exactly how many correctly charged 31(1) offences there were—that is, the lesser one for breaching an intervention order required program under an intervention order. I presume we might be able to find that out, and I am happy to do that at some stage for the honourable member. But we do know from the audit that has been conducted that over that period of time there were 771 matters that involved 700 individual defendants who ought to have been charged as 31(2) but were incorrectly charged as 31(1).

The Hon. F. PANGALLO: I refer to the Attorney's previous explanation about the need to do this and the fact that they did not want to retraumatise victims. If the prosecution lays fresh charges, as they can, is it not correct that victims would be retraumatised up to 10 years later?

The Hon. K.J. MAHER: The only way under the bespoke scheme that is contemplated in this bill for fresh charges to be laid is if someone who was wrongly charged—so one of those 700 individuals—seeks to lodge an appeal, gets over their own out of time application for their appeal, and is successful in their appeal. This then allows a charge to be re-laid. I suspect it would traumatise victims to a much greater extent knowing that nothing could happen as a consequence of the historic breach than being able to have that breach.

We would hope—and I think the Law Society indicates that it might be that no-one takes an appeal on this matter, which I hope is the case—that this legislation will make it even more likely that no-one takes an appeal on this matter. The fact that there is the ability to prosecute, should someone be successful in overturning their charge on an appeal, means that it is even less likely that there will be anyone convicted under the wrong subsection lodging such an appeal.

The Hon. F. PANGALLO: In relation to the appeal or the review, if they had been charged under the lesser 31(1) and pleaded guilty and were correctly sentenced under 31(1), why would they ever seek a review?

The Hon. K.J. MAHER: There is a potential, because someone has been charged under the wrong section of the act on the basis of facts that were not right, that they could seek a review to have the convictions quashed entirely, and I think that would be an absolutely perverse outcome and one that I would want to take every step to make sure does not happen. Hopefully it is an unlikely outcome, but I want as little chance as possible of that happening.

When this was put to me and we had a choice of doing nothing and the potential of having perpetrators who had breached intervention orders more seriously than the 31(1), or doing everything in our power that has the best chance of standing up to any constitutional challenge to make sure that the fines that were imposed and the convictions recorded have the best chance of being maintained, I decided in the interests of victims of domestic violence that the best chance is that they be maintained.

The Hon. F. PANGALLO: I will not argue with your views there, Attorney, there is no doubt about that. Can I ask how many of the 700 charged under 31(1) were sentenced or penalised as if they had contravened 31(2)? That is, how many received more than the maximum penalty of $2,000 or imprisonment for two years and an expiation fee of $315?

The Hon. K.J. MAHER: I am advised that of the 771 matters all had a penalty imposed as if it was 31(2)—that is the point of this. Every single one of them had the facts put forward on the more serious breach. There may have been some for whom, even if they had been correctly charged under 31(2) and had the penalty applied under 31(2), the penalty actually imposed could have been at the lower end of the scale, so it might have been a penalty that may have been able to have been

imposed under 31(1), but even at the lower end of the scale of 31(2) might have been more than they would have got under 31(1).

Of the 771 individual matters, 700 defendants, the whole point of doing this is that it appears that for every single one of them the penalty was imposed as if they had been charged under 31(2), which everyone involved, from the police prosecutors to the magistrates who sentenced, believed was the case.

The Hon. F. PANGALLO: The defendant can apply out of time for a review of their 31(1) conviction by a judge sitting alone in the Supreme Court, but it also allows for prosecutions to lay fresh prosecutions in the same proceeding. It can be remitted by that court to another court as a matter of summary jurisdiction for trial to deal with as a new offence. When do you envisage this happening—what scenarios or circumstances?

The Hon. K.J. MAHER: I thank the honourable member for his question. We are not changing the ability for any of these defendants to lodge an appeal. They will have to argue, though, about why there are merits that there are ordinary time limits, because they will be out of time in the ordinary course of things, that there are circumstances that warrant an out of time appeal being lodged. They will have to argue that. That would obviously be something we would likely argue against.

If they get over that hurdle, then they would have to argue why their conviction should be quashed or set aside, and if they are successful in that it then allows for the reprosecution to occur at the same time as the successful appeal. As I said, we do not want someone getting off because a wrong number, a wrong subsection, was put down. We want to make sure we are doing everything we can to disincentivise lodging appeals.

The whole idea of this is: if you go through, you get over your out of time argument, you successfully have an appeal against the conviction because it is the wrong subsection, what is the point of doing that because you can just be prosecuted afresh anyway? How many would it apply to? It would apply to every single one of the people who lodge an appeal, should any lodge an appeal.

The Hon. F. PANGALLO: Agreed or undisputed facts in the original 31(1) hearing will also be admissible in these new 31(2) proceedings; is that correct?

The Hon. K.J. MAHER: That is correct and that is what is contemplated in the legislation. It goes to a point, the Hon. Mr Pangallo, that you made earlier about retraumatising victims. If it is something that is a decade old, for instance, it may be difficult—if someone did lodge an appeal, they got over the out of time problem, they were successful in their appeal in overturning the conviction—to find the witnesses, to have a fresh prosecution from events that happened 10 years ago. If there were agreed facts, they could be used in the fresh prosecution. Once again, we want to create an environment where it disincentivises people having an appeal because any facts that were agreed in the original conviction the court can take and use in the fresh prosecution.

The Hon. F. PANGALLO: Could this not be perceived as creating something new or unique in law, bringing evidence from one matter through to another?

The Hon. K.J. MAHER: I thank the honourable member for his question. This is a bespoke scheme for quite an unusual set of circumstances; however, I think it is important to put on the record that these are facts that were not disputed, so if they are agreed facts—and I am informed that virtually all of these defendants, virtually all of the 771 matters, pleaded guilty. I am informed that we believe none of them were actually contested. These are matters where people have copped to the offence and that is why we think it is important that, for this bespoke scheme that we are setting up, you can use agreed facts if you lodge a fresh prosecution.

Once again, with the choice of seeing a defendant use the justice and legal system to retraumatise a victim or for a defendant to possibly try to have a record wiped clean because of a clerical error by putting in a bracket a number 1 instead of a number 2 compared to making sure victims are properly protected, we came down firmly on the side of the latter.

The Hon. F. PANGALLO: Does the Attorney know if any of the 700 had their wrongly charged 31(1) convictions counted as a second and/or subsequent offence in later hearings?

The Hon. K.J. MAHER: We do not have data on that, but it would be likely that there would be some, and we have certainly catered for that in the bill, that for these matters the conduct will be able to be taken into account as if it were the more serious 31(2) offence.

I am further advised that the second and subsequent offences relate to offences that happened within five years. That five years is very close to being up at this date in any event, so yes, it is likely that there were some that were taken into account. For any that are within the five years we provide for in the scheme, they can be used as second and subsequent offences, notwithstanding the wrongly charged sections.

