

LEGISLATIVE COUNCIL**Tuesday, 30 April 2024**

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

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

*Bills***CONSTITUTION (COUNTERSIGNING) AMENDMENT BILL***Assent*

Her Excellency the Governor assented to the bill.

AYERS HOUSE BILL*Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure***ANSWERS TABLED**

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

PAPERS

The following papers were laid on the table:

By the President—

- Report by the Independent Commissioner Against Corruption titled Evaluation of grants administration: Phase two [Ordered to be published]
- Report of the Office of the Inspector 2024/01: Review of the investigation and prosecution of Mr Trent Rusby dated 29 April 2024 [Ordered to be published]
- Report of the Office of the Inspector 2024/02: Review of the investigation of Chief Superintendent Douglas Barr dated 29 April 2024 [Ordered to be published]
- Report of the Office of the Inspector 2024/03: Review of PIR18/E17253 and complaint of Mr Michael Fuller dated 29 April 2024 [Ordered to be published]

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

- Education and Care Services Ombudsman and National Education and Care Services Freedom of Information and Privacy Commissioners—
Report, 2022-23
- Response to the Coroner's Findings into the Death of Michael Gerard Adams, report prepared by SA Health
- Response to the Natural Resources Committee Inquiry into Biochar

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

District Council By-laws—

Kimba—

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

Regulations under Acts—

- Petroleum and Geothermal Energy Act 2000—Energy Resources
- Primary Industry Funding Schemes Act 1998—
 - Grain Industry Fund
 - Grain Industry Research and Development Fund

Question Time

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to make a brief explanation prior to asking the Leader of the Government a question about election promises.

Leave granted.

The Hon. N.J. CENTOFANTI: The Royal Adelaide Hospital, The Queen Elizabeth Hospital, Flinders Medical Centre, Modbury Hospital and Noarlunga Hospital all continue to see record jumps in their monthly ramping statistics, with 4,095 hours of ramping recorded in March alone, bringing the Malinauskas government's record of ramping to more than 86,000 hours, costing a reported \$5.2 million in paramedic wages. My questions to the leader are:

1. Is fixing the ramping crisis still a core promise of his government and, if so, will it be delivered before the next election?
2. Will the government reverse its decision to impose payroll tax on general practices from 1 July to aid delivery of its election promise?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I am happy to answer the question. As I said previously, we intend to keep all our election commitments.

FOOD SAFETY ACCREDITATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about food safety accreditation processes.

Leave granted.

The Hon. N.J. CENTOFANTI: Many butchers and other businesses within the meat industry have approached the opposition over recent months due to frustration with significant delays in the food safety accreditation process and the lack of consultation and communication from the minister and her department as to the reasons for those delays. It is the opposition's understanding that the food safety accreditation process, which previously, up until about 12 months ago, took on average 10 days, is now taking months, if not sometimes up to a year. My question to the minister is: what is the reason for the delays in food safety accreditation for these small businesses?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. The food standards team in PIRSA is responsible for accrediting primary production businesses in accordance with the Primary Produce (Food Safety Schemes) Act 2004. There are over 1,100 businesses currently accredited under the Primary Produce (Food Safety Schemes) Act to produce a range of foods for public sale.

All businesses undertaking production of food products regulated under the Primary Produce (Food Safety Schemes) Act 2004 must be accredited to undertake that activity. This ensures that the public can be confident that the food they consume is safe to eat. The types of food include ready-to-eat meat products, such as smallgoods. These foods, if not produced safely and in compliance with required standards, can pose a significant food safety risk to consumers.

In January, I became aware of delays, which I immediately raised with the chief executive, in regard to the accreditation process. I was advised that a significant review of the process for accreditation under the act was progressing and had resulted in some delays in processing applications for accreditation. Following those discussions, as an interim measure, temporary accreditations were provided to businesses to enable them to continue to operate and a revised food safety arrangement was provided to all existing applicants under the meat food safety scheme. By adopting the food safety arrangement, businesses can be confident that they can meet the legislative requirements for their specific activities.

Recently, to address further concerns raised by industry about continuing delays, I have asked the chief executive to have direct oversight of the management of the issue to ensure resolutions as soon as practical. It is my strong expectation that this issue will be dealt with by the chief executive. I am advised that the review identified some improvements that are being implemented progressively to the accreditation process. PIRSA and our food producing industry continues to take food safety very seriously and the system in place continues to serve the public, as is demonstrated by very low rates of reported food safety incidents.

FOOD SAFETY ACCREDITATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Supplementary: can the minister outline for the chamber what the trigger was for the review process and whether there was a specific food safety incident that drove that review and consequent changes in process?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): When we are talking about food safety, which after all means human safety, it is entirely appropriate that there be ongoing updates and that we ensure that the standards and processes are fit for purpose and meet current requirements. Hence, that review was undertaken and those improvements are being implemented.

FOOD SAFETY ACCREDITATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Further supplementary: was industry informed and consulted in regard to the review process and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I think it is fair to say that the communication with industry was less than I would have expected. I have conveyed that most strongly to my chief executive, who is similarly keen that consultation be improved in the future.

FOOD SAFETY ACCREDITATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Final supplementary: were any accreditations approved during that review process? If not, why weren't additional staff recruited during that review process to increase capability of the department during that period?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I would have to check the details of that. However, I am advised there haven't been any reductions in staff in the food safety standards area.

SOUTHERN CALAMARI BYCATCH

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of southern calamari bycatch.

Leave granted.

The Hon. N.J. CENTOFANTI: The Allocation Review Committee met in February of this year at the request of industry to investigate concerns that southern calamari licence holders had in regard to the bycatch of southern calamari from other licence holders and diminishing stocks. The committee reported that, although there was a breach of primary trigger 2 level by the Spencer Gulf Prawn Fishery in 2022-23, the trigger was not exceeded in three consecutive years, or four out of the five years, and hence a review did not take place.

Spencer Gulf Prawn Fishery took 49.46 tonnes of southern calamari as a bycatch in 2022-23, at the value of approximately \$1.2 million. The total allowable commercial catch for the southern calamari is 212 tonnes, which is a 56 per cent allocation of the Spencer Gulf. My question to the minister is: will the minister give marine scalefishers a guarantee that this bycatch will not have a negative effect on the percentage allocation of the southern calamari in the upcoming financial year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the honourable member for her question. When it comes to reviews such as have been alluded to, there are a number of trigger points that are required to prompt the sort of review that the honourable member has mentioned. I am happy to take on notice the question and bring back some further detail for the chamber.

NAIDOC AWARDS

The Hon. M. EL DANNAWI (14:41): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the nomination process for the Premier's NAIDOC Award?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for her question and her interest in this area. I have previously informed the chamber about awards received by Aboriginal and Torres Strait Islander people for their commitment to their community and excellence in what they do in South Australia. The Premier's NAIDOC Award event is always a highlight certainly in my calendar and many other people's calendars and is one of the pinnacle events during NAIDOC Week.

NAIDOC Week is a celebration each year of the history, culture and achievements of Aboriginal and Torres Strait Islander people. It is filled with events that showcase and commemorate the contributions and exceptional First Nations people today and throughout our history. The theme of NAIDOC Week is 'Keep the fire burning! Blak, loud and proud', which aims to honour the enduring strength and vitality of the First Nations culture.

Each year, the Premier's NAIDOC Award is presented now to both a male and female winner, each of whom has made a significant difference to the lives of Aboriginal people in South Australia through their work. Previous winners of this award include Aunty Eunice Aston and Uncle Frank Lampard, last year in 2023, for their work in the respective fields of health care, corrections and veterans affairs, and the year before, in 2022, to Jeffrey Newchurch and Kunyi June Anne McInerney for their strong community leadership and also their contribution to the arts respectively.

Nominations opened last week for this year's prizes, both for the Premier's Award and for the Dr Alice Rigney Prize, which is awarded to an Aboriginal student in the later years of high school, years 10 to 12, who has demonstrated dedication to their education. Nominations will close on Friday 31 May before the winners are announced at the Premier's NAIDOC lunch in July. I look forward to hearing of the invaluable work of those who are nominated and those who are successful in celebrating their achievements when the winners are announced. I will certainly take the opportunity to inform the chamber of the excellent work of the individuals who are eventually the winners of those awards.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:44): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of raising the age of criminal responsibility.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, the Guardian for Children and Young People, Shona Reid, released two submissions to the government's discussion paper on alternative diversion models for raising the age of criminal responsibility in South Australia. The first submission, titled 'From Those Who Know', is on behalf of young people who have been detained or denied their liberty at the Adelaide Youth Training Centre, compiled in her role as the South Australian Training Centre Visitor. The second is a more formal submission on the guardian's own behalf. The Guardian for Children and Young People's submission highlights concerns with the government's proposed alternative diversion model. In particular, these relate to the increases in police powers. I refer specifically to page 21, where the guardian states:

...I am seriously concerned that the places of safety network may not prevent arrest of children, but instead act as authority for a form of pseudo-arrest. If this occurs, it is unlikely to reduce children's admissions to police facilities, or the time spent in police cells.

The submission that the guardian has made on behalf of detained young people contains firsthand accounts of their experiences in the judicial system. Young people in particular talk about their challenges understanding the terminology used when they are arrested and finding their interactions with police difficult. One young person states:

I just remember crying. And I told [the police] everything, and then I became a snitch because I didn't know what was right, didn't know if I was meant to say it or I wasn't. Yeah. It was embarrassing. It was real scary as well. Like, imagine two police officers coming in and saying, 'Oh, yup, you're getting arrested for this,' and at that point in time I didn't actually think [I had done anything wrong in terms of my behaviour].

My question to the Attorney-General therefore is: has the Attorney-General read the submissions from the Guardian for Children and Young People and what assurances would he provide to that young person quoted in the report in relation to the government's proposed alternative diversion model?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for his question. As the honourable member has correctly stated, there was a discussion paper released in relation to the topic of the minimum age of criminal responsibility.

Certainly, there are a number of other jurisdictions around Australia that have started processes in relation to this. I think the ACT, Victoria and the Northern Territory are all at various stages and I think all of them are proposing to raise the age to 12, certainly at least initially. I note that in the submissions the honourable member refers to that is a topic of criticism, if it was being proposed here.

The discussion paper set out one possible model. I will include in my comments that we don't have a formal view, as the government, as to what if anything will change in relation to the minimum age of criminal responsibility, but the discussion paper was a start to look at what various models might be in place if it wasn't a strictly criminal justice model.

Consultation has closed. There are some dozens and dozens of submissions. I have read a summary of all the submissions that have been made. I am now working my way through what will amount to many hundreds of pages of submissions made by a whole range of stakeholders who have views on this and then the government will decide what action it takes.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:47): Supplementary: will the government commit to releasing the submissions publicly so that members of parliament and the community can consider the stakeholder feedback?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the honourable member for his question. I am certainly happy to consider this. I am trying to remember, amongst the many submissions, if there may have been some that were asked to remain confidential, particularly if they were ones that talk about people with lived experience. Particularly in the youth criminal justice system there will be very good reasons to remain confidential. But I am happy to have a look at it to see what we can do in relation to that.

REGIONAL TOILET FACILITIES

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

Leave granted.

The Hon. J.S. LEE: On 24 April, *The Advertiser* reported that a lack of toilets at the popular Little Blue Lake swimming hole on the Limestone Coast has resulted in an appalling and unhygienic situation that is repulsing locals and visitors to the region. There have been documented reports about large amounts of human excrement in and around the popular tourist destination and the District Council of Grant has advised that any toilet development would have to be installed on Crown land. My questions to the minister are:

1. Has the Minister for Regional Development, and with her personal interest in the South-East, undertaken any direct advocacy to help the District Council of Grant resolve this disturbing issue?

2. Can the minister explain whether the District Council of Grant is able to access the Thriving Communities Program, which is a part of the Thriving Regions Fund, to fund the urgent toilet facilities development at Little Blue Lake?

3. If so, when will the Thriving Communities Program be opened again this year?

4. Will the minister make a commitment to fast-track the process to open the Thriving Communities Program as soon as possible or find an alternative solution to solve the problem for the Limestone Coast community?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for her question. It certainly is so that there have been media reports about the unacceptable situation around Little Blue Lake. Members may or may not be aware that it's a very popular destination. Contrary to the Blue Lake, which is the source of drinking water, Little Blue Lake is somewhere you can actually go and swim and dive.

I have had discussions with the local council about this and they indicated the actions that they were already taking. Some of the complexity is around the care and control and ownership of the land, in that one part is under the control of council, but I think where the car park is, if I remember correctly, is Crown land—something along those lines. At this stage, they haven't asked me for any direct advocacy. From memory, they were already in discussions with another minister about this.

In terms of the Thriving Communities grants and whether this could potentially fall under that, I will have to check the guidelines. I may be able to do that during this question time and bring back an answer during this question time in regard to whether that's something that could be considered.

THRIVING COMMUNITIES PROGRAM

The Hon. R.P. WORTLEY (14:51): My question is to the Minister for Primary Industries and Regional Development regarding the Thriving Communities Program. My question is: will the minister inform the chamber about the recent announcements of successful recipients for the state government's Thriving Communities Program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I would be delighted to.

Members interjecting:

The PRESIDENT: The Minister for Primary Industries and Regional Development has the call.

The Hon. C.M. SCRIVEN: I am delighted that last week I was able to announce 21 recipients of grant funding under the latest round of the Thriving Communities Program. Thriving Communities Program grants range from \$20,000 to \$50,000, with the aim of building social capital through facilitating community group participation, a sense of belonging and increased access. In meeting

these aims, successful applicants' projects are all about supporting minor infrastructure, services and wellbeing outcomes in regional communities.

In all, funding that's been allocated to the 21 applicants is a total of \$817,836.06. This is a significant investment into regional communities that will deliver real benefits on the ground through the grassroots organisations that are receiving the funding. In no particular order, I congratulate the following who have been successful:

- Ngarrindjeri Ruwe Empowered Communities;
- Foodbank of South Australia Incorporated;
- Kyancutta Community Club Incorporated;
- Fisherman Bay Progress Association;
- Burra Community Management Committee;
- Snowtown Progress Association;
- Price Progress Association;
- Millicent Men's Shed;
- St Vincent de Paul Society of South Australia Incorporated;
- Southern Yorke Peninsula Community Hub;
- Southern Yorke Peninsula Agricultural Society Incorporated;
- Kalangadoo Community Club;
- Milang and District Community Association;
- Mt McKenzie Hall Incorporated;
- Frances Progress Association;
- Tulka Progress Association;
- Jamestown A.H&F Society;
- Lochiel Progress Association Incorporated;
- Port Germain Progress Association;
- Blyth Progress Association; and
- Clare Agricultural and Horticultural Society.

Some of the important projects that will be completed with the assistance of these funds include a metal workshop fit-out at the Millicent Men's Shed; extension to the Jamestown Shearer training centre wool area; installing an industrial kitchen in the Milang Lakeside Butter Factory, which I will note is not a commercial factory, for anyone who is not familiar with the Milang area; and the Annexing Resilience in the Riverland project run by Foodbank of South Australia, amongst many other fantastic and worthy community capacity-building projects.

