LEGISLATIVE COUNCIL

Thursday, 2 May 2024

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

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

Parliamentary Procedure

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—

Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide and Creative Place Hospitality Group Pty Ltd

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

Review of the Management Plan for the Blue Crab Fishery

Question Time

FISHERIES SECTOR

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development on the topic of fisheries and cost recovery.

Leave granted.

The Hon. N.J. CENTOFANTI: In answer to a question put to the minister yesterday on the topic of revised and reset policy and whether she had consulted with industry on the implementation of this policy, the minister stated, 'We have had ongoing discussions and I understand some correspondence.' My question to the minister in regard to her comment is: given it has been three months since the government released the report into the independent cost-recovery review and its response to that review, has the minister had any formal correspondence with the peak seafood industry body—that is, Seafood Industry South Australia Incorporated—on the implementation of the government's revised and reset policy?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): As I mentioned yesterday, and as the honourable member has quoted, I have had some correspondence and I am happy to check what correspondence and from whom.

FISHERIES SECTOR

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): Supplementary: has the minister responded to that correspondence?

Members interjecting:

The PRESIDENT: Yes, you spoke about correspondence, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I am happy to take that on notice and bring back a response.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, stop lecturing the opposition.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding fruit fly.

Leave granted.

The Hon. N.J. CENTOFANTI: As we have affirmed, our side of the house offers bipartisan support to the government in the quest to eradicate fruit fly from the Adelaide Plains and the Riverland region. This support extends to questioning the minister about problems with the program, and bringing them to her attention. I have heard from a number of people involved in the citrus industry in the Riverland who are concerned about some aspects of the management that may be jeopardising the potential success of the eradication program.

Citrus growers are becoming frustrated with the number of neglected and abandoned orchards, and the amount of fruit movements that may be contravening protocols. There are claims that the movement of fruit outside the protocols is common knowledge, and some growers made the comment that 'everyone knows it's happening'. The opposition understands that the department has been notified of these issues. My questions to the minister are:

1. What measures are being taken to address the potential reservoirs of fruit fly in neglected or abandoned orchards?

2. Have any measures been taken to pursue and sanction individuals who are breaking regulations in relation to fruit transport?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): I thank the honourable member for her question. I am glad that she is supportive of our efforts to eliminate fruit fly in the Riverland. It is something that has been a very strong focus since we came to government—and that is not having a go at the previous government, because I think it's something that we have been on the same page on in terms of its importance.

The ongoing outbreaks of Queensland fruit fly in the Riverland have had considerable resources addressed to them. I know that there was a meeting—I think it was this week, or it was advertised last week but I am not sure if it has occurred yet—which was an update in the Riverland for those who wanted to look at the most recent approaches in regard to addressing fruit fly.

If the honourable member would like to provide specifics to my office, she is welcome to do so. Similarly, I have very much an open-door policy with growers, peak organisations, and so on. If there are any concerns that any individual feels are not being addressed, I am more than happy to direct them to my ministerial office.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: has the minister, given that it is our understanding that the department has been notified of these issues, been briefed by her department on these issues?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I have regular briefings about fruit fly. I don't recall seeing any briefs about any contraventions such as has been alluded to, albeit fairly vaguely, by the Leader of the Opposition.

COMMERCIAL PLANT TRADE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding the commercial plant trade.

Leave granted.

The Hon. N.J. CENTOFANTI: The *Australian Financial Review* reported last month on the retail plant and flower category as part of the current federal food and grocery code review. Greenlife Industry Australia in its submission accuses Bunnings of a 70 per cent stranglehold on the seedlings, native grasses, flowers and shrubs markets. Bunnings, owned by Wesfarmers and with an operating value in 2023 of approximately $18.5 billion in its own right, disputed this, saying that they have an overall market share of 'about 25 per cent'.

CEO Mike Schneider stated, 'There is strong competition across all segments.' This is refuted by Greenlife CEO Joanna Cave, noting that industry-led grower surveys over five consecutive years showed the stats differently to the Bunnings evidence, stating, 'We think growers are best placed to know. We are very confident that we have it right.' I have met with several nurseries over the past four years and spoken about common pinch points in the industry. My questions to the Minister for Primary Industries and Regional Development are:

1. Has the minister recently engaged with growers in South Australia about their interactions and market position?

2. What are the industry's current concerns with market share and market availability here in South Australia?

3. What is the government doing to ensure that South Australian nurseries are afforded a fair go in the commercial plant trade?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): I thank the honourable member for her question. To the first question as to whether I have been engaging with the nursery industry, the answer is yes. I have had discussions since I became minister. I recall being at the annual dinner with the Hon. Tung Ngo for the Nursery Association, and that afforded, as well as the formalities, some informal discussion points. I will have to check my diary, but I know that I have also had some individual meetings.

The issue around market share in the economy we have is always something that is of particular interest and concern. We talk about, in the supermarket space, the ability of the very big supermarkets to influence a great deal through their market share, and the federal investigation into grocery pricing, as well as the inquiry that is happening here, all form part of that. It is fair to say that we are looking to have some positive outcomes, which might come from either of those two. I am always happy to engage further, acknowledging those things that are within state government control and those that are not. That concludes my answer on that.

I go back to the previous question the member asked in regard to fruit fly: she was asking for a number of pieces of information. I am advised that it is now five weeks since we offered the honourable Leader of the Opposition a briefing on these matters, which she has failed to take up. I would reissue that opportunity—

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: No, that's not the case. We haven't had the answers. In fact, I have the dates here on which we reached out to the Leader of the Opposition's office without response.

FRUIT FLY

The Hon. T.A. FRANKS (14:29): Supplementary: will the minister table those dates?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): Yes, happy to do so if I can find them in my notes here, which I think they are.

FIRST NATIONS ATHLETES, PARIS OLYMPIC GAMES

The Hon. M. EL DANNAWI (14:29): My question is to the Minister for Aboriginal Affairs. Will the minister inform the chamber about some of the First Nations athletes who have been selected to represent Australia in the upcoming Paris Olympic Games?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29): I thank the honourable member for her question and I would be most delighted to do so. Beginning with basketballer Michael Ah Matt and boxers Adrian Blair and Francis Roberts in 1964, we have now seen something in the order of 60 Aboriginal and Torres Strait Islander athletes represent our country at various Olympic Games.

From Nova Peris being the first Aboriginal gold medallist for hockey in 1996 and, of course, Cathy Freeman's historic race in 2000 to win the 400 metres, to in more modern times, Paddy Mills and his Boomers and Ash Barty, the tennis superstar, both taking out bronze, Aboriginal athletes have excelled on the global stage and at the Olympics. This year will be no different and it is my pleasure to inform the chamber about two remarkable young athletes who have been selected to wear the green and gold and represent their country in boxing at the Olympic Games to be held in Paris later this year.

Callum Peters, a 21-year-old boxer, will make his Olympic debut in July after winning gold at the 2023 Pacific Games in Honiara in the Solomon Islands, the Oceania qualifier. Hailing from Davoren Park, Callum is a proud Aboriginal man who has his eyes set on achieving his goal to become the first Australian boxer to win gold. Training under his father, Bradley Peters, Callum spent the last 12 years working, training and progressing in his boxing career to where he is able to call himself an Olympian, and hopefully he can reach that next level and take a medal.

Also born in Geelong is 22-year-old Marissa Williamson Pohlman, who will be the first Aboriginal female boxer to represent Australia at the Olympics. A Ngarrindjeri woman raised on Wadawurrung country in Victoria, Marissa's tough upbringing through the foster care system turned her to a sport where she excelled. A talented AFLW player who was on the verge of a career on the football field, Marissa made the switch to boxing when opportunities started opening up for her. In 2019, she won both state and national championships, which led to her being named NAIDOC Sportsperson of the Year. Marissa received her ticket to Paris when she also won gold at the 2023 Pacific Games in Honiara, like teammate Callum.

I want to congratulate both Callum and Marissa for their incredible careers to date so far, reaching the status of Olympian. I am sure they will have the support of the whole country, and we hope to see them both on the podium, hopefully with a gold medal.

SCHOOLS, NON-BINARY STUDENTS

The Hon. F. PANGALLO (14:32): I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Education in the other place, a question about school students identifying as non-binary.

Leave granted.

The Hon. F. PANGALLO: The Australian Curriculum Assessment and Reporting Authority has released data revealing the number of school students identifying as neither male nor female is now 20 times higher than it was in 2019. The data reveals at least 2,560 students enrolled in schools around the country as non-binary last year, up from just 128 in 2019.

The spike in non-binary identification among children is seeing schools introduce gender neutral uniforms, combined boys and girls toilet facilities, and the use of personal pronouns. A report in today's *The Australian* says the SA education department has issued a new and outrageous mandated procedure in February to let schools override parents' views on a child's gender. The procedure states and I quote:

> When parents make it clear they do not support their child's gender affirmation, the site leader must decide what is in the best interests of the child or young person. The primary consideration is the safety and wellbeing of the child or young person within the learning setting. Sometimes a child or young person might not want their parents to know about their gender diversity.

It goes even further and states that a student's:

> …preferred name and pronoun must be used by staff, children and young people regardless of enrolment information…even if no agreement can be reached with the parents.

My questions to the Attorney-General, and subsequently to the education minister, are:

1. As a parent with children at school, would you be happy if your children's school made a decision affecting your child without telling you or their mother?

2. Why should the education department override the rights of the child's parents and determine that a total stranger to them knows what is best for their children?

3. Can he seek information from the education minister about who he consulted about this policy change and whether any schools consulted parents about this policy change?

4. Can the education minister provide details about the number of school students identifying as non-binary in South Australian schools each year since 2020?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): I will be happy to pass those questions on to the minister in another place and seek to bring back a reply.

SCHOOLS, NON-BINARY STUDENTS

The Hon. F. PANGALLO (14:35): Supplementary, Mr President. I actually—

The PRESIDENT: The Hon. Mr Pangallo, you are going to have to be good to get a supplementary question out of his answer.

The Hon. F. PANGALLO: I am just going to clarify what I asked. I actually asked a question of the Attorney-General: as a parent with children at school, would you be happy if your children's school made a decision affecting your child without telling you or their mother?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): Sorry, I had taken that as a question for the minister. I think, from my point of view—and this is my personal point of view—the honourable member has answered the question in the statement he made himself, in terms of 'in the best interests of the child'.

CHINA TRADE MISSION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:35): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about the recent trade mission to China.

Leave granted.

The Hon. J.S. LEE: In the response to a question asked on Tuesday 9 April, the minister stated in this council that the state government is also supporting South Australian wine export re-engagement with China through the $1.85 million re-engagement package. The minister further highlighted that there are five key components of the re-engagement package, those being: two-way market activation and immersion, promotional marketing and communication campaigns, the establishment of a wine adviser in country, technical cooperation, and exporter capability building. My questions to the minister are:

1. Can the minister provide a breakdown of the $1.85 million re-engagement package for each of the five key components that she outlined on 9 April?

2. Can the minister also explain what tangible outcomes and practical benefits SA primary producers can expect to get out of each of the five key components that she highlighted?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question. First of all, the $1.85 million does involve, as has been outlined, a number of different components. It includes

work being undertaken or led by the Department of Trade and Investment as well as work that is being led by PIRSA, my department.

The $1.85 million package is designed to address many of the difficulties that we have in terms of re-engagement with China, noting that there have been significant changes in the Chinese economy, and therefore in the Chinese market, since the time that the tariffs were put onto Australian wine. Members will recall that that was under the former federal Liberal government, and unfortunately that government failed to do very much at all in terms of re-engaging with China in terms of standing up for the export markets that are so important to so many of our primary producers, including, of course, wine grapegrowers and winemakers. In terms of the specific breakdown, I am happy to take that on notice and bring back a response.

DAIRY INDUSTRY ACTION PLAN

The Hon. R.P. WORTLEY (14:39): My question is to the Minister for Primary Industries and Regional Development about the launch of the dairy action plan and the opening of the Amdena dairy farm. Will the minister update the chamber on the recent launch of the dairy action plan and opening of the Amdena dairy plant?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I thank the honourable member for his question. Both the Premier and I were invited by the former member in this place, the Hon. Robert Brokenshire, to formally open his family's recently redeveloped dairy farm, and launch the South Australian Dairyfarmers' Association Dairy Action Plan 2024-2029.