The Hon. F. PANGALLO: They may have agreed then, but you cannot usually do this even when your criminal record cannot be mentioned in a new hearing.

The Hon. K.J. MAHER: How do you mean?

The Hon. F. PANGALLO: If there is a new hearing you cannot go back to a previous.

The Hon. K.J. MAHER: I am not sure—

The Hon. F. PANGALLO: Your criminal record cannot be mentioned in a new hearing.

The Hon. K.J. MAHER: I think what the honourable member is asking is that in a trial where you are determining the guilt of a defendant the general principle is that you do not use past convictions in order to try to prove the guilt of a new or different conviction, but there are numerous schemes where you face greater penalty if you are found guilty of second and subsequent, maybe third, offences.

The Hon. F. PANGALLO: What I am asking is: why is this evidence able to be instantly admissible when they can be only alleged after a conviction?

The Hon. K.J. MAHER: The honourable member can ask further questions, but the way I understand his question is about the admissibility of facts that were previously agreed. I think that is what the honourable member is asking about. The reason that under this scheme we are allowing that to be admissible evidence—and it still leaves open a discretion of the court to reject it, but the reason we are allowing the potential for it to be used is that in the original conviction the defendant agreed to those facts. That is why we are saying these are facts the defendant agreed to. As I have said, nearly all of the matters were by way of a guilty plea, and I am informed we cannot find any of the matters that were actually contested.

The Hon. F. PANGALLO: Under the provisions of this bill, how many of them will have their 31(1) convictions counted in future as a subsequent or second offence?

The Hon. K.J. MAHER: My advice is for a 31(1) conviction, as I said, it relates to the previous five years, so we are almost completely out of time, and we do not expect there to be many of those. For a 31(1) conviction none of them can be taken into account as a 31(2) conviction, but what this bill allows a court to do, if there are any that are within the five years, is to have a look at that conduct and to look at it as if it might be conduct if it was 31(2.)

The Hon. F. PANGALLO: As has been noted, there has been concern that this bill now makes it possible, under the amendment of 31(2ab), to count 31(1) offences as second or subsequent offences. Is this a permanent change?

The Hon. K.J. MAHER: This applies to a charge against this section where a person was found guilty before the commencement of this definition, even though the person did not contravene a term of an intervention order imposed under section 13. So what it applies to is people who did not contravene an intervention order. It is difficult to envisage how this will have anything to do with matters outside these 771 matters, remembering that for the second and subsequent offences it has to be within the last five years unless there is a mistake, again, that puts us into exactly the same factual circumstance. Just to correct the record, I think I just said 'breach an intervention order'. I meant to say 'breach an intervention program', because that is a breach of section 31(1).

The Hon. F. PANGALLO: Why is that provision possible or necessary in fixing this charging error? Section 31(1) was and is an offence and remains unchanged by SAPOL's error, so why is it being upgraded to being able to be considered a second and subsequent offence?

The Hon. K.J. MAHER: The only way it is being upgraded is where the conduct falls into the 31(2). It is not being upgraded if it was genuinely a 31(1) offence and the behaviour constituted a breach of 31(1). It only has the potential to be upgraded where the conduct was actually that 31(2) offence.

The Hon. F. PANGALLO: Does the Attorney know whether there will be any fresh prosecutions to be laid against the 700-odd offenders?

The Hon. K.J. MAHER: I certainly hope not. Fresh prosecutions under the legislation we are envisaging can only be laid if there is an appeal mounted against a conviction that ought to have been under 31(2) but was actually under 31(1). As I have said, the process to go through that is that the defendant who was convicted under the wrong subsection would have to get over the bar of being out of time, would have to have a successful appeal and would have to quash that conviction.

That is the only way that these fresh prosecution provisions apply. So, to answer the Hon. Mr Pangallo, I hope there is not a single one of them, but the whole reason we have these in here is to deter anyone from doing that, because what is the point of challenging a conviction if you can just be prosecuted again and use the agreed facts that you did not challenge the first time around?

The Hon. F. PANGALLO: As I indicated, why would you even seek a review, even though it has been put in there, when you are opening yourself up to a whole new criminal trial and section 31(2) penalties?

The Hon. K.J. MAHER: That is exactly the point.

The Hon. F. PANGALLO: It is also concerning these fresh prosecutions could open the door to prosecutions under section 31(2) some eight years later, with increased penalties and custodial sentences, when the person has served their section 31(1) penalty. Would you know how many would be in that position?

The Hon. K.J. MAHER: I thank the honourable member for his question. As we have discussed, the idea of this is for it never to be used. That is the idea of doing this, so that it is a deterrent for taking those appeals. But the legislation does provide essentially for the court to be able to set off any penalty that was imposed because, let's remember, the penalty that was imposed was under the mistaken belief it was under section 31(2). If you reprosecute under section 31(2), any penalty that has been imposed can be set off against the penalty that was imposed previously, and it does provide for the court to take into account that the penalty that was previously imposed is what the penalty ought to be for this fresh prosecution.

As I said in the second reading explanation, this does not expose any defendant to a greater penalty than what they would have been exposed to if they had been correctly charged under section 31(2), which is what everyone presumed they were actually charged under, which is what the penalties were imposed under. What this does is make a scheme where we have, I think, as little chance as we possibly can for victims to be retraumatised.

The Hon. F. PANGALLO: In regard to that, what about the court costs, legal representation costs and costs of lost time and opportunity?

The Hon. K.J. MAHER: For who?

The Hon. F. PANGALLO: The bill provides for offsetting the previously imposed penalty and the costs of the levy under the Victims of Crime Act against any sentence imposed under fresh section 31(2). What about the court costs, legal representation costs and costs of lost time?

The Hon. K.J. MAHER: I might need some clarification: whose loss of time and which legal costs for what proceeding?

The Hon. F. PANGALLO: This would apply to the defendants, would it not?

The Hon. K.J. MAHER: I thank the honourable member for his question. I am just not clear which proceeding he is envisaging where there would be fresh legal costs that this applies to. I am happy to answer, I am just not quite sure which proceeding he is referring to.

The Hon. F. PANGALLO: Basically, is the Crown going to cover the defendants' costs in reviews?

The Hon. K.J. MAHER: If the honourable member is asking: is the Crown going to incentivise defendants to take a review application to try to quash a conviction, to traumatise victims—no. We are not going to undertake and provide the incentive carte blanche, a blanket incentive, for offenders who have been properly convicted, albeit under the wrong section. Absolutely not will we give an undertaking that we will cover their costs.

The Hon. F. PANGALLO: Why is the Crown not quashing all these convictions rather than expecting the defendants wrongly charged and convicted to seek a review?

The Hon. K.J. MAHER: As I understand the question: why are we not quashing all of the convictions? Because we want them to stand.

The Hon. F. PANGALLO: Will defendants who want to sign up for a review be asked whether they have had any independent legal advice?