The Thriving Communities Program, as part of the broader Thriving Regions Fund, demonstrates the Malinauskas government's commitment to growing our regions and further developing the sense of participation and belonging that community groups provide to regional communities through their excellent work. It is pleasing that they can be recognised and assisted through Thriving Communities Program grants.

THRIVING REGIONS FUND

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:54): Supplementary: can the minister give an indication to the chamber of when the grants through the Thriving Regions Fund will be opened to our regional communities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I assume the honourable member is asking whether there will be a further round of funding. What is usual is, once we have announced the grant recipients, we have a look at the program and see how it's operated and then make decisions about going forward.

THRIVING REGIONS FUND

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:55): Further supplementary: my question is in regard to the Thriving Regions Fund, not the Thriving Regions communities fund. Is the minister able to indicate when that grant funding will be opened for regional communities?

Members interjecting:

The PRESIDENT: Order! Minister, I will get you to answer the question and we will move on.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I am more than happy to. I appreciate the Leader of the Opposition is clearly a bit confused. There are three different streams to the Thriving Regions Fund. She might like to be specific about what she is referring to because she is clearly a bit confused about it.

APY LANDS

The Hon. F. PANGALLO (14:56): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the APY lands.

Leave granted.

The Hon. F. PANGALLO: The APY lands general manager's position was recently advertised and a selection process is currently underway to shortlist a number of candidates. The position is currently held by controversial figure Mr Richard King, who is paid around \$200,000 a year plus other benefits.

Mr King's tenure as the APY lands general manager has been shrouded in controversy since his appointment by the minister in 2015. He was sacked by the APY lands board in 2018 before being reappointed the following year by former Premier Steven Marshall. The same year, Mr King lost the first of a series of Supreme Court bids to halt an Ombudsman's investigation into the conduct that led to his sacking. The following year, Mr King lost a Supreme Court bid to hold a second Ombudsman's investigation into his conduct. In 2020, his Supreme Court bid to overturn the findings of the Ombudsman's investigation, which was critical of his conduct, was also quashed.

Despite all this, Mr King managed to keep his job, even receiving a 12-month contract extension last year from the Minister for Aboriginal Affairs, which expired on 31 March 2024. My questions to the minister are:

1. Is the minister aware of the current selection process taking place on the APY lands for the general manager's position?
2. Is the minister confident all APY lands board members are fully involved in the selection process?
3. Will the minister ensure all APY lands board members are given full access to all applicants for the position, who I believe number 18?
4. If that is not the current case, will the minister intervene and make sure the selection process is free, open and fair?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for his question. I might just point out something that I think is important. In the question, the honourable member talked about the general manager of the APY Executive being appointed either by the minister or, previously, by the Premier. That is not the case.

The legislation is very clear: it is the APY Executive Board, the elected Anangu who make up the board themselves, who make the appointment under the legislation. The minister of the day approves the conditions under which a person is appointed, but it is the APY board themselves who make the appointment, not a minister of the day nor the Premier.

Much of the rest of the factual scenario that the honourable member has set out I believe to be substantially correct—that is, that the current general manager is not going on after the recruitment process that occurs has been finalised. I understand that is well underway—that there have been quite a number of persons that have applied for the position.

In my experience, members of the APY Executive Board are exceptionally interested in these matters and exceptionally well informed, probably more so than many other boards that make similar appointments right around Australia, and I am quite sure that they will, as they have in the past, involve themselves very substantially, very heavily and very well informed in the process that is underway at the moment.

DUNSTAN BY-ELECTION

The Hon. J.M.A. LENSINK (15:00): My question is to the Attorney-General, either in his own capacity as Attorney-General but also potentially representing the Special Minister of State regarding the Electoral Commission, because I suspect he knows the answer to this anyway. Given the low voter turnout in the Dunstan by-election is he aware whether the Electoral Commission is or isn't going to fine voters for not voting under clause 85 of the Electoral Act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for her question. The Electoral Act is now committed to the new member who holds the title of Special Minister of State; however, I can say that I think it's not an unusual occurrence that at a by-election there is low voter turnout. From my memory, that is an entirely typical thing that occurs during a by-election, when there isn't the information and there isn't the amount of publicity that surrounds a general election.

In relation to any action that is taken against people that don't vote, that's not a decision for any minister—myself nor the Special Minister of State—but is a decision for the independent Electoral Commissioner.

DUNSTAN BY-ELECTION

The Hon. J.M.A. LENSINK (15:01): Supplementary arising out of the answer: in relation to the minister stating it's not a decision of his, is he aware what the Electoral Commission intends to do?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for her supplementary question. I am not aware of what the Electoral Commissioner may or may not do in relation to people who don't vote at any given election.

INTERNATIONAL BE KIND TO LAWYERS DAY

The Hon. J.E. HANSON (15:01): My question is to the Attorney-General. Will the minister inform the council about the recently celebrated international lawyers day?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I thank the honourable for his important question. Of course, the Hon. Justin Hanson is legally qualified himself and represented very diligently for many years workers through the Australian Workers' Union using those legal skills that he has gained. I am pleased to share that international lawyers day was celebrated recently, marked on the second Tuesday in April each year.

More affectionately known as International Be Kind To Lawyers Day—a very important day—it was first started to combat unwarranted negative perceptions of some in the legal profession.

Members interjecting:

The Hon. K.J. MAHER: There is much laughter in here, but it might just be that politicians might just be that profession which has an unwarranted, less positive perception even than lawyers. The day provides a chance for people to formally show their appreciation for the often challenging and important work that lawyers do.

Many historians account the very basis of the western legal profession, as we know it today, as starting in ancient Greece and Rome, where the world's first lawyers were essentially those who were orators and became advocates for people. The first known legal decision was thought to be recorded in about 1850 BC. However, many civilisations all over the world have had millennia of making legal decisions. First Nations cultures, including the longest surviving First Nations culture in the world, our own in Australia, has a very long history of making decisions about how people interact and the punishments for transgressions of those.

The South Australian western legal profession, as we know it today, kicked off in 1837 when Justice Jeffcott admitted three Englishmen to practise as barristers, solicitors and attorneys, and following that in 1879 the Law Society was formed and only eight people turned up to consider a ballot of members. The profession has grown very substantially since then.

In 1911, the Female Practitioners Act passed parliament, which allowed for women to practise in South Australian law courts and, happily, South Australia's first female lawyer, Mary Kitson, was admitted to practise at the South Australian bar in 1917. Since then, the profession has come a long way and grown significantly, with Australia's legal profession, importantly, now made up of more than 50 per cent women.

I would like to take this opportunity to acknowledge all of the South Australians who work in our legal profession, as well as those who have formerly worked in our profession, and also encourage those who aspire to practise one day to do so. In particular, I wish to thank all the diligent and hardworking lawyers within the public sector, particularly those within my department working in areas such as the Crown Solicitor's Office and the Office of the Director of Public Prosecutions who do a fantastic job day in and day out, representing the state in a whole range of challenging and significant matters.

I also want to acknowledge organisations such as the Law Society and the Bar Association, the Women's Lawyers Association and the many other organisations within South Australia that provide a supportive community and an advocacy space for those who practise. Happy international lawyers day to all. May we have to deal with them irregularly in our everyday lives, but we always appreciate them, and I encourage all to be kind to lawyers.

SAPOL GENERAL ORDERS

The Hon. T.A. FRANKS (15:05): I seek leave to make a brief explanation before addressing a question to the Attorney on SAPOL general orders and, specifically, access to them under FOI and the police complaints and discipline processes.

Leave granted.

The Hon. T.A. FRANKS: The SAPOL general orders provide a SAPOL employee with instructions to ensure organisational standards are maintained consistent with SAPOL's vision. To this end, general orders are issued to assist that employee to effectively and efficiently perform their duties. Most orders are mandatory and must be followed. A summary of general orders that was able to be accessed by FOI states, and I quote:

It is important that an employee constantly bears in mind that the extent of their compliance with general orders may have legal consequences.

The consequences may well be in the Police Complaints and Discipline Act, or possibly through the courts more generally, where that comes to light. But it has come to my attention that where the courts have sought access to general orders—for example, general orders around the use of tasers in court cases of discipline of police officers for use of tasers—that request by the courts has been denied or not complied with.

I note that in other states general orders are generally available. In New South Wales they are available online. In Victoria they are available for purchase or loan through the Deakin Library.

In Queensland they are available online. In WA you can view them at the State Library. In Tasmania they are available online and in the Northern Territory they are available online. In New Zealand they are available online. In Canada they are available online. In Northern Ireland, Hong Kong and in many other jurisdictions, the police general orders or the police handbook are available online to the public. My questions to the Attorney-General are:

1. Is it the Attorney's expectation that SAPOL should comply with requests, say, of the courts or the DPP, with regard to accessing specific general orders?
2. How many requests have been made by the courts for general orders that have been refused in the past 10 years?
3. How many queries and requests have been made under FOI in the past 10 years that have similarly been refused for these general orders?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I thank the honourable member for her questions. I am happy to take them on notice and see if there are records. I suspect there are not going to be records about applications that involve general orders specifically, but I am happy to go away and see if there are.

I think it's everyone's expectation that in our society all parties comply with orders of the court. I am not aware of the specific details of what the honourable member is talking about. It is not uncommon, though, for a decision of the court to then be challenged and to have a different decision on appeal, but I am happy to see particularly if there are figures and take it on notice for the honourable member.

CEDUNA

The Hon. H.M. GIROLAMO (15:09): I seek leave to make a brief explanation before asking a question of the Attorney-General in regard to Ceduna.

Leave granted.

The Hon. H.M. GIROLAMO: It was reported in the media that community leaders in Ceduna have joined business owners in calling for action to combat what they call lawlessness in the town. A majority of the complaints stem from a rise in antisocial behaviour following alcohol abuse, as well as child neglect, with some community leaders calling it 'absolute bedlam'. Also, concerns have been raised about the contribution following the abolishment of cashless debit cards within Ceduna. My questions to the Attorney-General are:

1. Will the Attorney consider increasing the roster of the Magistrates Court and the Nunga Court in Ceduna?
2. What actions has he taken as Minister for Aboriginal Affairs to ensure that the lawlessness that has been reported in Ceduna ceases following the removal of cashless debit cards?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): I thank the honourable member for her question. I know I have talked about this in this chamber in only recent weeks, and that was particularly following a visit about a month ago, I think, when I had the opportunity to spend some time in Ceduna, particularly with Aboriginal leaders in Ceduna.

Certainly, concerns were raised with me by a number of Aboriginal community leaders. A lot of those concerns, however, revolved around the misrepresentation of things in Ceduna, particularly by local Liberal members in that part of the world. I do know that regularly there are requests made and there are variations made to things like liquor licensing and conditions on areas in Ceduna in response to things that are happening at the time and I commend the commissioner, who has been very responsive to requests and had a lot of them made by local community leaders, including Aboriginal community leaders.

I don't think it is an agreed fact, as the honourable member may have indicated, that any form of cashless card changes has been a catalyst for a different resulting behaviour in the

community. I think that is a very contested point of view that the honourable member holds, that isn't shared with a lot of other people in the area.

CEDUNA

The Hon. H.M. GIROLAMO (15:11): Supplementary: does the Attorney have any concerns in regard to the issues raised by business owners in regard to antisocial behaviour within Ceduna?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): Whenever there are concerns raised, whether they are in the Adelaide CBD, whether they are in Ceduna or whether they are in any other place in South Australia, about community safety, of course they should be, and are, taken seriously. As I have answered in relation particularly to questions to do with police presence and police operations in the CBD, I think the police do a remarkable job operationally in keeping our community safe.

SNAPPER STOCK

The Hon. T.T. NGO (15:12): My question is for the Minister for Primary Industries and Regional Development. Can the minister tell the chamber about the snapper fingerling release that took place in the school holidays on the Yorke Peninsula?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12): I thank the honourable member for his question and his interest in this topic. I am pleased to report that the snapper fingerling community event was a success. It was a stunning Monday morning just last week at Black Point boat ramp, with good numbers in attendance greeted by the most beautiful weather and perfect conditions for the release.

A very pleasing part was the number of children and families who were able to attend, particularly given that the planned release for the first Monday of school holidays was unable to proceed. To be able to have the rescheduled event the following Monday and have it so well attended speaks to a couple of points, not least of which is the interest that the community has in seeing the snapper species rebound.

The community event really was an opportunity for a visual representation of the state government's \$8.8 million snapper package that I have outlined to the chamber before. The package focuses on research into the species but has also funded other incredibly important work, such as the snapper fingerling program at SARDI West Beach.

So much of this work happens outside of the public eye, but with dedicated scientists, researchers and fisheries managers working to better understand snapper stocks it is important that through events like this and the online PIRSA snapper hub the community can be kept informed and, importantly, be involved.

The fingerlings were transported to Black Point from SARDI West Beach in specially made tanks that kept them safe and well on their journey. From there, they were scooped out with old-fashioned buckets, and mums, dads, kids and everyone else in attendance were able to walk out a few metres into the water off the boat ramp and release the fish.

Of course, the kids who were there had a great time taking part in something that I expect they will remember and be able to tell their friends at school about this week as they go back to the classrooms. Particularly given that this was a 6.30am start in school holidays, it was particularly pleasing that so many young people were involved. There were 20,000 fish released in this community event, so it certainly kept the kids, as well as the adults who were in attendance, busy for quite a while.

I was also really appreciative of the interest not only from local media, which is incredibly important, but also Channel 7, which travelled to the event to give it coverage. Combined, all of that media attention is important for people to be reminded of the importance of sustainable fishing and the importance of the investment into the snapper species.

I look forward to the SARDI snapper stock assessments, which are due in late 2025, early 2026. I hope they will show an improvement in the species sustainability, with decisions to be made with the best possible information to hand as to future management arrangements for the fishery

when the current closure expires in mid-2026. Again, I thank all of those involved, particularly the staff from SARDI but also everyone in the community, the local council, the media and others who were able to support this significant but also fun event.

PIRSA CONSULTANTS

The Hon. S.L. GAME (15:15): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development regarding PIRSA expenditure on consultants.

Leave granted.

The Hon. S.L. GAME: A recent report in *The Advertiser* revealed that the Department of Primary Industries and Regions spent \$33.6 million on consultants and contractors between 2020 and 2023. We know that taxpayers are supporting \$3.2 million a day on contractors and consultants across all state government departments. Despite an increase in Public Service numbers in the vicinity of 1,700 workers, \$277 million was spent on external contractors and public servants across all government departments and agencies, excluding the Department for Infrastructure and Transport, last financial year alone. It was also revealed that only a quarter of companies with multiple government contracts are based in South Australia. My questions to the minister are:

1. How many South Australian companies have been unsuccessful in securing PIRSA consultancy and contractor contracts in favour of interstate and overseas companies?
2. Has PIRSA overspent its budget at any stage during your time as minister and, if so, by how much?
3. How does your department measure the value for money spent on contractors and consultants?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17): I thank the honourable member for her question. I will take some aspects of the question on notice in order to bring back a more detailed response, but I can make a few general remarks. First, some of the consultants fees, or those within that particular category, I believe will include, for example, short-term responses such as contractors needed for the response to the northern suburbs fruit fly. Obviously, the period we are talking about is prior to that—I just use that as an example. Also, we had the fruit fly response teams in the Riverland.

