LEGISLATIVE COUNCIL

Thursday, 21 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.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Report on the South Australian Autism Inclusion Charter

Ministerial Statement

AUTISM INCLUSION CHARTER

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:18): I table a copy of a ministerial statement made by the Hon. Peter Malinauskas, Premier, in another place on the topic of the Autism Inclusion Charter.

Question Time

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General, as the representing minister, on the Adelaide Beach Management Review.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition has been made aware that the coastline of West Beach is now a destination for South Australian high school science students to look at examples of poor beach management and the impacts of beach erosion. They are instructed to take photos of erosion as well as rip rap and metal struts supporting important infrastructure. They are asked to think about the environmental degradation of our metropolitan beaches, as well as beach safety. So my questions to the minister are:

1. Can the minister inform the chamber when the completed Adelaide Beach Management Review will be released?

2. Does the minister believe that all options considered by the panel at final assessment were viable, costed and contained a known sand source?

3. What messages does the minister believe this two-year process sends to our coastal communities, considering no new science has been considered?

4. In the context of the current review, does the minister believe the southern pipeline between Kingston Park and Glenelg works effectively?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20): I thank the honourable member for her questions. In relation to her first question, the review has been completed and it is being considered by government now. It is a complicated area and there is complicated science that needs to be further investigated. In relation to question 2, as I just mentioned, there is further work to be done that is ongoing at the moment. In relation to question 3, it absolutely indicates that the government is taking

it seriously, and that is why we have conducted the scientific review and have taken the time to consult with community. In relation to question 4, the pipeline in the southern beach cell is just one of the options that is being considered.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): Supplementary: when can we expect the government to make a decision?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21): As I said, work is continuing. It will be made once all of the options have been properly assessed and their viability has been further looked at.

MENTAL HEALTH SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding mental health services.

Leave granted

The Hon. N.J. CENTOFANTI: Julie Seed was allegedly murdered by Shaun Dunk on 20 December last year, just hours after he was released from a city mental health facility. It is known that police had detained Dunk under the Mental Health Act on 5 December after he presented at a city police station stating he was experiencing hallucinations of people threatening to kill him. It is understood he was taken to the Royal Adelaide Hospital by police several times in the weeks leading up to his detainment. He was released every time.

The Advertiser reported that police have claimed SA Health is releasing potentially violent and unstable patients on a daily basis, despite warnings. One officer told the paper that police were frustrated as they were unable to do anything to stop SA Health from releasing potentially dangerous offenders, stating:

> You're supposed to be working for the common good and yet your hands are tied. It's an extreme risk to society.

The opposition understands the state's Chief Psychiatrist, Dr John Brayley, is working with two interstate experts to undertake an independent review into this situation. I understand from a reply to a question in the other place yesterday this report is due at the end of the month. We also understand there is a review of the Mental Health Act 2009, and submissions for this have closed.

The opposition has heard from constituents that there is growing unease in trends of vandalism, violence and, sadly, murder taking place while offenders are experiencing extreme mental health episodes. Therefore, my questions to the Attorney-General are:

1. Does the Attorney-General believe existing legislation adequately empowers police to act on intervention and mental health orders? If not, what legislation is he planning to introduce?

2. Has the Attorney-General taken any measures to ensure the courts are prepared to rapidly issue orders for public protection from people displaying violent behaviour during a mental health crisis?

3. Did the Attorney-General provide any input to the current review in relation to the Dunk case called by the Chief Psychiatrist, and what was the nature of that input?

4. Did the Attorney-General make a submission as part of the Mental Health Act review prior to submissions closing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:24): I thank the honourable member for her questions. In relation to her first question, and as she has pointed out, it is my advice that there is a review underway into this particular incident.

I should say at the outset that all of our sympathies, I am sure, in here are with Ms Seed's family. I have certainly had the opportunity to meet with Ms Seed's partner, as well as the other victim in this case, and it is an absolutely tragic set of circumstances. As I have said, my advice is that there is a review into this particular case.

In relation to the second question, the Mental Health Act is committed to the Minister for Health, but we will happily provide any input we can in relation to the review they are undertaking. In relation to violent behaviour, the courts have a range of powers that we have given them, as a parliament, to deal with violent offenders.

In relation to the fourth question, the current review and input, we will certainly be giving any support we can as to the intersection of the criminal justice system with the mental health system. In relation to question 5, as I have said, I have had the fortune of being able to meet with Ms Seed's partner as well as the other victim in this tragic event that occurred.

MENTAL HEALTH SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: my final question, has the Attorney himself made a submission as part of the Mental Health Act review?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25): I thank the honourable member. I am not sure what information has been provided by my department, but certainly my department stands ready to help where they can about the interactions of those. As I have said, I have personally spoken to the victim's partner and stand ready to take up any suggestions that people have for reform.

ELECTORAL COMMISSION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): I seek leave to make a brief explanation before asking a question of the Attorney-General relating to the Electoral Commission.

Leave granted.

The Hon. N.J. CENTOFANTI: In response to a freedom of information application from the opposition in December, the Electoral Commissioner of South Australia made a determination to extend the time which the agency has to deal with the freedom of information application by a period of 158 calendar days, making the due date Friday 28 June 2024. Reasons cited include insufficient staff and resources available to reply within the required time frame. My questions to the Attorney-General are:

1. Is the Attorney-General satisfied that the Electoral Commission has appropriate levels of resourcing to deliver on its legislated obligations?

2. Is the Attorney-General confident in the capacity of the Electoral Commission to deliver on its legislated obligations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:27): I thank the honourable member for her question. Certainly, the Electoral Commission has shown over many decades their capability of running elections that are the envy of democratic jurisdictions around the world. The fact that we have so many elections that go relatively incident free I think demonstrates that over many years the Electoral Commission has done a very good job.

If there are budget pressures, the same as when the Liberals were last in government, this government will consider them for the Electoral Commission in relation to a particular FOI matter. I don't know what the FOI matter was. I don't know how many requests there were. I don't know how many hours it's expected to take, so I don't have an answer to that.

ADELAIDE FRINGE FESTIVAL

The Hon. M. EL DANNAWI (14:27): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about some of the performances of First Nations acts during the Fringe Festival this year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28): I thank the honourable member for her question. Certainly, the Fringe Festival is an exciting time of the year for our city and state. I am advised that this was another successful festival, with more than a million tickets sold. Along with the many artists

and performers from across the globe who descend upon South Australia every year, we saw an array of First Nations performers from across this country showcasing their skills and talents.

Our First Nations artists presented across a broad range of categories, which included film, digital, comedy, interactive storytelling, visual arts, design, cabaret, theatre and music. A few of the acts that certainly have been highlights included the Dupang Pangari Festival (the Coorong Spirit Festival), which I wasn't able to attend this year but have in a number of other years, led by senior Kaurna and Ngarrindjeri elder Moogy Sumner.

Presented by Electric Dreams was *Star Dreaming: Full Dome Experience*, following two children who explore the mysteries of the universe. First Nations Voices was back again this year, highlighting the multi-award-winning and international touring singer-songwriters Glenn Skuthorpe, Nancy Bates, Toni Janke and LENI.

COVID-19 VACCINE MANDATES

The Hon. S.L. GAME (14:29): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health and Wellbeing, regarding COVID-19 vaccine mandates.

Leave granted.

The Hon. S.L. GAME: On 8 February, in this chamber, I voiced my concerns to the Attorney-General regarding COVID-19 vaccine mandates. My concerns were about the infringement of individual rights, specifically informed consent, referencing the Shepherd v The State of South Australia ruling, which supported Mr Shepherd, a victim of vaccine-related injuries.

I asked the government about their plan for managing potential increases in COVID-19 mandate lawsuits and whether they recognise the issue of employees not being provided with full and informed consent. My concerns pertained to government guidelines relating to the COVID-19 vaccine mandates that allow employers to undermine employee rights, resulting in concerns for both employers and employees.

As anticipated, on 8 February, 19 days following my initial query, news of another COVID lawsuit against the government surfaced. In that case the Supreme Court in Queensland ruled in favour of 86 parties representing police and ambulance officers challenging mandate legitimacy. The court cited the absence of full consent as a key determinant for their ruling, referring to Queensland's Human Rights Act 2019, a piece of legislation that unfortunately has no comparison in South Australia.

My question to the Attorney-General is: does the minister acknowledge that in the absence of a human rights act in South Australia the government has enabled overreach on both their part and that of the employer?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:30): I thank the honourable member for her question. I think I won't need to refer that. I can simply answer: no, I don't think there's been overreach. I know the Hon. Sarah Game has a fundamental difference of view both with this government and the former Liberal government when it comes to vaccinations. I think we, as the former Liberal government did, rely upon the best medical science and the best medical evidence and base our policies on that.

The overwhelming good that vaccines have been shown to do since their introduction as a healthcare modality—they have saved thousands and thousands of lives, millions of lives. If there are a tiny percentage of adverse consequences, there are tribunals around the world that are designed for those, recognising the overwhelming good they do in saving people's lives. We have a fundamental difference of opinion with the Hon. Sarah Game, where both Liberal and Labor rely on scientific evidence.

DRUG-DRIVING LAWS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:32): I seek leave to make a brief explanation before directing a question to the Attorney-General about drug-driving offences.

Leave granted.

The Hon. J.S. LEE: ABC News reported on 13 March that a driver in South Australia instantly lost his driver's licence following a false positive during a roadside drug test. This was followed by a three-month loss of licence despite official follow-up laboratory results revealing that he was not driving under the influence of drugs. The driver's mother was quoted as saying:

> The implication of losing his job as a property manager because he can't drive for three months, the stress level is absolutely beyond…

In a comparison with other jurisdictions, the ABC reported that:

> Drivers in New South Wales who test positive to an initial mobile drug test will be directed to provide a saliva sample, which if it returns positive, will result in a 24-hour loss of licence, according to the Centre of Road Safety.
>
> In Victoria and Queensland, drivers who return a positive result to an initial test will be required to take a second test which, if positive, will be sent to a laboratory for further analysis…
>
> ACT Policing said drivers can only be charged with a drug driving offence if they test positive on a saliva test analysed in a laboratory.
>
> However, in South Australia officers can issue an immediate loss of licence to a driver…by testing positive to a roadside drug test following laws introduced into that state in February last year…

My questions to the Attorney-General are:

1. Will the Attorney-General commit to review the fairness of such an offence to ensure that false positive roadside tests will not impact or impose hardship on South Australian drivers?

2. What measures or amendments would the Attorney-General consider to align with other states and territory jurisdictions in only suspending driver's licences upon secondary laboratory tests?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I thank the honourable member for her question. I am happy to report that I know that the Minister for Police, who has responsibility for this, has been looking into this. My understanding is that the disqualification referred to by the honourable member has been cancelled and police are looking at their procedures, as I understand it.

NATIONAL CLOSE THE GAP DAY

The Hon. R.P. WORTLEY (14:34): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the marking of National Close the Gap Day?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I thank the honourable member for his question. Today marks National Close the Gap Day. It is an important event on the calendar that sees schools, businesses and community groups declare their support for the efforts to close the gap between the life and socio-economic outcomes of Aboriginal and non-Aboriginal people in this country. The day centred on events that bring the issue to the forefront of the conversations and shared commitments to taking action.

While the Closing the Gap agreement focuses on measures across the spectrum of life outcomes, this day is particularly centred around health quality. I have been fortunate to attend a number of Closing the Gap days, but this year I wasn't able to make it. Today, as I am informed, there is a big turnout at the Adelaide Showgrounds, an event hosted by Sonder and Nunkuwarrin Yunti, featuring over 100 stallholders in health, education and employment. While I am sorry not to be there because of parliamentary obligations in this chamber, I send all my very best wishes and look forward to the results that come out of it.

REVIEW OF HARASSMENT IN THE SOUTH AUSTRALIAN LEGAL PROFESSION

The Hon. C. BONAROS (14:36): I seek leave to make a brief explanation before asking the Attorney-General a question about the Equal Opportunity Commission's report into the legal profession.

Leave granted.

The Hon. C. BONAROS: In 2021, the Equal Opportunity Commission released a damning report into an inquiry into the legal profession involving harassment and sexual harassment. As a result of that, some of the findings included things like misogynist and sexist harassing behaviours, particularly against women, being rampant within the legal sector from both judicial officers and counsel. That was just one of the findings amongst a number, and also a number of recommendations that were made. My question to the Attorney is: could he please provide the chamber with an update on the progress of the current follow-up review to that initial inquiry in 2021?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for her question. I thank her for her involvement in this area and her representations and activism, which I think in no small part played a role in the 2021 report of the review of harassment in the legal profession. The honourable member quoted me on her social media as thanking her, so I appreciate that as well.

In terms of the review currently being undertaken by the equal opportunity commissioner's office, I am informed that eligible participants in the review include lawyers, support staff, students and other people involved in the legal profession over the last three years since the report was handed down. I am informed that to take part there is a short survey that can be accessed on South Australia's Equal Opportunity Commission's website, which closes at midnight on Sunday 31 March 2024.

I encourage people to avail themselves of the opportunity of taking the survey, because each response is important to inform the review of the progress that has been made and what more needs to be done to ensure the legal profession is a safe and inclusive workplace.

IMMIGRANT DETENTION

The Hon. J.M.A. LENSINK (14:38): My questions are to the Attorney-General regarding the release of detainees involved in the Australian High Court decision NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs:

1. Can the Attorney outline which agencies are still involved in the monitoring of these released detainees and/or providing services related to them?

2. How much are any of these services costing the South Australian government on a recurrent basis?

3. Can the Attorney-General, as our chief law officer, assure our community that all is being done to ensure community safety?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): I thank the honourable member for her question. As I have outlined before, SAPOL have affirmed that they are liaising with the Australian Federal Police and the Australian Border Force to monitor released detainees. As of 22 January 2024, the advice I have is there were six detainees residing in South Australia. The agency that has primary responsibility in terms of the safety of the South Australian community is SAPOL, who have said they have the tools that they need to do that.

In terms of the cost of any services, I think it would be almost impossible to try to ascertain what particular services each single individual of these six, let alone any other individuals, accesses on a daily basis from the state government, whether it be using public roads, subsidised public transport or the health system. It would be exceptionally difficult to ascertain the exact dollar amount per day, per week or per year that an individual has in terms of the whole range of things that government provides to people in this state.

IMMIGRANT DETENTION

The Hon. J.M.A. LENSINK (14:40): Supplementary question: is the Attorney-General aware of specific services other than SAPOL monitoring that the detainees are accessing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): I thank the honourable member for her question. I am not aware of the specific services. As I said, my advice is SAPOL are working with the Australian

Federal Police and the Australian Border Force, and I made comments that they have the tools they need to make sure South Australia is safe.

BALEEN MOONDJAN

The Hon. R.B. MARTIN (14:41): My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council about the recent *Baleen Moondjan* performance at the Adelaide Festival?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41): I thank the honourable member for his question. I was able to talk about the Fringe Festival earlier today, and I am very pleased to talk about the Adelaide Festival now, which since 1960 has been one of our state's most significant and beloved events on the calendar, amplifying artistic voices from homegrown talents as well as the best from around the world.

There is one particular performance that I am glad the honourable member has asked about because it is worthy of highlighting today. Glenelg Beach was transformed with towering white whale bones, creating a backdrop that took the viewer in the audience out of the suburb, surrounded by hotels, bars and high-rises, into a new place on the beach. *Baleen Moondjan* is a contemporary performance intertwining traditional ceremony, dance, spoken word, song and language and premiered for the first time in the world.

Stephen Page, who was most recently the artistic director of Bangarra Dance Theatre, co-wrote what he deems a 'generational, totemic, human creation story told through song, dance and language' with Alana Valentine. Talented First Nations dancers took part on the stage with the flow of the natural ocean surroundings. It enabled viewers to have one of the most intimate storytelling experiences possible. I know the Adelaide Festival is committed to amplifying First Nations voices, and with the success of the *Baleen Moondjan* performance it is completely understandable why that is the case.

MOTOR SPORT ACT COMPLIANCE

The Hon. T.A. FRANKS (14:42): I seek leave to make a brief explanation before addressing a question to the Attorney-General, representing the Premier, on the topic of compliance with the Motor Sport Act.

Leave granted.

The Hon. T.A. FRANKS: Under section 27D of the Motor Sport Act:

(1) The Board must, in relation to each motor sport event promoted by the Board, or in relation to which the Board performs functions under this Act, prepare and provide to the Minister a report setting out—

(a) the total attendance at the motor sport event; and

(b) any other information required by the regulations.