I am delighted to be able to share an update with the chamber about this significant and exciting event held in Mount Compass on Tuesday of last week at the Brokenshire family farm, and I want to congratulate both Robert and his son, Nick, who own and operate the Amdena Jerseys dairy farm. Both the Premier and I had the pleasure of opening the new state-of-the-art E100 rotary aspect. The infrastructure upgrade includes the installation of a state-of-the-art rotary milking system, which will help to boost productivity, improve environmental outcomes, and support the health of their herd.

It was wonderful to see a wide range of stakeholders from across the agricultural industry in attendance, to support the opening and celebrate the achievements in opening this dairy farm. I note the members for Mawson, Finniss and the shadow minister in this place were in attendance to celebrate the day. I think the Hon. Ben Hood and the Hon. Nicola Centofanti were there.

The Hon. B.R. Hood: I was an apology.

The Hon. C.M. SCRIVEN: No, not the Hon. Ben Hood. Forgive my memory. There were a number of hardworking members who were there, however. While opening the farm, we had the opportunity to formally launch the Dairy Action Plan 2024-2029, which marks the start of an exciting journey for the dairy industry in South Australia.

Our government is committed to working closely with the dairy industry to help them achieve their future goals and aspirations. The action plan outlines the challenges and opportunities for the dairy sector in South Australia, and it focuses on topics such as biosecurity, animal welfare, workforce, technology adaption and sustainability.

I understand the focus and objectives of the new plan revolve around industry development, growing export markets and promoting the South Australian dairy brand. The action plan lists 10 specific objectives:

- grow South Australia production to 700 million litres to meet growing demand;
- the continued development of the South Australian product as a premium product;
- increased reach into Asia to develop markets for South Australian dairy;
- the development of a world-class traceability system using distributed ledgers and blockchain technology;
- the creation of an industry centre of excellence;

- a strong focus on sustainably dovetailing on Australia's excellent reputation as the best clean green natural supplier of dairy products, while positioning South Australia as being recognised as the best of the best;
- demonstrating that South Australia has the highest animal welfare standards;
- working with the South Australian government as it outlines its strategic direction for South Australia;
- development of career paths, training models and succession plans for the future of the industry; and
- promoting the industry as an industry with prospects.

These are significant and serious goals that the dairy industry is seeking to achieve, and I commend SADA and the broader industry for working together and articulating their focus and objectives for the next five years.

Once again, I want to pass on my sincere thanks to Mr Brokenshire, along with the South Australian Dairyfarmers' Association, for the invitation to launch the action plan and look forward to being able to update this place on progress into the future.

FORCED ADOPTION AND VICTIMS' REDRESS

The Hon. T.A. FRANKS (14:43): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of forced adoption and victims' redress.

Leave granted.

The Hon. T.A. FRANKS: Between the 1940s and 1980s, tens of thousands of Australian women were forced into adopting out their babies by government and church-run homes and hospitals. An estimated 250,000 Australian women were subject to the practice of closed adoption during this period, where adoption papers were sealed in order to provide a complete break between mother and child.

On 18 July 2012, a formal apology was given in parliament, following the tabling of the report of the Community Affairs References Committee, entitled 'Commonwealth contribution to former forced adoption policies and practices', and my own campaign and the campaign of others, including the Hon. John Gardner, member for Morialta, calling for the former Premier to say that previous parliaments and governments share responsibility for the application of some of the policies and processes that impacted upon unmarried mothers of adopted children.

The government continues to fund a dedicated Post Adoption Support Service, operated by Relationships Australia South Australia. Despite my calls and the calls of survivors, however, this apology was never followed up with reparations. An apology is just one part of the journey from injustice to healing and recovery, and actions will speak louder than words.

In 2021, Victoria set up an inquiry into forced adoption, with a report that was handed down in September 2021 and a government response published in March 2022. A $138 million redress scheme for mothers was announced on 25 October 2023, and that started this year, 2024. The scheme provides financial redress and support to the many mothers who continue to live with the serious, complex and ongoing effects of the experience of forced separation. The scheme is open to mothers who gave birth in Victoria or were a Victorian resident but gave birth interstate and were forcibly separated from their newborn babies prior to 1990. My questions to the Attorney are:

1. How are regional and rural survivors of forced adoption being provided with access to reparations, including access to professional services such as counselling?

2. Will the South Australian government follow in its Victorian counterpart's footsteps and implement a redress scheme for those affected mothers in our state?

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 her question.

I am loosely aware of the Victorian parliamentary inquiry that was held roughly three or four years ago in relation to the issue of forced adoptions.

I will have to take some advice. I suspect it goes over a couple of portfolios, and I expect the Minister for Human Services might have a role to play in the provision of support and counselling services. I am happy to have a look across government to see if I can find an answer in relation to that. In relation to setting up a redress scheme, certainly it is not something that we have a policy for, but we are always open to looking at ways we can better support South Australians.

DECRIMINALISATION OF SEX WORK

The Hon. J.M.A. LENSINK (14:46): My question is to the Attorney-General. Is the Attorney-General aware of any draft legislation under the guidance of any government members in relation to the decriminalisation of sex work?

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 her question. I do not have responsibility for what private members do or propose in their own time.

CANINE COURT COMPANION

The Hon. J.E. HANSON (14:47): My question is to the Attorney-General. In light of International Guide Dog Day last Wednesday, will the Attorney inform the chamber about the work of the Office of the Director of Public Prosecutions' canine court companion, who is called Zeb?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): This I happily do have responsibility for in relation to being part of the DPP. It is pleasing to note that each year on 24 April International Guide Dog Day is celebrated to honour and increase awareness around the invaluable role guide dog services play in our society. For more than 65 years, Guide Dogs SA/NT has provided services to empower South Australians with low vision, blindness and other specialised support needs, promoting independence, participation, inclusion and wellbeing. Guide Dogs SA/NT has helped many in our country to live a normal life, something most of us take for granted.

For the past two years, the Office of the Director of Public Prosecutions has had the service of Zeb, a four-year-old labrador, to provide support to children and vulnerable adults who have come into contact with the criminal justice system. Zeb is currently the only canine in South Australia to have the accreditation required to perform these duties. At around 12 months old, Zeb was identified as a potentially suitable candidate for the role of canine court companion due to his gentle and calm demeanour.

Zeb was trained specifically by Guide Dogs SA/NT trainers to sit and provide company, comfort and a sense of calm to victims and witnesses in the criminal justice system, particularly children, who may become anxious or distressed in their encounters with the courts and the justice system. Zeb took up the important role in 2022 after his predecessor, Zero, South Australia's inaugural canine court companion, sadly passed away. Zeb certainly had big paws to fill following on from the success of Zero—

Members interjecting:

The Hon. K.J. MAHER: Ta, you're welcome—Zeb had big paws to fill, as I was saying, following on from the success of Zero in his role in the courtroom. In two short years, Zeb has provided valuable service to the courts and he has shown he is perfect for the role. Zeb is trained to bow, play hide-and-seek with his toy as an icebreaker and to lie quietly when required. Victims have commented that his presence is 'worth its weight in gold' due to his ability to support them in managing their stress and anxiety, enabling a sense of calmness in what can be quite challenging stressful and emotional situations, particularly giving evidence in criminal trials.

I want to particularly thank Guide Dogs SA/NT for their continued hard work ensuring South Australians can reach their fullest potential no matter the adversities they may face on a day-to-day basis, and also thank you to Zeb and his primary handler, Melissa, for the work that they do in providing such valuable support, especially to children and vulnerable adults in daunting situations navigating the criminal justice system.

BIOSECURITY

The Hon. S.L. GAME (14:50): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries about the biosecurity levy bill.

Leave granted.

The Hon. S.L. GAME: The federal government is set to impose its biosecurity levy bill on South Australian farmers to help fund its billion-dollar sustainable biosecurity funding model. Under the new levy, our producers will have to pay 60 per cent of the total cost of the fund. The federal government will effectively tax producers, who are the ones put at risk by imports. It has been described as unfair and unjust and will add to the cost of production. This will ultimately add to the cost of living as costs are passed on to consumers.

The Australian Fresh Produce Alliance supports strengthening biosecurity but opposes the levy on farmers. The National Farmers' Federation supports appropriate resourcing of the biosecurity system, but this does not translate to support for the levy which will be introduced on 1 July. My questions to the minister are:

1. Has the minister contacted her federal counterparts to voice her concerns with this new tax on South Australian farmers?

2. How will the minister support producers up to 1 July to ensure these costs don't need to be imposed on consumers during a cost-of-living crisis?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for her question. I think the first important point to make is that a biosecurity incursion could have huge potential impacts on the cost of living. For example, when we have talked about foot-and-mouth disease in the past, it has the potential to wipe out not only the incomes of many, many livestock producers across the country but also to increase the cost of meat so that it is far beyond its current price.

So the importance of biosecurity and improved biosecurity is relevant to all parts of our community as well as our economy. There have been general discussions with the federal minister but, as the honourable member pointed out, this is a federal levy and therefore a federal decision.

AUTISM ASSESSMENTS

The Hon. H.M. GIROLAMO (14:52): I seek leave to give a brief explanation before asking the parliamentary secretary a question in regard to autism assessments.

Leave granted.

The Hon. H.M. GIROLAMO: As per an article in *The Advertiser* on 28 April, a mother of a seven-year-old boy at Newbery Park Primary School recently claimed publicly that her child was removed from his classroom and forced to spend substantial time during the school day with no students in what she describes as solitary confinement, as punishment for his behaviour.

The mother also claimed that her son has ADHD and is still on a waiting list for an autism spectrum disorder assessment after already waiting for three years. My questions to the parliamentary secretary are:

1. Is she aware of this case and how does she respond to this?

2. Is the waiting time for an autism spectrum disorder assessment decreasing under her government?

The Hon. E.S. BOURKE (14:53): I thank the member for her question. As this is a matter relating to the Minister for Education, I will seek a response from the Minister for Education on how that matter is being addressed. But in regard to diagnosis or assessments for a diagnosis in South Australia, I am really proud of what we are able to do in our state in this space, which is to do something we haven't done ever before, and that is provide free autism assessments to some of the most vulnerable people in our community.

We have seen an increase in funding just over the last few months. There has been announced a tender through DHS and also a tender process that was undertaken through the Office for Autism where we will now be able to provide, for the very first time, free autism assessments on school sites within our school communities to help our most vulnerable children and keep them in our schools. So I am really proud of what we are doing in this space to free up and make it more accessible for some people in our community to get that autism assessment.

AUTISM ASSESSMENTS

The Hon. H.M. GIROLAMO (14:54): Supplementary: has this resulted in wait times decreasing?

The Hon. E.S. BOURKE (14:54): I appreciate the honourable member's enthusiasm. It was only announced—the tender closed on 16 April, and it is now going through the process of announcing and finding out who those people will be in those successful positions.

This is a really big area. I appreciate that the honourable member is wanting results here now, but there is a really big discussion to have in regard to autism assessments in South Australia, and I am really proud that we are having those discussions. I am glad that we are also making sure that the most vulnerable in our community are getting the support they need as quickly as possible.

I also think, when we are having these discussions and having questions from the opposition who want to ask about 'What can we do about autism assessments?', it is about building knowledge in our community, and having these questions come from someone who can't even sign a charter is quite offensive.

CHARITY SOCCER MATCH

The Hon. T.T. NGO (14:56): My question is for the Minister for Primary Industries and Regional Development. Can the minister tell the council about the outcome of the recent charity soccer game played at Coopers Stadium in support of Rural Business Support?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I thank the honourable member for his question. Members in this place may recall last year's charity soccer match between the state government and the agriculture industry, held at Coopers Stadium in support, then, of Riverland and Murraylands residents impacted by floods, with a few members in this place sticking on the boots—I did not say sticking in the boots; sticking on the boots—along with offering coaching advice.

As members may be aware, the state government, Adelaide United and the South Australian Produce Market once again decided to join forces for another game in support of our farmers and regional communities. Last year, the state government was victorious, taking out the victory five goals to two. The second instalment, which occurred recently, certainly did not disappoint.