The Hon. K.J. MAHER: That will be entirely up to any potential defendant. They may wish to seek advice. My advice is the vast majority of the 700 defendants who pleaded guilty to these charges were legally represented and presumably got advice on what to do and their legal standing. It will be up to anyone, if they wish to, to seek legal advice. It is not up to the government to tell defendants, 'You need to be legally represented,' which I assume is what the honourable member is asking. Anyone is able to seek legal advice.

What we seek to do here is disincentivise, to have a defendant, when they seek that legal advice, be able to look at the merits of the matter and see that even if they get across all those thresholds that are already in place—that is, a review of their conviction would need to get over the fact that it is out of time—on the merits of it have their conviction quashed, and then we want to make sure that there is a process in place that can seek to have them prosecuted again and, again, as swiftly as possible as this scheme provides, to be able to use agreed facts in that fresh prosecution. If someone seeks legal advice, I am sure that their legal representative will advise them of the effects of this legislation, should this parliament pass it.

The Hon. F. PANGALLO: Why does the bill provide for no liability to the Crown for false imprisonment or any other act or omission relating to proceedings involving incorrect charges?

The Hon. K.J. MAHER: That is a very simple one. It is because the penalty that was imposed was done on the basis that you had breached section 31(2). There was a wrong number written on that. I think it would be a perverse outcome for someone who did spend time in prison, had pleaded guilty to what they thought was 31(2), to then come and try to take action against the government for serving a period of imprisonment for a breach of an intervention order that everyone had understood, as appears to be the case, was under 31(2).

Again, we do not want to create any sort of incentive for defendants to take action that would retraumatise victims and seek to escape conviction because of the error of putting the number 1 in a bracket instead of 2.

The Hon. F. PANGALLO: Are there 700 complaints that 700 times that advice was wrong? There are more than 700—

The Hon. K.J. Maher interjecting:

The Hon. F. PANGALLO: Right, and that advice was wrong in relation to those convictions. That is what we are changing the legislation for now. Why did nobody in prosecutions notice that it was a conviction under a wrong section?

The Hon. K.J. MAHER: This is a reasonable question. It is certainly one that I have contemplated and asked. I can only assume that once there is a form that is created, once a court actually makes a conviction, everybody accepts it, and people had just thought they were acting under the correct section.

No-one looked at it afresh and they continued to do it, given that this seems to have escaped the attention of prosecutors, defence, the Magistrates Court and potentially the Supreme Court if

anyone appealed such a conviction. Everyone, it seems, had been acting as if it was the right subsection, so no-one thought to look back and say, 'Is this the correct subsection?' Everyone just assumed it was, is what, I am guessing, has more than likely happened.

The Hon. F. PANGALLO: Is it likely that many of those 700 or more convictions will be spent convictions by now?

The Hon. K.J. MAHER: I thank the honourable member for his question. In regard to the 771, I have not considered the application of the Spent Convictions Act. Obviously, under the spent convictions regime, there are certain convictions that become automatically spent with the passage of time. There are other convictions that can be applied to be spent and there are a number of exceptions and exceptions to exceptions under the spent convictions regime. In relation to section 31(1) and section 31(2), I am just not sure how that interacts with the spent convictions regime.

The Hon. F. PANGALLO: Could it be that many of those offenders would now be in fear of fresh prosecutions, penalties and new convictions?

The Hon. K.J. MAHER: I thank the honourable member for his question. In a word, no. As I have said a number of times to the honourable member, this only applies when someone appeals it. Let's say there is a circumstance where one of these convictions has already been spent; that is, it does not appear anywhere on your criminal record. It is unfathomable to consider a position where that defendant then wants to appeal their spent conviction as then they will possibly have a fresh prosecution. I just cannot see any possible way that that would happen.

The Hon. F. PANGALLO: As has been indicated, the prosecution could lay fresh charges. Why does this bill give them these powers retrospectively and out of time?

The Hon. K.J. MAHER: Sorry?

The Hon. F. PANGALLO: Would you like me to ask that again, Attorney?

The Hon. K.J. MAHER: Yes.

The Hon. F. PANGALLO: As has been indicated, the prosecution could lay fresh charges against these 700-odd. Why does this bill give them these powers retrospectively and out of time?

The Hon. K.J. MAHER: As I think I have already explained, the only way that these provisions get enlivened is if someone appeals against their conviction—if everyone thought it was a 31(2) matter but it was actually written on the paper as a 31(1) matter. This does not give the police or courts a whole lot of new powers to do things to a whole lot of defendants who are not captured by this. This is specifically in relation to someone who lodges an appeal. I hope that no-one lodges that appeal and retraumatises victims, but in the event that they do this is a way to make sure those convictions stay in place.

In addition to that, it creates a disincentive, I think, for people who have committed that more serious breach of an intervention order to not take that action. This is only in relation to people who successfully appeal that conviction.

In relation to the spent conviction question that the member asked, I guess it is possible that there are some forms of convictions that can be used in different regimes, such as working with children checks and other matters, where there is the potential that someone might seek, even though a conviction is spent, to try to have it overturned, but in that event they would enliven the provisions under this act for a fresh prosecution.

The Hon. F. PANGALLO: Can the Attorney explain the deeming provisions of this bill, what they do, why they are necessary and why they were included?

The CHAIR: The Hon. Mr Pangallo, ask the question again, please.

The Hon. F. PANGALLO: Are there deeming provisions in this bill?

The Hon. K.J. MAHER: No. A simple deeming provision to deem the conviction for the 771 matters as a 31(2) offence rather than a 31(1) offence is something that was certainly considered in the development of this legislation, but the risk of a constitutional challenge in the High Court had us decide on the scheme that is before us now. As I said, we want to do as much as we can to make

sure victims are not retraumatised, and having something that may lend itself to challenge in the High Court I think would tend to do that more than the scheme we have before us.

The Hon. F. PANGALLO: Finally, why did you not seek the advice of the Law Society or the Bar Association or any other person practising in this field of law that could be affected by it, for example domestic violence service providers or women's legal services?

The Hon. K.J. MAHER: I thank the honourable member for his question. As I answered earlier, I did not want to do anything that would create the ability for a defendant to lodge an appeal before this was in place. I am hopeful that this will pass the parliament this week and be in place, which ought to put this scheme in place before any defendant could lodge such an appeal.

I did not want to go out to a large-scale consultation that could create an incentive for defendants to lodge such appeals before we had this scheme in place. I think that would have the potential to retraumatise victims to a great extent. Certainly, I know when this bill was introduced—on the same day—I understand the Courts Administration Authority, as I said, wrote to all of the defendants and all of their legal representatives, and also wrote, as I understand, to the Law Society and I think also the Bar Association, in relation to the legislation that was tabled.

Clause passed.

Remaining clauses (2 to 4) 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) (16:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SPENT CONVICTIONS (PART 8A FINDINGS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2023.)