(2) The report must be completed and provided to the Minister within 3 months after the completion of the motor sport event.

(3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

The Adelaide 500 was held in Victoria Park from 23 to 26 November 2023. A report on that event must be tabled in parliament under section 27D of the South Australian Motor Sport Act 1984 within three months of the event. I believe the closest working day to that first requirement under these provisions, that the report had to be provided to the Premier, was 26 February 2024.

The act also allows the Premier to then consider and table the report within six sitting days. That condition needed to be met by today, Thursday 21 March 2024, the last day the information could be tabled to meet the legislative requirements. My question, therefore, to the Premier is: why has he or the Motorsport Board not complied with the requirements of the act in their reporting obligations to this parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I thank the honourable member for her question and her interest in accountability. I will be happy to provide that question to the minister in another place and bring back a reply.

AUTISM SERVICES

The Hon. H.M. GIROLAMO (14:44): My questions to the parliamentary secretary and Assistant Minister for Autism regarding concessions are:

1. What concessions are available to fund the expensive costs of autism diagnosis and early intervention services in lower socio-economic areas?

2. What is the Department for Education's role in identifying where there is a need for these services?

3. What is the current wait time for this important diagnosis service?

The Hon. E.S. BOURKE (14:45): Thank you for your questions. They are questions that are obviously required to be answered by the education minister.

COURT TRANSCRIPTS

The Hon. C. BONAROS (14:45): I seek leave to ask the Attorney-General a question about access to court transcripts.

Leave granted.

The Hon. C. BONAROS: According to a budget submission last year by the Law Society, there are considerable costs associated with obtaining court transcripts for most who appear before South Australian courts, and this is an ongoing cost barrier to South Australians accessing justice. In criminal matters, the prosecution, Legal Services Commission and ALRM, upon application, all receive transcripts free of charge, but a defendant who is not funded by legal aid will not. A court transcript is often a necessity when interacting with South Australia's justice system, particularly in the higher courts.

I do note that there are some provisions in the relevant rules that allow for some documents to be provided to defendants or victims free of charge, but that does not apply to all documents and this can result in cost blowouts of hundreds or thousands of dollars, not to mention the financial strain of funding private representation and other associated costs.

I note that at the moment, according to the District Court rules, a copy of evidence is charged in electronic form at $9.50 per page and in hard copy form at $12.10 per page. The income generated from these court transcripts as I understand it reverts back to the government's consolidated accounts, rather than anything else that assists with the courts. So my question to the Attorney is: what, if any, consideration has been given to alleviating those financial strains and ensuring better access to justice for victims and defendants alike by either waiving or reducing the fees for court transcripts?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for her question and, as I think she pointed out in her question, certainly for some groups who provide legal services to some of the most disadvantaged members of our community there are, as I understand it, some provisions in place for fee waivers. I think the honourable member talked about the Aboriginal Legal Rights Movement and the Legal Services Commission. I think the honourable member suggested—and I think it is right—that there are certain other fee waivers for costs for certain other things that you might obtain from court.

In relation to where any revenue that is raised from court transcripts goes, I will check but I think that does not go into general revenue. I think it goes to the Courts Administration Authority, the independent body that manages our courts, but if that is wrong, I will double-check. I will raise it with the Courts Administration Authority and make sure that in my next meeting they are aware of the question that has been raised today. My guess is that the fees that are charged probably do not go

much beyond the cost to the court to provide that service in providing documents, but I certainly will raise it with the Courts Administration Authority.

WORKPLACE DEATH COMPENSATION

The Hon. B.R. HOOD (14:49): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding workplace death compensation.

Leave granted.

The Hon. B.R. HOOD: The *Sunday Mail* reported on 10 March 2024 that the family of slain Lucindale police officer, the late Brevet Sergeant Jason Doig, would not be entitled to compensation following his death while on duty. As Brevet Sergeant Doig did not have a partner at the time, nor any dependents, a $585,000 compensation payment that would have been owed to his family was denied, which was described as a legal loophole.

The Police Association has called this outcome 'outrageous' and are imploring the Attorney-General to urgently intervene. My question to the Attorney-General is: what advice has the Attorney-General received on this matter and will he heed the calls of the Police Association to intervene?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for his question. I have certainly had discussions with the Police Association on this matter.

Just for the honourable member's benefit, the payments under the Return to Work scheme—and I think it operates in every other jurisdiction around Australia—aren't payments in relation to a criminal activity that's occurred. It is a scheme that makes sure that, firstly, when a worker is injured, they have an income to support them during at least part of that injury and, secondly, where there are people who have relied upon that income—that is, dependents: a spouse or dependent children—there are circumstances where that payment can be made to those dependents.

It has not been designed, and it has not been designed in other jurisdictions, as a compensation scheme for victims of very tragic circumstances we see all too often in terms of workplace deaths. Notwithstanding this, I have sought advice and we are looking at whether there are other mechanisms outside a scheme that's not designed for these sorts of compensation payments like the Return to Work Act, such as the victims of crime scheme.

WORKPLACE DEATH COMPENSATION

The Hon. C. BONAROS (14:51): Supplementary: does the Attorney accept that the current definitions of dependents that apply in the Return to Work scheme do not necessarily fit modern day families when it comes to that reliance that he speaks on, and that legal dependence may have a very different meaning to the modern day family structure and dependence that may result?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for her question. Again, I will need to check but, if I am recalling correctly, the scheme contemplates those, such as a spouse and others, who are dependent on a person like an underage child, but I think the scheme contemplates other people who are dependent upon the person's income.

So I think the scheme already contemplates that there may be other forms of people who are dependent who don't meet what might have been a definition of very strictly a spouse or a child, that might have been a definition that was more widely used in decades gone by. But if that's not the case, I will bring back a reply.

WILDLIFE RESCUE GROUPS

The Hon. T.A. FRANKS (14:52): I seek leave to make a brief explanation before asking the minister representing the Minister for Climate, Environment and Water a question on the mental health of wildlife rescue groups.

Leave granted.

The Hon. T.A. FRANKS: A recent study from the University of New England found that animal wildlife carers in Australia were at higher risk of experiencing PTSD symptoms. The

university's School of Psychology released a paper in late 2023, titled 'A love-hate relationship with what I do: protecting the mental health of animal care workers'. It found that Australian wildlife carers experience severe to extremely severe symptoms of psychological distress, higher than the general population.

Co-author Nicola Paul said the expectations and responsibilities placed on carers often meant their wellbeing was put aside. Grief and a lack of organisational support emerged as a significant predictor of burnout, and nearly all factors that would boost the wellbeing of carers sat within the control of animal care organisations. Therefore, my questions to the minister are:

1. What mental health support is being offered by the Malinauskas government to our wildlife carers?

2. Will these issues be addressed in the amendments to the Animal Welfare Act that are forthcoming?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for her questions. I will refer those questions to the relevant minister in another place and bring back a reply for her

SHOP THEFT

The Hon. D.G.E. HOOD (14:54): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding rising rates of shop theft in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: Over the past 12 months, South Australia has experienced a significant spike in crime, with statistics revealing that shop theft has increased by some 30 per cent over that period, with violent incidents occurring in Rundle Mall in the last week or so that we are all aware of. In response to the significant rise in shoplifting, in *The Advertiser* today the police commissioner is quoted as saying, and I quote directly:

> Retail shop theft is a growing trend…The question…is what is happening in our society that creates a mindset that [shoplifting]…is OK to do…What is it that makes [people]…think that they're going to get away with this [that is, shop theft]? If there's no sense that you're going to be held accountable for your behaviour, then there's no incentive not to do it.

I note that in a survey conducted by America's National Association for Shoplifting Prevention involving hundreds of participants including judges, prosecutors, probation professionals and law enforcement officers, almost 80 per cent of the respondents said that their professional experience has shown that shoplifting is a gateway to more serious crimes. I understand that this subject matter crosses over into the Minister for Police but my questions to the Attorney-General specifically are:

1. Does the Attorney-General deem this situation to be satisfactory especially in light of the police commissioner's comments?

2. Will or has the Attorney scheduled a meeting with the commissioner in order to discuss this very serious and concerning matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the honourable member for his question. I want to be very clear: we consider all crime to be unsatisfactory. Shop theft is theft. It doesn't matter where you are taking things from, you are taking something that doesn't belong to you and it is a criminal offence.

I have regular meetings with the police commissioner to discuss things that traverse what he does as the police commissioner and the portfolios that are encompassed by the Attorney-General and the Attorney-General's Department. I do note that I understand the police acknowledged community concern in relation to particularly Rundle Mall issues and announced in a statement the launching of an increased presence and highly visible and responsive presence in Rundle Mall.

SHOP THEFT

The Hon. D.G.E. HOOD (14:56): Supplementary: during those meetings with the commissioner, Attorney, has the specific subject of shop theft been raised and, if not, is it your intention to do so?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I thank the honourable member for his question. I have had one meeting this year with the police commissioner. There are several regular meetings a number of times a year. I don't recall this being raised but certainly if it is one of those things that we need a joint response on as one of the highest priorities, it certainly may be.

SHOP THEFT

The Hon. C. BONAROS (14:56): Supplementary: does the Attorney agree with the police commissioner's analysis a couple of days ago on radio that more needs to be done in relation to the root cause of the issue and the symptoms, as opposed to the thefts themselves—so why they are actually occurring in the first place?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for her question. I didn't hear it and I haven't read the transcript of the particular comments the police commissioner made, but certainly the circumstances that particularly vulnerable people find themselves in that sometimes lead to some offending should be a cause of concern, and as a society, as a parliament, as a government, we need to be doing all we can.

SUPER SA CYBERSECURITY BREACH

The Hon. S.L. GAME (14:57): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health, regarding the dark web.

Leave granted.

The Hon. S.L. GAME: Treasurer Stephen Mullighan informed parliament on 18 October last year of a data breach affecting Super SA members as a result of a cyber attack detected on the dark web on 18 August. On 8 September, that information had been taken down and had comprised predominantly of names, addresses, dates of birth and driver's licence numbers. For Super SA members this is of great concern as the information can be used to create false identities. Such an outcome can leave innocent people in financial ruin. My questions to the Attorney-General are:

1 Can the government confirm that none of the affected Super SA members have had their identities stolen?

2. How has Super SA acted to prevent such a breach from occurring again, and is the state government aware of any similar data breaches affecting South Australian government agencies since the cyber attack detected on 18 August?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for her questions. I will be most happy to refer those to a minister in another place and bring back a reply.

CHILD SEX OFFENCES

The Hon. L.A. HENDERSON (14:59): My questions are to the Attorney-General regarding child sex offences. With the old adage that prevention is better than cure in mind:

1. How much was spent by the government in the last financial year in order to help prevent child sex offences?

2. What evidence is there that this expenditure has been effective, given the high rate of matters listed in the District Court related to child sex offences or child exploitation material?

3. What specific targets aimed at reducing child sex offences and exploitation material has the government committed to, both fiscally and in reduction of child sex crime percentages?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her question. In relation to a global total for how much government might be spending on its efforts right across the board, I am pretty sure that would be very difficult to look at in terms of the efforts across police, across corrections, across DHS, across health, across multiple departments. If there are specific programs that I can easily find, I am happy to see if I can and come back—ministers in a range of portfolios to see if there is a sensible answer.

CHILD SEX OFFENCES

The Hon. C. BONAROS (15:00): I seek leave to make a brief explanation before asking the Attorney a question about child sexual exploitation and abuse.

Leave granted.

The Hon. C. BONAROS: According to a recent report of the Australian Industry of Criminology that has just been released, a staggering 12.4 per cent of respondents have indicated that requests have been made of them on dating apps for photos of their children or other children, pressure to provide sexual images of those children, requests to meet those children before it was appropriate, and requests for information of a sexual nature about those children, including breast size and whether they had their period, and offer of payment for photos, videos or live streams of those children.

One in eight people accessing dating sites have had such requests made of them, and the report also found that younger people, First Nations people, people whose first language was not English, and people with a disability or long-term illness were also at higher risk on those dating apps. My question to the Attorney is: what, if any, actions are being taken by the government to address the issue of child sexual exploitation and abuse as it applies to dating apps, or indeed any other online app that is easily accessible, given those very alarming and shocking statistics?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable member for her question, and it is a very good question and something I think we all deplore: the vile monsters who prey upon children, whether that is physically on our streets or online, and particularly the online activity that can lead to much more serious offending.

I know both state and federal police conduct operations to try to catch these offenders who use online platforms, including dating apps. I am very pleased that this parliament, in this term of the government—and I know the honourable member was a fierce advocate for changes that have strengthened Carly's Law in particular to make it very clear that where it is law enforcement posing as a younger person there is no barrier to the prosecuting of those monsters who prey upon children.

WORK HEALTH AND SAFETY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:03): I assume the government has run out of its agenda. It doesn't even have any Dixers left. My question is to the Attorney-General regarding work health and safety issues. What feedback has the Attorney received from small businesses in regard to work health and safety issues they face in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for her question. We have a range of feedback regularly from employer and employee groups about how we can improve the safety conditions of people who go to work. I think it is a fundamental idea that when you wake up and go to work in the morning you should expect to come home safely at night.

We have made some very good changes in South Australia in this term of parliament to try to help and ensure that. We belatedly, and I think it was 20 years since it was first attempted in this state, and the Hon. Tammy Franks has been instrumental in a number of those attempts over the last decade or so in having industrial manslaughter laws in South Australia. That is one very targeted way—and hopefully a deterrent—to ensure that safety is improved.

We regularly meet with employer and employee groups to look at any ways we can help improve safety, and a lot of those do come in the form of SafeWork South Australia, the regulator,

conducting campaigns in a whole range of areas where there is often deemed to be heightened safety risks or issues of concern.

WORK HEALTH AND SAFETY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:04): Supplementary: has the minister sought any consultation with the South Australian Business Chamber on this matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I would have had numerous meetings (dozens might be too many, but many meetings) with representative business groups—the business councils (formerly Business SA), the Ai Group, the HIA, the Master Builders Association, the Wine Industry Association, to name a few—about health and safety matters generally, but other issues where they are raised.

DRUG-DRIVING LAWS

The Hon. T.A. FRANKS (15:05): I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Police—or in fact the minister representing every single minister in this place today—on the impact of cannabis and its effects on driving.

Leave granted.

The Hon. T.A. FRANKS: A study published by the Canadian Institute of Actuaries in December 2022, entitled 'Assessing the impact of marijuana decriminalization on vehicle accident experience', reviewed the impacts of cannabis legalisation on road accidents. That study concluded that cannabis legalisation is not connected to an increase in road accidents or the severity of crashes. This is further supported by a 2016 American study involving 25 participants who smoked cannabis and then drove in a simulator. This research found that there was no correlation between blood THC levels and impairment.

Currently in South Australia, we have some of the strictest drug-driving laws in the nation, in the world. Earlier this year, the government announced that SAPOL can issue an immediate loss of licence for drivers who test positive for prescribed drugs. Greg Barns SC, spokesperson for the Australian Lawyers Alliance, said of that:

> The current laws are simply unfair because they make it illegal to have any trace of cannabis in your system even if you have taken cannabis legally with a prescription and your driving is not impaired.

Our current laws criminalise patients simply for taking their prescription medication, even if they aren't at all impaired when getting into their cars. The use of THC as a marker of driving impairment is scientifically unsupportable. My questions to the minister therefore are:

1. Is SAPOL and the minister aware of these important studies?

2. Will the minister follow the science and commit to feeding the data from this report into any discussions around the establishment of a valid impairment test for drivers in South Australia, as opposed to the current highly inaccurate presence, not impairment, model?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the member for her question. I will be happy to refer that to the minister responsible and bring back a reply. As the member pointed out, I am not Scott Morrison, so I haven't taken on all the ministries of everyone else. I will have to ask the minister themself.

INDEPENDENT SCHOOLS DONORS, TAX DEDUCTIONS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:07): I seek leave to make a brief explanation before asking a question of the Attorney-General, representing the Minister for Education, Training and Skills, regarding tax deductions for donors to independent schools.

Leave granted.

The Hon. J.S. LEE: The Australian government's Productivity Commission released a draft report that proposed reforms to tax deductible giving. If adopted, this proposal would adversely affect

South Australia's faith-based schools in particular, where the vast majority of capital funding comes from parents and donations from the broader school community.

The opposition has been contacted by stakeholders and constituents who have expressed concern at the potential increase in school fees at a time when many South Australians are experiencing high cost-of-living pressures.

Members interjecting:

The PRESIDENT: Order! It could happen to anybody. It just happens to the Hon. Mr Wortley all the time. The Hon. Ms Lee, please conclude.