Secondly, in terms of whether there have been any unsuccessful South Australian businesses, my advice when this topic has arisen has included that a number of times where consultants are needed it is particularly around the scientific work that is done and therefore there might be very limited numbers of people with the appropriate qualifications or expertise who are able to participate in that scientific work. Again, that is just one example. In terms of the other aspects of the question, I will take it on notice and bring back a response.

SENTENCING DISCOUNTS

The Hon. B.R. HOOD (15:18): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding sentencing discounts.

Leave granted.

The Hon. B.R. HOOD: *The Advertiser* reported last week that Matthew Richard Gardiner, who was arrested in October 2023 by the state's Joint Anti Child Exploitation Team, could be eligible for a 25 per cent reduction on his prison term for entering an early guilty plea. The former CFS volunteer has been described by police as an extreme risk to the community and accused of being an impulsive, almost uncontrollable, sex predator. He now faces 70 charges, including procuring a child for sexual activity and communicating to make a child amenable to sex. It is alleged that Mr Gardiner was talking to over 200 people for sexual purposes, including many teenage girls aged between 12 and 16. My questions to the Attorney-General are:

1. Does the Attorney-General think it is appropriate for Matthew Richard Gardiner to receive a sentencing discount for pleading guilty to serious child sex offending charges?

2. If not, does the Attorney believe that early plea sentencing discounts for child sex predators should be reconsidered?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for his question. I can't remember the exact details, but it was I think only last year that this parliament made changes to not just the sentences but sentencing discounts for child sex offenders, particularly, as the honourable member talks about, child exploitation material. I will remind myself of and get those details for the honourable member.

More generally though, it is not an easy topic but sentencing discounts are an important part of our criminal justice system. In some areas they encourage people to plead guilty and plead guilty early. That does a number of things. Firstly, the cost and expense of putting the state to proof and having a criminal trial may not be needed.

Secondly, often in areas where there are physical victims, it can mean that a physical victim doesn't have to be retraumatized by going through an often long, complicated, lengthy and damaging trial process. There is an important balance to be found, though, in sentencing discounts between the legitimate expectations of the community, particularly for pretty horrendous offences, and that desire to encourage an early guilty plea, particularly where it can traumatise a victim.

I am happy to go away and get details. I just can't remember the exact nature of the reforms that we have made, but I will get them and bring back all the details. I will bring them back for the honourable member.

INTERNATIONAL WORKERS' MEMORIAL DAY

The Hon. R.B. MARTIN (15:21): My question is to the Minister for Industrial Relations. Will the minister please inform the council about International Workers' Memorial Day?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for his question and his interest in this area. Much like when the Hon. Justin Hanson asked me a question, I acknowledge that the Hon. Reggie Martin devoted a period of his life to looking after and protecting the interests of workers. I look around my colleagues in this place and I am very proud to be surrounded by quite a number of other people who at least for part of their lives have had the very noble profession of working for a union, looking after the interests of often some of those who are the most low paid in our society.

International Workers' Memorial Day occurs on 28 April each year. It is an important time to remember those workers killed or injured by work-related injuries and illnesses. It is also an important opportunity to recommit ourselves to doing what we can to stop preventable workplace deaths.

Just yesterday, I attended the annual service at the Pilgrim Uniting Church to mark Workers' Memorial Day. I was pleased to be joined by other government members, including the Hon. Joe Szakacs, the Hon. Katrine Hildyard and the Hon. Andrea Michaels. I think the member for Colton, Matt Cowdrey, attended and also the Hon. Connie Bonaros of this place attended. The Hon. Reggie Martin of course attended, but that goes without saying because he asked the question, as I acknowledged the work that he does.

This year's service featured a number of addresses from people like Carmel Schwartz from VOID, Marie Boland from Safe Work Australia, Maxine Williams from the Asbestos Victims Association, Penny Jacomos from the Asbestos Diseases Society, Andrea Madeley from VOID and Sean Hill from SA Unions.

Amongst some of the profound expressions of grief from families affected by workplace accidents, it is impossible not to be moved by the roll call of deceased workers which plays during the candle lighting ceremony. Sadly, there are far too many names on that roll call and, even more sadly, more being added each year. It is a reminder of why work health and safety is so critical.

I am proud that this parliament, after seven attempts over 20 years, many that have included the Hon. Tammy Franks, has finally passed legislation to make industrial manslaughter a standalone criminal offence in this state. This will come into effect on 1 July this year. I very much hope it never

needs to be used. In an ideal world, there wouldn't be a single prosecution, but the deterrence effect will make those who undertake business undertakings think very carefully about the systems they have in place to ensure worker safety.

I want to congratulate all those who have been involved in marking International Workers' Memorial Day, but in particular I want to pay tribute to the incredible contribution of Andrea Madeley and the members of Voice of Industrial Death (VOID) in organising the event and being such staunch advocates in this area. After the death of Andrea's son Daniel in a tragic workplace accident in 2004, Andrea has devoted much of her seemingly endless reserves of energy to supporting other victims of workplace accidents and their families.

Andrea has been a strong advocate for improved workplace safety, and I am very pleased that Andrea Madeley has accepted the invitation to be a representative for injured workers on the new SafeWork SA advisory committee, which is working to build stronger relationships between health and safety regulators and key stakeholders. I am sure that by working together we can do more to prevent unnecessary deaths and I pay tribute to those who have organised International Workers' Memorial Day again this year.

RENTAL AFFORDABILITY

The Hon. R.A. SIMMS (15:25): I seek leave to make a brief explanation before asking a question of the Leader of the Government, the minister representing the Minister for Consumer and Business Affairs, on the topic of rental affordability.

Leave granted.

The Hon. R.A. SIMMS: Last week, Anglicare released its Anglicare Australia Rental Affordability Snapshot, which found the lowest ever number of affordable rentals across the country. The report found housing availability has not recovered since the start of the COVID-19 pandemic, with average rents \$200 a week higher than pre-pandemic levels. I quote directly from ABC reporting on that snapshot.

The report goes on to note that there is not a single property across Australia or even a room in a shared house that is affordable for someone on Youth Allowance. My question therefore to the minister is: what action is the Malinauskas government taking in relation to skyrocketing rent prices and will they support the Greens' call for a rent freeze over the next two years to finally give renters some relief?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): It is always a distinct pleasure to have two questions from the Hon. Robert Simms in one question time. I would be more than happy to refer that question to my colleague in another place and bring back a reply for him.

SENTENCING

The Hon. L.A. HENDERSON (15:26): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding sentencing.

Leave granted.

The Hon. L.A. HENDERSON: Last year, a campaign called 'Your Reference Ain't Relevant' was launched in New South Wales which has raised concerns about the use of good character as a mitigating factor in sentencing for some child sex offences. In July of last year, the New South Wales government announced that the Department of Communities and Justice had commenced a review into their state's Crimes (Sentencing Procedure) Act and the use of evidence of good character in child sexual offence matters. My questions to the minister are:

1. Has there been discussion by the Standing Council of Attorneys-General to review or amend the use of evidence of good character in the sentencing of child sexual offences?
2. Does the Attorney have a position on this proposal?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): I thank the honourable member for her question.

In the probably, I am guessing, eight to 10 meetings of the Standing Council of Attorneys-General I do not remember a specific discussion on that matter, but I am happy to go back and check. The next meeting of the standing council is in the middle of this year.

Certainly, I am absolutely open to looking at any sensible proposal that will make those who commit these sorts of offences held more accountable for their actions. We had a recent review that we will be acting on about how evidence can be used and how sentencing instructions and instructions to juries from judges in matters of sexual assault can happen and we look particularly at what is being reformed in other states and I am more than happy to look at good reforms that make people safer.

TREES ON FARMS INITIATIVE

The Hon. M. EL DANNAWI (15:28): My question is to the Minister for Forest Industries. Can the minister update the council about the work being done by the state government to encourage trees on farms?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:29): With your indulgence, Mr President, I would just respond to an earlier question which I said I would try to come back to during this question time. The question was in regard to Thriving Communities and whether a council could apply. I just wanted to double-check my recollections, which I have now been able to do. That particular part of the fund is open to registered charities and incorporated associations. Councils may auspice an application on behalf of a community or industry group. Thank you for your indulgence.

I thank the honourable member for her question. It's no secret to this place that the Malinauskas Labor government is extremely ambitious for the forest industry. In the lead-up to the last election, we announced a suite of election policies to assist with the continued growth of an industry that is a significant employer in the state, in particular in the state's South-East.

If we are looking at radiata pine, a tree takes roughly 30 years from being planted to being harvested, so it is critical for our future fibre needs that we meet the challenges that face us now. While commercial plantation forestry is the most common form of fibre provision in South Australia, it is important that we are constantly looking at ways to add more timber to the market.

One way of doing that is through Trees on Farm. That's why the Department of Primary Industries and Regions has released a series of information initiatives aimed at advising farmers and landowners who may potentially be interested in the on-farm forest plantation to be able to look at what is available as part of the Trees on Farm initiative.

This includes a toolkit developed by the South Australian government in tandem with the Green Triangle Forest Industries Hub. The toolkit features expert information to support and guide landowners and farmers in their potential on-farm plantation investment. In addition to the toolkit, other information for prospective growers is also available from five research reports and associated seminar videos conducted under the Trees on Farm initiative from both the PIRSA and Green Triangle Forest Industries Hub websites. The research projects focused on short-rotation silviculture. They include topics such as:

- development of rotation silviculture. This explored current and alternative Tasmanian blue gum (hardwood) and radiata pine (softwood) management regimes. By considering expected time frames for harvest, the farm property plan and intended markets, there is potential to match a range of forest management regimes to an individual farmer's property and production system. It is important to note that every property is different and unique;
- enhancing commercial viability via logistics and processes. This includes a snapshot of Green Triangle softwood processors and hardwood woodchip exporters, tables of indicative softwood and hardwood harvest yields, indicative harvesting and haulage costs, approximate roading costs, and typical mill door prices;
- spatial analysis of suitable land areas for trees into farming. Four plantation management regimes are modelled using the Agricultural Production Systems Simulator, and likely

forest wood harvest volumes generated at thinning and final harvest across the project area are shown on the map; and

- comparison of the Emissions Reduction Fund methods. This primarily compared the ACCU scheme plantation forestry method, which focuses on new plantation forests for commercial harvest, with the farm forestry method, which incorporates both harvest plantation projects for saleable forest products and permanent planting projects. Among the conclusions from this project, the analysis suggested that the plantation forestry method is likely to be a better option if a plantation is established for harvesting wood products.

This initiative is part of a two-year, \$650,000 Trees on Farm initiative jointly funded by the commonwealth and state governments, and aims to boost the growth and development of the on-farm forestry plantation sector with of course a particular focus in the Green Triangle region. It's important that this is seen as part of existing farm businesses and as a boost to those businesses as part of a mixture in terms of income streams and land usage. I look forward to being able to update the chamber further in the future as this project further develops.

Bills

AUKUS (LAND ACQUISITION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 April 2024.)

The Hon. J.M.A. LENSINK (15:34): I rise to indicate Liberal Party support for this piece of legislation. It is a small bill that potentially has fairly significant implications, particularly if it is not passed, and passed rapidly. I would also like to refer any readers of *Hansard*, if they would like a fulsome discussion in terms of the national security implications of the AUKUS agreement, to the excellent contributions in the House of Assembly, particularly from my colleague Mr Stephen Patterson, the member for Morphett. I do not propose to go into those discussions because, in a legislative sense, it is a piece of legislation that is a land swap deal, which is why it primarily falls within the planning portfolio.

In terms of the timing, Liberal shadow ministers were contacted in the last sitting week, on 9 April, by the Minister for Planning, the Hon. Nick Champion, to advise us that it was the government's wish that the parliament pass this piece of legislation in the House of Assembly on Wednesday 10 April.

I would like to flag that, in the House of Assembly debates, there was some discussion about the timing and the alternative methods. During our briefing I think there were other discussions that we had about whether a land revocation or going through local government were the other options, but we were advised that they would take some months. This is just a forewarning that, for those other options that were discussed in the briefing, I would appreciate the minister being able to put those details on the record during the committee stage.

The AUKUS project is critical for national security and has bipartisan support. I note that, in the minister's second reading speech, he said that the bill provides for the South Australian government to vest land currently owned by the City of Port Adelaide Enfield council to the Urban Renewal Authority (Renewal SA) to enable it to be subsequently transferred to Australian Naval Infrastructure (ANI) to enable the development of the AUKUS submarine construction yard at Osborne.

Relevant shadow ministers received a briefing on Wednesday morning, 10 April, and that was followed by a briefing for all Liberal members, on the same day, so that all our members had the opportunity to fully traverse all issues. At our joint party meeting, held that day, we agreed to support the bill, which would have surprised no-one.

In terms of the land use, the land around Osborne on the Lefevre Peninsula is a multi-use industrial site without, as I understand, residential properties. The bill enables the transfer of three

parcels of land from the City of Port Adelaide Enfield council to the South Australian government (Renewal SA), which forms part of an agreement with the Australian government. The three parcels of land include two road reserves and what is known as Falie Reserve, a portion of open space. Falie Reserve will become the site on which a number of services will be located and/or relocated. We were advised in the briefing that Falie Reserve has little biodiversity value and that EPBC approval has already been granted.

There is a significant biodiversity site nearby, at Mutton Cove Conservation Reserve, which will continue to retain its status under environmental legislation. We were advised that the swift transfer of Falie Reserve is critical to enable a range works of to commence to meet the Australian government's fairly short time frames in preparation for the AUKUS program. Other options, such as revocation of the reserve's community land status would, as I have said, potentially take many months, when works need to commence in coming months. With those comments, I support the bill.

The Hon. F. PANGALLO (15:39): I rise to support this bill. I will only speak briefly. I am certainly looking forward to seeing some action at the site, and I certainly hope that I will actually see one of these nuclear submarines before I meet my maker. We know that there are challenges with this project still to be confronted, particularly with attracting the number of personnel that are going to be needed to build these powerful submersibles.

I note that the Premier has announced today that he will be travelling to the United States and will view the facilities where these submarines are being built and also to spread the message there that South Australia is open for business and is committed to building these submarines. I would have thought that would have been an obvious thing after everything had been signed, but nonetheless it is good to see that our Premier is flying the flag over in the United States and will no doubt come back with some news about perhaps starting dates and other developments in the construction of these submarines, which, incidentally, of course, as we know will have nuclear reactors.