I know soccer is sometimes criticised as being a low scoring game, but this game was anything but. The game had 12 goals scored, a penalty shootout and even a yellow card. I am pleased to advise that once again the state government, despite at one stage being down 5 to 1, retained the trophy after drawing 6-6 and winning the subsequent penalty shootout. I am advised that it is the view of industry that the member for Hartley used questionable tactics, namely handball, when he equalised to make it six all, but it was a remarkable come-from-behind victory nonetheless.

This was, of course, all for a very good cause. It was raising money for farming families in our regional communities. In total the game raised $63,000, which will be donated to Rural Business Support for farmers associated with the horticultural industry.

Of course, events like this do not just occur, and a significant amount of work was done behind the scenes to ensure that the event went ahead and that it was successful. I thank everyone for their hard work in delivering what was once again an incredibly successful event. I would like to thank the South Australian Produce Market, in particular the chief executive Mr Angelo Demasi, who has been instrumental in the ongoing success of these games; Pick a Local, Pick SA!; Adelaide United; Foodland; Mon Saunders and Brett Smith from Rural Business Support; and also Professor Mehdi Doroudi, the Chief Executive of PIRSA, who is also incredibly passionate about his soccer. All of those have been central to the event, and I thank them for their significant support.

While the event was led by the horticulture industry in South Australia, it was wonderful to see a wide range of other stakeholders from the agriculture industry present in support of the game. I also congratulate and thank BankSA, 4 Ways Fresh Produce, Adelaide Venue Management, Agribusiness Recruitment, AUSVEG SA, Bache Bros, BiobiN, Costa, K-ROO, Livestock SA, Nutrien, Russo Produce, Thomas Foods International, the South Australian Forest Products Association, Willoway Farming and Viterra for their involvement and support of the initiative.

While I am sure there were more than a few sore bodies the next morning, it was all for a great cause and I am sure it was absolutely worth it. Once again, I congratulate everyone for their involvement and support of regional communities in South Australia.

LEGAL COSTS

The Hon. C. BONAROS (14:59): I seek leave to make a brief explanation before asking the Attorney a question about the reimbursement of legal costs.

Leave granted.

The Hon. C. BONAROS: In April, *The Advertiser* and the ABC reported that, following an ICAC investigation, Dr James Spark was sentenced to a suspended sentence of a 10-month imprisonment term, following his conviction of a number of charges of deception. Section 59A in schedule 5 of the Independent Commissioner Against Corruption Act 2012 provides an entitlement for the recovery of legal costs incurred by a public officer after 7 October 2021, unless they are convicted of an indictable offence that constitutes corruption in public administration. My questions to the Attorney are:

1. Given that deception is no longer a corruption offence as defined in the said act, and having regard to schedule 5 of that act—namely, reimbursement of legal fees policy—does the Attorney believe that Dr Spark is entitled to be reimbursed for his legal costs incurred in relation to the investigation and answering the charges?

2. Has the Attorney sought the views or advice of the commissioner and, if so, has the commissioner indicated a view with respect to this issue specifically or more generally?

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 question. In relation to the individual the member referred to, I don't have any record and, given that the member said it was a recent case, I probably would have a recollection of having heard about it or seen it or had advice provided about reimbursement. I will double-check but I am pretty sure that there has been nothing come to my office about an application for reimbursement.

As the honourable member has correctly pointed out, reimbursement for legal costs is governed, in the first instance, by Legal Bulletin No. 5, but specifically in relation to matters to do with ICAC investigations by the provisions of the ICAC Act. Typically, what will happen if there is a request made for reimbursement is legal advice will be sought about whether what is being requested fits within Legal Bulletin No. 5, or within the particular statutory provisions, such as the ICAC provisions, and action will be taken based on that advice.

In relation to more generally the question of reimbursement, I think at some stage over the past two or three years, certainly since changes were made to the ICAC Act, I am pretty sure that the office of the commissioner of ICAC would have made submissions about a whole range of areas, and I suspect one of them would have been about legal reimbursement. Of course, as a government, we take on board all suggestions that are made by integrity agencies and others about the operation of the act.

LEGAL COSTS

The Hon. C. BONAROS (15:03): Supplementary: just further to that last response, is the Attorney of the view that in these cases, generally speaking, there is an entitlement to reimbursement, and that there is no discretion by the Attorney in relation to those claims?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for the

opportunity to give legal advice and draw legal conclusions; however, I am going to resist it on this occasion. As I said, typically what will happen when requests are made is that advice will be sought and we will act upon that advice. I am going to resist the temptation to give blanket legal views on the factual situation that the member has outlined.

CROSS BORDER COMMISSIONER

The Hon. B.R. HOOD (15:03): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding advertising for the Cross Border Commissioner.

Leave granted.

The Hon. B.R. HOOD: On 10 April, in response to a question about the recruitment process for the Cross Border Commissioner from the Hon. Dr Centofanti, the minister said:

> …advertising for the position will be distributed within the next week and feature across a range of platforms, including regional and national publications.

The minister reiterated this the next day when she said that 'the job will be advertised in national, state and regional media over the coming days'. It is the opposition's understanding that a number of regional papers have not received an advertisement for the Cross Border Commissioner. My question to the Minister for Primary Industries and Regional Development is: which regional newspapers have run advertisements for the Cross Border Commissioner role to date?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I thank the honourable member for his question. I am certainly happy to refer that to the minister in the other place who has responsibility for the Cross Border Commissioner and the advertising process.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. R.B. MARTIN (15:05): My question is to the Attorney-General. Will the minister please inform the council about the recent event celebrating the ninth anniversary of the South Australian Civil and Administrative Tribunal and the launch of the annotated SACAT legislation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I would be most delighted to answer the honourable member's well thought out question. Recently, I had the distinct pleasure of attending the South Australian Civil and Administrative Tribunal to join in the celebrations of two milestones: the tribunal's ninth birthday since its operation and the launch of LexisNexis annotated SACAT legislation 2023.

During the event many people who have been heavily involved in SACAT were present, including: Justice Judy Hughes, current President of SACAT; Deane Jarvis, author of the annotated SACAT book and former Deputy President of the AAT; Auxiliary Justice Greg Parker, former President of SACAT; Justice Steven Dolphin, President of SAET; as well as representatives from the Law Society and the Public Advocate. SACAT first opened its doors on 30 March 2015, when the South Australian Civil and Administrative Tribunal legislation came into operation at the end of 2013.

In 2014, the founding president, Justice Greg Parker, and the founding principal registrar, Clare Bird, worked with the team from the Attorney-General's Department to create what we now know as SACAT. In 2017, the Hon. Justice Judy Hughes was appointed a judge of the Supreme Court and President of SACAT and continues to lead the jurisdiction as a well-established part of the South Australian justice system.

Having issued something near 270,000 orders in the past nine years, the tribunal plays a significant role in the lives of many South Australians, including protecting some of the most vulnerable members of our community. There are a remarkable number of matters that SACAT deals with. In nine years, to give the hours of operation, 270,000 orders is one order just under every four minutes that SACAT issues.

SACAT is involved in decision-making in relation to in excess of 100 pieces of legislation affecting many aspects of South Australians' everyday lives, such as renting a home, engaging a tradesperson, obtaining a guardianship order, seeking compensation for discrimination, the registration of a change of a child's name, and much more.

As well as celebrating its ninth year of operation, the event also recognised another significant milestone for SACAT. In November 2023, LexisNexis published the annotated South Australian Civil and Administrative Tribunal legislation—a comprehensive single volume collection of key South Australian Civil and Administrative Tribunal pieces of legislation annotated by Deane Jarvis, a former Deputy President of the AAT.

The book provides SACAT users with annotated key pieces of legislation, with reference to the relevant authorities published by the tribunal and from similar tribunals interstate and at the commonwealth level. As SACAT's jurisprudence develops, I am sure that practitioners, members and the general community will find the annotated act a helpful source of information about how the various provisions in different parts of legislation have been interpreted across their diverse applications.

I thank Deane Jarvis and LexisNexis for providing this text so that SACAT users are better placed to navigate the tribunal's laws and rules, and ultimately ensuring that the justice system is more accessible. I take this opportunity to thank all members and staff of SACAT for the admirable work they undertake in assisting South Australians through the justice system and putting on an event to commemorate these two important milestones.

MISOGYNISTIC BEHAVIOUR IN SCHOOLS

The Hon. R.A. SIMMS (15:09): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Education on the topic of behaviour in schools.

Leave granted.

The Hon. R.A. SIMMS: An ongoing study by the University of Adelaide has to date found that misogynistic language and behaviour by male school students in Adelaide is heightened and that male students are working in groups to physically intimidate their female teachers and peers. An article published in *The Conversation* written by a senior lecturer from the University of Adelaide, Samantha Schulz, includes quotes from teachers. One teacher says:

> Boys are increasingly using misogynistic language towards female students and teachers, telling them to 'make me a sandwich'.

Another teacher stated:

> I find it disconcerting that by the age of 14 or 15, they [the boys] know how to use their presence to menace...if they are behaving like this with me, what are they like with young women their own age or the women in their families?

Last weekend, thousands of people across the country attended rallies against gendered violence and last night, silent vigils were held in memory of the victims of domestic violence. Samantha Schulz's article in *The Conversation* draws a link between the increase in misogynistic behaviour in schools and the problem of domestic violence. The article calls for a policy of identifying, reporting and responding to gendered violence, abuse and harassment.

My question to the minister representing the Minister for Education is: is the government concerned about the increase of misogynistic language and misogynistic behaviour in schools and what are the government's policies to address this issue?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I am happy to pass on the substance of that question about what programs and efforts there are within our education system, but I might just add that from my point of view, and I know the member for Wright, the Hon. Blair Boyer, the education minister, shares very strongly the view that that type of behaviour, that type of language not just has no place in our schools but has no place anywhere.

As I think men all around Australia are increasingly appreciating, it is not just the behaviours but it is the attitudes of men that drastically need to change to make our society a safer place for women and girls. Some of the things that people have walked past or even tolerated in the past were not acceptable then, and they are certainly not acceptable now, and in all aspects, including our education system, we all, particularly men, have a responsibility to call out such behaviours.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (15:12): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding the state First Nations Voice to Parliament.

Leave granted.

The Hon. L.A. HENDERSON: On Tuesday 9 April 2024, in response to a question as to whether the minister had cast a vote for the state First Nations Voice to Parliament, the minister said that he had not done so due to being the minister responsible. My question to the minister is: did the minister decide not to vote for the state First Nations Voice to Parliament based on advice and, if so, can the minister outline what the advice was and whom it was given by?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question. I have had a number of discussions with a range of people about the operations of the Voice and general protocols in terms of democratic institutions. As I have said, my advice was that in state elections, by convention, the Governor does not vote, and I made the decision, as the person who is responsible for the administration of the legislation and ultimately that act, that I would not vote in these elections. As I have said in response to the question before, I very much look forward to my participation in the First Nations Voice voting in years to come when I am not the minister responsible.

ABALONE VIRAL GANGLIONEURITIS

The Hon. M. EL DANNAWI (15:13): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the transition to management of the AVG outbreak in the South-East?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13): I thank the honourable member for her question. Those who have been following the issue would be aware that abalone viral ganglioneuritis (AVG) has been a particular concern in the South-East. It is something that we haven't previously had in South Australia and that was something, of course, we would have hoped to continue, but on 23 February AVG was confirmed in wild abalone in water south of Port MacDonnell.

Abalone herpes virus is the disease that causes AVG and is a notifiable disease under the Livestock Act 1997. It affects the abalone nervous system, causing various symptoms, including weakness and, in some cases, death. AVG has the potential to severely impact local abalone stocks and reef ecosystems, with up to 90 per cent mortality reported in some instances.

It is important to note that there are no human health concerns associated with AVG, nor are there any food safety issues. AVG is known to occur elsewhere in Australia, including in Victoria and Tasmania. While AVG has never previously been detected in South Australia, its origins are unknown.

PIRSA supports aquatic animal health through surveillance, education and disease risk management. For emergency animal diseases such as AVG, this is achieved by collaborative efforts from the fisheries and aquaculture and biosecurity divisions in partnership with the affected industries. On 23 February 2024, PIRSA activated an incident management team (IMT), and initial control measures to contain the spread of the disease through human activity in the South-East were put in place. This was on the day that AVG was confirmed.