The Hon. J.S. LEE: My questions to the Attorney-General are:

1. What is the state government's position on the Productivity Commission's proposed tax reform?

2. Will the state government ensure our state's faith-based schools are not financially disadvantaged by the implementation of such a measure?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I will be happy to refer that to the education minister in another place and bring back a reply.

GENERAL PRACTITIONER PAYROLL TAX

The Hon. C. BONAROS (15:09): I seek leave to make a brief explanation before asking the Attorney, representing the Premier, Treasurer and health minister, a question about payroll tax.

Leave granted.

The Hon. C. BONAROS: This week, the spotlight has been on the issue of payroll tax, particularly due to a campaign led on behalf of independent general practitioners in South Australia. These practitioners are raising alarms about the potential ramifications of the impending retrospective payroll tax set to take effect on 1 July this year. They argue, quite rightly, if left unchanged this tax could have severe repercussions on GP practices, patients, emergency departments and the overall health crisis in the state. My questions to the Premier, Treasurer and Minister for Health are:

1. What actions, if any, have been initiated to address the very legitimate concerns raised by independent general practitioners?

2. Can the Premier, Treasurer and Minister for Health confirm their commitment to engage with key stakeholders such as, or including, the AMA and the RACGP to collaboratively explore viable solutions to this issue in order to prevent the catastrophic ramifications they have outlined in their campaign?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I thank the honourable member for her question. I will be happy to refer it to all of the ministers she suggested and see which minister would like to bring back a response to the questions she has raised.

WRITERS' WEEK

The Hon. J.M.A. LENSINK (15:11): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Arts, regarding Adelaide Writers' Week.

Leave granted.

The Hon. J.M.A. LENSINK: Leaders in the Jewish community have been calling for Ms Clementine Ford to be banned from participating in Adelaide Writers' Week following her involvement in the so-called doxing of 600 Jewish Australians, which allegedly led to death threats to some victims who had their details exposed. According to the Prime Minister this incident was the impetus for the federal Labor government's recent moves to criminalise the practice of publishing personal details with malicious intent.

In reference to Ms Ford's inclusion in Adelaide Writers' Week as well as other authors allegedly with antisemitic views, Anti-Defamation Commission Chairman Dr Dvir Abramovich stated:

> By putting out the welcome mat to a host of notorious anti-Israel speakers with a troubling track record of abhorrent statements, the Adelaide Festival has afforded them a degree of legitimacy and credibility that is unwarranted and has given them a mainstream space to further promote their extreme antisemitic views…
>
> At a time when antisemitism in this country has reached a frightening historic high, their inclusion will only increase the possibility of further isolation, violence and harassment of Australian Jews.

In response to this matter the Premier stated in the media that he would not be a Premier who 'engages in censorship at arts festivals'. My question to the Attorney therefore is: does the state government consider the doxing of hundreds of Jewish Australians or people from any harassed background, allegedly leading to death threats, not to be an action serious enough to warrant preventing the perpetrator from being given a platform at a largely taxpayer and ratepayer funded event?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): I will be happy to pass that on to the minister the honourable member suggested and bring back a reply.

WRITERS' WEEK

The Hon. C. BONAROS (15:13): Supplementary: would the Attorney also be happy to pass on to the relevant minister the question of whether similar requests have been made of any other pro-Palestine speakers invited to speak at Adelaide Writers' Week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I will be happy to include that in the information I seek from the minister.

NATIVE BIRD HUNTING

The Hon. T.A. FRANKS (15:14): I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Police on the topic of the application of the Firearms Act 2015.

Leave granted.

The Hon. T.A. FRANKS: This past weekend was the first weekend of duck hunting season. Footage by animal advocates and the RSPCA in the media have shown hunters carrying alcohol and guns. Under the Firearms Act, section 42, handling firearms while under influence of intoxicating liquor or drug carries a maximum penalty of $10,000 or imprisonment for two years. My question to the minister is: what has SAPOL done to pursue and prosecute this part of the act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for her question. As she has suggested, I will be more than happy to refer those to the minister responsible and bring back a reply.

AUTISM SERVICES

The Hon. H.M. GIROLAMO (15:15): I seek leave to make a brief explanation before asking the parliamentary secretary a question about answers in this chamber.

Leave granted.

The Hon. H.M. GIROLAMO: Earlier in question time the parliamentary secretary noted that the answer to my question is best dealt with by the education minister. Will she agree to take my very important question previously answered on notice and bring back an answer to the chamber?

Members interjecting:

The Hon. H.M. GIROLAMO: Are you able to just confirm it? You didn't say that you would bring it back on notice.

The Hon. E.S. BOURKE (15:15): Apologies; I am more than happy to provide that question to the education minister.

ENGINEERED STONE REGULATIONS

The Hon. C. BONAROS (15:16): I seek leave to make a brief explanation before asking the Attorney-General a question about engineered stone tops.

Leave granted.

The Hon. C. BONAROS: Can the Attorney provide the chamber with any updates on discussions at both the state and federal levels concerning engineered stone, especially since the recent implementation of new regulatory frameworks around the use of engineered stone?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for her question in relation to the use of engineered stone. As the honourable member pointed out, I can't remember the date but we had the commencement of regulation in terms of the dry cutting of engineered stone in South Australia.

We were pleased to introduce that and in December last year the commonwealth and state and territory ministers unanimously agreed to implement a ban on dangerous engineered stone products. The next meeting of the ministers is tomorrow, and I look forward to productive discussions with my interstate colleagues to finalise details of the ban and any necessary transition arrangements. The next step will be the regulation of such products already in situ.

COURT JUDGEMENT DELAYS

The Hon. D.G.E. HOOD (15:17): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the South Australian courts.

Leave granted.

The Hon. D.G.E. HOOD: The opposition has been approached by a well-known South Australian lawyer, who has expressed concern about the variance in time taken for judgements in the South Australian courts, that is, depending on the particular judicial officer that a matter appears before. Some matters are dealt with expeditiously and some are dealt with, in their words, somewhat less expeditiously. Would the Attorney like to make a comment on that and does the government have a plan in place to reform the situation?

Members interjecting:

The PRESIDENT: Order! Attorney-General, do you need the Hon. Mr Wortley's assistance to answer that?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): He is very helpful some of the time, sir. I thank the honourable member for his question. It is a little difficult to answer, not knowing who the lawyer is, which jurisdictions they are talking about, which judges, magistrates or justices are being talked about, or what the matters are. It is a little difficult to answer, but I do congratulate the Hon. Dennis Hood, because when the Liberal opposition is flailing it is always he who comes to the rescue. They are all at sea, but he is the only one agile enough in this place—it is little wonder we saw the motion passed that we saw passed yesterday.

Members interjecting:

The PRESIDENT: Order! I can't hear. Both sides, order! The Hon. Mr Wortley!

The Hon. K.J. MAHER: It is little wonder we saw the passage of a no-confidence motion in the opposition yesterday.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: It is little wonder, after what we have seen here today. If the Hon. Dennis Hood was leader we probably wouldn't have seen a no-confidence motion in the opposition yesterday. In relation to his question, as I said, it is difficult without knowing any of the circumstances, but he has shown how agile he is and what a great performer he is in this chamber by coming up with the question after all his colleagues had run out. Certainly, there will be factors at play depending on what judgements are reserved, depending on a particular judicial officer, the trial load at the time and what they are doing. So I am certain there will be differences in times taken, for a whole range of factors.

Matter of Privilege

MATTER OF PRIVILEGE

The Hon. T.A. FRANKS (15:20): I move:

That a Committee of Privileges be established to inquire into and report on the statement of the Hon. T.A. Franks made in this council on 19 March 2024 and whether Order of the Day (Private Business) No. 38 for Wednesday 20 March 2024, a motion for the establishment of a select committee on gender dysphoria, put forward by the Hon. F. Pangallo has yet been voted on.

I rise today very briefly to raise this issue and take an unusual step of attempting to refer myself to a Privileges Committee to resolve a matter of debate on privilege. I do so referring to the question time events of Tuesday 19 March, when, during the question put by the Hon. Frank Pangallo on the topic of gender dysphoria, he stated:

…I called for our own federal and state governments to introduce similar bans here but was met with silence, and as people in this place know the silence followed the Labor government voting not to support my proposed inquiry to examine—

At which point, I interjected and said:

Point of order: the member is misleading the chamber. There was no vote on that inquiry.

I note that, under standing order 182, members must not be interrupted in this place unless it is to raise a point of order. I also note that to raise a point of order to call attention to the council if one member believes that another member is misleading the chamber, it must be done at the time. So I certainly believe that my interjection was appropriate to following the standing orders.

The following day, the Hon. Frank Pangallo came into this place and, at the end of question time on Wednesday 20 March 2024, in a personal explanation, he stated:

…I stated that the Labor government had voted not to support my proposed inquiry into gender dysphoria.

'The Labor government had voted not to support it,' he goes on to say, then he states that he was meaning in the caucus of the Labor Party. However, in the language of this place, 'a Labor government voting not to support someone's inquiry' I believe would be interpreted by members of this place and members of the public as being a vote of this council. The Hon. Frank Pangallo then stated:

To wrongfully accuse me of misleading the chamber is a serious slur when the member should have and would have known the context of my comments had she shown me the courtesy to complete my question.

I reiterate: under standing order 182, it is entirely proper to raise a point of order and interrupt a member given the call by the President. I also note that I do not believe I wrongfully accused the member of misleading the council. If the member was misinterpreted and believes that more context was required, then that is different as an issue, but in terms of my actions to raise a point of order, I stand by them. I believe his words, that the Labor government had voted not to support his inquiry, would be rightfully interpreted by this council as a vote of the council—not a vote of caucus, not a vote of the PTA, not a vote of Rotary, not a vote of any other group, but a vote of this council. 'The Labor government voted' were the words of the member.

With that, I raise this issue because in this place in recent months we have had many issues raised that I believe have not met the standards that the community expect of us. Our obligations not to mislead the council are significant and they are afforded to us with the privilege of parliament. I believe it is a matter that deserves some airing and to be treated with the seriousness that should follow such an allegation. I do not do so to cause a slur on the Hon. Frank Pangallo, but I do find that

the adherence to standing orders and the adherence to conventions in this place have slipped of late and I hope they can be restored by this process.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:25): I will be very brief and indicate that we will not be supporting the notice of motion on a matter of privilege that is before us. What precipitated this motion are statements that were made by the Hon. Frank Pangallo, where he referred to a vote having been taken for the establishment of a particular select committee. Clearly, because it is still on the *Notice Paper*, no such vote has taken place.

I understand and concur with comments that in this place we need to be measured and very careful with the words that we use. I think most of us here have said something that we had believed to be correct or we have said something that has had a different connotation to what we meant and we have corrected ourselves afterwards.

In this case, I think it is clear that there was not a vote that had taken place. It is still on the *Notice Paper*, but there is nothing that I think the honourable member who is moving the motion has done to transgress the privileges of this place that would warrant a Privileges Committee being established. I think we have not had a Privileges Committee established in this place since 1898, so it is clearly a very rare occurrence. Although it probably was not a particularly accurate way to describe the voting on a select committee, we do not think it warrants a Privileges Committee being established to inquire into the use of the privileges placed by the Hon. Tammy Franks.

The Hon. H.M. GIROLAMO (15:27): I rise briefly on behalf of the opposition to indicate that we also will not be supporting the matter of privilege motion. As the Leader of the Government has pointed out, great importance is attached to matters involving privilege and it is my understanding that the last Privileges Committee in this place was in 1898. Obviously, there have been motions moved on both sides since, but none proceeded with.

I also echo the words of the Leader of the Government in this place that we do need to be careful about the words we use in this place in all circumstances and correct the record when appropriate, but we the opposition will not be supporting this motion.

The Hon. T.A. FRANKS (15:28): I thank the members of the government and the opposition for their reflections upon this. I am happy to discharge the motion if that is procedurally appropriate. I seek leave to withdraw the motion.

Leave granted; notice of motion withdrawn.

Bills

SENTENCING (SERIOUS CHILD SEX OFFENDERS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): Obtained leave and introduced a bill for an act to amend the Sentencing Act 2017, and to make related amendments to the Correctional Services Act 1982 and the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:29): I move:

That this bill be now read a second time.

The bill I introduce today is the Sentencing (Serious Child Sex Offenders) Amendment Bill 2024. Prior to the state election, the government committed to pass new laws to provide for indefinite detention so that serious child sex offenders will stay in prison until they can control their sexual instincts and will face a lifetime of electronic monitoring when they re-enter the community.

The bill amends the Sentencing Act 2017 to create a new sentencing scheme providing for the indefinite detention of serious child sex offenders. The bill provides that a person will automatically be taken to be a serious child sex offender when they are found guilty of a triggering

child sex offence if they have previously been convicted of a serious child sex offence (including serious commonwealth child sex offences and child sex offences committed in other jurisdictions) for which they have served time in prison.

When sentencing a serious child sex offender for a triggering offence, the court must first consider whether a custodial sentence of imprisonment will be imposed for the offence. If so, there will not be any need for the prosecutor or the Attorney-General to apply to the Supreme Court to seek an order of indefinite detention. Instead, the bill provides that the court is required to impose a mandatory sentence of indefinite detention. This means a serious child sex offender will not be able to be released from prison into the community without further authorisation by the Supreme Court via a process designed to ensure that the safety of the community is the paramount consideration.

A serious child sex offender will be able to apply to the Supreme Court to be released on licence with mandatory electronic monitoring and any other conditions the Parole Board (or the Training Centre Review Board) considers necessary, only after serving a minimum period of imprisonment. This minimum period is four-fifths of the sentence that would have been imposed if the offender were not a serious child sex offender subject to the mandatory indefinite detention regime.

To be released on licence, the offender will have to satisfy the Supreme Court that they are capable of controlling and willing to control their sexual instincts, or that they no longer present an appreciable risk of safety to the community. This requires an assessment by two appropriately qualified medical professionals to make these types of assessments, and they will be appointed by the court. This is the same test that currently applies for both release on licence or discharge of detention order under the existing scheme applicable to offenders who have been found to be incapable of controlling or unwilling to control their sexual instincts, contained in part 3, division 5 of the Sentencing Act (the existing scheme).

As noted, the bill imposes a mandatory requirement for electronic monitoring if an offender is released into the community on licence. That condition is not able to be varied or waived under any circumstances. The Parole Board will be empowered to cancel the release on licence and return the offender to custody if it is satisfied that the offender has contravened or is likely to contravene a condition of their licence.

A serious child sex offender will be able to apply to have the sentence of indeterminate duration (including the requirement for electronic monitoring) brought to an end only after having served a minimum period of imprisonment in prison, as well as having spent a further period of at least five years being supervised and monitored on licence in the community.

To have their sentence of indeterminate duration brought to an end, the offender will again have to satisfy the Supreme Court that they are capable of controlling and willing to control their sexual instincts, or that they no longer present an appreciable risk of safety to the community, following assessment by two appropriately qualified medical professionals appointed by the court. It should be noted that because the test for extinguishment of the sentence involves consideration of the offender's capability to control or willingness to control their sexual instincts without licence conditions, it will be a harder test to satisfy than the test for release on licence.

Finally, it is recognised that, even when dealing with child sex offenders, there may be situations where the imposition of a sentence of indefinite detention would result in an unjust outcome. Accordingly, the bill provides that if the court is satisfied that there are exceptional circumstances, and in all the circumstances it is not appropriate for the person to be subject to indefinite detention, the court will be able to revert to sentencing the offender to an appropriate sentence in the usual way. Exceptional circumstances may emerge from consideration of the circumstances of the offending, the circumstances personal to the offender or some combination of both.

The concept of exceptional circumstances is not a new one, that is, our courts have extensive experience in applying the exceptional circumstances test as part of their sentencing exercises in other contexts such as when setting non-parole periods that are shorter than the mandatory minimum pursuant to section 48 of the Sentencing Act, in the context of sentencing serious repeat offenders

pursuant to section 54 of the Sentencing Act, and in the context of prohibition against suspended sentences for certain classes of offenders pursuant to sections 51 and 96 of the Sentencing Act.

The Malinauskas Labor government is committed to protecting the South Australian community from the scourge of child sex offenders. One of our very first pieces of legislation was to lift maximum penalties to a range of child sex offences. In the past two years, we have also closed loopholes in child sex offence laws including tightening Carly's Law to ensure those who target children online are subject to the full force of the law.