The Hon. S.L. GAME (16:37): I rise to put on the record my support for this bill, which proposes amendments to the Spent Convictions Act to include findings made under part 8A of the Criminal Law Consolidation Act 1935. The Spent Convictions Act allows eligible convictions to be spent after a certain period of crime-free behaviour.

A part 8A finding is made when a court determines an individual was mentally unfit during the commission of an offence or to stand trial. Findings of not guilty due to mental incompetence or unfitness to stand trial under part 8A are not treated as convictions in the Spent Convictions Act. However, as part of the information release process for criminal history checks, part 8A findings are included, along with convictions.

A part 8A finding is not considered a conviction, so it does not become automatically spent. In addition, an individual with such findings cannot apply to have them removed from their criminal record, unlike those with convictions for the same offence. This amendment bill remedies these anomalies by providing that part 8A findings will be treated like convictions for the limited purpose of the Spent Convictions Act. This ensures that those found not guilty due to mental conditions are not treated more harshly than convicted individuals.

The Hon. M. EL DANNAWI (16:38): I rise today to speak in support of the Spent Convictions (Part 8A Findings) Amendment Bill. We are all aware of the limiting effect that a conviction can have on someone as they move through their life. A criminal record, even for a minor crime, can have an impact on employability well into the future. In some cases this is warranted and in some cases it is not.

The law must be capable of recognising nuance and the potential for reform, without diminishing the protection of the public. It must try as much as possible to be balanced in respecting these interests. This is why measures such as the Spent Convictions Act are so important. The act establishes a scheme by which convictions can be spent. This means that a conviction will not be allowed to be disclosed or considered by employers or prospective employers should certain criteria be met.

The Attorney-General outlined in his second reading explanation a number of exclusions and exemptions to exclusions that apply, so I will not revisit them. I will, however, highlight that convictions for the most serious offences can never become spent. Convictions are only eligible to become spent if:

- a sentence of imprisonment was not imposed or was imposed for a maximum of 12 months for an adult and 24 months for a minor;
- the conviction relates to a designated sex-related offence. This refers only to sex offences between two consenting adults. Eligible convictions under this category can be related to offences between consenting people of the same sex where it would not have been an offence had they not been the same sex; or
- the conviction relates to a prescribed public decency offence. This refers to an offence against public decency or morality by which homosexual behaviour was historically punished but did not include sex offences.

The scheme therefore not only recognises reform of the individual but reform of the law. Often the progress of society outpaces the progress of the law. It is therefore a matter of justice that convictions for crimes which we have since decriminalised should be able to become spent.

Another cornerstone of our justice system is procedural fairness. We do not allow those who are judged not fit to stand trial to be found guilty. Under part 8A of the Criminal Law Consolidation Act a person can be found not guilty by way of mental incompetence or unfitness to stand trial. However, findings under part 8A, as they relate to a charge, are still included in the information release process for criminal history checks. As a result of this, a person found not guilty of an offence by reason of mental incompetence can never apply to have that finding removed from their criminal record, despite a person who may have actually been convicted of the same offence being able to do so.

The bill addresses this by requiring a finding under part 8A to be treated as a conviction solely for the purposes of the Spent Convictions Act, which in turn will enable them to apply to have these findings spent for the purposes of the act. This act ensures that people who were charged with an offence but not convicted in light of their mental capacity or unfitness to stand trial, are not treated more harshly than people who have been convicted of an offence.

The spent convictions regime acknowledges reform. It recognises that an extended period of crime-free behaviour after an initial offence should be considered in decision-making. This bill rightly makes that same concession available to those who experienced or continue to experience a mental incapacity. I commend the bill to this place.

The Hon. J.M.A. LENSINK (16:42): This bill was introduced into the parliament on 28 September last year, and it amends the Spent Convictions Act to allow for a finding of not guilty by reason of mental incompetence or unfitness to stand trial to be spent in the same way as a conviction.

As the Attorney-General said in his second reading explanation when he introduced the bill, a finding of not guilty by reason of mental incompetence or unfitness to stand trial under part 8A of the Criminal Law Consolidation Act is not treated as a conviction for the purposes of the Spent Convictions Act; however, as part of the information release process for criminal history checks, part 8A findings are included along with other convictions.

A lot of us would understand and appreciate the purpose of the Spent Convictions Act to enable people who have been found guilty of lower level offences to have their conviction spent. I note that for the purposes of the act a finding of not guilty under part 8A is not a conviction, therefore

a finding of not guilty for this reason is never spent, whereas a conviction for the same ineligible offence may be spent. In other words, under the current legislation somebody found not guilty because of mental incompetence has that retained, whereas someone who is found guilty is able to have that removed. That is quite a discrepancy in the law.

It is quite a narrowly cast piece of legislation, and I note that, other than minor clauses in this bill, the bill does not make any broader changes to the spent convictions legislation. For those reasons, to correct what is essentially a discrepancy between the treatment of convictions under various parts of our legislation, the Liberal Party supports the bill.

The Hon. R.A. SIMMS (16:45): I rise to speak in favour of the Spent Convictions (Part 8A Findings) Amendment Bill 2023. Currently, I understand people who are found not guilty by reason of mental incompetence are not able to access provisions to consider their conviction spent and therefore not disclosed on their criminal history checks. This creates an inequality for people in those circumstances. When someone is applying for a job, they are often asked for their criminal history.

The Greens believe it is important to reduce the stigma and inequality for people with intellectual disabilities. When people enter the criminal justice system it is important that we protect their human rights. The United Nations Universal Declaration of Human Rights, article 7, speaks to this: 'All are equal before the law and are entitled without any discrimination to equal protection of the law.'

It is my understanding that there are no clear rules around what must be included in a criminal history check provided by the police; however, there are rules around what is excluded. This bill would ensure that people who have a finding of mental incompetence made in relation to them, or unfitness, would be able to have that excluded from their criminal history, which would be a very positive step forward in terms of ensuring that those people can be full and active members of our community.

People with different intellectual needs can already experience discrimination in many facets of their life. Anywhere we can reduce those layers of disadvantage, we should act. We need to remove barriers to meaningful employment and quality of life. In applying for jobs, it is ultimately unjust for people with a finding of mental incompetence to have it revealed when they are lodging an application. The Greens consider this bill to be a sensible measure that would reduce inequality and discrimination and we congratulate the government for acting on it.

The Hon. E.S. BOURKE (16:47): Justice is only just when it is applied equally. Every person in our society deserves access to justice on the same terms. One of the key tasks of any government—and certainly a passion of this Labor government—is to identify and pursue reforms that broaden community access to justice on equal terms.

This bill addresses one area of law where reform is required in order to ensure that justice is applied equally. The Spent Convictions Act establishes a scheme that allows for eligible convictions to be spent after a period of crime-free behaviour. This means it sets out the law on when a conviction is no longer disclosed on your criminal record. Once a conviction becomes spent, there is no requirement that it be disclosed to employers or prospective employers.