I guess somewhere down the track we may soon see legislation that will enable nuclear reactors and also nuclear waste that comes out of these reactors to be handled in South Australia. So I look forward to that. With that, I support the bill.

The Hon. T.A. FRANKS (15:41): I rise as one of two speakers for the Greens today to speak to the AUKUS (Land Acquisition) Bill 2024. We are told it is a bill for an act to facilitate the AUKUS submarine project by providing for the acquisition of certain land. That certain land, of course, is on the Lefevre Peninsula.

The Greens will be opposing this bill. We are horrified that yet again something to do with AUKUS has been rushed through without community consultation and without a public conversation. We do actually stand with the community, we believe. There has never been a public conversation in Australia about signing ourselves up to AUKUS.

There was long discussion about previous submarine programs and, indeed, long discussion saying that they would not be nuclear powered, then suddenly overnight under the Morrison government we wake up one morning to find that we have signed up to a deal with the UK and the US—the US, which is verging on a failed state at this point, with uncertain leadership into the future—and then to have that, after the election, repeated by the now Albanese government without public conversation, without public social licence and, within the Labor Party, without a platform that supported that prior to the last election.

Indeed, there are 368 billion reasons why we oppose this AUKUS deal. It is a dud deal. In fact, it is around \$32 million every day for the next 30 years to acquire a decreasing number of—seven or eight—nuclear submarines. That has to be the most expensive job creation scheme in world history.

What we do know of that \$368 billion is that South Australia has yet to see very little of it. Our state is supporting things like an AUKUS office, and the Premier flies interstate and overseas to spruik AUKUS and to keep in good with those in pillar one, the UK and the US, but what we actually have seen and what we have been guaranteed is something that the Greens believe should be the debate of our parliaments.

As I say, yet again here we are in a state parliament stripping away our current state laws, ramming and rushing a bill through the parliament to swap a small parcel of land all for the god of AUKUS. Indeed, the Albanese federal government's half trillion dollar nuclear submarine plan is not about defending our nation, it is about projecting force in the South China Sea and trying to make us complicit with the war-making ambitions of the US and the UK. It is a dangerous deal that makes us less safe. It particularly makes the people on Lefevre Peninsula less safe.

In this bill that we debate right now in this parliament the people of the Lefevre Peninsula have not been consulted, they have not even been asked. In fact, as we will get to when we explore the committee stage of this bill, there was a letter written to the mayor, after a phone call to the mayor, pretty much on the day that this bill lobbed into the parliament. That is not consultation, that is not a commitment to democracy and it is not the social licence being given that should be for such an obscene amount of money.

In fact, for that obscene amount of money, so large that it does not fit into the federal budget and is now cited as a proportion of GDP, we could actually fix any single issue in this nation that needs fixing with money. Yet, here we are, debating and making it even easier for them to fritter away all of that. Most of us will be long gone when the AUKUS deal—should it come to fruition—ever comes to fruition. I note the words of the Hon. Frank Pangallo, that he hopes to see it before he meets his maker. I would not hold my breath if I was anyone in this place expecting these promises, this dud deal done in the dead of night, first under the Morrison government and now perpetuated by the Albanese government, to actually come to fruition.

Many people, quietly, in the corridors, say, 'Don't worry, it's actually not going to come to fruition'—that is even worse. For those who have a commitment to this they should be prepared to put their case for it, explain and have a conversation with the Australian people about this AUKUS deal, but for those who just say, 'Don't worry about it, it will fritter away,' we are also frittering away a lot of money and that is a lot of lost opportunity that could go into investment, into education, into health, into a whole range of environmental good, and it is also frittering away the inheritance of future generations. In fact, history will not look kindly upon us all for this dopey deal. Indeed, after Morrison's midnight mania, Albo showed that the only discernible difference between himself and ScoMo is the football team they both support.

Labor wants to spend almost \$32 million every day for the next 30 years acquiring nuclear submarines, and that can happen; however, if we want to lift people out of poverty in this nation, if we want to close the gender pay gap, if we want to really invest in higher education, education or health, apparently we have to wait and it cannot possibly be done.

What we should be doing is building a safe and peaceful future for our nation and our regions. What we should have is a defence force designed to defend Australia, not to threaten our neighbours. Yet, this toxic deal has bipartisan, old party support with barely a whimper raised. I have been told, particularly by journalists, that moves within the Australian Labor branch rank and file movement to move motions at a local branch level are quashed, staffers are brought in, numbers are stacked and dissent is silenced. I note that the federal member for Fremantle does appear to be listening, but he may not be the federal member for Fremantle much longer at this rate.

The absurdity of the AUKUS deal is not lost on me, but for those members of this parliament and this council I draw to your attention the debate just recently in the US: the National Defense Authorization Act debate. It is worth reading. It was an actual debate and it involved AUKUS, and in that debate the emperor's new clothes were revealed to be non-existent.

Indeed, we are not guaranteed the sale of these nuclear-powered submarines as part of the AUKUS deal. The NDAA instead clarified that any possible transfer of nuclear submarines from the US to Australia is 'contingent on Australia operating within US national interests'—not Australian national interest but the United States' national interest. I ask you: in whose interest is that? Certainly not the people of Australia, and it certainly should not be something that the parliaments of Australia are standing by and complacently waving through.

The National Defense Authorization Act states that nine months before a submarine can be transferred a future US president—whoever that may be, and we know it may well be Donald Trump in coming months—would only use these submarines 'consistent with United States foreign policy

and national security interests'. It goes on to absolutely underscore this with, 'If this is not guaranteed, then no submarines will be transferred.' Perhaps this is what those people in the Labor Party who have concerns about this are quietly hoping for, that apparently we will invest all this money and we may never actually get what we have signed up for.

Forget 'all the way with LBJ'; we are all the way with Trump now. Perhaps we are Biden's boosters. After Trump and Biden, what comes next? What have we signed ourselves up to? This is not the deal of the century. This is a dud deal and it should not be complicitly waved through every single time it comes to the floor of a parliament in this country.

We saw standing orders suspended for this bill in the other place, and the Liberal opposition in lockstep with the Labor government just rolled over. They did not ask many questions. They asked a few questions and accepted all the answers that they were given. They certainly did not query whether or not the local council, whose land is being acquired here, had actually properly been consulted.

The Hon. R.A. Simms: They don't care about that. It is whatever the US wants.

The ACTING PRESIDENT (The Hon. R.B. Martin): Order!

The Hon. T.A. FRANKS: We see it yet again. I want to also draw members' attention to a recent meeting on the Lefevre Peninsula at St Bede's in Semaphore. There was standing room only of local community concerned about the AUKUS deal, who have not been asked by the Labor governments—be they Malinauskas or Albanese—who have not been consulted about this land grab by their local council, who are not complicit in the silenced dissent and lack of community conversation around this issue.

There was standing room only in that local church hall on a Sunday afternoon. That is what is coming for Labor and Liberal if they do not start to take seriously the utterly appalling amount of money that we are signing ourselves up to for something that may never even happen and if it does happen it will make us less safe, not more.

As our senator who is the spokesperson for the Greens for defence, David Shoebridge, has said, the debate in the US has been an unmasking moment because it is now written in black and white that Australia can either have an independent foreign policy or US nuclear submarines, but it cannot have both. The act does not guarantee Australian nuclear submarines. There are so many get-out-of-jail-free cards written into this legislation for the United States to meet the demand for the United States and AUKUS submarines. The US needs a fivefold increase in its nuclear submarine building industrial base, and there is no credible plan to even get close to this.

Ultimately, it is a media moment, not a structural solution, because it kicks the real problems down the road for future administrations to deal with. The immediate danger for Australia is not that we will receive hugely expensive nuclear submarines but that we will surrender any pretence of independent foreign policy to Washington.

I observe that currently the US cannot build enough nuclear submarines to meet their own needs. Anyone who is paying attention to the US Congress, anyone who is paying attention to the debate in the United States on this, will know they are not even making enough currently for their own needs. How on earth do you think they are going to be making enough to then sell to us?

The Greens stand with former Prime Ministers, the Greens stand with the community and the Anti-AUKUS Coalition, movements of peace, of unions—unions which have pledged green bans. The Greens stand with rank and file Labor Party members and Labor Against War in opposing this bill today, because we do oppose the AUKUS deal. It is a dud deal, it is a dopey deal and it is a deal that does not have democracy of our nation or our national interest behind it.

With that, I have many questions of the minister. I note that in the second reading contribution no speech was made by the minister in this place. The speech in the other place of Minister Champion is certainly something that was rushed through on the day and raises quite a few questions, and I look forward to each and every one of those questions being answered in this place, at least having some semblance of pretence of democracy left. With that, the Greens oppose the bill.

The Hon. R.A. SIMMS (15:56): I rise to join my colleague in reiterating the Greens opposition to this bill, what is an attack on the principles of our democracy, an attack on the integrity of our foreign policy, but also a slap in the face of the people of our nation and the people of our state in the middle of a cost-of-living crisis.

We have spoken at length in this chamber about myriad crises the people of South Australia face at the moment. Imagine what could be done to tackle the cost-of-living crisis if we were spending the \$368 billion that is going towards these war machines on actually helping people. Imagine the amount of housing you could build with \$368 billion. Imagine the amount of money we could put into our public education system with \$368 billion. Imagine what we could do to our health system with \$368 billion. Imagine what we could do with our university system at a time when students are facing skyrocketing HECS debts. The sky is the limit in terms of what we could achieve with this level of investment, yet the limit of the Labor Party's ambition is building war machines, signing us up to a dirty deal with Washington.

It is absolutely outrageous, and I urge members of parliament who are voting for this bill and who are supporting this bill to go out into their communities and justify to the people of South Australia how this is money well spent, how this will help the South Australians who are sleeping on the street, sleeping in cars, sleeping in tents, because they cannot afford to find a place to live. Yet, meanwhile, over in Canberra we are seeing billions and billions of dollars of taxpayers' money being spent on this dud deal. It is an absolute outrage.

Budgets are about priorities. The Labor Party, in locking Australia into this dud deal, has demonstrated how out of touch it is with the people of our country. When I was at uni, we used to have an old chant, which was, 'Labor, Liberal are the same, only difference is the name.' I can tell you, when I look at the activities of the do-nothing Albanese government over in Canberra, never before has a truer statement been made. It is outrageous.

It is really disappointing to see Labor and the Liberals working in lockstep in this place to rush this bill through with such limited scrutiny, such little consideration of the implications for the management of public land, such little consideration about the nature of this deal and what it means for South Australia. This is a jobs mirage. We have heard these claims over and over and over again in South Australia. They do not eventuate. Instead, the South Australian government should be advocating for better job investment in our state that is not tied to making these war machines, that is not tied to locking Australia into an alliance with the United States.

Might I say, if there was surely a time to reconsider this approach, this is it. We are on the cusp of tying our foreign policy in Australia to Donald Trump. I have heard about going all the way with LBJ. Talk about going to hell in a handbasket with a basket case! That man is nuts. This is the person that Australians are meant to draw comfort from—Donald Trump, dictating Australia's foreign policy—us tying our national security to what goes on in Washington at a time when they have such a dangerous person vying for the presidency, such a dangerous person on the cusp of getting back into power over in Washington. This does not make our country safer. It actually creates more instability. It creates more danger for the people of Australia.

Indeed, children who are not yet born will spend all of their adult lives paying for this project. Rather than putting the money into public services—health, education, aged care, electricity—the Labor Party, with their mates in the Liberals, are locking Australia into this dud deal with the United States. It is really dangerous for Australia. It is something that is going to cause unrest in our region, and it is all about promoting the war industry and stoking the war-making ambitions of the United States. That is what this is about. It is an obscene waste of money—an absolutely obscene waste of money.

I think this parliament has an obligation to apply the blowtorch to this proposal, because, as my colleague the Hon. Tammy Franks has said, this land swap or land grab, or whatever you want to call it, is the first step as part of this project. There is considerable community concern about this. Lots of people in the community are saying, 'Hang on, why can't we find the money for health? Why can't we find the money for education? Why can't we fix the ramping crisis? Why can't we give every South Australian a roof over their head, when we can find hundreds of millions of dollars to fund these war machines?' Many Australians are saying, 'Why on earth is the Australian government tying

Australia's foreign policy to the United States in this way? Why on earth would we outsource our foreign policy to Trump Tower?' What a joke! The Greens will be opposing this.

The Hon. S.L. GAME (16:04): I rise briefly in support of the AUKUS (Land Acquisition) Bill, which aims to fast-track the acquisition of specific land parcels in Osborne to facilitate the AUKUS submarine project. The bill establishes a process to acquire designated land by the Urban Renewal Authority for the project, bypassing several usual procedures. The bill identifies specific parcels of land for acquisition and expedites the process by bypassing the standard Land Acquisition Act 1969 and the Local Government Act 1999 for acquiring this land.

Upon commencement of the act, the ownership of the land automatically transfers to the Urban Renewal Authority. The City of Port Adelaide Enfield, the previous owners, is entitled to compensation at market value and the bill outlines how this value will be determined by the independent valuer. The process minimises the need for approvals or permits typically required under other laws for land use or development.

This is a vital project not only for our national security but also for the South Australian economy and the jobs it will create. I support the bill's intent to prioritise speed and efficiency in acquiring land for the AUKUS project.

The Hon. J.E. HANSON (16:05): In speaking to this bill, I think it is good to look back at what has happened. In early 2023, the commonwealth and the state government entered into a corporation agreement to support the delivery of AUKUS or SSN-AUKUS, Australia's next generation of conventionally armed nuclear-powered submarines, which will be constructed in South Australia at Osborne.

Essentially, I think this underlines a pretty important aspect that many speakers have already gone to which is national interest. With Osborne becoming the home of Australia's submarine construction industry, something I am pretty proud to be supporting, I think that that does play into the nature of future defence and national security implications, but I will put them to the side for a minute.

This legislation is being introduced to facilitate the delivery of the new submarine construction yard, which is obviously going to be put at Osborne, by securing a pretty important area of land that is currently owned by a council, that is the City of Port Adelaide Enfield, and it is for inclusion in the package of land transfers between, I am informed, the state and the commonwealth government. This land transfer, including land owned by the council, is an important step that ensures our state is ready to build submarines, making it again pretty important towards that national interest play.

The exchange of land will also unlock thousands of high-quality and high-paying jobs in industries such as shipbuilding and it will inject billions of dollars into infrastructure. As someone who has previously represented defence workers in our state, I can assure the members who have spoken here that those jobs are not illusory. They are real. I have seen them. They exist. I have watched them and indeed watched them disappear at some point when they have not been supported by governments, which has been truly disappointing not only for our state but also for the workers as they lose their jobs.

As well as playing our part in what is a really critical national undertaking, AUKUS will transform South Australia's economy for generations to come. As a result of AUKUS, it is estimated that over the forward estimates about \$6 billion will be invested in the Australian industry and workforce and at least \$2 billion invested into the South Australian infrastructure landscape alone—\$6 billion and \$2 billion.