Just this week, we have passed laws to prevent registered child sex offenders and those accused of registrable child sex offences from working with children. This bill is our latest initiative and an integral one to keep the children of South Australia safe from those who would do them harm. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Sentencing Act 2017*

3—Amendment of section 5—Interpretation

This clause inserts definitions of key terms used in the measure into section 5 of the principal Act.

4—Amendment of section 26—Sentencing for multiple offences

This clause makes a consequential amendment resulting from the enactment of new Part 3 Division 2A by this measure.

5—Insertion of Part 3 Division 2A

This clause inserts new Part 3 Division 2A into the principal Act as follows:

Division 2A—Sentencing of serious child sex offenders

Subdivision 1—Preliminary

48A—Interpretation

This clause contains definitions of key terms used in the new Division.

48B—Capable of controlling, and willing to control, sexual instincts

This clause deems serious child sex offenders to not be capable of controlling, and willing to control, their sexual instincts unless evidence to the contrary exists. The clause shifts the onus of proving that a serious child sex offenders is capable of controlling, and willing to control, their sexual instincts onto the serious child sex offender.

48C—Prescribed child sex offences

This clause lists the offences that constitute prescribed child sex offences.

48D—Triggering child sex offences

This clause lists the offences that constitute triggering child sex offences.

48E—Application of Division to youths

This clause clarifies the application of the Division to youths.

48F—Disapplication of certain provisions of Act

This clause disapplies the specified provisions of the principal Act to the sentencing of a serious child sex offender for a triggering child sex offence.

Subdivision 2—Serious child sex offenders

48G—Serious child sex offenders

This clause defines who is a serious child sex offender, and when a person ceases to be a serious child sex offender.

48H—Effect of spent convictions

This clause provides that the scheme set out in this new Division is not affected by a conviction of a serious child sex offender becoming spent.

Subdivision 3—Sentencing of serious child sex offenders for triggering child sex offences

48I—Sentencing of serious child sex offenders for triggering child sex offences

This clause sets out the scheme by which serious child sex offenders who are convicted of a triggering child sex offence are to be sentenced.

Subdivision 4—Court may declare that Subdivision 3 does not apply to certain serious child sex offenders

48J—Court may declare that Subdivision 3 does not apply to certain serious child sex offenders

This clause provides that the sentencing court may make a declaration that new Subdivision 3 does not apply in relation to the sentencing of certain serious child sex offenders in the circumstances referred to in the clause.

Subdivision 5—Release of serious child sex offenders on licence

48K—Release on licence

This clause provides that a serious child sex offender who is serving a sentence of indeterminate duration may be released on licence in the circumstances referred to in the clause. Before they can be released, however, the offender must serve the minimum period of imprisonment fixed under new section 48I(2)(d). The clause also sets out the conditions that attach to the release, including the wearing of electronic monitoring at all times.

48L—Arrest and detention of serious child sex offender released on licence without warrant

This clause provides that police officers may, on the authorisation of a senior officer, arrest a serious child sex offender who has been released on licence if the officer suspects on reasonable grounds that the serious child sex offender has breached a condition of the release on licence.

Subdivision 6—Extinguishment of sentence

48M—Extinguishment of sentence

This clause sets out the scheme whereby a serious child sex offender or the DPP may apply to the Supreme Court for extinguishment of a sentence of indeterminate duration. The clause sets out the matters of which the court must be satisfied, or have regard to, before extinguishing a sentence under the section.

Subdivision 7—Miscellaneous

42N—Inquiries by medical practitioners

This clause makes provision sets out the way in which medical practitioners are to carry out inquiries into the mental condition of a person under the Division.

6—Amendment of section 55—Declaration that youth is recidivist young offender

This clause makes a consequential amendment resulting from the enactment of new Part 3 Division 2A by this measure.

7—Amendment of section 57—Offenders incapable of controlling, or unwilling to control, sexual instincts

This clause makes a consequential amendment resulting from the enactment of new Part 3 Division 2A by this measure.

8—Insertion of section 59A

This clause inserts new section 59A into the principal Act, allowing police officers to arrest a person released on licence under section 59 if the police officer suspects on reasonable grounds that the person has breached a condition of the release on licence. This aligns with new section 48L.

Schedule 1—Related amendments

Part 1—Amendment of *Correctional Services Act 1982*

1—Amendment of section 64—Reports by Board

This clause amends section 64 of the *Correctional Services Act 1982* to make a consequential amendment resulting from the enactment of new Part 3 Division 2A by this measure.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

2—Insertion of section 5AB

This clause inserts new section 5AB into the *Criminal Law Consolidation Act 1935* to provide the penalties (including a sentence of indeterminate duration) for the commission of a triggering child sex offence by a serious child sex offender.

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

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

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:36): The pastoral act covers 323 leases, comprising 219 stations over an area of 40 million hectares or about 40 per cent of South Australia's land area. Of the existing pastoral leases, 21 are already being used for conservation purposes with the approval of the Pastoral Board. However, legal uncertainty about the board's ability to approve non-pastoral use has arisen in recent years and hence this amendment bill was brought forward by the minister to clear up this ambiguity. This bill also seeks to make provisions for the permission of what is defined to be conservation purposes on the one hand and carbon farming on the other as additional permitted uses.

Pastoral country can be tough but it is incredibly rewarding. Utilisation of the land brings a strong sense of purpose. Pastoralists focus on good management and prudent use of land to ensure the land's resources are maintained and its yields sustained. Pastoralists are innovative people and are not afraid to diversify the use of their land, and many welcome the ability for greater flexibility for other land uses on their properties to supplement income streams and spread the risk. However, it is important that if land is going to be used for purposes other than for pastoral purposes that the same rules apply for these landholders as those that apply for pastoralists.

These rules relate to maintaining existing fencing in a stockproof condition and keeping existing constructed stock watering points in proper working condition. We must not have a situation where pastoral land is leased, the gates locked up and the land left without management. The government's own communiqué on sustainable rangelands states:

> Assessment of a lease approved for conservation purposes will not need to focus on its stock carrying capacity and degradation of watering points by stock grazing, but would consider other indications of condition and degradation.

There certainly are questions around what 'other indications of condition and degradation' encompasses and I would like to foreshadow a number of questions that I will raise in relation to the maintenance of stockproof fencing on areas where pastoral land is being used for conservation purposes. It is important that landholders are good neighbours when it comes to the land and we must understand and ensure that there is consistency with the overall management of fire, weeds and pests and in the maintenance of fencing.

I note the words of the Minister for Environment and Water in the other place that the Pastoral Board's powers in relation to the management of pastoral lands will not change and that all leaseholders will still need to actively manage their leases and remain subject to pastoral act obligations, unless conditions are varied by the Pastoral Board.

That brings us to the question of management and the role of the Pastoral Board. It is crucial that the board has the resources it needs to ensure that the conditions of a lease are being met. This is crucial not just for the pastoralists in terms of the maintenance of shared infrastructure, it is also critical to ensure the land is being grazed appropriately.

We must remember, and also seek to retain, the central purpose of the Pastoral Board. It exists to look after and manage pastoral leases and land. Given that purpose, it is surprising that there is currently no legislative requirement for the Pastoral Board to be comprised of at least

50 per cent pastoralists. We have the opportunity to make that change, and I will be moving an amendment to that effect.

A simple amendment would ensure fair and correct representation on the Pastoral Board, and it is important that the majority of those serving on the Pastoral Board have practical experience in managing pastoral land, not just working in the pastoral area. It is also important that the presiding member of the board has a strong pastoral background, understands the practical requirements of managing pastoral country and has the skills to manage the board.

Talking to pastoralists, this is something they believe is critical and, consequently, I will move an amendment—that is the same amendment—that will ensure that the presiding member is or has been a pastoralist. Whilst the Malinauskas government moves to change other elements of the act, our party is focused and is advocating for these amendments on behalf of the pastoralists.

It is evident that within this bill there lacks any indication of a set goal or an upper limit regarding the proportion of the pastoral estate that could undergo conversion from productive pastoral use to conservation purposes. This underscores the importance of being mindful of our state and country's food production requirements. As policymakers, it is crucial to consider the diverse array of factors and potential impacts stemming from the legislation we propose. The economic vitality stemming from our pastoral lands, both in domestic and export markets, is truly remarkable.

We must ensure that decisions regarding the transition of leases from production to potential conservation do not undermine the ability of pastoralists to advocate for their interests amidst potential regulatory and management changes. Currently, 90 per cent of our pastoral estate is dedicated to pastoral purposes, highlighting the significance of maintaining this balance because, let's be clear, pastoralists and farmers are often some of the best conservationists we have in our state. They understand that they need to look after the land responsibly, and the soil management, vegetation management and overall land management by these land managers, I think, is something that needs to be commended and recognised in this place.

In conclusion, it is important that the experience and insight of pastoralists is acknowledged and valued when making decisions regarding pastoral land and leases. Novelist Neville Shute wrote in *The Breaking Waves* when the protagonist returned to his family's remote Australian sheep station, and I quote:

> I had travelled the world and I had come to realise, in faint surprise, that I had seen no countryside that could compare in pastoral beauty with that of my own home. It takes a long time for an Australian to accept the fact that the wide, bustling, sophisticated world of the northern hemisphere cannot compare with his own land…

We must ensure that stewardship of our beautiful, tough and unique pastoral landscape continues. The Pastoral Board must be made up of board members who have this at the heart of their decision-making, and our Liberal amendments today will help to ensure that that remains.

The Hon. T.T. NGO (15:44): I rise to speak in support of this bill. This is another of the Labor Malinauskas government's election commitments that has a long-term vision. It delivers on the commitment to allow conservation and carbon farming on pastoral leases. Just to clarify, a pastoral lease allows the occupation and use of Crown land for grazing and raising livestock, known as pastoralism.

Prior to the 2022 election, the government committed to a set of practical initiatives to support landholders across South Australia to care for their land in a sustainable way. One of the Labor Malinauskas initiatives included confirmation that pastoral leases can be used for carbon farming and conservation, in accordance with the Pastoral Land Management and Conservation Act 1989. The definition of conservation covers activities required to conserve and restore natural ecosystems in the rangelands, including biodiverse revegetation using plants native to the area, erosion repair, and feral animal control.

In regard to carbon farming, we know this has long-term benefits to agriculture and addresses environmental and economic challenges which contribute to climate change mitigation and adaption. Currently, carbon farming projects need to be registered with the Australian government's Clean Energy Regulator. Approval from the Pastoral Board must be sought, and the

applicant needs to consult with native title holders where relevant and seek the consent of the minister as an eligible interest holder under the federal government legislation.

This process will not change under the new bill. However, a new regulation may specify more detail about the types of carbon farming projects that may be considered, including how they are registered and what kinds of methodologies may be used. The pastoral act covers 323 leases, making up 219 stations over an area of 40 million hectares, which is roughly 40 per cent of South Australia. To date, 21 pastoral leases have been approved by the Pastoral Board, with five pastoral leases currently being used for carbon farming.

This bill amends the objects of the pastoral act to confirm that pastoral leases can be used for conservation and carbon farming as defined in the act and will preserve the role of the Pastoral Board in relation to the approval of non-pastoral uses of pastoral land for some or all of the pastoral lease.

The amendment enables the current 'on the ground' status quo efforts by lessees, Aboriginal people and regional communities who are managing pastoral lands in a variety of ways. The Labor government wants to give certainty to what is happening on the ground. The bill will ensure that the economic viability of the pastoral industry is, and will remain, an object of the pastoral act. It provides leaseholders with opportunities to generate alternative sources of revenue for conservation and carbon farming activities on their lease. Environmental benefit offsets and agreements can be applied to all or just part of a pastoral lease, as long as the Pastoral Board has approved the use of that area for conservation and the project fits the conditions of the lease.

The Pastoral Board will not need to approve the offset or agreement itself. The Minister for Climate, Environment and Water approves these under the Native Vegetation Act 1991, once it is confirmed they are consistent with the pastoral act and other legislation. This amendment to the pastoral act will validate the Pastoral Board's power in relation to the management of the rangelands, which will not change and nor will current pastoral leases.

The bill has been informed through intensive consultation with a range of organisations that have a close interest in pastoral land management, including the Pastoral Board, Livestock SA, Primary Producers SA, Conservation Council of SA, SA Nature Alliance, SA Native Title Service and First Nations of SA. I commend this bill to the chamber.

The Hon. S.L. GAME (15:49): The purpose of the Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill 2023 is to formally allow pastoral leases to be used for conservation purposes and carbon farming activities, alongside existing pastoral purposes. The bill clarifies the definitions of 'pastoral lease' and 'conservation purposes' and introduces a new definition for 'carbon farming'. It adds new objects to the act, including allowing pastoral land use for conservation and for other purposes like carbon farming, alongside pastoral purposes.

The bill allows for leases to be granted for purposes beyond just pastoral use. The process for assessing land considers the purposes the land will be used for, including conservation and carbon farming. Leases will include conditions related to conservation and carbon farming activities. The bill clarifies how rent is determined for leases used for purposes beyond pastoral activities. The requirement to verify stock levels can be exempted if the land is not being used for pastoral purposes. Leases already approved for purposes beyond pastoral use are considered valid under the amended act.

In general, the bill aims to create a more flexible framework for managing pastoral lands in South Australia, allowing for more sustainable practices and economic opportunities for pastoral leaseholders. I support the bill in principle to the extent that it does not deter our food production. I also see merit in the Hon. Nicola Centofanti's amendment to ensure that at least three members of the board must be persons who are or who have been pastoralists. Whilst it is important to provide flexibility to open up economic opportunities, it cannot be to the detriment of our world-class food bowl.

The Hon. T.A. FRANKS (15:51): I rise today to speak briefly in support of the Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill. Organic, biodynamic and

regenerative agriculture can improve farming land's health and resilience against extreme weather events, while keeping farms economically viable and environmentally sustainable.

'Carbon farming' refers to managing land or agriculture to maximise the amount of carbon stored and/or to minimise greenhouse gases emitted, mainly carbon dioxide and methane. For landholders, carbon farming can deliver benefits such as improved soil health and water quality, less erosion, better water infiltration, boosted on-farm biodiversity and greater resilience to drought. Carbon farming creates healthier land, which means more resilient, productive land as well. Landholders who practice carbon farming are delivering benefits to Australia by helping tackle the cumulative pressures of climate change, land degradation and food insecurity.

To streamline processes, reflecting the ongoing work of existing pastoral leases and the contributions of pastoral lessees to sustainable land management in South Australia, is a change we are happy to get behind. I commend the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:52): I thank all members for their contributions. In response to a question of the member for Finniss in the other place regarding the time validity of agreements to clear native vegetation I am able to provide a response, as I think was suggested would be done as this bill progressed between the houses.

Consent to clear native vegetation decisions are valid for a period of five years, I am advised. Recommencing grazing after 10 years is considered clearance of native vegetation under the Native Vegetation Regulations 2017 and as such would require an application and approval from the Native Vegetation Council, I am advised. I am further advised that there is no ability for a 10-year pre-approval native vegetation clearance decision.

Regarding the amendments that have been filed by the Leader of the Opposition, I advise that the government's position is to oppose these amendments. I might outline now, for the sake of clarity for the committee stage, that in relation to amendment No. 1 it is our view that there is no compelling need to change the act, as has been proposed in the amendment, and that in fact these amendments would possibly significantly limit the number of potential willing representatives as board members or as a presiding member.

At present, the board has three current pastoral leaseholders or managers as members and three deputies. Two of the three members and three of the deputies have current or past experience in managing stock on pastoral leases. Most past presiding members would have been ineligible under the opposition's amendments. Similarly, a number of other potential industry representatives who would otherwise be suitable would be excluded under the amendment.

In relation to amendment No. 2, this provision, I am advised, would potentially cause significant problems in the implementation. Given the proposed narrow definition of 'pastoralist' proposed in the amendment, no current members and only one deputy of the board would currently meet the definition. With that, I look forward to the committee stage of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: Can the minister advise the chamber whether conservation leases will have the same oversight as current pastoral leases? I ask this question, as was alluded to in my second reading speech, in terms of ensuring that boundary fence lines are well maintained and that there is sufficient control of weeds and pests.

The Hon. K.J. MAHER: My advice is that, yes, that is the case.

The Hon. N.J. CENTOFANTI: I again note the words of the Minister for Environment and Water in the other place when she said that the Pastoral Board's powers in relation to the management of pastoral lands will not change and that all leaseholders will still need to actively

manage their leases and remain subject to pastoral act obligations, unless conditions are varied by the Pastoral Board. Under what circumstances would conditions be varied by the Pastoral Board?

The Hon. K.J. MAHER: I am advised there would be a range of situations. An example might be the maintenance of water points for a conservation lease where there is no stock on the land. There may be a range of reasons why conditions might be varied.