With assistance from the commercial abalone industry, surveillance activities confirmed virus presence at several points west of the initial infection point at Breaksea Reef near Port MacDonnell. This demonstrated, unfortunately, that the extent of the disease extended beyond the initial control area, centred on Breaksea Reef. On 5 March 2024, the original control area was extended northerly, to Southend. A buffer zone was also put in place between Southend and the mouth of the

Murray River, with associated decontamination requirements for fishing equipment. Further surveillance involving the abalone industry was initiated across the buffer zone and extended control area. That confirmed evidence of the AVG virus near Nora Creina, south of Robe, in the buffer zone.

Eradication of AVG is not feasible in an open marine environment. The aim of South Australia's response is to limit human-assisted spread of AVG. Restrictions were required for recreational and commercial fishers, in the first instance in the control area, to help limit the spread. Of course, these restrictions did cause difficulties that, as much as possible, were considered and minimised by the incident management team.

I want to acknowledge the efforts of the Southern Zone abalone sector, who assisted with the investigation and surveillance of the spread of AVG; the southern rock lobster sector, whose operations were impacted by the closures; and of course the South-East recreational fishing community, who were fantastic in working alongside other sectors and the department while restrictions were in place.

I am pleased to say that, after the extensive surveillance conducted off the coast of the South-East and after extensive consultation with the commercial and recreational fishing sectors, fishing restrictions were able to be eased, effective Wednesday 27 March. The focus has since been on a move to ongoing management, as the virus is now considered to be endemic in the Southern Zone abalone fishery, and eradication in the marine environment, as I mentioned, is not considered to be feasible.

In consultation with industry, a biosecurity code of practice for South Australia was developed. The code provides industry standards for dive operations, decontamination, regional movement of fishing equipment, as well as protocols for observing and reporting suspect abalone. The code has been developed to align with Victoria's AVG code of practice to support consistent operating standards and access to interstate markets. The industry management phase of work has transitioned to PIRSA's fishery and aquaculture division. PIRSA stood down its AVG IMT response on 22 March 2024. PIRSA is continuing to work with the Victorian Fisheries Authority to enable access to markets.

I want to thank everyone involved in the response to the AVG outbreak, including industry, the South-East community and my department, for ensuring a timely response and a collaborative approach to the transition to the management of the outbreak so that industry can get back to fishing.

FRUIT FLY INFRINGEMENT NOTICES

The Hon. F. PANGALLO (15:18): I will make it simple. My question is to the primary industries minister:

1. Can she provide full details of how many infringement notices were given to interstate drivers flouting the fruit fly prevention laws in the weeks before and after the football Gather Round?

2. How much discarded fruit was collected?

3. Are the government's costly measures in tackling fruit fly infestations now becoming a costly, futile exercise?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): I thank the honourable member for his question. In terms of the specific details of fines or infringement notices that have been issued, I am happy to take that on notice and bring back a response to the chamber.

In terms of the response to fruit fly, I think the fruit fly free status has been hard-won by South Australia. It continues to provide an important and significant competitive advantage for South Australian producers and, whilst it is an ongoing issue at this stage, it is important to note that quite a number of outbreaks are no longer active in the sense that they have activity occurring. Whilst the protocols mean that we can't immediately remove the classification, it is important to note that many of them are no longer active.

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): Obtained leave and introduced a bill for an act to amend various acts within the portfolio of the Attorney-General. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Attorney-General's Portfolio) Bill 2024. From time to time, Attorney-General's portfolio bills are required to rectify minor errors, omissions and other deficiencies identified in legislation committed to the Attorney-General. Given the minor or technical nature of these amendments, it is often more efficient to deal with matters in a single omnibus bill rather than a separate amendment bill for each act.

This bill makes amendments to seven acts within the Attorney-General's portfolio. This includes changes to the Courts Administration Act 1993; the District Court Act 1991; the Environment, Resources and Development Court Act 1993; the Judicial Administration (Auxiliary Appointments and Powers) Act 1988; the Legal Practitioners Act 1981; the Magistrates Court Act 1983; and the Supreme Court Act 1935.

The changes are to replace and update references to the title of 'Master' of the Supreme Court or District Court to 'Associate Justice' and 'Associate Judge' respectively. The bill also makes separate amendments to the Legal Practitioners Act to abolish the appointment of King's Counsel in South Australia, and to expressly extinguish the prerogative power of the Crown to make such appointments.

In relation to amendments to the title of 'Master', turning to the substance of the bill, parts 2 to 8 of the bill (excluding clauses 31 and 32) make amendments to seven acts to replace and update references to:

- a 'Master' of the Supreme Court to 'Associate Justice'; and
- a 'Master' of the District Court to 'Associate Judge'.

These amendments have been made at the request of the Chief Justice and Chief Judge following a resolution by judges of the Supreme and District courts to discontinue the title of 'Master' in their respective jurisdictions.

The Chief Justice has advised that the title of 'Master' is an anachronistic term that does not give any indication of the nature or work performed by Masters of the Supreme Court. Moreover, it is considered to be an inappropriate gendered term. The Chief Judge has expressed similar concerns in relation to the use of the title of 'Master' in the District Court.

South Australia is the only jurisdiction, I am advised, to retain the title of 'Master'. The title is no longer used in Queensland or Victoria. In Tasmania, New South Wales and the ACT, the title of 'Associate Judge' is used. I am advised that Western Australia is also in the process of phasing out the appointment of Masters.

While these amendments are limited to changes in terminology only, they nonetheless present an opportunity to modernise and bring South Australia into uniformity with the majority of other jurisdictions, which have already discontinued the use of the title of 'Master'. Importantly, the existing powers and functions performed by Supreme Court and District Court Masters, as well as their existing terms and conditions of appointment, will remain unchanged.

I now turn to the other amendments in the bill, which propose to amend the Legal Practitioners Act to abolish the appointment of King's Counsel. Historically, at common law, the

position of King's Counsel (KC) or Queen's Counsel (QC) was recognised as an office under the Crown, commonly bestowed as a mark of recognition of eminence and excellence in the legal profession.

In 2008, the then Rann Labor government, at the request of the then Chief Justice, the Hon. John Doyle, ceased the appointment of Queen's Counsel following consistent trends across Australian jurisdictions to discontinue the use of the QC designation in preference to the Senior Counsel (SC) title. In 2019, the former government determined to reinstate the appointment of Queen's Counsel in South Australia. In 2020, the former government enacted the Legal Practitioners (Senior and Queen's Counsel) Amendment Act 2020, which inserted a new legislative process into the Legal Practitioners Act for the appointment of Senior Counsel and Queen's Counsel. These changes came into effect on 26 November 2020.

Under the current provisions, a legal practitioner appointed as Senior Counsel may make an application to me as Attorney-General for recommendation to the Governor to be appointed as King's Counsel. Where an application is made, I must recommend to the Governor that the legal practitioner be appointed as King's Counsel, and the Governor may, by notice in the *Gazette*, appoint the legal practitioner as King's Counsel. There is currently no discretion for me to refuse an application for appointment or to make a recommendation to the Governor against the appointment of a Senior Counsel as King's Counsel.

The Labor Party, when it was then in opposition, sought to move amendments to the former government's legislation that were ultimately unsuccessful. At the time, it was noted that many of the arguments that were presented in support of reinstating the office of Queen's Counsel or King's Counsel appeared to be economic concerns. In particular, it was noted that there was no evidence put forward to support the assertion that Senior Counsel are at some sort of commercial disadvantage when competing for international briefs because the SC title is supposedly less known.

I think that is especially true now that the title of Queen's Counsel, used throughout the 70-year reign of Queen Elizabeth II, has been replaced by the title King's Counsel. Indeed, despite these claims of some sort of economic disadvantage, the vast majority of jurisdictions in Australia retain the Senior Counsel title and have not elected in any way to return to the use of King's Counsel. This includes in particular the state with the nation's largest independent bar, New South Wales.

In addition, parliament was also advised that the Chief Justice wrote to the former Attorney-General on 2 October 2018, expressing his strong opposition to the reinstatement of Queen's Counsel and King's Counsel. He suggested that a return to the QC or KC titles would seriously weaken the independence of the legal profession and judiciary from the executive. In particular, His Honour observed that the appointment of QC originated at a time when the Crown was more directly involved in the exercise of judicial power, and the appointment of QC is nothing more than the conferral of an executive favour.

Given this, we consider it appropriate to abolish the appointment of King's Counsel in South Australia to bring this state in line with most of the country and to put an end to this anachronistic title. To that end, clauses 31 and 32 of the bill amend the Legal Practitioners Act to repeal the statutory provisions that currently allow for the appointment of King's Counsel and to expressly extinguish the Crown's prerogative so that appointments will not be made in the future.

Under this approach, Senior Counsel who have already been appointed as King's Counsel will be permitted to retain the use of the KC postnominal. Legal practitioners seeking future appointment to Senior Counsel will, if appointed, be entitled to the SC postnominal. The current processes of appointments of Senior Counsel by the Supreme Court will remain unchanged.

While the proposed amendments in this bill are only minor, they present an opportunity to bring South Australia into the 21st century. In doing so, the measures in this bill will achieve greater consistency with the rest of Australia with respect to the titles that are used within our judiciary and legal profession. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Courts Administration Act 1993*

3—Amendment of section 27A—Interpretation

This clause amends section 27A of the principal Act to substitute references to a Master with references to an Associate Judge or Justice, as the case requires.

Part 3—Amendment of *District Court Act 1991*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to provide that a reference to a Master in any other Act or legislative instrument will be taken to be a reference to an Associate Judge, and substitutes references to Masters with references to Associate Judges.

5—Amendment of section 10—Court's judiciary

6—Amendment of heading to Part 3 Division 2 Subdivision 2

7—Amendment of section 12—Appointment of other Judges and Masters

8—Amendment of heading to Part 3 Division 2 Subdivision 3

9—Amendment of section 14—Leave

10—Amendment of section 15—Removal of Judges and Masters

11—Amendment of section 16—Retirement of members of judiciary

12—Amendment of section 20—Constitution of Court

13—Amendment of section 24—Transfer of proceedings between courts

14—Amendment of section 29—Issue of evidentiary summons

15—Amendment of section 32—Mediation and conciliation

16—Amendment of section 43—Right of appeal

17—Amendment of section 44—Reservation of questions of law

18—Amendment of section 46—Immunities

19—Amendment of section 51—Rules of Court

These clauses amend the principal Act to substitute references to Masters with references to Associate Judges.

Part 4—Amendment of *Environment, Resources and Development Court Act 1993*

20—Amendment of section 9—Magistrates

21—Amendment of section 11—Masters

22—Amendment of section 15—Constitution of Court

23—Amendment of section 26—Issue of evidentiary summonses

24—Amendment of section 30—Right of appeal

25—Amendment of section 36—Immunities

26—Amendment of section 48—Rules

These clauses amend the principal Act to substitute references to Masters with references to Associate Judges.

Part 5—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

27—Amendment of section 2—Interpretation

This clause amends the principal Act to substitute references to Masters with references to Associate Justices or Associate Judges, as the case requires.

Part 6—Amendment of *Legal Practitioners Act 1981*

28—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act to provide a definition of Associate Justice and repeal the existing definition of Master.

29—Amendment of section 14I—Establishment of Board of Examiners

30—Amendment of section 89—Proceedings before Supreme Court

These clauses amend the principal Act to substitute references to Masters with references to Associate Justices.

31—Amendment of heading to Part 7

This clause amends the heading to Part 7 of the principal Act to remove reference to Queen's Counsel.

32—Substitution of section 92

Proposed section 92 is inserted into the principal Act

92—No further appointment of King's Counsel etc

Proposed section 92 provides that the power of the Crown to appoint a legal practitioner as a King's Counsel or Queen's Counsel is abrogated. It is further provided that this does not affect the existing appointment of legal practitioners as King's or Queen's Counsel.

33—Amendment of Schedule 3—Costs disclosure and adjudication

This clause amends clause 41(2) of Schedule 3 of the principal Act to substitute a reference to a Master with a reference to an Associate Justice.

Part 7—Amendment of *Magistrates Act 1983*

34—Amendment of section 22—Certain members of the judiciary may assume magisterial powers

This clause amends the principal Act to substitute a reference to a Master with a reference to an Associate Justice.