Development of the submarine construction yard, which I am reliably informed is around about three times larger than the yard forecast for the previous Attack class program, will generate employment of up to 4,000 workers at its peak—4,000 high-paying jobs. This is in addition to the 4,000 to 5,000 direct jobs that are expected to be required to support the building of AUKUS submarines when the program reaches its peak.

The submarine program will also have flow-on benefits beyond defence and construction work. This includes the opportunity, for instance, to build and enhance our reputation both nationally and globally. Delivery of the SSN-AUKUS program is the biggest project that our state has ever seen,

and South Australia must play a role in ensuring that that success becomes a reality. Given the complexity and scale of this project, we must move quickly to ensure the submarine construction yard is ready to begin construction of the new submarines on schedule.

This bill facilitates the transfer of four allotments currently owned by the council to Renewal SA. It will ensure that the council is compensated, as has already been outlined by other speakers, at the current market value of the land so that it can be vested with Renewal SA. Inclusion of this council land in the land transfers to the commonwealth will enable Australian Naval Infrastructure Pty Ltd (ANI) to better secure the perimeter of the new submarine construction yard and provide the opportunity for the development of a new access point to their facilities.

The need for this bill arises from the cooperation agreement between the state and commonwealth government and the commonwealth time frame for establishing a new submarine construction yard at Osborne, so it is very necessary to move quite quickly. This legislation is being introduced to ensure that the development of the new submarine construction yard can go ahead to meet the time frames.

Alternative pathways for securing the land will not meet the commonwealth's construction time frames, I am reliably informed, due to the statutory processes and time frames associated with the revocation of community land under the Local Government Act and the compulsory acquisition processes which could be put in place under the Land Acquisition Act. Neither of those will meet the time frames.

In order to meet the critical program dates targeted by ANI, the land must be available by no later than July 2024. This will ensure site preparation and early works for a grade-separated road and infrastructure services are relocated so that they can commence, subject to any approvals, as soon as practicable, I am informed. These early works are required to support the sustainment of the existing Osborne naval shipyard as the enabler to any future construction.

The bill will not affect the impact-assessed development application that was recently made pursuant to the Planning, Development and Infrastructure Act 2016, which requires ANI to prepare and publicly consult on an environmental impact statement as part of the planning processes for the submarine construction yard. State and federal environmental, social and economic impact assessments will be undertaken with federal approval under the commonwealth's Environment Protection and Biodiversity Conservation Act, which are required before the facility can begin construction.

The existing rights of infrastructure authorities within registered easements on the land are unaffected by the bill. However, other dedications and restrictions on the land, such as a community land classification under the Local Government Act, will be lifted to facilitate the transfer and future development of the land as a submarine construction yard. The sooner we get to this, the better.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:12): I would like to thank those who have contributed to this debate thus far: the Hon. Ms Lensink, the Hon. Mr Pangallo, the Hon. Ms Franks, the Hon. Mr Simms, the Hon. Ms Game and the Hon. Mr Hanson.

As has been outlined, the legislation is being introduced to facilitate the delivery of the new construction yard for submarines at Osborne. It is about securing an important area of land and is an inclusion in the package of land transfers between the state and commonwealth governments. It is an important part of ensuring that our state is ready to start building submarines, and the exchange of land will contribute towards unlocking thousands of quality high-paying jobs in industries such as shipbuilding. I commend the bill to the chamber.

The council divided on the second reading:

Ayes	17
Noes.....	2
Majority	15

AYES

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

NOES

Franks, T.A. (teller)	Simms, R.A.
-----------------------	-------------

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: Established in the South Australian Ports (Disposal of Maritime Assets) Act 2000, detailed planning occurred in the Northern Lefevre Peninsula Master Plan of 2011 after a massive community consultation exercise. The environmental significance of that is that it forms part of a continuous green link from the Hills down to the Little Para River through Torrens Island, Falie Reserve, Biodiversity Park and Steel Mains to the coast at North Haven. With the land transfer, can the corridor now be developed in a manner sympathetic to retaining that original biodiversity utility?

The Hon. C.M. SCRIVEN: I am advised that the Mutton Cove Conservation Reserve, which, if I understand correctly, would be key to what the honourable member is referring to, is not affected by this land transfer.

The Hon. T.A. FRANKS: It is actually not just that area. I note that only last year the Port Adelaide Enfield council held community planning days in Falie Reserve, which is affected by this land transfer. How will the loss of that precious open space and the community investment be compensated for the hours of time and effort that was devoted to consultation and restoration?

The Hon. C.M. SCRIVEN: I am advised that the intention for Falie Reserve is that it will be vegetated, given that it is an overpass road that is being proposed for that. So I am advised that they will be working with ANI to achieve that outcome. More broadly to the open space question, the land affected by the bill is classified as community land under the Local Government Act 1999, and as has been outlined a portion of the land is described as Falie Reserve. Accordingly, there would be a loss of approximately eight hectares of community land in what is an industrial area of Osborne, but I am advised it is currently not heavily utilised.

The government will seek to offset this loss of community land by working with council and other government agencies to secure more accessible areas of public open space for community use using Renewal SA land at Victoria Road, Outer Harbor, directly opposite residential areas of North Haven—Biodiversity Park, it is called, I am advised, and it is approximately 26 hectares—and Cruickshank's Corner at Birkenhead adjacent to the Port River, which the council has previously expressed an interest in acquiring to establish community recreation facilities. That is approximately half a hectare.

The Hon. T.A. FRANKS: So the community will not be compensated for all the effort and time that they put into that space; is that what you are saying?

The Hon. C.M. SCRIVEN: I am advised that compensation will be determined by an independent market valuation and that that can be in terms of cash or in kind to council. That is the most fulsome answer we currently have to the question that has been asked.

The Hon. T.A. FRANKS: That is adjacent to the question, not necessarily in response to the question. I want to turn to Mutton Cove Conservation Reserve and just give you a bit of

background. There is a seawall. Its function was to limit the tidal ingress into the Mutton Cove Conservation Reserve. Community groups had been relaying their concerns about the integrity of that seawall to DEW before it was breached in 2016.

Since then, more and more of the seawall has been eroded so that at high tide the cove is effectively filled and the wind generates waves which are eroding the unconsolidated fill on the northern and western boundaries, threatening the integrity of Mersey Road. Rather than defending less than one kilometre of seawall, DEW now has to defend the remaining three sides, some 2.3 kilometres, comprised mostly of unconsolidated fill.

Because proper action was not undertaken, an investigation jointly funded by the ANI, the City of Port Adelaide Enfield and DEW, has never seen the light of day and remains buried within the department. With the proposed land transfer, will we see that investigation made public? Will the proposed land transfer see the state government assume liability for protecting the commonwealth land from the effects of storm surges and sea level rise? Further, I will have some more questions about access by the public to the Mutton Cove Conservation Reserve.

The Hon. C.M. SCRIVEN: First of all, I am advised that, in terms of the investigation or report that the honourable member referred to, that is under consideration by the Department for Environment and Water at present, and it will be their decision as to whether to make that public. In terms of the other matters that have been raised, on 15 February this year the South Australian Minister for Planning declared that the submarine construction yard project will undergo an impact assessed EIS process under the Planning, Development and Infrastructure Act 2016. I am advised that those matters to which the honourable member referred can be considered as part of that EIS.

The Hon. T.A. FRANKS: The Mutton Cove Conservation Reserve is currently open to the public but, with the proposed transfer, will be surrounded on three landward sides by land owned by the commonwealth, with access tightly controlled. Workers are already restricted to discrete areas of the current defence facility. Will the commencement of operations restrict further public access to the conservation reserve? With regard to the parcel of land on the western side of Mutton Cove Conservation Reserve, which includes a car park for visitors to the reserve, how will visitors now be accommodated?

The Hon. C.M. SCRIVEN: I am advised that ANI has undertaken to provide community access, and the government is working with ANI through the process to ascertain how and when that will occur. I am advised that access by Department for Environment and Water rangers will be available on a monthly basis.

The Hon. T.A. FRANKS: What happens to the car park access; how will that be facilitated?

The Hon. C.M. SCRIVEN: That is one of the matters that is being worked through at present.

The Hon. T.A. FRANKS: Will the government guarantee that those friends and volunteers who have been supporting the Mutton Cove Conservation Reserve will be able to park their cars and have access to continue their conservation work?

The Hon. C.M. SCRIVEN: We are advised that ANI has indicated that they will provide public access.

The Hon. T.A. FRANKS: Who will they provide public access to?

The Hon. C.M. SCRIVEN: I am advised that we are still at the beginning of those conversations. It would be expected that groups such as Friends of Mutton Cove would be included in that, in terms of the conservation work that has been undertaken and would be beneficial to continue to undertake.

The Hon. T.A. FRANKS: Will a permit system be implemented?

The Hon. C.M. SCRIVEN: As I indicated, we are at the beginning of the discussions, but ANI has provided an assurance that there will be public access.

The Hon. T.A. FRANKS: Who will be responsible for the maintenance of the road? I note that the road is pretty degraded and damaged.

The Hon. C.M. SCRIVEN: Could you clarify which road the honourable member is referring to?

The Hon. T.A. FRANKS: The degraded and damaged road.

The Hon. C.M. SCRIVEN: Can the member provide the name of the road to which she is referring?

The Hon. T.A. FRANKS: Who will be responsible for all the roads within this parcel of land?

The Hon. C.M. SCRIVEN: I am advised that the overpass road which is proposed will be under the care and control of ANI and any roads within the subyard will also be under the care and control of ANI. Any roads outside of the subyard will remain under their current ownership.

The Hon. T.A. FRANKS: On what date was the chief executive of Port Adelaide Enfield council informed of the planned acquisition?

The Hon. C.M. SCRIVEN: I am advised that the chief executive was advised before the execution of the original deed, which was late last year. The understanding is that it was early November.

The Hon. T.A. FRANKS: On what date was the Mayor of Port Adelaide Enfield council informed of the acquisition?

The Hon. C.M. SCRIVEN: My advice is that the chief executive was to brief the mayor. In terms of direct communication, there was a letter provided, obviously in writing, to the mayor on the same day that the bill was tabled in the House of Assembly.

The Hon. T.A. FRANKS: The bill was tabled on 9 April; is that the case? Is the minister then saying that the letter to the mayor was dated the same date?

The Hon. C.M. SCRIVEN: My advice is that it may have been the date of the 10th that the letter was actually sent.

The Hon. T.A. FRANKS: Why then was a letter provided on 16 April from Renewal SA, or is that a different letter again, the one from Chris Menz, chief executive, that is cc'd to Mark Withers, chief executive, Port Adelaide Enfield council, addressed to Mayor Claire Bowen, informing the mayor of the AUKUS (Land Acquisition) Bill? What is the discrepancy between those dates? Were there several pieces of correspondence and we have not been provided with them all, or is there just an error in communicating in the House of Assembly the actual date of communication with the mayor?

The Hon. C.M. SCRIVEN: I am happy to investigate whether or not there was an error of communication and take on notice the exact date the letter was provided.

The Hon. T.A. FRANKS: When you say 'take on notice', when will you bring back an answer?

The Hon. C.M. SCRIVEN: I am advised that we should be able to get an answer very shortly, so within this section of our committee stage.

The Hon. T.A. FRANKS: I look forward to that answer and that clarification. On what date was the Port Adelaide Enfield council informed of the acquisition? Were they given copies of the bill or briefed on the bill prior to its introduction to the parliament?

The Hon. C.M. SCRIVEN: I am advised that council was advised through the letter that we were just clarifying the date of, and that they were not briefed prior to the introduction of the bill into the House of Assembly.

The Hon. J.M.A. LENSINK: I did foreshadow in my second reading contribution that I would appreciate the minister outlining the alternative options for land acquisition. I think the government did explore community title revocation and the complications in terms of the time frames that would have gone through, which is why we ended up having this fairly unusual situation of having a piece of legislation required to go through parliament. It was something we were certainly briefed on at our meetings. I would appreciate if the minister could place those remarks on the record.

The Hon. C.M. SCRIVEN: I thank the honourable member for her question. I am able to advise that in terms of the other options, the alternatives, one would have been to negotiate to purchase the land from council. I am advised that the land affected by this bill is classified as community land under the Local Government Act 1993, with a portion of the land described as Falie Reserve. Accordingly, the council cannot sell the land unless the community land classification is revoked in accordance with section 194 of the Local Government Act. That process could take months to several years to complete and therefore would not fit in with the time frames that are required for this project.

The other alternative, acquiring it under the Land Acquisition Act, is not being pursued because the process carries the risk of a legal challenge, which could result in a significant delay to the land transfer and delivery of the project. As was outlined in the second reading explanation and also by others who contributed, the time frames for this are quite tight. The compulsory acquisition processes set out under the Land Acquisition Act will take a minimum of nine months to complete, which would not meet the target settlement date of 30 June 2024 under the project deed.

The Hon. T.A. FRANKS: Who signed off on the project deed?

The Hon. C.M. SCRIVEN: My advice is that the Premier signed the deed on 10 November, and there were some amendments made in March.

The Hon. T.A. FRANKS: Has the minister been able to find what date formal correspondence was made with the mayor and whether it was the same day the minister indicated in the other place?

The Hon. C.M. SCRIVEN: I am advised that the letter was dated 16 April 2024. It was hand delivered to the chief executive on 17 April.

The Hon. T.A. FRANKS: So, minister, to clarify, given the House of Assembly debate happened on 9 and 10 April, there was no formal conversation and communication in writing with the mayor prior to this with regard to this bill; is that what has now been established?

The Hon. C.M. SCRIVEN: I am advised that the CEO was advised in late 2023. That was through discussions. The honourable member has been referring specifically to letters. My advice is that those discussions happened in late 2023, and there have been multiple conversations since then, leading up to the tabling in parliament and since.

The Hon. T.A. FRANKS: Tabling in parliament on which date?

The Hon. C.M. SCRIVEN: My advice is that there were conversations on the weekend before the tabling in the House of Assembly, but it was well understood that the land would be acquired back from late last year.

The Hon. T.A. FRANKS: Well understood by whom? Conversations between whom?

The Hon. C.M. SCRIVEN: My advice is that the conversations were between the chief executive of the City of Port Adelaide Enfield and the chief executive of Renewal SA.

The Hon. T.A. FRANKS: Did the minister call the mayor at some stage? In which case, on what date?

The Hon. C.M. SCRIVEN: My advice is that the minister called the mayor on the morning that it was tabled in the House of Assembly.

The Hon. T.A. FRANKS: So we have a deed signed 10 November 2023, phone conversations and nothing in writing until April 2024. It is quite a period of time. In fact, had you started a formal process of community consultation, you could have had this job almost done without sacrificing democracy.

The Hon. C.M. SCRIVEN: If I may just provide clarification, there were also face-to-face meetings, I am advised.