The Hon. N.J. CENTOFANTI: Would there ever be a situation where the conditions on boundary fences would be varied?

The Hon. K.J. MAHER: My advice is that, effectively, you can never say never, but it is difficult to see a reason why or how that would be the case.

The Hon. N.J. CENTOFANTI: Regarding the percentage of either a pastoral or a conservation lease, is there a percentage in relation to the area of either a pastoral or a conservation lease that could be used for the other purpose? For example, is there a percentage of a conservation lease that could be used for grazing purposes and vice versa?

The Hon. K.J. MAHER: My advice is there is no percentage limit that would apply. For example, a lease for conservation purposes could be used in some circumstances and up to a certain limit for pastoral purposes and vice versa, but there is no limit as to the percentage of a lease that that could apply to. That is my advice.

The Hon. N.J. CENTOFANTI: Just to confirm, if the lease were being used for conservation purposes and then was to be used for pastoral, that would be subject to Native Vegetation Act implications?

The Hon. K.J. MAHER: My advice is that, yes, that is the case.

The Hon. N.J. CENTOFANTI: Is the department considering conducting land condition assessments with more, shall we say, modern approaches, things like drones and satellite imagery, and is the government satisfied that the department has the required resources to undertake land condition assessments where more leases will fall under conservation?

The Hon. K.J. MAHER: I am advised that there has been an additional allocation of funding to undertake those assessments, and I am advised that there is an ongoing assessment of what technologies and methods may best be used to undertake them.

The Hon. N.J. CENTOFANTI: Finally, has the government received any advice about Native Title Act implications of changing leases from pastoral to conservation and vice versa? If there is a change from pastoral to conservation or to conduct carbon farming, does that change create a situation in which compensation might need to be paid to native title holders?

The Hon. K.J. MAHER: I thank the honourable member for the question. My advice is that changing use between pastoral and conservation, to the best we can understand it, would not affect native title rights.

The Hon. N.J. CENTOFANTI: Is there any other situation where it might change?

The Hon. K.J. MAHER: I am advised that, on a case-by-case basis, any native title issues are taken into account. If there is a change of use, they are considered on a case-by-case basis.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. N.J. CENTOFANTI: I notice new section 4(h) states:

> (h) to allow pastoral land that is being used for pastoral conservation purposes to also be used for other appropriate purposes (such as carbon farming).

What does the government expect to be covered by 'appropriate purposes'?

The Hon. K.J. MAHER: My advice is that this clarifies existing practice, in effect, that such other purposes, as long as they are subordinate to the primary purposes, could be included, such as tourism or a telecommunication tower, for example.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. N.J. CENTOFANTI: Does it concern the government that currently, as I understand it and as the minister alluded to in his second reading explanation, only one board member fits the definition of a 'pastoralist'?

The Hon. K.J. MAHER: I thank the honourable member for her question. Having talked this through with the advisers, I guess what would be more concerning is if the amendments succeeded. The definition of 'pastoralist' would significantly narrow the available pool of people who would be able to be appointed to the board.

A pastoralist has a narrow definition of the leaseholder of the pastoral land itself. In some cases that will be the people who manage the property, but under the definition that the mover of the amendment proposes those who have the actual experience who may not be pastoralists but might be managers of the property would not be able to be appointed.

As I have said, no current members and only one of the deputies would fall into that category, so it concerns us but probably for exactly the opposite reason that the honourable member might be concerned. It concerns us that we would narrow it and you may be lacking then the working experience of running pastoral properties that the current regime provides for.

The Hon. N.J. CENTOFANTI: Is the Attorney able to inform the chamber as to how many landowners or pastoral leaseholders currently fit the definition of a 'pastoralist' out of the 323 leaseholders there are?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that we simply do not have the breakdown of those sorts of figures. 'Pastoralist' is not defined under the act at the moment because it is a term that is being proposed in the amendment. It might be someone who is the pastoral leaseholder who, for example, lives interstate. It might be someone who is a pastoral leaseholder who lives on the property but does not actively participate in the management of the property. But in terms of a breakdown of those who do not live on the property and those who do not live in South Australia who actively manage property, we do not have a percentage breakdown.

The Hon. N.J. CENTOFANTI: Can the minister then perhaps just explain then as to how he can then derive that the pool of applicants under the opposition's definition of 'pastoralist' would absolutely be limited?

The Hon. K.J. MAHER: My advice is that the current definition for appointment in these areas are those who are involved in the production of beef or sheep, which may include pastoralists but may, as I have said, include those, in particular, who actually manage or run the properties, whereas under the Leader of the Opposition's proposed amendments it would just be the pastoral leaseholders.

The Hon. N.J. CENTOFANTI: By leave, I move my amendment in an amended form:

Amendment No 1 [Centofanti–1]—

Page 4, after line 9—Insert:

(5) Section 12—after subsection (3) insert:

(3a) At least 3 members must be persons who are, or have been, pastoralists.

(6) Section 12(4)—after 'member of the Board' insert:

(who must be a person who is, or has been, a pastoralist)

(7) Section 12(5)—after 'Board' insert:

(and at least 3 of the deputies so appointed must be persons who are, or have been, pastoralists)

(8) Section 12—after subsection (8) insert:

(9) In this section—

pastoralist means a person who holds a pastoral lease under this Act or engages in or manages pastoral stock.

By way of explanation, I take the Attorney's advice in that we certainly do not want to be limiting those people who are managing stock on pastoral land but are not necessarily the owners of pastoral leases. That is my understanding of the Attorney's response; therefore, I am moving to amend my definition of a 'pastoralist' to mean 'a person who holds a pastoral lease under this Act and engages in or manages pastoral stock'.

The Hon. K.J. MAHER: A person who holds a pastoral lease?

The Hon. N.J. CENTOFANTI: Yes.

The Hon. K.J. MAHER: And is engaging, so you have to do both of those things. You have to be a pastoral leaseholder and you have to engage in or be managing. Do you mean 'or'?

The Hon. N.J. CENTOFANTI: Sorry, 'or'. It would read 'pastoralist means a person who holds a pastoral lease under this Act or engages in or manages pastoral stock'. Now that we have clarified that, again this amendment does two things. It ensures that 50 per cent of members of the Pastoral Board are pastoralists—that is, someone who holds a pastoral lease or engages in managing or pasturing stock—and it also ensures that the presiding member is someone who is or has been a pastoralist of the same definition.

As I have said previously in my second reading speech, 90 per cent of our pastoral estate is dedicated to pastoral purposes, highlighting the significance of maintaining the balance of practical pastoral experience on the board. We must seek to retain the central purpose of the Pastoral Board—that is, to look after and manage pastoral leases and land—therefore, the opposition moves these amendments on behalf of the pastoralists across our state.

The Hon. K.J. MAHER: I thank the honourable member for her contribution. I think it is a sensible change to knot the unintended consequence of potentially narrowing the definition of the pool of people who could be appointed, but we still maintain that we prefer the balance that is currently contained and will be under the act. I think the balance—in terms of having those who represent the pastoral industry as well as those who have experience in the field of land and soil conservation, ecology and the management of pastoral land, and in the administration of pastoral leases—is important, so we prefer the balance that is contained within our bill rather than the amended amendment.

The committee divided on the amendment:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J. (teller)	Game, S.L.
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

Bourke, E.S.	El Dannawi, M.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Martin, R.B.	Ngo, T.T.	Wortley, R.P.

PAIRS

Pangallo, F.	Scriven, C.M.	Girolamo, H.M.
Simms, R.A.		

Amendment thus negatived; clause passed.

Remaining clauses (8 to 13), 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) (16:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC TRUSTEE AND LITIGATION GUARDIAN) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 November 2023.)

The Hon. J.M.A. LENSINK (16:19): I rise to indicate support for this particular bill and note that the Liberal Party has filed amendments to it. I think at the outset it is fair to say that the roles of the Public Trustee and indeed the Public Guardian as statutory office holders are very important, particularly for vulnerable South Australians and those in particular who do not have family, friends or the like to assist them in their decision-making, whether it be in a financial context or in terms of a major life decision such as determining where they should live and the like, so I would like to thank those statutory office holders and indeed the staff who work in their offices for all the work they do on behalf of vulnerable South Australians who need that level of assistance with managing their personal affairs.

This particular bill makes some adjustments to the operation of the Public Trustee. I understand these changes were requested by the Public Trustee. I will speak to those and then I will speak to the Liberal Party's amendments. I note that there is a letter from the Law Society, which provides some feedback on the legislation as well.

This bill makes five distinct amendments to the operation of the Public Trustee. Firstly, for the Public Trustee to be able to finalise any outstanding payments after the revocation of their administrative role, which is probably most commonly after the person has passed away. This would allow for the Public Trustee to retain money belonging to a person over whom it has guardianship or administration, and the money would be applied to pay any incidental liabilities of the person or costs incurred by the Public Trustee as a result of an administration order. The section restricts the amount of money to be held by the Public Trustee to either what the Public Trustee considers is reasonably required or an amount prescribed by regulations, whichever is less.

Secondly, clause 5 and part of clause 6 of the bill simplify the way income from investments of the trustee are distributed. Currently, the Public Trustee must calculate the income from any money invested based on the period of the investment for any individual funds, which I understand is a lengthy calculation and differs from the way the Public Trustee distributes capital gains. The clause removes that requirement, and the government has advised our shadow attorney-general, the member for Heysen in another place, that evaluation of the change was procured by Deloitte, which concluded that any difference in the financial position of clients would be negligible, but the change would lead to an efficiency gain.

Thirdly, clause 7 and part of clause 6 change the day on which the value of investments is determined from the beginning of the month to the end of the month. Fourthly, clause 8 allows the Public Trustee to provide a third party with a certificate of authority certifying that the Public Trustee

has the authority to act on behalf of a client rather than provide a copy of the order given by the Supreme Court or SACAT, as they could contain personal information about Public Trustee clients.

The matters which the Liberal Party is seeking to amend relate to the matter of the litigation guardian. The Law Society does hold a couple of concerns in relation to this bill. The first is the amount of moneys to be retained by the Public Trustee to finalise outstanding payments after the revocation and administration, which we have been advised would be small and routine debts. The Law Society, in its letter, has stated that it has some concerns about the prescribed amount. As they say in their letter to the Attorney-General:

> If the prescribed amount is several hundred or a few thousand dollars, the Committee—

that is of the Law Society—

> considered the proposal to be reasonable. However, in the event that the quantum of the prescribed amount is significant, the Committee suggested the inclusion of a mechanism to exclude the exercise of the power where the administration of the Public Trustee has ended in circumstances where the appropriateness of that administration is in question.

I will ask the minister some questions in relation to that, particularly in relation to the regulations and what the progress is there. Regarding the Public Trustee as litigation guardian, according to the letter from the Law Society the current position is that:

> In the professional experience of Members of the Civil Litigation Committee there is a general reluctance on the part of the Public Trustee to be appointed as a litigation guardian. The Members' experience has been that the Public Trustee will only agree to be appointed when satisfied that there is no family member, relative or friend available to act as a litigation guardian.

This is often referred to as a position of last resort. The letter continues:

> Once agreement of the Public Trustee to be a litigation guardian is obtained and the guardian certificate is signed, an application is made to the Court for the approval, which is understood to be generally a straightforward process.
>
> …the Public Trustee is an eligible person to act as litigation guardian and as such, the Committee considered the Court does not need to turn its mind to matters set out in proposed section 54A—

which are as follows. Clause 54A provides:

> Matters to consider when deciding whether to appoint Public Trustee as a litigation guardian.

These include whether there is a relative, friend or associate of the person who is willing and able to act and whether, in all circumstances and taking into account the nature of the litigation, the Public Trustee is the most appropriate person. The Law Society makes the point, and the Liberal Party agrees, that given that the Public Trustee is the position of last resort this is a process that takes place already. As the Law Society puts it:

> …54A will lead to the Court requiring the practitioner—

that is, a lawyer on behalf of somebody who is vulnerable—

> to depose why the Public Trustee is the appropriate litigation guardian and that all other avenues have been exhausted.

What, effectively, clause 9 is going to do, as the Law Society outlines it, is make it harder for the Public Trustee to be appointed to this role, when we consider that these are vulnerable people who in any event do not have relatives or others who are able to act for them. It will put another roadblock in the way of having the vulnerable person have the Public Trustee appointed, which may, if they do not have someone to act on their behalf, leave them quite vulnerable to not being able to manage their financial affairs and the like.

We consider that these amendments will mean that a lawyer, whether it is someone who is appointed for them through the Legal Services Commission or whether somehow—it is hard to envisage that they would have private legal counsel, given that a lot of these people are entirely reliant on Centrelink.

The Liberal Party considers that this new 54A is going to be problematic, in that it is going to mean more work on behalf of the person in question and their legal counsel, and it will mean that the court is going to have to go through seeking and testing evidence and the like when in fact the existing

position is already that the Public Trustee is the position of last resort. With those comments, we support the rest of the legislation. We will be dividing on the amendments.

The Hon. S.L. GAME (16:29): I rise in support of the Statutes Amendment (Public Trustee and Litigation Guardian) Bill 2023, which amends two South Australian acts: the Guardianship and Administration Act 1993 and the Public Trustee Act 1995.

The bill makes changes to the Guardianship and Administration Act by granting the Public Trustee the authority to hold onto money from a protected person's estate even after the administration order ends or the person dies. This money would be used to cover any outstanding debts or liabilities. It also establishes factors for a court or tribunal to consider when deciding if the Public Advocate should be appointed as a litigation guardian for someone in a legal proceeding.

Changes to the Public Trustee Act allow the Public Trustee to invest funds from multiple estates together. The bill modifies the wording in various sections related to fees, investment periods and record keeping for the Public Trustee. It grants the Public Trustee the ability to provide a certificate to verify their authority instead of a court order in certain situations.

Similar to the changes in the Guardianship and Administration Act, the bill outlines factors for a court or tribunal to consider when deciding if the Public Trustee should be appointed as a litigation guardian. Overall, the bill strengthens the Public Trustee's ability to manage estates efficiently and clarifies procedures for appointing litigation guardians.

The Hon. M. EL DANNAWI (16:30): I rise to speak in support of the Statutes Amendment (Public Trustee and Litigation Guardian) Bill. This bill contains a number of proposed changes that have arisen from suggestions made by the Public Trustee and Public Advocate to the Attorney-General's Department.

Both of these offices provide an essential service to our community. The Public Advocate helps to carry out laws that relate to adults who are deemed unable to make decisions for themselves, who are at risk of abuse or neglect and may require supported or substitute decision-making. They offer guardianship, investigation and advocacy services, dispute resolution and information.

The Public Trustee also works to provide services to eligible persons who cannot manage their own affairs. They provide financial and administrative services to those who have trusted them to assist. They offer deceased estate administration and trusts primarily but have expanded their responsibilities to provide personal financial assistance.

South Australia has the highest proportion of older people on mainland Australia. As this sector of our population continues to age, these offices have an increased role to play to assist families and are working hard to make sure they can meet the needs of our community. For example, last year the Public Advocate announced that over the last two years they had been involved in a project to bring Eldercaring Coordination to SA, in collaboration with Relationships Australia, UniSA and the Association for Conflict Resolution in the US.

Eldercaring Coordination is a dispute resolution process especially created for families experiencing conflict regarding the care, autonomy and safety of older adults. It equips families with the tools they need to communicate effectively, reinforce the older person's voice and helps them to become more focused on how they can meet the needs of the elder.

The Public Trustee and Public Advocate are incredibly valuable community services. The amendments in this bill will enhance the efficiency of both offices. The Public Trustee is empowered to invest money from estates under its control into common funds. The bill changes the way the profits of that money are distributed, unifying the method by which capital gains and income from the fund are distributed to relevant estates.

The bill would apply the same test for distributing each type of profit, which simplifies the distribution process and will in turn result in a more efficient distribution to clients. The bill also changes the required monthly evaluation of common funds from the first to the last business day of the month, which is in line with industry standards.

Arising directly from difficulties the Public Trustee has had in engaging with third parties, the bill also provides for a simplified method to provide proof of authority to act on their clients' behalf.

The bill allows the Public Trustee to sign a certificate asserting authority and to provide this to any third parties, such as banks, instead of a copy of the original court or SACAT order. These orders often contain sensitive personal information about the client, and this certificate will allow the Public Trustee to enter into transactions with a third party without compromising that information.

The bill also contains an amendment to simplify the process of transferring administration. While acting as a financial administrator, the Public Trustee transacts on behalf of the client. Where a service provider is engaged, they are generally contracted with the client through the Public Trustee rather than with the Public Trustee directly.