It is important to make clear that not all convictions are eligible to become spent. Convictions for the most serious offences cannot ever become spent. That is appropriate and is in line with community expectations. However, it is also in line with both community expectations and legislative practices that a range of convictions are eligible to become spent after a range of conditions are met, hence the reason for the act to exist. When the act was initially developed and implemented, it was welcomed by many.

Importantly, I note there are a series of exclusions and exemptions to exclusions that do apply; for example, with regard to seeking certain employment. The Attorney laid out a fair bit of detail about this, as has been highlighted by other honourable members, so I will not refer to those contributions. In this bill it seeks to redress an equal application of justice.

Currently, where a person is found not guilty by reason of mental incompetence or unfitness to stand trial under part 8A of the Criminal Law Consolidation Act this is not treated as a conviction for the purposes of the Spent Convictions Act. That is despite part 8A findings being included in the

information release process for criminal history checks. As a result, a person who is found not guilty of an offence by reason of mental incompetence cannot at any time apply to have that finding removed from their criminal record, whereas a person who has been convicted of the same offence may be able to do so. This is a double standard.

The intent of this bill is to make sure that South Australians who were charged with an offence but who, in light of their mental incompetence or unfitness to stand trial, were not convicted, are not treated more severely under our laws than those who have been convicted of another offence. The spent convictions regime acknowledges that people are capable of changing, that behaviours and patterns of behaviour are capable of being reformed, and that an extended crime-free period following an initial qualifying offence should mean that they are afforded the opportunity of what amounts to a fresh start.

This bill seeks to apply that same recognition to persons who, at the time of an offence, were deemed unfit to stand trial or were experiencing mental incapacity that led to a part 8A finding. These changes are fair and reasonable and they address what is not right or just in our current laws. I acknowledge the Attorney-General for bringing this legislation and I commend the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:51): I thank all speakers on this bill and particularly thank them for the indication of support in rectifying what is an anomaly. I thank those who have worked hard to bring this bill before the chamber today to correct this.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: Will the Attorney outline to the chamber how spent convictions are applied? For example, after the passage of this legislation, anyone who was found to be mentally incompetent and therefore not found guilty of an offence—would it be automatically applied if someone requested their criminal record, or would that person need to apply to have that record spent?

The Hon. K.J. MAHER: I thank the honourable member for his question. It was a question that was raised during the committee stage of the bill that we previously dealt with. The spent convictions regime has a number of different ways for convictions to become spent. There are some, depending on the nature of the conviction, that become spent with the passage of time. There are other offences—again, depending on the nature of the offence—that require an application to be made by someone who has been convicted of that offence and a court to grant those.

There are some offences, of course, that you cannot apply to be spent and there are certain procedures within the Spent Convictions Act that provide exceptions to some of those provisions. What this bill seeks to do is put someone who has been found not guilty by reason of mental incompetence (a part 8A finding) on the same footing as someone who has actually had a finding of guilty.

It certainly was an anomaly in our legislation that someone who was actually found guilty could either have convictions automatically spent, depending on the nature of them, or could apply to have convictions spent, but someone who was found not guilty by reason of mental incompetence was on a different footing and could not actually apply to have those essentially taken off their permanent record and have the convictions counted as spent.

The Hon. I.K. HUNTER: I thank the Attorney for the explanation. My interest is in fact in part 8A, a situation where a person was found not guilty by reason of mental incompetence. Would that person, or any of those persons who fit into that category, have to apply for that record to be spent? For those persons in particular, found not guilty because of mental incompetence, would it not be better for that to be automatically spent, so they do not have to go through the process of applying for it?

The Hon. K.J. MAHER: There will be some that will be automatically spent, but there will be some—

The Hon. I.K. Hunter: Because of time?

The Hon. K.J. MAHER: Because of the passage of time. Anyone who has a conviction that is automatically spent under the scheme for spent convictions as it currently stands, it will apply in the same way to someone who has an 8A finding of not guilty by reason of mental incompetence. If it is an offence in a category that requires an application at the moment for someone who is found guilty, it will also require an application if you have an 8A finding. It puts an 8A finding on the same footing as someone who has had a conviction recorded.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill reported without amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

At 16:58 the council adjourned until Wednesday 6 March 2024 at 14:15.

Answers to Questions

PUBLIC SECTOR EMPLOYEES

322 The Hon. H.M. GIROLAMO (6 February 2024).

1. As at 1 January 2023 how many people worked for the South Australian public sector?

2. Please provide a table showing the number of public sector employees by department or agency for 2023.

3. As at 1 January 2024 how many people worked for the South Australian public sector?

4. Please provide a table showing the number of public sector employees by department or agency?

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

The Office of the Commissioner for Public Sector Employment has provided the headcount of public sector employees as at 30 June 2022 and 30 June 2023 in line with the respective Workforce Information Reports available on their website. Some public sector agencies (approximately 20 per cent) only report data annually. Providing this data as at 1 January 2023 and 1 January 2024 is possible, however it would not accurately reflect a whole-of-government response.

There were 113,050 employees working in the South Australian public sector as at 30 June 2022, and 114,735 employees as at 30 June 2023.

The number of public sector employees by department or agency as at 30 June 2022 is as follows:

Agency	Headcount
Adelaide Cemeteries Authority	59
Adelaide Festival Centre Trust	294
Adelaide Festival Corporation	28
Adelaide Venue Management Corporation	632
Alinytjara Wilurara Landscape Board	15
Art Gallery of South Australia	80
Attorney-General's Department	1,523
Auditor-General's Department	133
Barossa Hills Fleurieu Local Health Network	2,605
Carclew Youth Arts Centre Incorporated	24
Carrick Hill	12
Central Adelaide Local Health Network	15,924
Commission on Excellence and Innovation in Health	42
Country Arts SA	109
Courts Administration Authority	710
CTP Regulator	25
Dairysafe	4
Defence SA	29
Department for Child Protection	2,476
Department for Correctional Services	2,015
Department for Education	31,268
Department for Energy and Mining	339
Department for Environment and Water	1,350
Department for Health and Wellbeing	1,899
Department for Infrastructure and Transport	2,237
Department for Innovation and Skills	318
Department for Trade and Investment	133
Department of Human Services	3,182
Department of Primary Industries and Regions	865
Department of the Premier and Cabinet	536
Department of Treasury and Finance	1,473
Education Standards Board	43
Electoral Commission of South Australia	34
Electorate Services	259
Environment Protection Authority	197
Essential Services Commission of South Australia	40
Eyre and Far North Local Health Network	1,075
Eyre Peninsula Landscape Board	27