Part 8—Amendment of *Supreme Court Act 1935*

35—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act to provide a definition of Associate Justice and substitute references to a master with references to a master or an Associate Justice, as the case requires.

36—Amendment of section 7—Judicial officers of the court

37—Amendment of section 8—Qualifications for appointment as judges and masters

38—Amendment of section 9—Appointments to the court

39—Amendment of section 11—Acting judges and acting masters

40—Amendment of section 12—Remuneration of judges and masters

41—Amendment of section 13A—Retirement of judges and masters

These clauses amend the principal Act to substitute references to masters with references to Associate Justices.

42—Amendment of section 13H—Pre-retirement leave

This clause amends section 13H of the principal Act to substitute references to masters with references to a person or an Associate Justice, as the case requires.

43—Amendment of section 14—Certain common interests do not disqualify

44—Amendment of section 48—Jurisdiction of single judge, master, etc

45—Amendment of section 49—Questions of law reserved for Court of Appeal

46—Amendment of section 50—Appeals

47—Amendment of section 65—Mediation and conciliation

48—Amendment of section 72—Rules of court

49—Amendment of section 110C—Immunities

These clauses amend the principal Act to substitute references to masters with references to Associate Justices.

50—Amendment of section 119—Suitors' funds to vest in master

This clause substitutes a reference to master in the heading of section 119 with a reference to registrar.

51—Amendment of section 121—Liability of Treasurer for default of master

This clause substitutes a reference to master in the heading of section 121 with a reference to registrar.

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

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 March 2024.)

The Hon. F. PANGALLO (15:29): I rise to speak on the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill. I have amendments that are designed to protect consumers, not water down protections, but I gather that the government, the opposition and other crossbenchers have indicated they will not support them, disappointingly, so I will not be moving them.

While I am generally supportive of this bill, it contains some measures to dilute existing protections in place for buyers of second-hand vehicles, used cars, from licensed dealers, which I see is a real risk. I was proposing a significant amendment to this bill that would have covered private sales and a requirement to have roadworthy safety certificates with the sale of every second-hand vehicle in the state, a replication of what has existed quite successfully for years in states like New South Wales where they are also known as pink or blue slips, or certificates.

To my knowledge, South Australia is the only state in the country where you can continuously drive and register a car without any checks or compliance reporting unless that vehicle is defected or its registration has lapsed. You can sell it, you can transfer the registration and you can keep it on the road without any safety checks or roadworthy condition checks.

My interstate colleagues, especially those in New South Wales where annual registration road safety certificates are mandatory, are astonished to hear this, particularly following a year when we had a record road toll. These certification processes pick up a huge range of defects and faults that must be rectified to register the vehicle—for example, worn tyres, headlights and indicators not working, worn brakes, cracked windscreens, excessive exhaust, excessive noise or modifications that are not approved.

However, I have decided to formulate a separate lemon laws private member's bill, which I will introduce shortly. I have discussed this with the Motor Trade Association and the RAA. The MTA supports it, while the RAA has some reservations even though it covers key areas of prime concern for them: consumer protections, road safety and roadworthiness of vehicles on our roads.

I can confidently state that I have had more run-ins with dodgy car dealers and sellers than any other member in this place, so I am quite familiar with the shonks who have been out there and their dishonest and deceptive practices used to fleece many unsuspecting and trusting buyers, from teenagers right through to single mums and of course pensioners, all of whom scrimp and save hard to afford a set of wheels that will not let them down and cost them a fortune to fix once they have taken ownership.

I have exposed crooks who have sold written-off vehicles like cut and shut repair jobs where two pieces of a car are badly welded together, only to lie to the buyers that the vehicle was never involved in a crash. To the buyers' horror, not only was the repair job shoddy and illegal but there were serious and unseen problems with bent chassis.

Then there was the licensed dealer selling from his backyard. He whizzed back the odometer on one car that was once a taxi by almost a million miles—that is more than three trips to the Moon. There was also the unscrupulous moron who sold a vulnerable student and migrant a vehicle that

was 10 years older than what he had written on the sales information and registration forms. This case highlights the problems that still exist today.

If, say, a vehicle manufactured in 1997 is imported from overseas in 2007, its year of manufacture is officially listed on registration certificates as the date on which it came into South Australia. Thus you can easily fool a buyer by saying, 'Well, a 1997-plated vehicle was first registered here in 2007 and therefore it's a 2007 model.' This needs to change.

Another dirty trick was selling off a vehicle which was still mortgaged to a finance company—there are checks in place for this, but there are occasions when people still get caught, especially in private sales—or flogging off cars from interstate which may have been damaged by floodwaters. I once investigated a very large car yard, which as a consequence went bust, that was bribing a justice of the peace to be on site to coerce buyers to sign away their cooling-off rights.

This government bill goes even further, completely removing any requirement for an independent witness. Like with buying a house, there is a lot of emotion that goes into selecting a car, and there is also a lot of trust in the person selling it to you, particularly if you are buying it privately, because there are no warranties applicable, unless, of course, it is a newer model with some new car warranty still in existence.

Many people do pay a little extra to get an inspection done through a reputable repairer or take it to the RAA, but these checks can be quite expensive and battlers usually do not have the extra cash to get that peace of mind. They simply trust the seller is telling the truth—blind faith, sometimes.

Backyarders are still out there, defying the law or getting around it in being able to sell more than the mandated four cars in a year. They simply use another family member. They certainly flourished during the COVID epidemic when the prices of used and new cars skyrocketed because demand exceeded the supply with very limited numbers coming in from overseas. Licensed car dealers can also sell legally from their front yard.

A savvy consumer may ask about warranty, but a more emotive buyer with limited funds may just want to snap up what appears to be a bargain, not realising it is without warranty or having any understanding of the list of defects, as this government bill allows for. Then in their excitement they can waive their cooling-off rights because there will no longer be a requirement for an independent witness. How, I would ask the minister, does this protect consumers?

This bill is primarily aimed at dealers, but there are some provisions applicable to private sales too; for example, increasing penalties regarding odometer tampering and a new offence for making false or misleading statements about an odometer reading in private sales. I welcome the 15-fold increase in the penalty for odometer tampering to $150,000 for first and second offences, which comes with an additional two-year maximum sentence for subsequent offending.

We are not hard enough on these crooks, and this is made most obvious by the statistics. Only nine successful odometer tampering prosecutions have occurred here between 2016 and 2023, and the highest penalty imposed was a measly $4,200 fine and a suspended sentence, when the maximum penalty is $10,000. They probably paid the fine with all the additional profit they made from the tampered odometer.

These changes are important because, as the RAA and MTA tell me, three out of every four second-hand cars sold in South Australia today are sold privately. This is often through Marketplace, Gumtree or other online markets where the seller can literally disappear overnight.

My amendments were simply about reinforcing consumer protections, not winding them back, as some elements of this bill actually do. In brief, irrespective of where the buyer was buying a second-hand car, I wanted the consumer to know the name and postcode of the last-known owner who was not a dealer and if they were a leasing or hire business. In my view, to relieve the dealer or seller of this obligation on the grounds of privacy and to put the onus on the purchaser to actively and deliberately request this information is seriously watering down an important consumer protection.

In our briefing with the government, we were told that there have been no documented privacy concerns, so why are we even making this change at all? The government bill just makes it easier for the seller to hide possible red flags from an unsuspecting buyer and places the onus back on an expectation that the purchaser knows their rights to request information. Personally, I would want to know if the car had spent its entire life in the sea air of coastal South Australia or on an island or had been in the Lismore floods.

The consumer should be entitled to know what the vehicle was previously used for, and one of my amendments was going to do this. I recognise that sometimes there are privacy concerns, and the amendment did provide for the previous owner to protect their private information by instructing a dealer not to disclose this information in the display notice or in documentation concerning the sale.

There are still more challenges ahead for this industry as more people move towards electric and hybrid vehicles. The life and wear and tear of a battery will be one such challenge. New lithium car batteries are expensive to replace, up to $20,000 each on some models out there. It is probably more than the car would be worth. Would you ever contemplate buying a second-hand Prius or a Tesla? I would not.

I am pleased to say that in recent years I have noticed more ethical conduct from established and reputable car dealers, but as the shift to online purchases continues we need to have more, not less, robust consumer protections in place. Sadly, in my experience, some car manufacturers do all they can to frustrate claims for compensation or replacement of lemon vehicles that have either caught fire, repeatedly broken down or had unseen manufacturing faults not caught in vehicle recalls.

Cars today are far more complex pieces of technology than they were 30 or more years ago, and they are costly to fix if something goes wrong beyond the warranty period. I do not think the minister appreciates just what the going rate is now to take your car to a mechanic just for a service or a check-up. You are looking at somewhere between at least $80 an hour to $150 to $200 an hour depending on the make of the vehicle.

These are pretty tough times at the moment and, of course, as we know, in cost-of-living pressure situations there are some things that consumers tend to leave aside and not spend money on, and one of the first is usually car repairs which they leave until something drastic happens and they are forced to get them repaired, but the costs are horrendous for them.

The private member's bill that I intend to introduce shortly will go to these issues that have persisted for years. The anti-lemon laws and measures I am proposing will ensure that dangerous bombs are off our roads, and that unscrupulous vendors can no longer hide behind caveat emptor. It was disappointing to learn, as I said previously, that my amendments will not be supported. In fact, I was told by the opposition that they did not want to create unnecessary paperwork for business. Seriously? We are talking about trying to protect consumers here.

Are they putting that ahead of consumer protections? They will not likely ever have to experience a dud deal, given their generous entitlements. This amendment was about measures to save money for battlers. With those closing remarks, as I said, I will not be moving my amendments, and I will be supporting the bill.

The Hon. R.P. WORTLEY (15:44): I stand to support this bill and to go through major changes that are occurring. Under part 4 of the Second-hand Vehicle Dealers Act 1995, dealers and auctioneers selling cars on behalf of dealers have a duty to repair a defect that is present in a vehicle or appears in the vehicle after it is sold. There are a number of exceptions to this requirement, including vehicles that are over 15 years old or have been driven more than 200,000 kilometres before the sale. Dealers and auctioneers selling cars on behalf of dealers will now be permitted to disclose defects in a vehicle that will not be subject to the duty of repair, provided the vehicle remains safe to drive on the road.

The dealer and the purchaser will need to sign a prescribed form listing and acknowledging the defects. This amendment brings South Australia up to date with similar arrangements in other jurisdictions and aligned with consumer guarantees in the Australian Consumer Law.

In section 33(2), purchasers are currently able to waive their rights to have a defective vehicle repaired under section 23—duty to repair requirements—by signing a prescribed document.

Amendments to section 33 will remove the ability to waive this right to have a vehicle repaired under the duty to repair. This approach brings South Australia into line with the ACL requirements that purchased goods must be of acceptable quality and fit for purpose.

In section 33(2a), under section 33 of the current act a consumer intending to waive their right to the two-day cooling-off period after a vehicle sale must sign a prescribed form in the presence of a witness other than the dealer. Under the proposed amendments the document has been retained to ensure that consumers are clearly informed about the implications of waiving their entitlement to the cooling-off period, but purchasers will no longer require an independent witness to sign this document.

Under sections 16 and 20, dealers and auctioneers will not be required to display the name and address of a previous vehicle owner on notice-of-sale forms under changes to these sections of the act. However, a potential purchaser will still be able to access this information on request of the dealer or auctioneer, and failure to provide the information will attract a maximum penalty of $5,000. In circumstances where this information is not reasonably available, Consumer and Business Services will not take enforcement action against the dealer or auctioneer—for example, where a vehicle has been purchased in another state where the requirement to disclose previous owner details does not apply.

These amendments seek to streamline sales, preserve the privacy of previous vehicle owners and ensure that consumers have access to information to support their purchasing decisions. Under sections 16 and 20, dealers and auctioneers will not be required to display the name and address of the person to whom the vehicle was previously leased as a taxi or hire car on the notice-of-sale for a vehicle under changes to these sections of the act. However, dealers and auctioneers will be required to provide these details on request from a prospective purchaser. Failure to provide the information will attract a maximum penalty of $5,000.

In circumstances where this information is not reasonably available, the CBS will not take enforcement against the dealer or auctioneer where the vehicle has been purchased in another state where the requirements to disclose previous lessee details do not apply. These amendments also seek to preserve the privacy of previous vehicle lessees, whilst ensuring that consumers have access to information to support their purchasing decisions.