Should the Public Trustee's administration come to an end, money may still be owed to service providers engaged during that administration. The Public Trustee is not able to settle those debts as they are no longer authorised to act on behalf of the client. This bill will allow the Public Trustee to retain a small amount of client funds to settle these transactions as part of the process of handing over the estate to the new administrator.

The amount of money retained must not exceed the amount prescribed by regulation. The Public Trustee has estimated that a limit of $5,000 would be appropriate. This will be done to simplify the process of transferring administration and save the new administrator the hassle of being approached for payment of debts they were not involved in. The bill requires the new administrator or former client to be informed of any payment being made.

The bill also deals with the matter of litigation guardians. It is common for the Public Trustee and Public Advocate to act as a litigation guardian on behalf of a minor or a person with a mental incapacity. The process to appoint a litigation guardian to a person with a mental incapacity is at the discretion of the court. This bill proposes to legislate consideration that a court must take into account before appointing the Public Trustee or Public Advocate to this role. The proposed factors that must be considered include whether the litigant is already a client of those offices, the nature of the proceedings and whether there is a relative, friend or associate of the litigant willing and able to act as litigation guardian.

The government will not support the amendment filed by the Hon. Michelle Lensink to repeal the part of the bill dealing with litigation guardians. These provisions will not constrain the discretion of the courts. Judicial oversight is important as it involves consideration of the best interests of a vulnerable person. However, while the bill requires the consideration of the listed factors, the weight they are given and the ultimate decision to appoint all remain at the discretion of the court. Maintaining the efficacy of the office of the Public Trustee and the Public Advocate is important. Their work may not be particularly glamorous, but it is essential. I commend the bill to the chamber.

The Hon. R.P. WORTLEY (16:36): I rise briefly to discuss the Statutes Amendment (Public Trustee and Litigation Guardian) Bill 2023. The government introduced the bill to amend the Public Trustee Act 1995, the Guardianship and Administration Act 1995 and to make miscellaneous amendments to enhance the efficiency of the offices of the Public Trustee and Public Advocate.

The proposed changes have all arisen out of suggestions made by the Public Trustee and Public Advocate to the Attorney-General's Department. The bill changes the way the Public Trustee distributes the profits of clients' money invested in common funds. The new method is less complex and will result in faster and more efficient profit distribution to clients.

The Public Trustee is empowered to invest money from estates under its control in common funds. The Public Trustee Act 1995 determines how income and capital gains and losses of funds are distributed back to the relevant estates. Currently, capital gains and income are distributed by slightly different methods, which necessitate separate calculations and distributions. The bill would apply the same test for distributing both types of profits so that distribution processes can be simplified and estates can be finalised more efficiently.

An independent valuation the Public Trustee obtained showed that clients' financial positions would not be materially disadvantaged. The bill changes the required monthly valuation of common funds from the first to the last business day of the month, to be in line with industry standards. This change arises from difficulties the Public Trustee has encountered when transacting with third parties, for example, requesting information about a customer's financial affairs from a bank.

Based on privacy considerations, the bank may be reluctant to provide the information without proof of the Public Trustee's authority. The Public Trustee could provide a copy of the court or SACAT order; however, this can often contain personal information about the client, so they prefer to have an alternate way to prove authority.

The bill allows the Public Trustee to sign a certificate asserting authority and to provide this instead of a copy of the original order. The certificate will be required to detail the source and the scope of the authority and can be relied upon by third parties for transactional purposes.

When acting as a financial administrator under the Guardianship and Administration Act 1993, the Public Trustee transacts on behalf of the client. If they engage a service provider, such as a storage service, the service provider is generally contracting with the client through the Public Trustee rather than contracting with the Public Trustee directly.

The Public Trustee's administration might be revoked by order of SACAT either because the former client is incapacitated or because a friend or family member wishes to take over. At the time of revocation, money may still be owed to service providers engaged in the Public Trustee's administration; however, the Public Trustee is not able to pay it as it is no longer authorised to transact on behalf of the client.

The bill allows the Public Trustee to retain a small amount of client funds to settle outstanding transactions as part of the process of handing the estate over to the new administrator. They will not be authorised to incur any new debts, only to pay those that were incurred during the administration. This will simplify the process of transferring administration and save the new administrator or former protected person the hassle of being approached for payment of debts that they were not involved in.

The bill requires the new administrator and/or former client to be informed of the payment being made, which will take place as part of the pre-existing practice of providing full financial statements upon revocation of an administration order. The bill provides that the amount of money retained by the Public Trustee must not exceed the amount prescribed by regulation. The Public Trustee has estimated that a prescribed limit of $5,000 would adequately cover most routine situations.

A litigation guardian is a person responsible for directing litigation on behalf of a minor or a person with a mental incapacity. It is common for the Public Trustee and the Public Advocate to act as a litigation guardian. The conduct of proceedings for persons under a legal incapacity, including the process of appointing a litigation guardian, is ultimately at the discretion of the court.

The bill proposes to legislate considerations that a court must take into account before appointing the Public Trustee or Public Advocate as a litigation guardian. The proposed factors that must be taken into account include whether the litigant is already a client of the Public Trustee or the Public Advocate, the nature of the proceedings and whether there is a relative, friend or associate of the litigant who is willing and able to act as a litigation guardian.

The Hon. Michelle Lensink has filed an amendment to repeal part of the bill that deals with litigation guardians. The bill proposes to legislate considerations that a court must take into account before appointing the Public Trustee or Public Advocate as a litigation guardian for a litigant under a disability. Collectively, the amendments filed would remove these reforms from the bill in their entirety.

The government does not support this amendment. These provisions will not constrain the discretion of the courts. Whilst the listed factors are mandatory to take into account, the weight they are given and the ultimate decision to appoint a litigation guardian all remain for the courts to decide. They are free to appoint the Public Trustee or the Public Advocate as the litigation guardian if it is appropriate in all of the circumstances.

It is the government's position that it is in the best interests of vulnerable persons to have the court convinced of the appropriateness of the appointment. Independent judiciary oversight of this decision is important since it involves consideration of the best interests of a vulnerable person. The bill has been subject to consultation with a wide range of stakeholders representing the legal sector, courts and aged and disabled persons. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:44): I thank all members for their important contributions and look forward to the committee stage of this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I am not sure if the Attorney was here when I gave my second reading speech, but I just raised concerns from the Law Society about the money that can be set aside by the Public Trustee to settle small routine debts and so forth. I quoted from their letter that, if the amount is only several hundred or a few thousand dollars, the committee considered that would be reasonable, but they have concerns. I am wondering if, firstly, the minister can give an indication of what quantum he would consider reasonable as a maximum and, secondly, how far away the regulations are?

The Hon. K.J. MAHER: I thank the honourable member for her question. As she has indicated, it is a few hundred or maybe up to a few thousand dollars. The amount will be made by regulation, so it would be disallowable by this chamber. The initial indication from the Public Trustee is an amount likely to regulate in the order of about $5,000.

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

Amendment No 1 [Lensink–1]—

Page 2, lines 4 and 5—Delete 'and *Litigation Guardian'*

I did speak to the amendment in my second reading speech, but I think it is worth repeating in my non-legally trained language. My understanding is that the process and the factors that the courts go through when determining whether to appoint the Public Trustee is a process that takes place in any case. This new section 54A is going to create more work for the court. It will create more work for the person who is seeking the appointment and these people, we should bear in mind, are vulnerable and if they do have legal representation it is likely to be from the Legal Services Commission or, in the unlikely event, that they can actually afford to have private counsel. We consider that this is going to cause more work and potentially cause some financial hardship for those clients.

The Hon. K.J. MAHER: I thank the honourable member for her contribution; however, it did alarm me slightly. We were talking about the ghost of the Hon. Rob Lucas yesterday when the honourable member got up and prefaced her contribution by saying that she was not legally trained. I think almost every day when Rob Lucas was passing legislation he would say, 'I am not a lawyer.' It is eerie that we had the ghost of Rob Lucas back again in a very small way.

In relation to the honourable member's amendments, the government will not be supporting them. In our view, the bill proposes to legislate the considerations that a court must take into account before appointing the Public Trustee or the Public Advocate as a litigation guardian for a litigant under a disability. Collectively, the amendments filed would remove these reforms in their entirety. These provisions that are being proposed will not constrain the discretion of the court. Whilst the listed factors are mandatory to take into account, the weight they are given and the ultimate decision to appoint a litigation guardian all remain for the court to decide. They are free to appoint the Public Trustee or the Public Advocate as a litigation guardian if it is appropriate in all the circumstances.

I can inform the chamber that the courts did not express any concerns with the consideration. We do not have anything to suggest that it would increase the workload of the court. The Chief Justice's submission confirmed that the amendments largely reflect the existing practices of the court. I am informed that the judge of the Youth Court thought that the provisions could provide a useful source of guidance for the court when appointing a litigation guardian. So we will not be supporting the amendment.

The committee divided on the amendment:

Ayes 7
Noes.....10
Majority 3

AYES

Centofanti, N.J.	Game, S.L.	Henderson, L.A.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)		

NOES

Bonaros, C.	Bourke, E.S.	El Dannawi, M.
Franks, T.A.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Wortley, R.P.		

PAIRS

Girolamo, H.M.	Scriven, C.M.	Simms, R.A.
Pangallo, F.		

Amendment thus negatived; clause passed.

Remaining clauses (2 to 10) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (WHOLESALE MARKET MONITORING) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:55): I move:

That this bill be now read a second time.

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

Leave granted.

Under the current National Electricity Law (NEL) the AER has responsibility for monitoring and reporting on the wholesale electricity market. The AER has powers to gather information about wholesale electricity trade to monitor and report on the competitive functioning of the market.

Events during winter 2022 in Australia demonstrated the risks that energy consumers are exposed to when there is a lack of effective competition in, and visibility of wholesale electricity and electricity contract markets. During this time the Australian energy system came under extreme pressure. This was due to unprecedented high prices and price volatility in the wholesale electricity market. The war in Ukraine, high international fuel prices, fuel supply shortages, and generator outage contributed to these issues.

Multiple electricity retailers struggled to hedge their retail load in contract markets against these high wholesale electricity market prices. Without an ability to gain information about trading and levels of liquidity in electricity contract markets, the AER and Australian governments had incomplete information throughout this crisis.

The winter of 2022 in Australia also saw unprecedented high prices in the Australia gas market. This was due to global increases in gas prices following the war in Ukraine. It was also due to higher than anticipated demand by LNG exporters and gas-powered generators, and lower than expected supply. Given the AER's lack of wholesale market monitoring and reporting (WMMR) functions and powers for gas markets, it had limited ability to assess competition or whether participants were exercising market power.

Additionally, several recent reports, including the Australian Competition and Consumer Commission's Inquiry into the NEM Report, have recommended expanding the AER's WMMR functions and powers to gas wholesale markets or electricity and gas contract markets.

Noting the significance of these events and reports, on 19 October 2023 Energy Ministers agreed to a WMMR legislative package and progressing it to the South Australian Parliament.

The *Statutes Amendment (National Energy Laws) (Wholesale Market Monitoring) Bill 2023* proposes to extend the AER's WMMR function to include the electricity contract market and wholesale gas market. It will also ensure the AER has the information it needs to perform this expanded function. The Bill will require the AER to monitor these markets and produce reports on this function at least every two years.

Electricity generators and retailers use the electricity contract market to manage their exposure to financial risks resulting from the volatility of wholesale electricity prices. The electricity contract market contributes to the functioning of the wholesale electricity market. It is a crucial link between electricity generators and retailers. By extending the AER's WMMR function to include the electricity contract market, this will enable the AER to gain insight into whether there is effective competition within this market. It will also give the AER insight on whether market power exists, and whether there are factors that are detrimental to effective competition. Additionally, this expanded market monitoring function will enable the AER to better understand the resilience of generators and retailers.

The Bill will mirror the AER's WMMR function for the electricity markets, in the National Gas Law. It will task the AER with monitoring and reporting on the competitive functioning of the wholesale gas market. The AER will determine whether parties are exercising market power. It will also identify factors that are detrimental to effective competition in gas markets. Bringing the wholesale gas market into the remit of the AER's WMMR function will contribute to improving competition and efficiency in the gas market. It also has impacts for the wholesale electricity market. Gas powered generators use gas purchased from the wholesale gas market for the generation of electricity to be sold into the wholesale electricity market. This link was demonstrated when high wholesale gas prices contributed to increased electricity prices surrounding the suspension of the market in June 2022.

The Bill will also remove existing limitations on the way the AER undertakes its existing WMMR function. The current legislation requires the AER to first identify a relevant matter using publicly available information. It is only following this, that it can seek to get confidential information from market participants through its compulsory information gathering powers. These constraints were created to ensure the costs of the WMMR function were minimised. They were also designed to protect confidential information provided by a market participant. In practice these constraints have hampered the AER's ability to gain enough visibility of the market. This visibility is important for understanding market participant behaviour as market conditions evolve alongside the energy transition.

The Bill will provide the AER with new information gathering powers. The AER will use Market Monitoring Information Orders (MMIO) to gather information from a class of persons. It will also use Market Monitoring Information Notices (MMIN) to gather information from individual businesses. The MMIO and MMIN will set out the information that will have to be prepared, maintained, kept, and provided to the AER. They will also set out the reasons the AER needs this information, the form the information must be provided in and the way it's to be provided.

The Bill will also require the AER to prepare and consult on guidelines setting out how it will undertake its WMMR functions. Additionally, the AER will need to publish the final guidelines within six months of the reforms taking effect.

Alongside removing constraints imposed on the AERs performance of WMMR functions, the Bill will introduce new transparency and accountability measures. These measures will ensure the AER undertakes WMMR functions appropriately and transparently, reduces the impost on businesses and protects commercially sensitive information.

The Bill will require that a review of the reforms starts as soon as possible after four years and six months after commencement of the Bill. By that point, the AER will have completed two reporting cycles under its new WMMR function.

Finally, the Bill will also create a power for the South Australian Minister to make rules setting out consultation requirements for the AER in developing the guidelines and MMIOs. The South Australian Minister will have the power to make those rules once only. The Australian Energy Market Commission may make later amendments.

I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity (South Australia) Act 1996*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Insertion of Subdivision heading

A Subdivision heading is inserted.

6—Amendment of section 18A—Definitions

New section 18A is inserted to provide for definitions for the Division.

7—Amendment of section 18B—Meaning of effective competition

This amendment is consequential.

8—Amendment of section 18C—AER wholesale market monitoring and reporting functions

The AER is given a function of regularly and systematically monitoring and reviewing the performance of monitored markets in accordance with the Law and the Rules. Other amendments are related or consequential.

9—Substitution of sections 18D and 18E

New sections 18D and 18E are inserted:

18D—Information to be treated as confidential

Provision is made in relation to the confidentiality of information obtained by the AER under the Division.

18E—Redaction of information

The AER must consider a request to omit certain information when obtaining a relevant agreement or information about a relevant agreement for the purposes of a function under the Division.

10—Insertion of Part 3 Division 1A Subdivisions 2 to 4

New Subdivisions 2 to 4 are inserted into Part 3 Division 1A:

Subdivision 2—Use of general information gathering powers

18EA—Limits on use of section 28 information gathering powers

Certain limits are imposed on the use by the AER of its section 28 information gathering powers.

18EB—Matters to be considered before using section 28 information gathering powers

Certain matters must be considered by the AER before using its section 28 information gathering powers.

Subdivision 3—Market monitoring information notices and market monitoring information orders

18EC—Definitions

Section 18EC provides for definitions for the Subdivision.

18ED—Urgent notices and urgent orders

The circumstances in which the AER may specify a market monitoring information notice or a market monitoring information order as urgent are provided for.

18EE—Content of notices and orders

Provision is made in relation to the content of notices and orders.

18EF—Notices and orders may be made for both past and future information

It is provided that notices and orders may be made for both past and future information.

18EG—Making and serving notices and orders

The procedure for making and serving notices and orders is set out.

18EH—AER must consult before making order

The AER is required to consult before making an order.

18EI—Publication of orders

The AER is required to publish an order.

18EJ—Opportunity to be heard before notice served

Certain procedural fairness requirements must be observed by the AER before serving a market monitoring information notice.

18EK—Compliance with notice

Provision is made to ensure compliance with notices.

18EL—Compliance with order

Provision is made to ensure compliance with orders.

18EM—Certification of compliance by statutory declaration

The AER may direct the recipient of a market monitoring information notice or market monitoring information order to verify that the recipient's response to the notice or order is accurate and comprehensive by way of a statutory declaration.