Agency	Headcount
Flinders and Upper North Local Health Network	1,003
ForestrySA	60
Funds SA	63
Government House	26
Green Industries SA	29
Health and Community Services Complaints Commissioner	11
Hills and Fleurieu Landscape Board	48
History Trust of South Australia	66
HomeStart Finance	118
Independent Commission Against Corruption	50
Infrastructure SA	11
Jam Factory Contemporary Craft and Design	39
Kangaroo Island Landscape Board	38
Legal Profession Conduct Commissioner	20
Legal Services Commission	236
Legislature (Including Members)	190
Lifetime Support Authority of South Australia	101
Limestone Coast Landscape Board	51
Limestone Coast Local Health Network	1,449
Murraylands and Riverland Landscape Board	72
Northern Adelaide Local Health Network	5,479
Northern and Yorke Landscape Board	34
Office for Recreation, Sport and Racing	78
Office of the Commissioner for Public Sector Employment	54
Office of the South Australian Productivity Commission	13
Premier's Delivery Unit	4
Public Trustee	188
Renewal SA	140
ReturnToWorkSA	264
Riverland Mallee Coorong Local Health Network	1,560
SA Ambulance Service	1,970
SA Housing Authority	811
SA Water	1,584
SACE Board of South Australia	96
South Australia Arid Lands Landscape Board	25
South Australia Police	6,056
South Australian Country Fire Service	204
South Australian Film Corporation	18
South Australian Fire and Emergency Services Commission	78
South Australian Government Financing Authority	87
South Australian Metropolitan Fire Service	1,239
South Australian Museum	83
South Australian State Emergency Services	99
South Australian Tourism Commission	117
Southern Adelaide Local Health Network	8,294
State Library of South Australia	131
State Opera of South Australia	17
State Theatre Company of South Australia	26
Study Adelaide	10
Super SA	205
TAFE SA	2,245
Teachers Registration Board	26
Veterinary Surgeons Board	2
Vinehealth Australia	4
Wellbeing SA	164
West Beach Parks	151
Women's and Childrens Health Network	4,132
Yorke and Northern Local Health Network	1,667

The number of public sector employees by department or agency as at 30 June 2023 is as follows:

Agency	Headcount
Adelaide Cemeteries Authority	61

Agency	Headcount
Adelaide Festival Centre Trust	372
Adelaide Festival Corporation	31
Adelaide Venue Management Corporation	813
Alinytjara Wilurara Landscape Board	17
Art Gallery of South Australia	84
Attorney-General's Department	1,506
Auditor-General's Department	129
Barossa Hills Fleurieu Local Health Network	2,777
Carclew Youth Arts Centre Incorporated	26
Carrick Hill	12
Central Adelaide Local Health Network	15,616
Commission on Excellence and Innovation in Health	39
Country Arts SA	151
Courts Administration Authority	677
CTP Regulator	21
Dairysafe	5
Defence SA	28
Department for Child Protection	2,481
Department for Correctional Services	2,098
Department for Education	32,073
Department for Energy and Mining	334
Department for Environment and Water	1,393
Department for Health and Wellbeing	1,650
Department for Industry, Innovation and Science	168
Department for Infrastructure and Transport	2,221
Department for Trade and Investment	345
Department of Human Services	3,134
Department of Primary Industries and Regions	830
Department of the Premier and Cabinet	503
Department of Treasury and Finance	1,195
Education Standards Board	40
Electoral Commission of South Australia	30
Electorate Services	279
Environment Protection Authority	206
Essential Services Commission of South Australia	46
Eyre and Far North Local Health Network	1,061
Eyre Peninsula Landscape Board	25
Flinders and Upper North Local Health Network	953
ForestrySA	40
Funds SA	67
Government House	23
Green Industries SA	33
Health and Community Services Complaints Commissioner	7
Hills and Fleurieu Landscape Board	47
History Trust of South Australia	77
HomeStart Finance	138
Independent Commission Against Corruption	41
Infrastructure SA	20
Jam Factory Contemporary Craft and Design	72
Kangaroo Island Landscape Board	41
Legal Profession Conduct Commissioner	18
Legal Services Commission	222
Legislature (Including Members)	214
Lifetime Support Authority of South Australia	108
Limestone Coast Landscape Board	47
Limestone Coast Local Health Network	1,475
Murraylands and Riverland Landscape Board	82
Northern Adelaide Local Health Network	5,761
Northern and Yorke Landscape Board	35
Office for Recreation, Sport and Racing	80
Office of Hydrogen Power South Australia	23
Office of the Commissioner for Public Sector Employment	57
Office of the South Australian Productivity Commission	9
Premier's Delivery Unit	7
Public Trustee	187

Agency	Headcount
Renewal SA	145
ReturnToWorkSA	271
Riverland Mallee Coorong Local Health Network	1,617
SA Ambulance Service	2,097
SA Housing Authority	833
SA Water	1,596
SACE Board of South Australia	95
South Australia Arid Lands Landscape Board	28
South Australia Police	6,134
South Australian Country Fire Service	201
South Australian Film Corporation	19
South Australian Fire and Emergency Services Commission	83
South Australian Government Financing Authority	86
South Australian Metropolitan Fire Service	1,253
South Australian Motor Sport Board	17
South Australian Museum	73
South Australian State Emergency Services	88
South Australian Tourism Commission	140
Southern Adelaide Local Health Network	8,627
State Library of South Australia	117
State Opera of South Australia	18
State Theatre Company of South Australia	32
Study Adelaide	13
SuperSA	228
TAFE SA	2,315
Teachers Registration Board	33
Veterinary Surgeons Board	1
Vinehealth Australia	3
Wellbeing SA	101
West Beach Parks	168
Women's and Childrens Health Network	4,220
Yorke and Northern Local Health Network	1,722

GREEN INDUSTRIES FUND

324 The Hon. H.M. GIROLAMO (7 February 2024). Can the Minister for Climate, Environment and Water advise:

1. Since 1 January 2023 how much has been expended on 'climate change initiatives' as permitted under Section 17(5)(b)(i) of the Green Industries SA Act 2004?

2. As at 1 January 2024 what was the balance of the Green Industries Fund?

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

1. Since 1 January 2023, $18.878 million has been expended from the Green Industry Fund on climate change initiatives under Section 17(5)(b)(i) of the Green Industries SA Act 2004.

2. As at 1 January 2024, the balance of the Green Industries Fund is $47,847,734.

ELECTRONIC TAG REBATES

326 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (7 February 2024).

1. The number of electronic tag rebates claimed to date (31st January 2024) for dropped lambs since the investment announcement on 8th June 2023.

(a) How many individual producers/businesses have submitted rebates?

(b) How many submissions (in the case of a producer submitting more than one rebate claim)?

(c) Number of lamb tags in each rebate claim?

2. The number of electronic tag rebates claimed to date (31 January 2024) for kid goats since the investment announcement on 8 June 2023.

(a) How many individual producers/businesses have submitted rebates?

(b) How many submissions (in the case of a producer submitting more than one rebate claim)?

(c) Number of kid goat tags in each rebate claim?