The maximum penalty for odometer tampering offences will increase from $10,000 to $150,000 for the first and second offences, and $150,000 and/or imprisonment for two years for third and subsequent offences. Odometer tampering is a serious offence of deception that causes significant harm to consumers and allows unsafe vehicles to circulate on the road. These amendments to section 34 of the act will see South Australia leading the nation, with the toughest penalties in Australia for odometer tampering.

Increased penalties for unlicensed dealing: for the first and second offences by natural persons the penalty for unlicensed dealing will increase from $100,000 to $150,000. For third and subsequent offences, the penalty will increase from $100,000 or 12 months' imprisonment, or both, to $250,000 or two years' imprisonment, or both. The maximum penalty for body corporates will also increase from $250,000 to $500,000 under section 7 of the act. Increasing these penalties may deter more individuals from flouting the law, and better protect the community and licensed dealers from this harmful activity.

Regarding false and misleading statements about odometer readings, under new section 34A a new offence will be created for false and misleading statements about the accuracy of odometer readings on vehicles. A maximum penalty of $30,000 or two years' imprisonment will apply where a person knowingly makes a false or misleading statement about the accuracy of a vehicle odometer reading to a purchaser or prospective purchaser. At present, only dealers can be prosecuted for false and misleading statements about odometer readings under relevant provisions of the ACL. The new offence in the proposed section 34A intends to deter private sellers from engaging in the same conduct.

Regarding compensation for odometer tampering, section 34(6), currently, victims of odometer tampering can only obtain compensation where a dealer has been convicted of an odometer tampering offence. Where a private seller is convicted of the same offence, no

compensation is available under the act. Under this amendment to section 34, courts will have the capacity to order compensation for a person who purchased a vehicle with a tampered odometer from a private seller, where the private seller has been convicted of an odometer tampering offence. Compensation would relate to any disadvantage suffered by the purchaser, including costs incurred, or likely to be incurred, to rectify the odometer on the vehicle.

Under new section 34B, the commissioner will have powers to rectify altered odometers. The Commissioner for Consumer Affairs will receive new powers to direct a person to rectify an altered odometer or refrain from selling or disposing of a vehicle with an altered odometer unless the commissioner has provided written approval or the vehicle odometer has been rectified. The new section 34B in the act will ensure that vehicles with an incorrect odometer reading are not allowed to continue circulating in the community, misleading potential purchasers.

The commissioner will initially provide a written notice of the direction and individuals will be able to seek a review of this direction through the South Australian Civil and Administrative Tribunal (SACAT). Failing to comply with a direction will attract a maximum penalty of $20,000. The commissioner will also be able to issue directions where odometer interference occurred before the amendment act commenced.

Electric and hybrid vehicles in sections 3(2) and 23(7): duty to repair requirements will be expanded to cover the main propulsion battery for hybrid and electric vehicles within the statutory warranty period, recognising the growing popularity of these vehicles in South Australia and the need for equivalent protections for these vehicle owners. The duty will apply to electric and hybrid vehicles purchased before or after commencement of the amendment act.

Under schedule 3, section 3(2), the purposes of the Second-hand Vehicle Dealers' Compensation Fund will be expanded so that the fund can be used for education, research or reform programs that benefit dealers, auctioneers, salespersons or the general public. Under the changes to schedule 3 of the act, any proposed expenditure on these programs would still require approval from the minister.

Regarding additional information in contracts of sale, in section 17(1a), dealers will be permitted to include additional information as they see fit in the contract of sale, provided that the contract retains important information required by section 17 of the act and prescribed forms 5 and 6 in the Second-hand Vehicle Dealers Regulations 2010.

This amendment aims to reduce red tape and provide greater flexibility for dealers, whilst retaining important information for consumers about their rights and obligations under contracts of sale. Dealers will be able to include information such as the names or identification of salespersons, vehicle stock numbers and other details that are relevant to their operations or a vehicle sale.

Regarding fax communication, sections 18B(3) and 51(1): section 18B of the act will be amended to remove the option of fax communication for purchasers providing written notice to a dealer of their intention to rescind a sale contract during the cooling-off period. Section 51 will also be amended to remove the option of fax communication for service of documents under the act. These amendments reflect changes to communication practices in the industry, including the increased use of email and the declining use of fax communication.

These very important amendments will make consumers much more confident in not being shonked while buying a car. Many years ago, I remember being at a function where a particular car dealer was complaining about how the new consumer protection laws were interfering with his business. His attitude was, in his exact words: 'If someone is a sucker enough to buy a vehicle they should cop the consequences.' It always stuck with me how some of these dealers—not all, most of them are very honest—have no consideration at all for the rights of consumers. This legislation will hopefully come some way towards getting some decency in the industry.

The Hon. J.M.A. LENSINK (15:55): I rise to indicate Liberal Party support for amendments contained in the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill. Indeed, the existing act has been in place for some time and forms part of the suite of protections for consumers that have been brought into effect at state and national level over many decades. As has been the attitude

in the past, it has been very much the onus of purchasers, according to 'caveat emptor' or 'buyer beware'.

Over the years we have had an increased appreciation that people who sell things can be deceptive. I think we have all had our own stories to tell, over the years, about things that we had purchased and which were not as we had thought they were. For those situations we need to have remedies, and in some cases very strong remedies.

There is a duty of care for sellers or vendors—in this case the language is vehicle dealers versus the duty of the consumer to ensure that they have attempted to make themselves aware of any reasons why they may not wish to purchase a particular product, in this case a second-hand vehicle. Over the years as well, particularly from organisations such as the Motor Trade Association of South Australia, issues have been raised about private sellers who have not been captured by the consumer protection laws in this act in the same way that licensed dealers have. One of the things that was raised with me at some stage was people who were selling cars advertised on the side of the road, who were able to escape paying any of the fees associated with that and did not provide any of the consumer protections.

We do need to review these laws from time to time because I think we need to strike a balance between fair trade, transparency in disclosure and also minimising unnecessary paperwork, because unnecessary paperwork actually equals costs, and the people who ultimately bear costs are the consumers. That then brings us to this particular legislation, which I would consider a review to try to rectify the balance in what is a reasonably significant existing act. There are some things that may have been put into the act that were well-intentioned at the time but are perhaps now unnecessary, and there is a need to address issues that are emerging.

As has already been referred to by my colleague the Hon. Russell Wortley—and indeed also in the other place by the member for Heysen, Josh Teague, who is the shadow minister for this space—there is the matter of odometer tampering.

I am not going to speak in detail about all of the provisions in the bill, but just speak about the ones which are the most significant. The position of a buyer is that they want to know that what they think they are buying is what they are actually buying. I think if there is disclosure in this process, and they are aware of it, then people would be satisfied with that. There are amendments, which will enable disclosed defects in a vehicle to now need to be repaired, provided that the vehicle remains safe to drive on the road, and that will be done through prescribed forms to acknowledge those defects.

There are also matters of waiving the duty to repair rights through signing of a prescribed document, waiving of cooling-off rights, which is, again, through a prescribed form, and I do note that the Hon. Connie Bonaros has amendments in relation to the independent witness, which we will be supporting, because we think that is an important consumer protection, particularly for more vulnerable clients.

In terms of some of the paperwork, which perhaps was a good idea at the time, for either privacy reasons or because it is not actually particularly useful to include that in every case, matters such as the previous owner details and hire car history will no longer be required. There is a number of amendments in relation to odometer tampering, including increasing of penalties for the first and second offences and a potential imprisonment for third and subsequent offences.

There are penalties for unlicensed dealing, which I think is potentially a very serious issue as well in this space. Again, there is a new offence for false and misleading statements about the accuracy of odometer readings. Then there are some areas which will address matters where there have been cases of odometer tampering. Where consumers have been caught, the commissioner can rectify odometers, and there will be compensation available for those who have been victims of odometer tampering.

Electric and hybrid vehicles is an emerging area, so there will be a new section that will cover areas in relation to batteries within the statutory warranty period, and a few other matters, which I think can be broadly considered as administrative. It is important that all of our laws are reviewed on a regular basis, particularly consumer protection laws, as we know that modes and modalities in

terms of communication change over time, but also areas emerge which may not have been covered by previous legislation.

As the Hon. Frank Pangallo has already outlined, we will not be supporting his amendments. He has been made aware of that. With those comments, I commend the bill to the house.

The Hon. S.L. GAME (16:03): This bill proposes changes to the existing South Australian Second-hand Vehicle Dealers Act 1995. The bill significantly increases penalties for various offences committed by dealers, including failing to be licensed, tampering with odometers, and not disclosing previous owner information.

The bill strengthens consumer protection by requiring dealers to disclose the name and address of the previous owner upon request. It allows dealers to include additional information beyond minimum requirements and sales contracts. It gives the commissioner power to direct owners to fix inaccurate odometers and to prevent them from selling the vehicle until it is fixed. The bill creates an offence for making false and misleading statements about odometer readings.

The bill will also expand the purposes for which the Second-hand Vehicles Dealers' Compensation Fund can be used. It is important to protect consumer rights, not just in the interests of safety but also to ensure value for money when purchasing a second-hand vehicle. I am pleased to support the bill.

The Hon. C. BONAROS (16:04): I rise to speak in support of the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill 2023. As we have heard from several speakers now, the bill seeks to modernise several aspects of the Second-hand Vehicle Dealers Act, taking into account stakeholder feedback and ensuring parity with national consumer protection laws.

There is one aspect of the bill that I have looked at more closely in terms of what was originally in the bill, and I will speak to that during the amendments, but I have filed an amendment that seeks to delete the clause eliminating the requirement for an independent witness signature on the cooling-off waiver form. I note for the record that this was an issue over which I had lengthy discussions with the RAA during my briefings. Very generally speaking, we have heard that the stakeholder feedback has been positive subject to a couple of areas, and this is certainly one that the RAA raised with me and is a concern that I share.

The suggestion has been that the independent witness signature may not offer the intended safeguard as purchasers might find someone to fulfil that role easily without any accountability, randomly grabbing somebody on the street and getting them to sign as that witness. I do not accept this as a sufficient reason to do away with this important step. The two-day cooling-off period exists for very good reason, and it is particularly important for vulnerable purchasers.

I appreciate that there are many well-informed and rational purchasers who wish to exercise the option of taking immediate possession of their purchase, which is why the waiver form should be retained, but I do not think getting an independent witness signature is a particularly onerous step for that class of purchasers. They are not the ones I am concerned about with this amendment. The acquisition of a second-hand vehicle represents a substantial financial commitment for many people. We are talking on average $30,000, maybe less, maybe more, sometimes significantly more.

If you think about an overly enthusiastic purchaser, my mind goes straight to a very young purchaser in particular, an 18 year old who has just got their licence. I can recall a very real example of this: an enthusiastic 18 year old embarking on their first major purchase without the guidance of a parent or guardian around them, eager to get on the road as quickly as possible. That is one example of what could be a vulnerable purchaser. In those instances, in that haste, I do not think it takes much to understand that they might sign anything in that excitement of getting behind the wheel of their brand new car.

They also might not appreciate the implications of what it is they are signing. Certainly, if approached on the street by an 18 year old—hindsight is a wonderful thing, isn't it?—seeking such a signature, I think most of us would feel compelled to ascertain a basic understanding of the document's implications and potential consequences. That is really why this exists in the first place. It is not an onerous step. I have had a look at the CBS website. The form is there. The sample form

is there for everybody to see: document 2, requiring that independent witness signature. Whilst it might not be necessary in all the cases, in many cases, I think it is critically important.

I am not the only one who shares that view. I certainly know that this is an issue, as I said, where overall the RAA has indicated to me their support for modernising this piece of legislation, but that is the one area that was pointed out and one that stood out to me as requiring some change, and it is for that reason that I am seeking to amend that provision. I am speaking to this now so we do not need to repeat it later, but it is for that reason that I will be moving the amendment.

Under section 33, a consumer intending to waive their right to the two-day cooling-off period after a vehicle sale has to sign that prescribed form—document 2, as I said—in the presence of a witness other than the dealer. Under the proposed amendment, the document 2 has been retained to ensure consumers are clearly informed about the implications of waiving their entitlements to the cooling-off period, but the purchaser will no longer require an independent witness to sign this document.