18EN—Subdivision does not limit powers under Division 3

An interpretative provision is set out.

Subdivision 4—Miscellaneous

18EO—Wholesale market monitoring guidelines

Provision is made requiring the AER to prepare wholesale market monitoring guidelines.

18EP—Review of wholesale market monitoring powers

The MCE must review the operation of Part 3 Division 1A as soon as possible after the period of 4 years and 6 months after the commencement of section 18EP.

11—Amendment of section 28—Power to obtain information and documents in relation to performance and exercise of functions and powers

This amendment is related to the amendments to Part 3 Division 1A.

12—Insertion of section 90EF

New section 90EF is inserted:

90EF—South Australian Minister to make initial Rules relating to wholesale market monitoring matters

The South Australian Minister is authorised to make initial Rules relating to wholesale market monitoring matters.

Part 3—Amendment of *National Gas (South Australia) Act 2008*

13—Amendment of section 2—Definitions

Amendments that are substantially similar to the amendments to the *National Electricity Law* in Part 2 are made to the *National Gas Law*.

14—Amendment of section 27—Functions and powers of the AER

15—Insertion of Chapter 2 Part 1 Division 1AA

Division 1AA—Wholesale gas markets—AER monitoring and reporting functions

Subdivision 1—Preliminary

30AA—Definitions

30AB—Meaning of effective competition

30AC—AER wholesale market monitoring and reporting functions

30AD—Information to be treated as confidential

30AE—Redaction of information

Subdivision 2—Use of general information gathering powers

30AF—Limits on use of section 42 information gathering powers

30AG—Matters to be considered before using section 42 information gathering powers

Subdivision 3—Market monitoring information notices and market monitoring information orders

30AH—Definitions

30AI—Urgent notices and urgent orders

30AJ—Content of notices and orders

30AK—Notices and orders may be made for both past and future information

30AL—Making and serving notices and orders

30AM—AER must consult before making order

30AN—Publication of orders

30AO—Opportunity to be heard before notice served

30AP—Compliance with notice

30AQ—Compliance with order

30AR—Certification of compliance by statutory declaration

30AS—Subdivision does not limit powers under Division 3

Subdivision 4—Miscellaneous

30AT—Wholesale market monitoring guidelines

30AU—Review of wholesale market monitoring powers

16—Amendment of section 42—Power to obtain information and documents in relation to performance and exercise of functions and powers

17—Insertion of section 294FE

294FE—South Australian Minister to make initial Rules relating to wholesale market monitoring matters

Debate adjourned on motion of Hon. J.S. Lee.

Motions

DOM POLSKI CENTRE

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Dom Polski Centre for reaching its golden jubilee anniversary and notes the centre as the heartbeat of the Polish community since the foundation stone was laid on 29 December 1972;

2. Recognises the proud history of Dom Polski Centre as the community hub that plays a significant role in the Polish community through its mission to ‘promote Poland and Polish language, culture, tradition, and history for present and future generations’ and to foster Polish-Australian business enterprises;

3. Acknowledges the outstanding contributions and dedication of founding members, community leaders, current and past presidents, committee members, volunteers, cultural dance groups and supporters of the Dom Polski Centre for organising programs, courses and events that promote Polish and Polish-Australian culture and accomplishments and for maintaining a repository of artifacts, archival materials, works of art, and publications;

4. Highlights the Dom Polski Centre as an iconic function venue in Adelaide that fosters inclusive community engagement and multicultural partnerships by hosting festivals and special events for the Polish community as well as serving the broader multicultural community; and

5. Reflects on the achievements and legacy of the Dom Polski Centre over the last 50 years and wishes the centre and members of the Polish community every success and a bright future ahead as they enter a new chapter.

(Continued from 21 February 2024.)

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:57): While there are no contributions, I believe that all members in this chamber have agreed to the motion and I thank all of them for their support. I commend the motion.

Motion carried.

INTERNATIONAL WOMEN'S DAY

Adjourned debate on motion of Hon. M. El Dannawi:

That this council—

1. Acknowledges that 8 March is International Women's Day celebrating the social, economic, cultural and political achievements of women;

2. Notes this year's theme 'Inspire Inclusion' recognises the need to ensure that all women and girls are included to equally and actively participate in our economy and in every aspect of community life;

3. Acknowledges the need to continue to tackle gender stereotypes, call out discrimination and draw attention to bias; and

4. Commits to doing whatever it can to work towards preventing and ending sexism, harassment, violence and abuse of women in all its forms and to advancing the status of women and girls everywhere.

(Continued from 7 March 2024.)

The Hon. J.M.A. LENSINK (16:57): I rise to make comments in support of this motion and to thank the honourable member for bringing it to the chamber. We all, particularly those of us who are female members of parliament, are very well aware of International Women's Day and the importance of marking that day. It does have quite a history in terms of having a role to ensure that women experience gender equity and gender equality in all ways of life. I do note and support the clauses in the motion and would like to thank all of the committees and volunteers who organise so many events for International Women's Day.

There was an event at Government House which I was not able to make it to because I attended the big breakfast which is organised every year by the office and the committee of Senator the Hon. Penny Wong. That is a very well attended breakfast, increasingly by schoolchildren so that they can hear the stories. It is also a wonderful event to catch up with so many of our friends in various areas whether it is through the organisations we belong to such as Zonta or Business and Professional Women's Foundation, or women whom we know from Adelaide being Adelaide with two degrees of separation. I thank everybody who is involved in putting on those wonderful events.

Of course, there is a serious nature to the celebration of International Women's Day. As I think I heard someone say at one of the events, it is not about sharing cupcakes, it is actually about promoting equality of women, so I just wish to, in my contribution, state that I have enjoyed having the status of women role for many years, both in opposition and in government, and to put on the record some of the many things that we did to advance equality for women. We have had a strong record over many years. The Hon. Diana Laidlaw was a particularly well-known advocate for women's rights, and she continues to be.

In the Marshall Liberal government, we had a comprehensive suite of initiatives. We introduced the South Australian Women Economic Security and Leadership Strategy 2020-23 to underpin our strongly held belief in choice for women. Gender equality in the workplace, and other areas of life, is key for women in a general sense, but as we know, women are subjected to very high levels of sexual harassment and domestic and family violence and sexual violence, so equality in the workplace and in economic security is one of those areas in which women are provided with choices not to have to continue to be in those places that are not supportive of them. If women have economic security then it makes it easier for them to leave a domestic violence situation.

The campaign theme for International Women's Day 2024 is Inspire Inclusion, and this is very much to appreciate the diversity of all women. As I think we heard at the breakfast once again, and it has been part of well-known management theory for decades globally, inclusion and diversity lead to better decision-making in organisations and a more inclusive society. That means that

everyone is able to participate. Also, of course, we want to ensure that wherever women are, whatever choices they make, they are able to thrive safely.

In our strategy that I mentioned, we implemented employment entrepreneurship, leadership recognition and financial wellbeing, and we promoted women's participation and leadership through the high-tech sector through partnering, and promoted opportunities to increase women's participation in apprenticeships, traineeships, construction and STEAM. We increased leadership opportunities and platforms for recognition of women and leaders of all ages, promoted and encouraged flexible workplaces, and worked across government to address the gender pay gap. I note that under the term of the Marshall Liberal government South Australia had the lowest gender pay gap that it has ever had, and we were nationally the best. That position has since deteriorated.

We promoted and encouraged paid domestic and family violence leave for women to stay connected to employment and, in terms of economic participation, we had a strategy with the Department for Innovation and Skills to break down a lot of those barriers in non-traditional areas. Indeed, I remember talking to one of the trainees, who I think was a chippie, who was part of this program and who was very keen on one day—she was quite young; I think 23—having her own business, which is something that I think is to be commended.

We are very familiar with women entering traditional areas such as early childhood, health, and care areas, but we need women to be involved in all aspects of employment to ensure that they have the choices that everyone deserves.

We did a lot of work in the domestic and family violence space, which I think has been acknowledged. In one instance in 2021, we put out a media release and lined everything up. It is actually 3½ pages, so people will appreciate that I am not going to read the whole thing, but for anyone who is interested in reading that release it is from Tuesday 4 May 2021 and it says, 'What the Marshall Liberal government is doing to address domestic and family violence'.

There were a number of legislative reform measures which were under the carriage of our Attorney-General, Vickie Chapman, such as the expansion of the definition of abuse and increased penalties for repeat and violent offenders, amendments to the Sentencing Act, amendments to the Victims of Crime Act and the abolition of the defence of provocation.

We had a number of programs, which led to record funding of some $21 million in addition to what had taken place before. These included the early intervention impacts of violence on children program; the Domestic Violence Disclosure Scheme, which has been quite groundbreaking; funding to keep victims of domestic and family violence informed; funding for Relationships Australia to provide counselling services; funding for the Commissioner for Victims' Rights to support victims through the court process; and the Family Safety Framework, which has existed for some time but allows for the sharing and safety planning for high-risk victims of domestic and family violence.

We extended funding for the Domestic Violence Crisis Line, which had previously operated nine to five. Our funding enabled that to operate when victims really need it, which is at any hour of the day or night. There was funding for Yarrow Place to provide specialist counselling and health responses to those impacted by rape and sexual assault. The Domestic Violence Court Assistance Service also received funding.

Forty new crisis accommodation beds were funded, which was quite novel and enabled women to escape from violent situations very quickly because those beds were set aside. They included nine set aside for perpetrators, so that women and children could stay in the family home while the perpetrator was removed.

There was funding for a new domestic violence app, which I think has been re-funded under the current government. There was funding for the first time for the peak body, which was known initially as the South Australian Coalition of Women's Domestic Violence Services and is now known as Embolden. There was funding to support 10 safety hubs in regional areas. That was to extend people's understanding of what domestic violence is, so that they might actually be able to get services and support.

Funding was provided for the incredibly important national sexual violence prevention program, Stop it at the Start. Funding of a $5 million interest-free loan went to the YWCA for them to

develop new housing. Ask Angela was a program with the Hotels Association so that women who might be experiencing sexual harassment could talk to the staff and ask for Angela, and the staff would instantly know that that woman was experiencing unwanted sexual harassment and would provide her with a safe passage. We released Committed to Safety, which was a whole-of-government policy designed to address domestic, family and sexual violence in South Australia.

There are other programs that I could also mention, but we are very proud of the record that we have in terms of all the programs that we provided for women across the spectrum. In relation to the royal commission, we welcome the appointment of Natasha Stott Despoja AO to lead that commission, given her deep experience in this area and advocacy over many years. I support the motion.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:09): I rise in support of this motion put forward by the honourable member. International Women's Day for many represents a celebration of progress and empowerment, yet as a conservative woman my perspective may deviate from the mainstream narrative. While I acknowledge the strides made in advancing women's rights, I also recognise the importance of everlasting values and roles within society.

For me, International Women's Day serves as a reminder of the unique contributions women make within the framework of family, business and community. It is not solely about breaking glass ceilings or shattering stereotypes, it is also about honouring the inherent dignity and worth of women in their various roles. In an era when feminism often promotes a one-size-fits-all approach to womanhood, I advocate for the freedom to choose one's past, whether it aligns with traditional gender roles or ventures into uncharted territories.

Yes, I am extremely proud to be the Leader of the Opposition in the Legislative Council, but that is of no more worth than any of the other hats I have worn—as a veterinarian, as the wife of a Navy man who was in the Iraq war or as a mother. True empowerment comes from embracing diversity of thought and lifestyle choices rather than conforming to a singular ideology.

Moreover, International Women's Day should prompt discussions on how to support all women. It is about fostering inclusivity and understanding even amidst differing viewpoints. In essence, I recognise the importance of International Women's Day as a platform to celebrate the diverse experiences and contributions of women worldwide, irrespective of their ideological affiliations.

I would like to cycle back to something I said just a moment ago—that true empowerment comes from embracing diversity of thought and lifestyle choices. We must support and lift women who are doing it tough. The equality model of prostitution law is considered pro-feminist, because prostitution and trafficking are internationally recognised by many pro-feminist groups and socialist movements as a form of gender-based violence and exploitation.

The fourth line of the honourable member's motion calls for a commitment to preventing and ending sexism, harassment, violence and abuse of women in all of its forms, and I could not agree more wholeheartedly. We must support models that shift our culture away from seeing women's bodies as commodities to be bought and sold, and we must find mechanisms which strip away demand for the abhorrent exploitation of trafficking and prostitution.

International Women's Day is an opportunity to acknowledge the good, meaningful role women can, should and do play in our society, and by acknowledging and addressing the root causes of gender-based inequality we can combat systemic oppression and promote dignity and autonomy for all individuals.

International Women's Day serves as a global platform to amplify women's voices, celebrate their achievements and advocate for gender equality across all spheres of life. As a proud mother, wife, professional and political leader, I know women can do anything through conscious empowerment, through grace and with the community we serve at the centre.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:13): I rise to indicate my support for the Hon. Mira El Dannawi's motion to acknowledge International Women's Day and to

celebrate the social, economic, cultural and political achievements of women from all cultural backgrounds and all walks of life.

While Inspire Inclusion has been highlighted as the theme in this motion, the United Nations has published its 2024 theme to be: Invest in Women: Accelerate Progress. Both themes have been used by different organisations in South Australia at various events and are equally powerful. It is great to recognise the importance of investing in women, championing inclusion, communities, organisations and public institutions, including parliament.

Over the years, I have had the pleasure to attend many women-led and women-focused events that celebrate International Women's Day. As shadow minister for multicultural South Australia, I am grateful to be invited to support many International Women's Day events celebrating women from multicultural backgrounds.

Women, especially those belonging to under-represented groups and marginalised communities, continue to face barriers when seeking employment opportunities or are in leadership roles. The first IWD event I attended was at the Australian Migrant Resource Centre. I thank AMRC for hosting an International Women's Day forum with a focus on migrant and refugee women's voices for economic empowerment. The forum brought together many distinguished guests, community leaders and panellists to shape the discussion of empowerment, inspiration and meaningful dialogue.

I was pleased to see the Hon. Mira El Dannawi represent the minister there. I want to express my thanks to the amazing AMRC team for their hard work and dedication to managing another successful International Women's Day forum. I was very moved by the letter of appreciation sent to me by Ms Mirsia Bunjaku, Chief Executive of AMRC, after the forum. It was very humbling to receive such a beautiful note. I would like to read and quote the contents of the letter:

> Dear Jing,
>
> I am writing on behalf of the Australian Migrant Resource Centre to express our sincere gratitude for your invaluable contribution to our recent International Women's Day (IWD) event.
>
> Your willingness to share your personal journey as a migrant woman, along with your insights and experiences, left a profound impact on everyone in attendance.
>
> Your story served as a powerful reminder of the resilience, strength and determination of women, especially those who navigate the challenges of migration and cultural adaptation.
>
> By sharing your personal story and insights, you not only enriched the event but also ignited a sense of empowerment and solidarity among the audience.

I am sure we all come into this place to make a difference and to represent the people of South Australia and to do so with the best intentions and to the best of our abilities. It is very humbling to be recognised in such a lovely way when it is least expected. I thank Mirsia and the AMRC team for their outstanding work and look forward to continuing to work closely with them on many economic empowerment programs for women.

The second IWD event I attended was a UN Women's International Day breakfast. The UN women's breakfast event was attended by a record crowd of over 3,000 guests this year, with guest speaker Annabel Crabb. I had the pleasure to join the table of Lidia Moretti, the President of the United Nations Australia Association (South Australia Branch), along with many members. It was great to see the support by many parliamentary colleagues, including the Hon. Michelle Lensink, our shadow minister and former minister for women, who has long been an advocate for gender equality and is a consistent fixture at many events for International Women's Day.

The third IWD event I had the pleasure to attend this year was a Radio Italiana 531 International Women's Day gala dinner. The Radio Italiana dinner encourages South Australian Italian women to celebrate, reflect and highlight the achievements and journey of Italian-Australian women. Radio Italiana embraced the theme Inspire Inclusion, which emphasised the importance of diversity and empowerment in all aspects of society. The theme underscores a theme of inclusion in achieving gender equality and calls for action to break down barriers, challenge stereotypes and create environments where all women are valued and respected.

It was a great honour to be invited to speak at that event, and I took the opportunity to emphasise the letter 'I' in my speech. I asked the audience to think about all the positive words

starting with 'I' and put those words in front of women, so we would have international women, Italian women (for that event), inspiring women, inclusive women, innovative women, independent women, imaginative women, inspirational women, intelligent women, incredible women, and so on.