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

Between the opening of the eID device rebate on 5 October 2023 until 31 January 2024, a rebate has been claimed and approved on a total of 420,970 tags, comprising 329 individual applications from producers, and based on one application per property identification code (PIC).

The number of tags per claim varies ranging between 10 and 9,500 tags.

A total of 420,370 tags rebate was for the 2023 year of birth colour i.e. sky blue tags and it is assumed the tags are to be used for 2023 born lambs and/or 2023 born goats. There were also 600 tags rebated where producers purchased black tags at the end of 2023 for use in the 2024 lambing season. From 1 January 2024, South Australian producers are able to access discount tags at time of purchase.

FERAL DEER

327 The Hon. S.L. GAME (7 February 2024). Can the Minister for Climate, Environment and Water advise:

1. What is the policy and procedure to follow up on the wounding of feral deer using the method of shotgun or rifle from helicopters, to ensure a kill?

2. What is the policy and procedure for removing feral deer carcasses from private properties and Crown land?

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

Wounding

The strict procedures followed by aerial shooting programs in Australia do not allow wounded animals to be left in the field.

Aerial shooting programs in Australia must abide by the 'National Code of Practice for the Effective and Humane Management of Feral and Wild Deer. Australia' and the 'National Standard Operating Procedure: Aerial Shooting of Feral and Wild Deer.'

The code of practice outlines humane control strategies and their implementation, while standard operating procedures describe control techniques, their application, and strategies to minimise any harmful impacts. The national COP and SOPs comprise model guidelines that set minimum animal welfare standards.

PIRSA programs always include a thermographer as a separate role in the helicopter. The thermographer uses a military grade thermal camera to identify and locate feral deer, and to confirm when they are dead. Thermal equipment also improves the visibility of shot deer, including under vegetated canopies, enabling rapid delivery of follow-up shots as part of a minimum two-shot policy for each culled deer. The use of thermal equipment also provides immediate and detailed motion and heat signals to confirm death.

Removing carcasses

Neither the code of practice nor the standard operating procedure for aerial cull of feral deer have any requirements for the removal of carcasses.

I am advised that the GPS location is recorded for every feral deer that is culled, and if farmers want the GPS data, staff from landscape boards or PIRSA send the data soon after the helicopter lands. This allows farmers to either harvest the venison to feed their working dogs or to dispose of the carcasses elsewhere.

Some of the carcasses are also recovered by PIRSA staff, who remove the venison for use as baits in the government-led program to eradicate wild dogs from pastoral areas of the state. Each year, that program turns several tonnes of meat into wild dog baits, and so the use of venison for baits is another win-win for pest management programs. I am advised that pastoralists in the north of South Australia appreciate this support from their colleagues in our agricultural districts.

However, in most cases, feral deer are shot in terrain that is steep and/or densely vegetated. Vehicles cannot access many of these areas, and as a result, most carcasses are left to naturally decompose.

I am advised that most farmers are happy to leave the carcasses to naturally decompose where they are shot.

SA HEALTH

In reply to **the Hon. S.L. GAME** (30 May 2023).

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

Since the Independent Commissioner Against Corruption (ICAC), report titled 'Troubling Ambiguity, Governance in SA Health' was handed down on 29 November 2019 under the Marshall Liberal government, the Department for Health and Wellbeing (DHW) has made progress to address the issues outlined in the report of industrial, cultural and practice reform. A program of work was developed by an inter-agency task force and delivered by Department for Health and Wellbeing.

On 29 August 2023 the ICAC published a report by the Hon. Ann Vanstone titled: 'Integrity Trade-Off: An update on *Troubling Ambiguity: Governance in SA Health'.*

DHW continues to work with local health networks, unions, and medical consultants to further improve the issues outlined in the reports.

Policies and procedures aimed at increasing accountability and transparency of time and attendance of the medical workforce are currently under review, noting industrial and legal considerations need to be satisfied. This includes a new job planning procedure which commenced on 1 June 2023. The procedure provides information to assist staff in understanding and preparing job plans and seeks to ensure a consistent approach across SA Health.

Among other roles and requirements, the procedure reiterates that:

1. All consultants, clinical academics, visiting medical specialists and senior medical practitioners are to have current job plans in place and that these are to be reviewed annually; and

2. That local measures will be in place, to monitor the completion and review of job plans in accordance with the industrial instruments and this procedure.

In accordance with the Independent Commission Against Corruption Act 2012 (part 2, section 7.2), the commission is not subject to the direction of any person in relation to any matter.

Senior public servant salaries are reflective of role requirements, officer skills and experience to deliver role outcomes.

As per the most recent report of the Auditor-General, of the 564 SA Health staff earning more than $460,000 per year, 558 are medical officers.

KANGAROO ISLAND COUNTRY CABINET

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (27 June 2023).

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

During the country cabinet community forum, there was a concern raised by a local resident regarding the treatment of her daughter at the Kangaroo Island Health Service.

Immediately following the forum, the Chief Executive of SA Health, Dr Robyn Lawrence, the acting chief executive of the local health network and the minister sat down with the resident to discuss her concerns at length.

We committed to a proper investigation of these concerns and the Barossa Hills Fleurieu Local Health Network conducted an incident review and remain in contact with the resident.

Given the investigation is in relation to confidential patient information, as per the confidentiality provisions of the Health Care Act 2008, it is a matter for the family as to the release of any information.

COVID-19 MANDATORY VACCINATIONS

In reply to **the Hon. S.L. GAME** (28 June 2023).

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

SA Health has a comprehensive vaccination policy that covers the COVID-19 vaccine and other vaccines to ensure we meet our obligations from an occupational health and safety perspective and ensuring there is an evidence-based policy to protect both staff and patients.

This policy has been in place since November 2022, following on from emergency declaration vaccination requirements in place since October 2021.

COVID-19 vaccinations are safe, effective and offer the best possible protection against serious illness from COVID-19.

SA Health staff who have not complied with emergency declaration requirements or the policy are managed in accordance with those SA Health policies, including redeployment where appropriate or terminated following robust disciplinary processes.

A total of 235 permanent SA Health employees have been terminated since October 2021 due to noncompliance with the mandatory vaccination requirements.

The Honourable President Justice Dolphin ruled the addressing vaccine preventable disease: occupational assessment, screening, and vaccination policy was a lawful and reasonable direction.

COVID-19 MANDATORY VACCINATIONS

In reply to **the Hon. S.L. GAME** (26 September 2023).

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

Refer to answer provided for question without notice asked 28 June 2023, titled 'COVID-19 Mandatory Vaccinations'.

FOSTER AND KINSHIP CARE INQUIRY

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

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

Foster and kinship carers play an integral role in the child protection and family support system. They open their hearts, homes and lives to children and young people so they are able to grow in a safe, supported and loving environment.

On 17 November 2021, the Hon. John Darley MLC introduced the Children and Young People (Safety) (Inquiry into Foster and Kinship Care) Amendment Bill 2021 in the Legislative Council. After passing both houses, the bill received royal assent from Her Excellency the Governor in Executive Council on 9 December 2021.