The Hon. T.A. FRANKS: But nothing in writing and no community consultation. When did the community find out about this piece of legislation of land acquisition, which is 'unique' in the words

of the minister in the other place, in regard to debate about whether or not this sort of legislation has ever been done before in this nation?

The Hon. C.M. SCRIVEN: I am advised that the interactions have been between the management of Renewal SA and council.

The Hon. T.A. FRANKS: When were councillors informed of the acquisition plan, and when were they first given copies of the bill?

The Hon. C.M. SCRIVEN: I am advised that a good part of this was answered in a previous question. The mayor was provided with that on 17 April. In terms of when they might have shared that with the council laws would be a question for the mayor and/or the CEO.

The Hon. T.A. FRANKS: So the minister is now saying the mayor was provided with that information on 17 April? Is that the case, just to clarify, because these dates are shifting a lot?

The Hon. C.M. SCRIVEN: I am advised that the chief executive of Renewal SA provided that by hand on 17 April, as I mentioned a few minutes ago.

The Hon. T.A. FRANKS: So members of this parliament had the bill before the mayor, in fact a good week before the mayor. You did not even have the common decency to send the council the bill once it was tabled in parliament in that same day or week. How does the minister—

The Hon. C.M. Scriven interjecting:

The Hon. T.A. FRANKS: I am leading to a question. How does the minister expect the community to have confidence that they really will be compensated and properly consulted into the future and that they will continue to have proper access to the Mutton Cove Conservation Reserve?

The Hon. C.M. SCRIVEN: I am advised that the matter of compensation is outlined within this bill and it provides for a market valuation by a third-party independent valuer. That is where the guarantees come in.

The Hon. T.A. FRANKS: My question was: how can the community trust you? But, sure, give another adjacent answer rather than a direct answer. Given the number of road closures that will be required in the area, how will the Kardi Yarta Adventure Playground be impacted and what compensation will be given to the council for the loss of that community park?

The Hon. C.M. SCRIVEN: My advice is that there is a separate process that is not affected by this legislation that is being run by the Department for Infrastructure and Transport.

The Hon. T.A. FRANKS: How will the community find out about that process, or will it perhaps be tabled in legislation and then sent to them a week after? How can the community trust you to properly consult them on anything to do with this when you have rushed the process through and shown no care or concern for proper democratic process and that this simply suspends existing legislation for the sake of making it easier for the minister to have a few phone conversations and get things done quickly rather than appropriately?

The Hon. C.M. SCRIVEN: I am advised that, being that that is a separate project, we would need to take it on notice and get an update from the Department for Infrastructure and Transport.

The Hon. T.A. FRANKS: Who was consulted with regard to the drafting of this bill?

The Hon. C.M. SCRIVEN: I am advised that it was the Crown Solicitor's Office, the Office for AUKUS and parliamentary counsel.

The Hon. T.A. FRANKS: When was it approved by cabinet?

The Hon. C.M. SCRIVEN: That sort of information is cabinet-in-confidence. We do not normally talk about the internal deliberations within cabinet.

The Hon. T.A. FRANKS: Usually people are happy to say that something has been approved by cabinet. Was it approved by cabinet, and was it approved this year? Goodness! Cabinet-in-confidence is about the discussion within cabinet, not the decisions of cabinet.

The Hon. C.M. SCRIVEN: The answer to the two questions: yes and yes.

The Hon. T.A. FRANKS: When was this legislation approved by cabinet? What date? Surely that is not a state secret.

The Hon. C.M. SCRIVEN: I do not have the exact date.

Clause passed.

Remaining clauses (2 to 12), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:51): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SENTENCING (SERIOUS CHILD SEX OFFENDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 March 2024.)

The Hon. J.M.A. LENSINK (16:52): I rise to indicate support for this legislation which provides for a sentencing regime to imprison and subsequently monitor repeat serious child sex offenders indefinitely while they remain incapable or unwilling to control their sexual instincts. I think it goes without saying that all sex offences are matters that members in our community find extremely disturbing and distressing and, for those who are victims, it obviously has a lifelong impact. As a parliament, we should do all things to prevent that level of trauma.

In relation to this particular bill, there are a range of clauses which provide for some mechanisms to determine how someone is identified as meeting this particular criteria and some checks in the system to ensure that they are not used indiscriminately. In terms of the regime, it will apply to a person who is found guilty of an imposed prison sentence for a prescribed child sex offence who serves all or part of their imprisonment in a correctional facility and is subsequently found guilty of what is entitled a triggering child sex offence. There is a new section 48D offence referred to, which occurs when it is:

- committed against or in relation to a child;
- an offence committed in another state or territory that corresponds to those in section 48D;
- an offence against the commonwealth Criminal Code Act 1995;
- a conspiracy to commit or attempt to commit any of the aforementioned offences;
- the offence of aiding, abetting, counselling or procuring the commission of any of the aforementioned offences; or
- an offence against the law of a foreign jurisdiction that corresponds to any of the offences.

Section 48D also refers to triggering child sex offences, which is a range listed in subsections 48D(a) to 48D(q) as well as in subsection (r), which is a conspiracy or an attempt to commit any of those offences, and subsection (s), which is an offence of aiding, abetting, counselling or procuring the commission of any of the aforementioned offences.

In section 48A(2), a sentence of indeterminate duration would apply to the detention of a person in custody until the sentence of imprisonment is extinguished by order of the Supreme Court under section 48M. There is a whole range of details that apply through the court system, which I will not go through. People can avail themselves of it.

In relation to the regime that is set for one of these individuals, there are potential circumstances in which they could be released on licence through an application to the Supreme Court. There are also required to be reports, from two legally qualified medical practitioners, on the mental condition of the individual in question. With those comments, I indicate support for the bill.

The Hon. S.L. GAME (16:56): One Nation supports all aims to increase penalties for repeat serious child sex offenders. This bill increases sentences for criminals who commit serious child sex offences again after already being convicted of one. It does this by creating a new category of offender, namely, serious child sex offender.

The bill defines specific crimes as 'prescribed child sex offences' and 'triggering child sex offences'. If a person classified as a serious child sex offender commits a triggering child sex offence they face a harsher sentencing. This includes the presumption that they cannot control their urges. The bill also shifts the burden of proof to the offender to show otherwise.

I support the bill's tough stance allowing for a potential indeterminate sentence or no fixed release date. I welcome the stricter conditions for release on licence, including electronic monitoring. People convicted of serious child sex offences have given up the right to walk freely amongst us. Police officers have the authority to arrest those who violate release conditions, and medical professionals will have clear guidelines for evaluating the mental state of offenders. These changes are necessary to keep our children safe from predators. I commend the bill.

The Hon. F. PANGALLO (16:58): What we have here is the Attorney-General and the Malinauskas government again talking up their rhetoric of being so tough on crime, especially child sex offenders. It is a populist vote winner, of course, and there is nothing wrong in the intent when you look at our court listings every day and see the alarming number of cases of child abuse being heard in every jurisdiction. It is quite disturbing, really, and there is a community expectation that our governments and police have laws in place to keep our children, and the public in general, safe from these predators—and we do so already.

Putting forward this legislation on the fly is problematic, and these reforms contain so many inconsistencies and conflicts with established judicial practices. It surprises me that the Attorney-General, as a lawyer—although I am unsure how long he practised or in which area of law he practised—does not seem cognisant of or perturbed by the concerns within the wider legal fraternity and, no doubt, the judiciary about what he is doing.

It appears from correspondence and comments I have received that the Attorney-General has again not fully engaged with the legal sector on this, apart from sending a draft of the bill to the Law Society, or conducted proper consultation with the police, for that matter, who will need to resource investigations at a time when their ranks are already stretched.

The act needs to be read with the knowledge that the prescribed first offence must have carried imprisonment wholly or partly in a prison. It is only then that the mandatory indefinite detention comes into effect. The act is not applicable to a person if they were given a suspended sentence, home detention, etc. New section 48C(g) makes it a prescribed child sex offence for someone to be charged with aiding or abetting the commission of an offence under the provision. You do not have to be the principal offender to fall under those provisions. There is a wide net of offences for triggering the provision, but it, oddly, does not include the offence of possession of child exploitation material. That is in section 63A.

The test to receive on-licence release extinguishment of the indefinite sentence is that the court must be satisfied that:

...if the person were given an opportunity to commit a triggering child sex offence, the person would be unlikely to commit the offence, or to otherwise fail to exercise appropriate control of their sexual instincts.

The onus for this is on the offender.

The Law Society, in its usual detailed and informed response, is not impressed or convinced by many areas of this bill, which have been described as quite draconian—in particular, the effect of mandatory sentencing of indefinite detention for child sex offenders. In his letter to the Attorney-General, the Law Society President, Alex Lazarevich, says about mandatory sentencing:

The concept of mandatory sentencing is not just capable of, but does, regularly produce injustice. Such was pointed out by the Victorian Court of Appeal recently in *Buckley v The Queen*. Members of the Criminal Law Committee reported examples arising under existing law in South Australia even from the mandatory sentences for sexual offences imposed a few years ago.

But the mantra for this government—virtually a blueprint taken from the pages of the Rann government—is just 'Rack 'em, pack 'em and stack 'em and throw away the key'. The Law Society rightly points out that this type of sentencing is far more severe than, say, a person convicted and given life for murder who can be released on parole in 20 years or less.

To be quite cynical, when can we expect a return to capital punishment? That might be more merciful. The Law Society also expressed concerns of a general carve-out proposed in new section 48J—that an offender would have difficulty in meeting the threshold set to be released on licence if they pose no appreciable risk to the community and are undergoing rehabilitation in an environment like a prison.

As so many inside who have come out will tell you, our rehabilitation programs for prisoners are substandard, almost as though they are just a token gesture to say they are there, hence why there is so much recidivism. The current waitlist for the sex offenders treatment rehab program in custody is beyond ordinary non-parole times. After being locked up for a considerable period, how are they going to be able to prove that they have reformed and the community is ready for them?

The Law Society says proposed sentencing arrangements will provide little incentive for a serious child sex offender to plead guilty, particularly when there has been a reduction in discounts and mandatory non-parole periods for repeat offenders. I point out that, regardless of the intentions to clear pathways in our justice systems, I am totally opposed to discounts on certain crimes committed, like murder, because there are no such discount provisions for the victims of those crimes who live with the impact for the rest of their lives.

Also, going to trial has blown out, with trial listings now going well into next year. Justice delayed is justice denied. Disincentivising early guilty pleas would place unnecessary trauma and aggravate psychological damage to witnesses who would be called to give evidence. The Law Society's submission is that mandatory sentencing should be avoided because of the pleading disincentive creating a financial burden to the state with even more offenders being held in the corrections system along with the need to police all these reforms, court delays and possible injustices risking a constitutional challenge.

You really have to ask the Attorney-General why he did not see any of this coming considering the phalanx of lawyers in Crown law, the DPP, and his own department available to him. The Attorney-General has not provided any data which suggests further punitive action on top of what already exists is necessary, or how much this will cost on top of the existing costs in the justice and corrections systems. Who pays for the mandatory electronic monitoring? Has the government considered who will cover the high costs that these additional legislative requirements will have, and the funding of more full-time employees at Correctional Services and SAPOL to cover the increased supervision requirements?

We know that Correctional Services are extremely understaffed in South Australia when it comes to supervision. There is not enough staff to cover the already huge amount of electronic monitoring occurring on home detention bail. This is the reason why there has been a reduction in pass outs for offenders, because Corrections cannot keep up with the monitoring. Five years minimum, 24/7 electronic monitoring is, pending statistics, a huge obligation. It is covered in section 48I(2)(e).

Section 48K identifies matters to be taken into account by the court for on-licence release. This includes evidence of the estimated cost of releasing the person. The court absolutely cannot consider the cost to the state in determining an application, when the state is implementing the legislation. This must be beyond its powers.

Probably one of the biggest concerns about this legislation is the encroachment on the role of the judiciary. The Law Society says it demonstrates limited faith in the judicial system to perform its constitutional role by mandating an outcome and largely removing its sentencing discretion. Our

courts are there to reflect the principles in sentencing, like punishment, deterrence, community protection and rehabilitation.

Studies on juries have shown that they have trust in the process and that judicial officers are not out of step with community expectations. They must follow the laws put in place for them. This legislation represents an unacceptable intrusion on the courts to do their job in imposing sentences that are already enshrined in law, and this kind of legislation should be discouraged. As Mr Lazarevich states, we the parliament should trust what they are doing and, through the appeals process, correct any errors when they arise. We should not be interfering with their role in dispensing justice. I share the serious reservations of the legal fraternity, and I am confident that if you had to conduct a poll among them they would overwhelmingly reject this bill.

While I have no empathy for heinous and evil sex offenders, as a civil libertarian with a conscience I cannot support this legislation in its current draconian form, which is masquerading as an important justice reform. The Attorney-General has a responsibility to balance fairly justice and the rule of law and due process with community expectations. He fails with this bill, and should it pass he will place the state at risk of an inevitable challenge to the High Court, along with the enormous costs this will add to our state budget when the money could have been better spent elsewhere in rehabilitation and associated education programs.

The Hon. R.B. MARTIN (17:10): The now Malinauskas Labor government took a commitment to the last state election to introduce legislation to create new laws for indeterminate detention for repeat child sex offenders. In amending the Sentencing Act 2017, our intention is to ensure that offenders can under the law remain incarcerated and out of the community until the court can be satisfied, and the public can be confident, that these offenders are able to control their sexual urges.

To give effect to these intentions, this bill proposes to create a new sentencing scheme that will apply for serious child sex offenders. This scheme will include provisions for such persons to be subject to electronic monitoring for the remainder of their lives. This bill is another element in our government's range of legislative efforts to strengthen protections for our state's children and young people, a further demonstration that we are determined to make lasting and effective change in this crucial area of law.

The proposed amendments will create a new sentencing regime that will apply to offenders who are imprisoned for a second time for what is deemed to be a serious child sex offence. Where a child sex offender who has already served a sentence of imprisonment for a first offence, including serious commonwealth child sex offences and child sex offences committed in other jurisdictions, is being sentenced for a second offence, it is considered very unlikely that the offender would not receive a custodial sentence.

Where a custodial sentence is to be imposed, these changes mean that the court must impose a mandatory sentence of indefinite detention, rather than having the need for a prosecutor or the Attorney-General to apply to the Supreme Court seeking an order of indefinite detention. It should be noted that the legislation provides that in cases wherein the court is satisfied that exceptional circumstances exist and the court determines that it is not appropriate to sentence the offender to indefinite detention, it may declare that the mandatory sentencing requirement does not apply to the offender.

The court may determine that such exceptional circumstances arise from the circumstances of the offending, from circumstances personal to the offender, or from a combination of both. In such circumstances, the offender would instead be sentenced in the usual way, which means they would likely still be sentenced to a term of imprisonment but that it would not be indefinite.