It is that part of the government's bill that I am seeking to amend to ensure that vulnerable purchasers in particular, but not necessarily even vulnerable purchasers, have an extra layer of security there that we should not do away with. As I said, the class of people we are concerned about are the ones who are going to benefit from keeping that witness requirement there, and it is for that reason that I am moving this amendment.

Overall, the rest of the changes I think are reasonable and sensible, as have been described by the government and other members in this place. I am overall supportive of the bill subject of course to that one change which has the support of at least the RAA in this instance, who have raised these concerns, I am sure, with others as well. With those words, I indicate my support for the bill.

The Hon. T.T. NGO (16:10): I rise to speak in support of the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill 2023. This bill aims to strengthen accountability in the second-hand vehicle dealer sector as well as offering protections to people who purchase a second-hand vehicle.

Many will be aware of the longstanding stereotypes that reflect a degree of scepticism about the reputations of used car salespeople. Obviously, not all used vehicle salespeople fit such stereotypes; however, the fact that they exist suggests there are varying degrees of trust and confidence in our community towards purchasing a vehicle from a second-hand dealer or auctioneer.

The purchase of a car can be an important and expensive decision in a person's life. We all have a right to know that a car we choose will be safe and roadworthy. This bill makes key changes to the protections of people purchasing a second-hand vehicle and increases penalties for individuals who flout the laws through actions such as tampering with a vehicle odometer.

This lawbreaking action has far-reaching consequences for both buyers and sellers. It undermines trust in the used vehicle market and can result in financial losses and safety hazards. We know that the distance a car is shown to have travelled on its odometer affects the roadworthiness of the vehicle.

Odometer tampering conceals the correct wear and tear on a vehicle and can lead to unexpected repair costs and depreciation of the vehicle's true value. This bill treats odometer tampering as a serious offence by increasing the maximum penalty from $10,000 to $150,000 for first and second offences, and to $150,000 and/or two years' imprisonment for third and subsequent offences.

At present, only dealers can be prosecuted for false and misleading statements about odometer readings under relevant provisions of the Australian Consumer Law. New section 34A intends to deter private sellers from engaging in the same conduct. The maximum penalty of $30,000 or two years' imprisonment will apply where a person knowingly makes a false or misleading statement about the accuracy of a vehicle odometer reading when selling a vehicle privately.

The duty to repair requirements will extend to electric vehicles, recognising the growing popularity of these vehicles in South Australia and the need for equivalent protections. Sections 3(2) and 23(7) will expand to cover the main driving force battery for hybrid and electric vehicles within

the statutory warranty period. The duty will apply to electric and hybrid vehicles purchased before or after commencement of the amendment act.

Under part 4 of the Second-hand Vehicle Dealers Act 1995 dealers and auctioneers selling cars will be permitted to disclose defects in a vehicle that will not be subject to the duty to repair as long as the vehicle remains safe to drive on a road. The dealer and purchaser will need to sign a form that lists and acknowledges these defects.

The bill also updates the Second-hand Vehicle Dealers' Compensation Fund. Currently, dealers provide financial contributions to this fund, which is used to compensate consumers where there is no reasonable way of recovering the money they are owed by a dealer. It broadens the use of the fund to include programs relating to education, research or reforms that benefit dealers, salespersons or members of the public.

The bill increases penalties for other unscrupulous actions within the second-hand vehicle sector, such as increased penalties for unlicensed dealing. It will improve parts of the act relating to cooling-off periods, disclosure of information about previous vehicle owners, contracts of sale and penalties for noncompliance by dealers. These changes have been subject to consultation with key industry groups, including the Motor Trade Association and the Royal Automobile Association of South Australia. I therefore commend this bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:17): I thank all members for their contributions: the Hon. Michelle Lensink, the Hon. Sarah Game, the Hon. Frank Pangallo, the Hon. Connie Bonaros, the Hon. Tung Ngo and the Hon. Russell Wortley. Indeed, this is an important bit of legislation that provides efficiencies and greater consumer protection.

In the Hon. Frank Pangallo's contribution he noted that he had a number of amendments that he was not going to file, understanding where the support lay in the chamber. I thought it might be worth, though, just glancing over the reasons we are not supporting those amendments for the sake of completeness.

The Hon. Frank Pangallo had an amendment in relation to the names and addresses of the last vehicle owner who was not a dealer; that would have been the first amendment. The reason the government did not support that amendment is the following: removing the current requirement to disclose the previous owner or lessee's name and address on a publicly available notice was in response to privacy concerns raised during the consultation.

When preparing the bill, careful consideration was given to the details required and the way this is disclosed by car dealers to prospective buyers. In the event that the bill passed in the form that we are looking at now, the name and address of the last owner of the vehicle and, in the event of the vehicle being in a leasing agreement, the lessee's name and address will be available from the car dealer upon request from the potential purchaser of the vehicle.

Another intention of this bill is to simplify the requirements and reduce administrative burden. The first proposed amendment from the Hon. Frank Pangallo would have placed additional burden on car dealers to specify the previous use of the vehicle. Car dealers may not have access to accurate information about the vehicle's previous owner and past use, so this information may not be helpful and could even be misleading. For example, information about previous owners is generally not available where a vehicle is bought at auction in another jurisdiction where the same disclosure requirements are not in place.

It should be recognised that a vehicle's age and odometer reading can provide a prospective purchaser with information to reach conclusions about what the likely previous usage for the vehicle may have been. Importantly, no other jurisdictions impose such a requirement to display this information in the notice of sale. The proposal will provide the previous owner's full name, address and postcode. There may also not be sufficient information for the prospective purchaser to contact the previous owner with any queries about the history of the vehicle.

The Hon. Frank Pangallo's second amendment would have required the last owner, who was not a dealer, who has instructed the dealer in writing not to disclose the name on the notice, to not include the name of the last owner but must instead contain a statement that the last owner's name

is available on request from the dealer. We would not have supported that. Having previous ownership details available from the car dealer on request is consistent; that is, it does not depend on the previous owner's instructions. This amendment would also place an additional burden on car dealers to record the previous owners' instructions and then to determine what information is required to be included on the notice for each and every vehicle.

The bill before parliament now already sets out a requirement for dealers to disclose the name and address of a previous owner or lessee when requested by a potential purchaser, and imposes the same penalty for noncompliance when making changes to the notice of sale forms in the regulations. The government will insert a statement to the effect that the last owner or lessee's name and address are available on request from the dealer. Finally, the third amendment would have been ancillary, effectively, to amendments Nos 1 and 2.

While we appreciate some of the intent that the Hon. Frank Pangallo had in the drafting of the amendments, there were very good reasons why the government intended not to support those amendments. With that, the government commends the bill to this chamber and we look forward to the committee stage, noting that there is an amendment from the Hon. Connie Bonaros to debate during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 5, line 1 [clause 11(2)]—Delete subclause (2)

I have already spoken to the amendment in terms of its intent. Under the proposed amendments, document 2 has been retained in the bill so that consumers are clearly informed about the implications of waiving their entitlement, but under the bill the purchaser no longer requires an independent witness to sign this document. The amendment simply removes that last part so that the purchaser will still require an independent witness to sign this document. I move the amendment for all the reasons that I outlined during the second reading debate.

The Hon. K.J. MAHER: The government will be supporting this amendment. I am advised that, after further consideration of representations made by the RAA and the honourable member, it is appropriate to retain the independent witness requirement when a person is waiving their cooling-off rights. As particularly advocated for by the RAA, this protection is particularly important for young and vulnerable consumers who may have significant benefit consulting with a family member or close friend to help them consider whether to waive the cooling-off period.

An independent witness may be able to provide advice to the purchaser about the decision to waive and to query whether the vehicle and sale price are appropriate. Whilst this requirement does not reduce the administrative tasks involved in buying a second-hand vehicle, the government has been convinced of the view that it is an important protection for our potentially vulnerable consumers and customers that ought to be retained.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 15), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:26): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PARLIAMENT (JOINT SERVICES) (CLERKS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 March 2024.)

The Hon. T.A. FRANKS (16:27): I rise to conclude my comments on this piece of legislation, the private member's bill in my name. I do so with updated information, which I was hoping to have had previously but now have to hand, and that is to inform members of this council and of this parliament, when it gets to the other place, of the further situation with regard to employment of clerks of parliaments.

In particular, I wish to draw members' attention to the House of Lords arrangements, where the House of Lords clerk is a fixed term of some five years and, according to the advertisement of the most recent appointment in Saxton Bampfylde, Global Executive Search and Leadership Consulting, the remuneration is set in accordance with judicial group 4. That, as of April last year, 2023, was some £212,351. At the time of the last advertisement it was £192,679 per annum, subject to review annually but set in accordance with the recommendations of the senior salaries review and according to the judicial salaries by salary group, so again an independent process.

The location, of course, would be in the House of Lords in Westminster, should anyone be interested in this position. The House of Lords is the second chamber of the UK parliament and one would think, given that it is inextricably linked in our culture with this house, is a good example with which to conclude my remarks. It is made up of some 800 members from a variety of professions and walks of life.

The House of Lords Commission, the House of Lords Management Board and the Clerk of the Parliaments' Office have strategic responsibility for operating and delivering corporate and parliamentary services in the House of Lords. It is a busy administration which supports the house in carrying out its day-to-day duties, is responsible for advising on parliamentary procedure and is politically impartial. It also provides a range of corporate functions from finance and catering to property management and security. That particular job was advertised a couple of years ago now but, as I say, the Global Executive Search and Leadership Consulting information will be most useful for the deliberations of members of this particular chamber.

I conclude with my congratulations to the new minister in the other place, the member for Kavel, Minister Dan Cregan, who now has within his portfolio responsibilities as Special Minister of State, parliamentary reform. I look forward to working closely with the new minister on this and many other important matters of parliamentary reform. I intend to take this bill to a vote in coming weeks and I look forward to further communications with members in regard to that. With that, I commend the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

Motions

CAT MANAGEMENT

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Recognises that free cat desexing programs will improve population control and welfare outcomes for cats and shelter and rescue staff and volunteers; and

2. Calls on the South Australian government to expand free desexing programs for cats to reduce shelter intake, overpopulation and strain on shelter and rescue workers and volunteers.

(Continued from 17 May 2023.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:31): I rise as the lead speaker for the opposition on this motion moved by the honourable member. The issue of feral cats in South Australia is a matter of serious concern, particularly with respect to their impact on the

environment. The first clause of the motion recognises the potential benefits of free desexing programs. Feral cats are a significant environmental pest in South Australia. Feral cats have been implicated in the extinction of numerous native species and continue to pose a threat to many more. They are estimated to eat tens of millions of native animals each night across Australia.

The environmental repercussions are profound, with these invasive predators disrupting the natural balance of ecosystems. The welfare outcomes of such desexing programs are also noted. By controlling the population of feral cats, we can reduce the strain on shelters and their dedicated staff and volunteers. Overcrowded shelters face challenges in providing adequate care to each animal, and can logically lead to stress among workers. Furthermore, the animals themselves, when in overcrowded conditions, can suffer from increased disease transmission, stress and decreased overall welfare.

I would like to thank the honourable member for her motion but I will be indicating that whilst the opposition clearly certainly supports and appreciates the benefits of cat desexing programs to improve population control and consequently improve welfare outcomes for cats as well as shelter staff, we cannot support the motion in its current form as we do not support the blanket call on the government to fund free cat desexing programs.

While the intent behind the motion is commendable, the proposal to utilise taxpayer funds as is suggested in the second clause for this initiative during a cost-of-living crisis is not. With many families grappling with financial hardship, it is crucial that taxpayer funds are judiciously allocated and I will go into that in a bit more detail later.

The motion itself does not define whether it includes feral cat population control. Given the general intent of desexing, one would expect that it would help reduce the number of feral cats or at least stray cats, or semi-feral cats as I liked to term them in my previous profession. But I think the point needs to be made that if this is the ultimate goal—that is, to reduce the population of all cats stray and feral—I think we do need to be realistic that desexing these cats is not the only answer but it can certainly be part of the solution. It is a sheer case of numbers.