The Independent Inquiry into Foster and Kinship Care was conducted by Dr Fiona Arney following the 2021 amendments to the Children and Young People (Safety) Act 2017. The inquiry's scope, structure and resourcing was determined by the former government. The inquiry received 206 submissions, including 149 from foster and kinship carers, 17 organisations, three research groups and two practitioners.

On release of the report of the inquiry, the Minister for Child Protection held a number of forums and round tables with carers to consult on the inquiry's findings and the government's response.

Forums and round tables with carers were also convened prior to the inquiry and are continuing to be convened across the state with deep insight being provided by many generous carers both in relation to the inquiry and a range of other matters.

The establishment of the Carer Council was a recommendation of the inquiry and many carers expressed support for its establishment.

The government thanks peak body Connecting Foster and Kinship Carers SA for their ongoing representation and advocacy for carers and its work to support the Carer Council.

The 2023-24 state budget included increases to carer payments for foster and kinship carers comprising a 4.8 per cent increase in indexation for all family-based carers and a $50 per fortnight increase per child 16 years and under for general foster and kinship carers.

After extensive consultation, eligible carers now receive an additional $800 each year for respite-like supports, decided by the carer. These payments are quarterly and began on 25 January 2024.

There will be consultation on legislation.

PUBLIC SECTOR HONESTY AND ACCOUNTABILITY

In reply to **the Hon. F. PANGALLO** (15 November 2023).

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

Complaints about corruption in public administration, including an alleged offence against the Public Sector (Honesty and Accountability) Act 1995, are investigated by the Independent Commission Against Corruption in accordance with the Independent Commission Against Corruption Act 2012 (ICAC Act).

I am not aware if a complaint was made under the ICAC Act in relation to Mr May's conduct. There are strict legislative requirements related to disclosing information about complaints and reports.

AUTISM INCLUSION TEACHERS

In reply to **the Hon. H.M. GIROLAMO** (16 November 2023).

The Hon. E.S. BOURKE: The Minister for Education, Training and Skills has advised:

The Malinauskas Labor government is proud of the $28.8 million investment to provide access to an autism inclusion teacher in every public primary. South Australia is leading the nation with the introduction of this program.

The program has been deliberately designed to fund schools to provide release time for autism inclusion teachers to lead and support their fellow educators to drive improved practice for students with autism.

The teachers are nominated from within the existing staff of the school and the roles are not advertised externally. This process is often undertaken for many roles in schools including reading support teachers, literacy coordinators and wellbeing leaders, to name a few.

These roles are now active in schools across the state, with 97 per cent of all positions being filled.

SOUTH AUSTRALIAN HOUSING AUTHORITY

In reply to **the Hon. S.L. GAME** (7 February 2024).

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

There are currently six vacant public housing properties on Kangaroo Island, all of which are located within Kingscote and in various stages of vacancy maintenance. Homes are repaired as quickly as possible although some trades and materials need to be brought in from the mainland which an affect completion times.

The specific client referred to has a category 1 application which is the highest priority. Public housing allocations are made based on urgency and identifying a vacant property that suits a person's circumstances.

Pending the allocation of a public or community housing property, organisations like Junction work with clients to advocate for alternative accommodation to avoid rough sleeping and homelessness. Given the lack of other options, Junction advocated for—and supported the client to obtain—long-term cabin accommodation in a caravan park.

AUSTRALIAN FOREST AND WOOD INNOVATIONS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (8 February 2024).

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

On December 6 last year, I wrote a support letter to the Hon. Murray Watt, Minister for Agriculture, Fisheries and Forestry, to provide the senator with information on our ambition to create the long-term research and development capability for the Green Triangle's economic prosperity, and to also deliver for forestry nationally.

I informed the senator that the Forestry Centre of Excellence would be submitting a bid to be one of the two Australian Forest and Wood Innovations research centres to be established outside of Tasmania.

I understand the bid has been submitted and am eagerly awaiting further information from the expression of interest process.

I also understand the shadow minister along with the Hon. Ben Hood MLC wrote a support letter for the application, signed on 8 February 2024, nine weeks after the close of applications for the Australian Forest and Wood Innovations program and on the same day as the question was asked of me in question time.

BEE DEATHS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (8 February 2024).

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

1.

- Through the Department of Primary Industries and Regions (PIRSA), I have been made aware of a recent incident of bee deaths from alleged chemical poisoning.
- PIRSA has investigated the cause of the bee deaths where bee samples were submitted for toxicology testing. The toxicology results detected the presence of a registered insecticide 'fipronil'. No other chemicals were detected in the toxicology analysis from a wide screen of chemicals.
- Fipronil is not used by PIRSA's fruit fly eradication program.

2.

- Investigations into the incidents that the member opposite has highlighted has not raised any evidence that has not already been thoroughly examined. There is no evidence that those bee deaths were as a result of work being done to eradicate fruit fly nor that an independent review would expect to uncover any different result.
- It's an operational matter for the Fruit Fly Emergency Response Program to work with apiarists in the Riverland. PIRSA staff have met with apiarists to discuss any concerns they may have. PIRSA continues to work with apiarists in the Riverland to ensure hive locations are identified and effective bee management practices are in place.

CELLAR DOOR FEST

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (8 February 2024).

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

Cellar Door Fest is organised and managed by Adelaide Venue Management Corporation.

PIRSA's involvement is through our membership in the Great Wine Capitals Global Network as event major partner through a $10,000 sponsorship.

This year the sponsorship supported the Great Wine Capitals Discovery Stage which featured discussions with Best of Wine Tourism Award winners and supported education and awareness about South Australian wine and wine producers.

AGTECH PRODUCER GROUPS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (8 February 2024).

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

An announcement will be made in due course about how the AgTech Growth Fund will be used to address industry challenges.

WALKER TOWER

In reply to **the Hon. R.A. SIMMS** (8 February 2024).

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

1. The $213 million works by the state government to deliver upgrades to the Festival Plaza Public Realm and the Adelaide Festival Centre's façade and lobbies have been completed.

Recently, the state government announced a further $35 million to upgrade the Adelaide Festival Centre fire system and the northern promenade.

These works do not fall within the private development area.

2. Since May 2021 Walker Corporation has been paying council rates to the City of Adelaide, related to their portion of the Festival Car Park.

This is consistent with other private entities in the Adelaide Riverbank Entertainment Precinct.

Furthermore, Walker Corporation is obligated, under the One Festival Tower lease, to pay council rates or local government rate equivalent to the state. The rates are payable from completion of the building.

3. Any development on this site will be subject to the statutory development approval process, which will assess the design and architectural merit and compliance, against the planning policy framework.

VIRTUAL FENCING

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (20 February 2024).

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

The virtual fencing research project is currently scheduled to be completed by February 2025.