Once sentenced to indefinite detention under the regime this bill proposes to create, in order to be released on licence an offender will have to satisfy the Supreme Court that they are both willing to control, and are capable of controlling, their sexual instincts. The court must be satisfied that the offender no longer presents an appreciable risk to the community. Assessment by two medical professionals who are appropriately qualified to make these types of assessments will be required, and these people will be appointed by the court.

The existing scheme will continue to apply to sex offenders who do not meet the definition of a serious child sex offender. This includes sex offenders who have offended against adults, or those who have not previously offended and have not had a custodial sentence imposed for relevant child sex offences on a previous occasion. However, and importantly, applications can still be made to apply indefinite detention to offenders where it is necessary. This would include a very serious child sex offender who has not previously served a custodial sentence for a first offence but whose offending is of a degree of severity or scale that indefinite detention may be merited.

The Malinauskas Labor government is very strongly committed to doing all that we can to protect South Australia's children and their families from the abhorrent harms perpetrated by child sex offenders. This bill complements the other legislative efforts of this government to close loopholes in child sex offence laws and to prevent registered child sex offenders and those accused of registerable child sex offences from working with children.

This bill, it is hoped, will make a substantial difference towards ensuring that those who cannot be trusted to be within our community will not be within it. I recognise the efforts of the Attorney-General, his staff and his department in bringing this legislation and I commend the bill.

The Hon. E.S. BOURKE (17:14): This bill is just part of the Malinauskas Labor government's commitment to keeping our children safe from predators. If passed, the changes in this bill will mean that repeat child sex offenders will be detained indefinitely until they can satisfy the court they are able to control their sexual urges. When and if they are released they will face a lifetime of electronic monitoring. The bill has been the subject of consultation and it is a policy we took to the last election, along with a number of others that sought to crack down on child sex offenders. Already in this term of government we have:

- increased the penalties for a range of child sex abuse offences, such as increasing the minimum penalty for gross indecency with or in the presence of a child from five to 15 years;
- slashed sentencing discounts available for pleading guilty to possession of child materials or childlike sex dolls and strengthened bail laws;
- passed legislation to ban child sex offenders from working in places that also hire underage employees, such as hospitality and retail. This amendment made South Australia the first jurisdiction in the country to have a default restriction on accused child sex offenders working with children and child employees; and
- strengthened Carly's law so that tougher penalties apply to offenders who communicate online with police officers posing as children.

The community rightfully expects that dangerous repeat sex offenders are not freely mixing in society. Our children have the right to feel safe when they are going to the shops, working at their part-time jobs or catching the train. Parents have the right to expect they will be safe.

This bill introduces a new sentencing regime under the Sentencing Act and the amendments will apply to offenders who are imprisoned for a second time for a serious child sex offence, including where the first offence has been committed in another Australian jurisdiction. As many of my colleagues have already highlighted in this chamber, the new regime will apply to offences for which the court decides a term of imprisonment is warranted.

It is expected that it will be extremely unlikely that a repeat child sex offender, who has already served a sentence of imprisonment, will not receive a custodial sentence. However, there are many circumstances where the court decides that a mandatory custodial sentence is not warranted. In that case the court will apply a sentence in a normal way.

As many have also said, it is important that the government meet community expectations on this issue. The Premier and the Attorney-General have been unapologetic about advancing these laws to protect the most vulnerable people in our community—our children—and 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) (17:18): I thank honourable members for their

contributions. I thank those who have made contributions for their general comments of support. I will turn to some of the contributions today. There was the suggestion in one of the contributions that this is rushed work that has not taken into account legal principles.

I want to say that that could not be further from the truth and, quite frankly, I find it insulting to the many dedicated officers and lawyers in the Attorney-General's Department who spent the better part of two years developing this legislation in a very meticulous way. I place on record my thanks to those lawyers who have considered the criminal law and constitutional law aspects, amongst other aspects, in developing this legislation, which, after all, was an election commitment and work started on this as soon as the new government took office.

I note the Hon. Frank Pangallo's newly found faith in our judicial institutions, and I will very happily quote back some of the commentary that the Hon. Frank Pangallo has made today when he rails against things that judicial institutions do, but I appreciate his faith in our judicial institutions. I have to say I would like to join with the Hon. Frank Pangallo and share my faith in our judicial institutions and how they operate in South Australia, but that does not mean we as a parliament should not take action in what we believe to be appropriate sentences for crimes.

In relation to a comment that was made about extra resourcing needed for police investigations, I must say this completely and fundamentally misunderstands the very nature of the bill that is before us. This has nothing to do with police investigations. Whether or not this bill passes, police will investigate these crimes in the same way that they do, with the same resources that they have. What this bill does is change the way very serious sexual offenders against children are sentenced if they are given terms of jail. To suggest that in some way this has any sorts of implications, particularly resourcing implications, for police in their investigations is a critical and fundamental misunderstanding of the entire nature and the operations of this scheme.

At the end of the day, I have to say this is really simple, in my view: if you do not want to be subject to the indefinite detention regime proposed under this bill, do not commit serious sex offences against children. It is that simple. I thank honourable members for their contribution and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: The Attorney-General stated in his summing-up that a whole range of lawyers were briefed as a result of a commitment from the government and then an election promise. Essentially, was it the Attorney-General who briefed the lawyers and asked them to come up with something that would meet the requirements of their promise, so they really had no choice?

The Hon. K.J. MAHER: I thank the honourable member for his question. I think he misunderstands what 'briefing lawyers' means. We did not brief external counsel in relation to this. We had lawyers and policy officers within the Attorney-General's Department spend countless hours looking at the ways this scheme could best operate. I, for one, want to place on record my thanks to those dedicated officers.

The Hon. F. PANGALLO: Did the Attorney-General consult with the judiciary—the Chief Justice and others—about what was proposed?

The Hon. K.J. MAHER: My advice is, yes, we did.

The Hon. F. PANGALLO: What was the advice from the Chief Justice? Did he have concerns about mandatory sentencing?

The Hon. K.J. MAHER: As is standard practice, when we have internal consultations, these are not things that we tend to publicly agitate and reveal the contents. I appreciate the fact that, in doing so, we have, for a whole range of things, a very constructive ability to consult internally with areas like the judiciary.

The Hon. F. PANGALLO: Did the Attorney-General receive any opposition views, apart from the advice of the bench?

The Hon. K.J. MAHER: Yes, we did receive opposition. There were criminal defence lawyers, for example, who oppose this bill, just as the Hon. Frank Pangallo does.

The Hon. F. PANGALLO: Can he indicate, without naming them, what their opposition was to this legislation?

The Hon. K.J. MAHER: The Hon. Frank Pangallo has canvassed some of the issues that he relayed from the Law Society. There are views that the Hon. Frank Pangallo has outlined, that we should not be imposing these sorts of sentences on people and that it should be completely and utterly in the discretion of the court to decide what the appropriate jail time is. We do not share those views. If you commit a second serious child sexual offence our view is that you have lost that privilege to be in society until you can show you are not that menace to society that has got you in jail for a second time.

The Hon. F. PANGALLO: Was there concern expressed that this legislation would remove the separation of powers and give the legislative branch power over the discretion and role of the judiciary? Does that concern the Attorney-General?

The Hon. K.J. MAHER: I thank the honourable member. Without going through all the submissions that were received, I do not recall the concept of separation of powers, which of course operates differently at a state level than it does when you talk about the separation of powers under our constitution. But, certainly, we took the very best advice we could in crafting this legislation to make sure that it did what we intended in the best possible way to stand up to any particular sort of challenge.

The Hon. F. PANGALLO: Is there any similar legislation in other jurisdictions and can he tell us where?

The Hon. K.J. MAHER: Yes. I can advise that absolutely there is similar legislation and you do not even have to look across a border or internationally. You just have to look at section 57 of our Sentencing Act, which provides for indefinite detention for people unwilling or unable to control their sexual instincts, which is exactly the language that is used here. So, yes, there is similar legislation and you do not even have to look across a border or across the seas to find it.

The Hon. F. PANGALLO: That was not the question. The question was: is it in other jurisdictions apart from here? We already know about that law that is in place, which would probably address this here and shows that this is not necessary. What other jurisdictions have this type of legislation?

The Hon. K.J. MAHER: I thank the honourable member. I am advised that every state and jurisdiction except the ACT has some form of continuing or indefinite detention.

The Hon. F. PANGALLO: Can I go to the costs. When the Attorney's lawyers were preparing the legislation, did they take into account the costs that would have to be incurred to effectively ensure that this legislation is effective?

The Hon. K.J. MAHER: I have no clue what you mean, Frank.

The Hon. F. PANGALLO: What I am saying is, if it goes through—and it is likely to go through today—who is going to pay for the mandatory electronic monitoring?

The Hon. K.J. MAHER: I thank the honourable member for his question. Like anything that is a requirement of any sentencing or other regime, electronic monitoring will be the authority's. I think in most cases it is the Department for Correctional Services that monitors them. I have to say that I fundamentally disagree with the Hon. Frank Pangallo on the current line of questioning. There will be a cost. Exactly what that cost will be will be borne out in the years to come, but I have to say that, whatever that cost is, I think it pales into insignificance compared to the cost victims and their families that are inflicted by serious child sexual offenders face.

The Hon. F. PANGALLO: So, effectively, what you are saying is whatever it takes, whatever it costs. Has the government considered the funding of additional employees at Corrections to cover the increased supervision requirements?

The Hon. K.J. MAHER: I thank the honourable member for his question. As I have said, however the numbers fall out over the coming years will be something that will be subject obviously to monitoring and to potential future budgetary considerations. As I said, obviously the Hon. Frank Pangallo and I have an absolutely fundamental difference of opinion and view on this. I think the costs of monitoring a number of extra serious child sex offenders pales into insignificance compared to the cost that is borne by families and victims of serious child sexual offenders.

The Hon. F. PANGALLO: Having been in custody, how do offenders show the court that they have reformed and no longer pose a risk?

The Hon. K.J. MAHER: My advice is that, at the end of the day, this scheme operates very similarly to the regime under section 57 of the Sentencing Act; that is, like the current scheme that operates in South Australia, this scheme contemplates that a person subjected to it would provide two medical reports to the court for the court to take into account to ascertain whether that person is now willing and able to control their sexual instincts.

The Hon. F. PANGALLO: This will obviously relate to rehabilitation programs in corrections: is the Attorney aware of the difficulties of prisoners, regardless of whether they are sex offenders or not, accessing these programs within an acceptable period of time?

The Hon. K.J. MAHER: I am aware that there are many rehabilitation programs that run in prisons right across South Australia that, every day of the week, as I understand it, prisoners have access to already.

The Hon. F. PANGALLO: Does the Attorney see that there could well be a nil incentive to plead guilty because offenders know they will then immediately be indefinitely detained, therefore creating another backlog and pressure on the judiciary for trials?

The Hon. K.J. MAHER: Once again, this seems to be one of those fundamental differences that we have in this area. The idea of indefinite detention of serious child sex offenders who have committed a second offence versus a concern about incentives to plead is far outweighed by making sure these people are locked up and away from society, is the government's view.

The Hon. F. PANGALLO: It was the view of the Law Society and other legal practitioners that, whether the client is going to be indefinitely detained or just generally looking at a big sentence, they will often have little consideration of a guilty plea in the first instance. Does the Attorney agree with that?

The Hon. K.J. MAHER: I am not exactly sure what the question was, but I think what the honourable member is putting forward flies in the face of some of his comments from his second reading speech where he railed against the idea of offering sentencing discounts for early pleas—a method of making sure that people plead guilty and not having a trial.

Almost completely to the opposite now, the honourable member is arguing that it is problematic to not have things that encourage that early guilty plea. I think I understand what the honourable member is saying. It is not a concern that I share, and it seems to be at odds with the concern the honourable member raised during the second reading stage in terms of sentencing discounts on guilty pleas.

The Hon. F. PANGALLO: Lastly, and just for clarification: the only aspect of discounts I oppose are in relation to murder. That is where I oppose discounts and I made that quite clear.

Clause passed.

Remaining clauses (2 to 8), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (DESTRUCTION OF SEIZED PROPERTY) AMENDMENT BILL

Final Stages

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

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The House of Assembly appointed Ms Wortley to the committee in place of the Hon. L.W.K. Bignell.

LEGISLATIVE REVIEW COMMITTEE

The House of Assembly appointed Mr Odenwalder to the committee in place of Mr Fulbrook.

Bills

BAIL (CONDITIONS) AMENDMENT BILL

Final Stages

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

At 17:36 the council adjourned until Wednesday 1 May 2024 at 14:15.

*Answers to Questions***MOTOR ACCIDENT COMMISSION**

334 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (19 March 2024). Can the Minister for Police, Emergency Services and Correctional Services advise:

What was the total cost of the Motor Accident Commission's road safety commercial which was in part filmed on Friday 19 January 2024?

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

The Motor Accident Commission ceased operations on 30 June 2019.

The total cost of production of the South Australia Police Road Safety Seatbelt Campaign was \$308,000 including GST.

FIRST NATIONS PEOPLE WORKING IN SOUTH AUSTRALIA POLICE

338 The Hon. H.M. GIROLAMO (21 March 2024). Can the Minister for Police, Emergency Services and Correctional Services advise:

1. What is the FTE and percentage of First Nations people working in South Australia Police?
2. What percentage of that figure are in operational roles?

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

The total number of First Nations people working in South Australia Police is 86 employees (1.3 per cent). Of the 86, 72 are police officers (1.5 per cent), one is a police security officer (0.3 per cent) and 13 are employees (1 per cent).

All of the police officer and police security officer positions are considered operational. The 13 employees (non-sworn) are not operational roles.

POWER OUTAGES

In reply to **the Hon. R.A. SIMMS** (28 November 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): Response by Hon. A. Koutsantonis:

The record shows that the minister provided a detailed answer to the second of the Hon. Robert Simms' questions at the time it was asked.

In answer to the first question, as previously advised, the Malinauskas Labor government believes that the privatisation of the electricity system by the then Liberal government in 1999 was a mistake which has not delivered optimal outcomes for consumers. However, also as previously advised, to reverse the privatisation would be complex and costly. It would raise issues of sovereign risk which could deter investors from funding projects in South Australia. Reversing privatisation would require compensation to be paid by taxpayers to the companies which now operate the electricity system.

The Australian Energy Regulator (AER) assesses the regulated asset bases of the network businesses in South Australia—distributor SA Power Networks (SAPN) and transmission provider ElectraNet. In the current determination period, the AER estimated SAPN's regulated asset base would be \$4.9 billion as at June 2025. For ElectraNet, the AER determined the asset base at \$3.9 billion on 1 July 2023, rising to \$4.4 billion by June 2028. As well as their asset bases, the network providers might have a claim to other value elements of their businesses in the eventuality of a privatisation reversal.

In generation, any proposed compulsory acquisition would be even more complex. There are more than 40 major generation plants in the state and a significant number more of commercial scale while not being market participants in their own right. These vary in technology, scale, plant age and condition, ownership structure and other factors.