I mentioned that women tend not to think about 'I'. The notion of 'me, myself and I' is not a concept for most of the women I know, particularly with women from multicultural backgrounds. I know that my grandmother, my mum and my mother-in-law have always put their husband, their children, their families and their community ahead of themselves. From the reactions I saw and from the feedback I heard on the night, a roomful of woman guests at the Radio Italiana event resonated with my experience.

In my speech I encouraged women to put the 'I' back into their lives. I called on them to start looking after themselves better so that they are in good health and have the strength, energy, clarity, mental capacity and calmness to look after those people they care about.

It was great to hear about the inspirational journeys and moving personal stories of two exceptional guest speakers, Professor Marinella Marmo and singer Claudia Migliaccio. Rosa Matto, who is the Governor's Multicultural Award winner this year, was a most eloquent, articulate and charming facilitator during the panel discussion. Well done to Rosa and the panel speakers. A special thanks to Eleonora Finoia, Toni Cocchiaro OAM and Josie Belperio, who are on the Radio Italiana organising committee, for doing a remarkable job putting the IWD dinner together. Congratulations to all involved for making the IWD dinner into such a fun and successful evening.

The last event I would like to highlight today is the Multicultural Communities Council of SA Quiet Achievers Awards presentation for International Women's Day. It was held at Adelaide Town Hall on 15 March. MCCSA's Quiet Achievers Awards began in 2018 and have been held biennially to recognise a select group of women from multicultural communities across South Australia. The awards shine a spotlight on the many well-deserving quiet achievers who contribute above and beyond to their respective communities. We thank them for working relentlessly to give back.

This year, 10 fantastic women were presented the award, recognising their contributions. This list of women includes Ana Lucia Marques Britto, from the Brazilian Association of South Australia; Dayawati Pandey, fondly known as Daya Aunty, who at 74 years old is doing a great job as a volunteer for the Saraswati Community School; Helen Johanna Carvajal Rodriguez, from Colombian Community Adelaide; Jozefina Datko, from the Slovak Club of SA; Krystyna Andrecki, from the Polish Hill River Church Museum; Luma Alhammouri, from the Palestinian Community Association; Luz Estrella Avila, from the Hispanic Women's Association; Professor Marinella Marmo, from the Com.It.Es Italian community; Tatiana Chechurova, who is doing a great job for MCCSA's Ageing Well program for senior Russian-speaking women; and Violeta Leslie, who has worked as a volunteer and is a great leader for the Filipino community, including Filipino radio.

Congratulations again to the 10 wonderful women, and thank you for your contributions to serve the community. Also, I express my thanks to MCCSA Chairperson, Miriam Cocking; MCCSA CEO, Helena Kyriazopoulos OAM; and the team, especially Lena Gasparyan, for their outstanding hard work. The many celebrations and events that are held every year for International Women's Day in South Australia demonstrate the great, wonderful impacts that women have on our society. With those remarks, I thank the honourable member for moving this motion and am delighted to support it.

The Hon. T.A. FRANKS (17:22): I rise on behalf of the Greens to support this motion:

That this council—

1. Acknowledges that 8 March is International Women's Day celebrating the social, economic, cultural and political achievements of women;

2. Notes this year's theme 'Inspire Inclusion' recognises the need to ensure that all women and girls are included to equally and actively participate in our economy and in every aspect of community life;

3. Acknowledges the need to continue to tackle gender stereotypes, call out discrimination and draw attention to bias; and

4. Commits to doing whatever it can to work towards preventing and ending sexism, harassment, violence and abuse of women in all its forms and to advancing the status of women and girls everywhere.

We celebrate all women in their diversities. We embrace their facets and intersections of faith, race, ethnicity, gender, sexual identity or disability. We celebrate those who came before us, those who stand beside us now and those who will come after. It is time to celebrate the achievements of women, whether they be social, political, economic or cultural. International Women's Day emerged, however, from the labour movements of the 20th century. Here in Australia, we even had an International Women's Year, and in 1972 then Prime Minister Gough Whitlam had his own special adviser for women and children.

International Women's Day was recognised for the first time by the United Nations in 1977 and was meant not only to promote female suffrage but fairer legislation for working women, social assistance for mothers, equal treatment of single mothers and the provision of early childhood education and international solidarity with women across the globe. However, at the current rate of progress, it will take 131 years more to reach full gender parity, according to the World Economic Forum's Global Gender Gap Report 2023. This year, the UN Women Australia's theme for IWD is Inspire Inclusion, imagining a world free of bias, stereotypes and discrimination. Sadly, it is a world we still have to imagine.

Gender equality continues to be one of the greatest human rights challenges, despite evidence outlining how it will improve society, the economy and protect the future of our planet. UN Women explains that globally women are paid less than men, are less likely to be working in that paid work and when they do work it is actually more likely to be informal and vulnerable employment. Women, of course, also undertake a higher proportion of unpaid care and domestic work.

In 2023, the World Bank reported that an estimated 2.4 billion women of working age lived in economies that did not grant them the same rights as men. One of the key challenges in achieving gender equality by 2030 is an alarming lack of financing, with a staggering equivalent of a $US360 billion annual deficit in spending on gender equality measures. In a world that is facing multiple crises that are putting immense pressure on our communities, achieving gender equality is more vital than ever. Ensuring women's and girls' rights across all aspects of life is only one way to secure prosperous and just economies and a healthy planet for future generations.

The Greens are fighting for this. We are implementing a number of policies right across the country and here in South Australia that will address gender disparity, including:

- full funding for frontline crisis response services and primary intervention;
- addressing the housing crisis;
- ensuring equal pay for equal work;
- securing a Senate inquiry into menopause and perimenopause to understand the health and economic impacts on those who menstruate;
- legislating protections for the right to request flexible workplaces;
- extending paid parental leave with superannuation contributions and superannuation reforms more broadly for a fairer retirement; and
- affordable and accessible early childhood education for all.

But in light of what we already have, does IWD still matter? Well, if equality is the destination, we are not there yet and in this matter the destination is actually far more important than the journey. With 131 years to go, I think it is time to say, 'Are we there yet?' and speed it up a little.

Back in 1911, only eight countries allowed women to vote, equal pay for equal work was unheard of and that was if women were allowed to do paid work at all, and of course reproductive rights were barely talked of and almost non-existent. We have come a long way. Whereas once women did not have suffrage, we are now actually leading countries as prime ministers, as premiers and as leaders.

We are equal in number in this particular council chamber. Regardless of which woman gets elected on Saturday in the Dunstan by-election, it will be a woman and I welcome that, but I note that in the other place we are still only at around one-third of the members in that place being women.

Where we once faced restrictions on where we could work or if we married whether we could keep our jobs, we are now running corporations. We are now afforded far more equality and in countries such as ours we have rights that our grandmothers could only have dreamed about. But we still do not have complete equality and the majority of the world's women are nowhere near as close to that goal as we are. More than 100 years ago, that first march was about ending harmful workplace conditions, for equal rights and equal pay, and an end to exploitation. Sadly, those aims are relevant still today.

The Hon. Nicola Centofanti spoke about sex work, which is a debate that I think will not go away from this place until we see some reform. Without reflecting on the bill that is currently before this parliament, I will reflect that we lost Stormy Summers, a well-known brothel manager, or madam, who once ran for Lord Mayor of the City of Adelaide to raise the profile of the issue of legalising sex work many decades ago.

Stormy Summers came in the last time we saw sex work decriminalisation reach a vote in the House of Assembly chamber, to watch that piece of legislation, which had passed this chamber, fail by just a handful of votes in the other place. She was devastated. As a woman who has passed away this week in her late 70s, I am sure she thought that in her lifetime she would see sex workers treated with human rights, work under laws that gave them workplace safety and respect, and remove the police as the regulators of that workplace rather than the appropriate safety regulators, as exist in other industries, for adult consensual sex work.

A woman's right to agency and autonomy is a fundamental human right. To deny women that right, to deny women that choice is the antithesis of feminism, and that is why so many feminist groups actually support the decriminalisation of sex work. I note that those are the groups—whether they be Zonta, the BPW, the YWCA, or indeed the health groups that advocate for decriminalisation of sex work, or the human rights groups such as Amnesty International and Human Rights Watch that advocate for decriminalisation of sex work—that are actually at the rallies, that are there, day in day out, that are not afraid to call themselves feminists from day to day.

They turn up and stand up not only for their own rights but for others' rights as well because if you touch one, you touch all, as the Perfection Fresh workers are currently finding as they take their cases of sexual harassment through our courts with the solidarity of the union movement behind them and the women's movement and the human rights movement.

On that note, International Women's Day is a time to reflect, regroup, recalibrate and take stock of what we still have to do. With that, I commend the Hon. Mira El Dannawi for moving this motion, for reminding us of the importance of International Women's Day and reflecting on what we have yet to achieve.

The Hon. M. EL DANNAWI (17:32): I would like to thank the Hon. Michelle Lensink, the Hon. Nicola Centofanti, the Hon. Jing Lee and the Hon. Tammy Franks for their contributions. I would also like to thank them for the individual contribution they have made and continue to make to advancing the cause of gender equality and their advocacy for preventing family and domestic violence.

It is a fair judgement to say that there is a direct link between the undervaluing of women in all areas of society and the violence and disrespect that they suffer. We have seen this in the statistics of domestic violence and the gender equality report. As I said in my initial speech, the cause of gender equality is one we must all commit ourselves to. Both men and women, regardless of our political alignment, have a role to play. I look forward to continuing the fight for women's equality with all of you. I commend the motion.

Motion carried.

RAMADAN

Adjourned debate on motion of Hon. M. El Dannawi:

That this council—

1. Acknowledges that Ramadan, the Islamic Holy Month, begins on 10 March 2024 or as nominated by the sighting of the crescent moon;

2. Notes that Ramadan is a month of fasting from sunrise through to sunset and a month of spiritual reflection, forgiveness and compassion; and

3. Conveys its good wishes to the South Australian Muslim community on the advent of this blessed month.

(Continued from 7 March 2024.)

The Hon. T.A. FRANKS (17:33): It gives me great pleasure to speak in support of this motion, and I again thank the Hon. Mira El Dannawi for bringing this matter to the attention of the council. This motion reads that we acknowledge as a council Ramadan, the Islamic Holy Month, which begins on 10 March 2024 or as nominated by the sighting of the crescent moon; note that Ramadan is a month of fasting from sunrise through to sunset and a month of spiritual reflection, forgiveness and compassion; and convey our good wishes, as a council of the Parliament of South Australia, to the South Australian Muslim community on the advent of this blessed month.

Ramadan is an incredibly important time for the Muslim community in which fasting occurs each day within a month from sunrise to sunset. Ramadan is an excellent example of spiritual reflection and commitment. Ramadan is not only about the act of fasting and that of reflection but also about joining together as a community to express compassion, service of community and forgiveness. Ramadan is about thinking of the whole of the community and about family and friends, and not just oneself. These are values that bring our whole state together and are important to all of us of so many backgrounds.

On every day in the month of Ramadan, there is a predawn meal known as Suhoor and Sehri, and a nightly feast to break the day's fast known as Iftar. I have enjoyed Iftar meals, not recently I must say—I missed last week's one—but they are a wonderful celebration. These meals are often communal, providing families, friends and at times the broader community a fantastic opportunity to come together, and this provides a sense of love, hope and solidarity.

There are many valuable community events, some of which are being held by the Islamic Society of South Australia, and these include Isha and Taraweeh prayers, Ramadan talks, meals and support for the most vulnerable in the Muslim community. Other places include mosques and community centres also providing space for the Muslim community to gather together to pray, to reflect and to share in life's joys.

Our state and nation are diverse and this diversity does make us stronger. The Muslim community contributes so incredibly to all areas of our state and in particular to our state's cultural and religious diversity. The Greens are proud to stand with the Muslim community. Sometimes the world can feel lonely and disheartening for many; however, there is much to be hopeful about, particularly during Ramadan and other religious and cultural events. The power of people to come together in a spirit of unity can be seen and can be felt, and the power of the community is on display.

It does give me great pleasure to wish South Australia's Muslim community best wishes for this blessed holy month, and I once again acknowledge the Hon. Mira El Dannawi for her motion, acknowledge the Greens' support for the motion and commend it to the chamber.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:36): I rise today on behalf of the Liberal Party to support the honourable member's motion to acknowledge the holy month of Ramadan and also convey our best wishes to members and families of the Muslim community of South Australia during Ramadan. Ramadan Mubarak to our Muslim community and to the Hon. Mira El Dannawi and her family.

I wish to take this opportunity to also thank the honourable member for her Ramadan greeting card that she dropped off to my office and congratulate her for being the first Muslim member of the South Australian parliament when she successfully filled the vacancy and replaced the Hon. Irene Pnevmatikos in this place.

As a first-generation migrant myself who has been elected to this parliament, I am pleased to see another female member of parliament in the Legislative Council who is also from a culturally, linguistically and religiously diverse background.

I believe I am the first member of the South Australian parliament who is of the Buddhist faith to be elected. It is very heartening to see the level of collegial approach and acceptance by the people of South Australia and by this parliament to embrace cultural diversity, different backgrounds, professional experience and skill sets that reflect the demographics of our South Australian community.

The mover of this motion has shared her personal stories and experience about the importance of Ramadan as a month of spiritual reflection, forgiveness and compassion. Ramadan observation is very familiar to me because in my birth country of Malaysia, Islam is declared as an official religion. The Department of Islamic Development Malaysia reported that there were more than 6,800 mosques in Malaysia at April 2023.

On the topic of mosques, I am sure honourable members may be interested to know that the Adelaide Mosque on Little Gilbert Street, Adelaide, is the oldest surviving mosque in Australia and the first to be built in an Australian city. Constructed in 1888-89 it was designed to meet the spiritual needs of Muslim cameleers and traders coming in from work in South Australia's northern regions and outback. This demonstrates the rich history of Islam in South Australia.

South Australia's 2021 Census data revealed that 2.3 per cent of our population are of the Islamic faith. Approximately 40,000 respondents identified themselves to be Muslim. The major country of birth of Australian Muslims are Lebanon, Turkiye, Afghanistan, Bosnia and Herzegovina, Pakistan, Indonesia, Iraq, Bangladesh, Iran, Fiji and Malaysia.

I want to thank all community organisations, mosques, community centres and language schools across South Australia that are hosting prayer sessions, Iftar dinners and charitable activities for Muslim communities to strengthen their faith and foster ties and relationships with their families and with each other in the community.

Over the years, I have had the privilege to join generous and hardworking Muslim communities at many Ramadan events, including Iftar dinners during the holy month of Ramadan. Recently, I was honoured to be invited to participate in the Interfaith Symposium and Iftar dinner hosted by the Ahmadiyya Muslim community at the Mahmood Mosque in Beverley.

I express my special thanks to the Ahmadiyya Muslim Association for hosting the Interfaith Symposium and Iftar dinner. The purpose of the interfaith event was to bring together religious leaders from the Muslim community, as well as from other multifaith backgrounds—Christians, Buddhists, Hindus, etc.—to talk about the concept, custom and commonalities of fasting in their faith. It was great to see the Hon. Mira El Dannawi also attended the Iftar dinner at Mahmood Mosque.

As we have been reminded, Ramadan is the holy month of the Islamic calendar, observed by Muslims worldwide as a month of fasting, prayer, reflection and compassion. Ramadan creates a social and humanitarian context that fosters compassion for the needy around the world. I join the mover of this motion to send our thoughts and prayers to Muslim communities across the world that are being persecuted, abused and murdered, who are enduring pain and suffering, and those who are living in poverty and crisis.

I am sure all of us would like to see or hope for a better, more harmonious and more peaceful world. Unfortunately, we do not live in a perfect world and Ramadan is a time to remember those who are less fortunate and to show compassion to those in need. I would like to thank all individuals, community leaders and organisations who have made, and are making, generous donations to support many charities through their personal donations and fundraising activities.

Once again, I thank the honourable member for bringing this motion to the chamber. I join her to convey our best wishes to the Muslim community of South Australia and thank them for their contribution. Ramadan Mubarak.

The Hon. M. EL DANNAWI (17:42): I would like to thank the honourable members for their contributions today. I am grateful and humbled to be the first Muslim member of parliament observing

the month of Ramadan. Ramadan is about more than just fasting. It is about the spirit of shared responsibility, compassion, solidarity and humanity. Today, these values are more important than ever in our world. I echo all the members' wishes to the South Australian Muslim community for a peaceful and blessed Ramadan. Ramadan Mubarak. I commend the motion to the chamber.

Motion passed.

At 17:43 the council adjourned until Tuesday 9 April 2024 at 14:15.