With South Australia already linked to Victoria for transmission and soon to be linked to New South Wales, there would be further complexity as some companies operate portfolio generation across multiple plants, influencing the value of an individual asset.

Generation assets would amount to billions of dollars of invested capital. These identified costs would be the minimum burden on taxpayers from a privatisation reversal.

At this point in time, the Malinauskas government does not agree that a commission of inquiry into returning the electricity system to public hands would be a prudent use of taxpayer funds and government resources. Therefore, we will not be supporting the Greens' proposal.

Rather the Malinauskas government is focused on delivering a state-owned enterprise to run the Hydrogen Jobs Plan assets and business.

We are also developing a comprehensive suite of policies on the energy transition to ensure initiatives act in concert across sectors. The Department for Energy and Mining published a green paper to stimulate discussion, held discussions with stakeholders and invited comment and submissions. That work is well advanced.

The government is focused on regulatory and structural reforms to deliver cleaner, affordable, and reliable energy to all South Australians, including the most financially vulnerable.

REGIONAL HEALTH SERVICES

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (20 February 2024).

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

The state government has demonstrated its support for increased investment in regional health care, increasing the budget for regional health services by \$165 million over the past two years.

For important regional health infrastructure, early works are underway for significant upgrades to the Gawler, Naracoorte and Kangaroo Island hospitals. Design works have started for several others including Mount Barker, Mount Gambier, Port Pirie, Victor Harbor, Clare, Port Augusta and Whyalla.

The state government works closely with its commonwealth counterparts and takes all opportunities to advocate for the best outcomes for South Australian regional communities.

In relation to the specific Innovative Models of Care Program, this is a relatively small commonwealth grants program which supports specific geographic areas to try new ways of delivering health care. The grants program has so far supported trials in four Australian states. This is allowing them to trial innovative models of health care, many of which are already in place in South Australia. For example, an Innovative Models of Care grant is funding a trial medical trainee single employer model in NSW, which we already have in place at South Australia's Riverland at the Riverland Academy of Clinical Excellence and are looking at expanding across the state. Similarly, the grants are supporting a trial of a 'community paramedic' role in Victoria, which South Australia has already trialled and implemented in Ceduna and Robe. South Australia is ahead of the country in many of the workforce supports and healthcare models we offer regional communities. South Australia is considering applications for later grant funding rounds under the Innovative Models of Care Program.

DOMESTIC VIOLENCE

In reply to **the Hon. F. PANGALLO** (20 February 2024).

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

Pursuant to section 37A of the Correctional Services Act 1982 (the act), release ordered home detention (ROHD) is a placement option within the prison system.

ROHD is considered as part of sentence planning and the case review process.

In relation to ROHD, a prisoner's suitability is assessed following the formulation of a prisoner's Individual development plan and consideration of their eligibility.

ROHD is a provision for offenders to live and reintegrate in the community under strict supervision, with conditions of electronic monitoring at a nominated location.

ROHD is at the sole discretion of the chief executive (or delegate) for Department for Correctional Services in accordance with section 37A of the act.

ISRAEL-PALESTINE CONFLICT, REFUGEES

In reply to **the Hon. C. BONAROS** (21 February 2024).

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

The government is providing a range of support for new arrivals fleeing the Israel-Hamas conflict, including:

A waiver of public hospital costs that would usually apply to Medicare-ineligible patients for those who are awaiting transfer to temporary humanitarian visa and need hospital care.

Support through the Refugee Health Service – a statewide primary healthcare service for newly arrived refugees and asylum seekers.

Once-off dedicated mental health funding to support mental health issues arising from the current conflict.

Assistance to access disability supports for visa holders ineligible to access therapy and equipment through the NDIS.

Access to dental care via the SA Dental Service, including free care for children under the age of five or in receipt of a School Card.

It is anticipated this support package will apply until those new arrivals are able to access standard visa pathways which provide full work rights.

ADELAIDE PARKLANDS FLYING FOX COLONY

In reply to **the Hon. T.A. FRANKS** (5 March 2024).

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

Plans were prepared and implemented to minimise any risk of bats impacting those who attended WOMADelaide. This included a sprinkler system in trees where the grey-headed flying fox camp is located, which was turned on during the hot days over the WOMADelaide weekend.

FRUIT FLY

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (6 March 2024).

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

In addition to routine consultative processes which see staff from the fruit fly response regularly meet with community and industry representatives to develop and review operational plans, a media statement is issued fortnightly which details the towns and suburbs of the release of sterile insect technology. The fruit fly website <https://fruitfly.sa.gov.au/> provides details on areas where the current release of sterile fruit flies is occurring.

RENTAL VACANCY RATES

In reply to **the Hon. R.A. SIMMS** (6 March 2024).

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

The Victorian government announced a waiver to the vacant residential land tax in September 2020, and the estimated cost of that measure suggested that only around 880 properties would have been liable for the tax out of the 298,000 properties that were listed as vacant in Victoria based on the 2021 Census.

In comparison, there were 83,821 vacant properties in South Australia based on the 2021 census. Introducing an identical vacant property tax would only impact a very small number of properties in South Australia, making any benefit from implementing the tax minimal. Based on the Victorian model, it would not capture houses being constructed or renovated, holiday homes, properties used for work purposes or properties transferred during the preceding year. It is therefore likely that the number of liable properties in South Australia would be in the low hundreds.

The South Australian government does not have any plans to introduce a vacant property tax like that administered in Victoria and intends to maintain its commitment to not introducing new taxes.

SAPOL FIREARMS AND WEAPONS

In reply to **the Hon. T.A. FRANKS** (6 March 2024).

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

1. An on call member may only be granted take home approval in circumstances when it is not reasonably practicable to store the firearm at the workplace or nearest 24-hour police station and then only with written approval of the district/LSA/branch/group manager.

2. The take home approval will not be authorised unless storage pursuant to the Firearms Regulations 2017 exists at the member's place of residence. All police issue firearms must be unloaded with the red safety flag in the chamber before being securely stored and must be stored separately from ammunition.

EMERGENCY PUBLIC HOUSING

In reply to **the Hon. J.M.A. LENSINK** (6 March 2024).

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

The public housing system provides a critical support for a range of groups with specific housing needs beyond having low incomes.

Around a third of all allocations are made to households with a background of family violence and, in the current financial year, around a quarter of all allocations have been made to people who identified as being Aboriginal.

Since the 2022 election, the Malinauskas Labor government has made a number of investments to boost housing supports for people who experience domestic and family violence.

These investments include an additional \$232.7 million for new and upgraded public housing along with more than \$7.4 million to fund both the housing and support elements of the Domestic and Family Violence Crisis Accommodation Program and Perpetrator Response Program (DFV CAP-PRP). In contrast, the former Liberal government made no election commitment for new public housing investment and only committed \$1 million to the DFV CAP-PRP).

45 public housing properties are also being ring-fenced for women experiencing domestic and family violence. These homes are receiving upgrades such as security screens, security doors and sensor lights to provide safe and high-quality homes for incoming tenants. This work is in addition to responses to requests from existing tenants who may require additional security or modifications from time to time.

The ring-fenced properties are being allocated to women escaping domestic and family violence who are on category 1 of the housing register. There is no minimum or maximum proportion designated for Aboriginal women although I am advised 11 homes have been allocated to date including to Aboriginal women. Further properties will be allocated as they become available.

VARROA MITE

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (7 March 2024).

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

1. Establishment of the varroa development officers role and recruitment to fill these positions is underway.
2. The national plan includes provision for a national pollination industry coordinator.
3. There are approximately 40 FTE's currently associated with compliance and surveillance activities within Biosecurity's plant biosecurity and apiary operational units. PIRSA monitors its needs for positions within specific role areas on an ongoing basis. Additional FTE's may increase in response to delivery of specific projects/ programs.

VARROA MITE

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (7 March 2024).

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

The department continues to work with Industry on assessing the risks and the associated mitigation measures which can be applied to continue to allow trade and business continuity in the event of a varroa mite outbreak in South Australia.

The department currently has 6.5 full-time positions allocated to apiary compliance and education functions, processing registrations of hives and utilises experienced casual labour to support surge capacity requirements. The varroa program which will have oversight of the varroa transition to management for South Australia will increase as required, with a specific focus on varroa education and engagement activities.

NATIVE BIRD HUNTING

In reply to **the Hon. T.A. FRANKS** (19 March 2024).

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

1. The Firearms Act 2015, which is administered by the South Australia Police, includes offences for 'handling firearms when under influence of intoxicating liquor'. Duck open season hunting permit holders must comply with the Firearms Act 2015.
2. While 'windmilling' is not an activity specifically mentioned in the Animal Welfare Act 1985, it is not an approved method of euthanasia listed in the Code of Practice for the Humane Destruction of Birds by Shooting in South Australia, with which duck open season hunting permit holders must comply as a condition of their permit.
3. While the welfare of animals including ducks is within scope of the review of the Animal Welfare Act, the practice of duck hunting does not sit within the scope.

REMOVAL OF ABORIGINAL CHILDREN

In reply to **the Hon. T.A. FRANKS** (19 March 2024).

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

1. Family group conferences (FGC), convened under the Children and Young People (Safety) Act 2017, are part of an ongoing Department for Child Protection (DCP) program delivered by Relationships Australia South Australia (RASA) and Aboriginal Family Support Services (AFSS).

The FGC process is led by families and provides an opportunity for family and community members to come together, with support, to make decisions in the best interests of the child or young person. The service includes FGCs convened to address unborn child concerns.

DCP is working to increase referrals to FGS to provide more opportunities to engage with and empower children and young people, family and community. DCP continues to partner with Aboriginal Community Controlled Organisations in South Australia to further strengthen their involvement in program delivery, including FGCs.

2. It is acknowledged that child protection and family support intervention with infants is particularly distressing. It is our expectation that removals are a last resort when there is no alternative to ensure the safety of the child.

DCP is enhancing supports provided to expectant mothers and newborns identified as being at risk. Engaging meaningfully with Aboriginal families at the point of an unborn child concern notification provides a key opportunity to map appropriate family supports, discuss concerns and link families to culturally safe services. DCP and SA Health work in partnership to achieve the best outcomes for infants where it has been identified they are at risk of harm. There is an emphasis on engagement and effective intervention to support families.

SOUTH AUSTRALIA POLICE

In reply to **the Hon. F. PANGALLO** (19 March 2024).

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

South Australian police officers were paid 183,753.46 hours of overtime, to the value of \$15,356,216.46 for the period from January 2022 to February 2024. It is not possible to differentiate overtime across various operations.

ADELAIDE CITY COUNCIL RATES

In reply to **the Hon. R.A. SIMMS** (20 March 2024).

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

The South Australian government, through the Office for Small and Family Business (OSFB) offers a range of programs to support small businesses in the Adelaide CBD, and throughout the state. A budget of \$14.25 million from 2023-24 to 2026-27 has been allocated to support the delivery of South Australia's Small Business Strategy 2023-2030 (the strategy) and its 20 key initiatives.

Initiatives include a four-year, \$4 million Women in Business Program to support women business owners to build and grow their businesses in the early stages of the journey or those wanting to accelerate an established business. The Small Business Fundamentals Program delivers business fundamentals and capability-building services such as mentoring, coaching, strategic planning, legal and financial management and digital literacy. This program is increasing the skills, capability and capacity of small businesses and their workforces. Small businesses are also supported through dedicated small business support officers, who can provide in-person and online support to small businesses located within the Adelaide CBD and in regional and metropolitan areas.

Further information is available at www.business.sa.gov.au.

In relation to question 2, no such request has been received from the City of Adelaide and no such change is being considered.

SUPER SA CYBERSECURITY BREACH

In reply to **the Hon. S.L. GAME** (21 March 2024).

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

1. We have no evidence or reports to suggest this has occurred.

2. Super SA have proactively contacted all existing and historical third-party vendors to ensure providers are adequately protecting Super SA data.

In collaboration with the Department of the Premier and Cabinet (DPC) and Crown Solicitors Office (CSO) advice has been sought to include strengthened security provisions for the protection of data for all current and future contracts. Dedicated resources have also been employed to strengthen third-party risk management processes.

The policy of the South Australian government since at least 2018, has been to not discuss specific cyber incidents unless there is a public interest outcome that would be served. Any cyber attack that results in an unauthorised disclosure of personal information will be handled in line with the South Australia Information Privacy Principles.

WILDLIFE RESCUE GROUPS

In reply to **the Hon. T.A. FRANKS** (21 March 2024).

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

1. The government acknowledges the issues that are faced by the wildlife care sector and encourages all wildlife carers to ensure that they are utilising all resources available to them. The government is aware of 'WildTalk', a counselling service specifically for the wildlife care sector which provides their services for free.

2. The Animal Welfare Act review and amendments are aimed at improving the lives of animals, consistent with current community expectations. While the review of the Animal Welfare Act doesn't deal with human mental health issues, the government koala numberplate initiative has been raising funding specifically earmarked for the wildlife care sector. Following consultation with the sector, a grants process and guidelines are being developed and a call for grant applications will be occurring subsequently. These grants will provide an opportunity to support this important sector reflecting their needs.

GENERAL PRACTITIONER PAYROLL TAX

In reply to **the Hon. C. BONAROS** (21 March 2024).

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

The government has not changed the legal application of payroll tax, including to general practitioners. To assist those medical practices that have not accurately understood the contractor provisions of the Payroll Tax Act 2009 and have required time to modify their business operations to ensure they meet their future obligations, the government agreed to provide an amnesty to general practitioner medical practices to 30 June 2024.

The amnesty means any medical practice that registered with RevenueSA during the amnesty period will not be required to pay payroll tax on payments up to 30 June 2024 and for the previous five years, this prevents liability for up to five years in back taxes.

Both the government and RevenueSA worked extensively with the Royal Australian College of General Practitioners and the Australian Medical Association before introducing the amnesty. South Australia's provision of an amnesty is more generous than many other Australian jurisdictions, including Victoria, New South Wales, the Northern Territory and Tasmania, which have not offered similar amnesties. The government continues to engage with these stakeholders.

INDEPENDENT SCHOOLS DONORS, TAX DEDUCTIONS

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (21 March 2024).

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

The recommendations included in the federal Productivity Commission's draft report on the Future Foundations for Giving inquiry represent the commission's draft position and will be further informed by feedback received through the commission's recent public consultations. The commission's final report is due to be provided to the commonwealth government by May 2024.

The income tax treatment of donations is a matter for the commonwealth government.

The South Australian government has committed to fund the non-government school sector at 22 per cent of the Schooling Resource Standard when the next school funding agreement is negotiated (compared to 19.72 per cent required under federal legislation) and provide annual capital grant funding to the sector.

WRITERS' WEEK

In reply to **the Hon. J.M.A. LENSINK** (21 March 2024).

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

The government does not condone such actions. As the member would be aware, pursuant to the Adelaide Festival Corporations Act, the minister is prohibited from directing the Adelaide Festival as to the artistic content of the Adelaide Festival, including Adelaide Writers Week.