Feral cat populations are immense and, as I said, desexing is certainly one approach to managing the feral cat population. However, research suggests that there might be more effective and targeted methods. For example, the use of targeted poisoning, traps and chemical sterilisations have been explored as potential solutions.

A study by the Threatened Species Recovery Hub highlighted that a combination of baiting, trapping and shooting can be more effective in reducing feral cat populations in specific areas. Chemical sterilisation, on the other hand, offers a nonlethal alternative that can control populations over large areas without the need for continuous intervention. I would like to reiterate that the methods mentioned are for feral cats, whose environmental impact cannot be disputed.

I would like to steer us back to key issues relating to stray cats and pet ownership. Without addressing the root causes of overpopulation, such as irresponsible breeding or pet ownership, free desexing programs may only offer temporary relief without a long-term solution. Offering free desexing could actually discourage some pet owners from taking responsibility for their pets. When the cost is eliminated, some people may be less inclined to provide proper care, as they do not have a financial investment in their animals.

We have anecdotal evidence of this with free and discounted pet microchipping programs. There is often an expectation from some breeders—not all but some—whether intentionally fostering a litter or not, that someone will take care of these key health and pet identity issues and that it is a right to be provided with these services.

We must also remember that governments have, and are accountable for, budgets. There are limited resources, therefore the proposal to utilise taxpayer funds, as indicated in the second clause of this motion, during a cost-of-living crisis is something that the Liberal Party cannot support. With many families grappling with financial hardship, it is crucial that taxpayer funds are judiciously allocated, as I have previously mentioned. The cost-of-living crisis has seen a surge in the prices of essential goods and services, making it challenging for many households to make ends meet. In

such trying times, the priority should be to direct funds towards initiatives that clearly alleviate the financial burden faced by struggling families.

Although there are good examples of limited and targeted free cat desexing programs that are working well, they are just that: limited and targeted. They also tend to target low socio-economic individuals and families, which I think is sensible. For example, the City of Onkaparinga held the largest free cat desexing program of its kind in Australia. It was open to all residents, with an aim to neuter or spay, as well as microchip, 2,000 cats over two years in conjunction with the local RSPCA. While I applaud the work previously done, that service is no longer offered. Local governments need to be able to balance their books responsibly for all citizens in their jurisdiction.

Finally, supporting government-funded desexing of cats sets a precarious precedent. If the government begins covering the desexing costs for cats, where does this fiscal responsibility end? If adopted, it could be argued by some that taxpayer funds should also be diverted to cover the desexing and other veterinary bills for other species.

I want to again acknowledge the mover of the motion on her bid to raise this important issue in the chamber. I note that the government has been very slow in cat management since its election in March last year. We saw a legislative review of the Dog and Cat Management Act under the current minister, the member for Port Adelaide, back in December last year, so almost 11 months ago. It was incredibly thin, but it did recommend a statewide approach to cat management. Unfortunately, we have not seen anything since from the minister, so I can absolutely understand and share the honourable member's frustration about the lack of progress when it comes to cat management in this state.

In conclusion, while free cat desexing may seem like a quick and simple fix, it does not address all the underlying issues that contribute to feline overpopulation, and it can potentially lead to unintended negative consequences, such as reduced responsibility. A more comprehensive approach, including education and responsible pet ownership, may be a more effective solution. But it is absolutely incumbent on this government to step-up and work towards a statewide approach to cat management.

The Hon. R.P. WORTLEY (16:39): I briefly rise on behalf of the government to support the honourable member's motion. Desexing cats is a mandatory requirement for pet owners in South Australia. Desexing cats reduces their territorial behaviour, helps control urges to wander, reduces the likelihood of cancer and other diseases, increases the likelihood of longer life, and eliminates unwanted litters of kittens.

The Dog and Cat Management Board supports local councils and the National Desexing Network to provide stabilised cat desexing programs in South Australia. Over the past three financial years, between 2021 and 2024, the board has offered a grant pool of $160,000 to councils, who must match spending dollar for dollar. The board has this year, in 2023-24, also provided a separate grant pool of up to $50,000 to help councils and fund cat management initiatives.

Councils are increasingly also responding to cat management related issues in their communities by developing by-laws to support local cat management. As previously outlined, desexing is a critical part of cat management, and the board will continue to grow their existing council partnerships in the future to ensure that subsidised services continue to be available. I commend the motion to the council.

The Hon. T.A. FRANKS (16:40): I thank those who have made a contribution today: the Hon. Dr Nicola Centofanti and the Hon. Russell Wortley. I will start with what I think is possibly a misunderstanding by the opposition, and I will draw their attention to the definitions in the FAQs in the RSPCA and the AWL's document in regard to a proposed South Australian cat management plan. One of the FAQs is: does the plan propose changes to feral cat management? The answer is:

> No, feral cats are very different from urban stray cats. Ferals, unlike urban strays, have no reliance on humans directly or indirectly for food or shelter, but rather hunt and survive on their own. They are typically found in the wild…

It goes on. I will note that in speaking to this motion, I brought to the attention the 11,000-plus signatures of many in the South Australian community—handwritten signatures—tabled in this place, which, of course, then necessitates a parliamentary debate.

Those signatures were gathered largely through the resources, the stretched resources, of rescues and shelters, including Adelaide Kitten Rescue, Cats in Crisis, Cat Adoption Foundation, Ginger Ninja, Help Save the Kitties, Hisses to Purrs, Making a Difference Cat Rescue and Adoptions, Paws and Claws Adoptions Incorporated, Purrfect Paws Rescue, Rescue ME Whiskers and Paws, SA Cat Rescue, South Aussies for Animals, Tiny Tails Rescue Adelaide, Whiskers and Tails Adoptions, Wilde Cat Cottage, and more. In particular, I previously noted the work of Virginie Ducruc.

In the speech and in the petition, it was quite clear that these were semi-owned and unowned cats. They were not feral cats that we were talking about. In fact, I think you will not find that many feral cats in these rescues and shelters because, by their very nature, all of those organisations that I just read out are run by humans, not cats in the wild, so I think the opposition has the wrong end of the stick.

The Hon. N.J. Centofanti: Where do you mention the petition in the motion?

The Hon. T.A. FRANKS: I did mention the petition in the motion. The motion had a speech that went through it. If you read the speech—

The Hon. N.J. Centofanti: But it is about the motion.

The Hon. T.A. FRANKS: If you did not understand the difference between feral cats and unowned and urban stray cats then maybe you should have asked that question before you got up in this place and spoke against a very sensible idea to desex cats in response to over 11,000 people who have signed a petition, a petition sent to all of you. But, if you did not know the difference and you needed to be told by a member of the parliament, perhaps you should actually read the letter that was sent to you by the RSPCA in regard to support for this motion. That letter reads, and it was sent to all members of parliament:

> Motion for government to fund desexing programs for cats—to reduce shelter intake, overpopulation and strain on shelter workers and volunteers
>
> Thank you for considering this very urgent issue. At RSPCA we currently have over 300 cats in our care, and with two upcoming seizures and the beginning of kitten season underway—

this was October last year—

> this number will rise again within weeks.
>
> Effective cat management requires the collaborative effort of state and local government, animal welfare organisations and community volunteers, and the components of cat management plans must be adopted holistically.
>
> Desexing is not a silver bullet to adopt in isolation of other cat management tools, but evidence from interstate shows that free desexing programs that microtarget high (cat) intake areas then conduct intensive low or no cost desexing programs in those areas—have substantially reduced cat numbers.
>
> With most shelters and rescues currently over capacity we strongly support calls for government funding to facilitate free desexing.
>
> Without state government assistance, nothing will change—animal shelters and volunteer cat rescues currently exceeding maximum capacity will remain closed to new intakes and the welfare of cats and of shelter workers (who have to turn cats away) will continue to spiral downwards.
>
> Current outcomes do not meet community expectations and we must act now. We urge you to support the Motion—

being this motion that we are currently debating—

> to:
>
> I. Recognise that free desexing will improve population control and improve welfare outcomes for both cats and shelter staff.

Gosh, that was mentioning the shelter staff in the motion itself, wasn't it? Continuing:

> II. Calls on the South Australian Government to fund free desexing programs for cats to reduce shelter intake, overpopulation and strain on shelter workers and volunteers.

Perhaps next time, I will underline or bold the appropriate parts of the motion so the opposition can actually digest and comprehend the debate before them. With that, I do thank the government for their support. It has been a long time coming, but it will have a big impact, and it is most welcome by

those who support these cats in rescues and shelters who are overburdened, under stress, trying to do the best they can with few resources. It will go some way, I think, to showing the government's support for them and their fine work. With that, I commend the motion, and I will be calling a division.

The PRESIDENT: I am not sure you will need to divide. You cannot divide if I call in your favour.

Motion carried.

The Hon. T.A. FRANKS: Divide.

The PRESIDENT: You cannot divide when I call in your favour.

At 16:48 the council adjourned until Tuesday 14 May 2024 at 14:15.

Answers to Questions

PUBLIC SECTOR EMPLOYEES

337 The Hon. H.M. GIROLAMO (21 March 2024).

1. What was the percentage of people with a disability working within the South Australian public sector as at 1 January 2024?

2. In a table format, please provide the top 10 South Australian government agencies with the largest percentage of people with a disability in their workforce.

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

The Office of the Commissioner for Public Sector Employment has provided disability employment data as at 30 June 2023 in line with the latest published Workforce Information Report. Some public sector agencies (approximately 20 per cent) only report data annually. Providing this data as at 1 January 2024 is possible, however it would not accurately reflect a whole-of-government response.

As at 30 June 2023, 1.35 per cent of public sector employees identified as having a disability. The number of employees living with disability is likely to be under-reported given the data's reliance on employees self-identifying their status.

The top 10 public sector agencies (over 100 headcount) with the largest percentage of people with a disability as at 30 June 2023 is as follows:

Lifetime Support Authority of South Australia	7.4%
SA Housing Authority	4.7%
South Australian Country Fire Service	4.0%
Country Arts SA	4.0%
Department of Human Services	3.7%
Public Trustee	3.2%
Auditor-General's Department	3.1%
Attorney-General's Department	3.0%
Department of Treasury and Finance	2.8%
Department of the Premier and Cabinet	2.6%

BIOMEDICAL SECTOR

341 The Hon. T.A. FRANKS (10 April 2024). Can the Minister advise:

1. How many non-human primates were used in biomedical research in South Australia in the period 2021-24?

2. Which scientific licence holders reported using non-human primates in biomedical research between 2021-24?

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

The Department for Environment and Water manages licences for teaching and research involving animals.

Section 13 of the Animal Welfare Regulations 2012 sets out the requirements for the annual reports by animal ethics committees. The regulations do not require the annual reports to include information on any specific project types that the AEC approves, this includes non-human primate use.

ELECTORAL COMMISSION

344 The Hon. H.M. GIROLAMO (10 April 2024).

1. What percentage of Electoral Commission of South Australia (ECSA) staff identify as Aboriginal or Torres Strait Islander?

2. What percentage of ECSA staff identified as Aboriginal or Torres Strait Islander in 2022 and 2023?

3. What percentage of ECSA's executive staff identify as Aboriginal or Torres Strait Islander?

4. What percentage of ECSA's executive staff identified as Aboriginal or Torres Strait Islander in 2022 and 2023?

5. What percentage of ECSA staff had undertaken cultural awareness training as of 15 March 2024?

6. What did the cultural awareness training entail?

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

1. There are no ECSA public sector staff who identify as Aboriginal or Torres Strait Islander.

In relation to the recent South Australian First Nations Voice to Parliament election, 10.5 per cent of the casual and recruitment agency contract staff identified as Aboriginal or Torres Strait Islander.

2. In 2022 and 2023 there were no ECSA public sector staff who identified as Aboriginal or Torres Strait Islander.

In relation to casual and recruitment agency contract staff employed for the 2022 state election, 0.9 per cent identified as Aboriginal or Torres Strait Islander.

3. ECSA has two executive level staff. Neither identify as Aboriginal or Torres Strait Islander.

4. In 2022 and 2023, ECSA had two executive level staff. Neither identified as Aboriginal or Torres Strait Islander.

5. As of 15 March 2024, 86.7 per cent of ECSA public sector staff had undertaken cultural awareness training. Those who had not completed the training was due to the timing of their commencement and the ability to run another session.

As of 15 March 2024, 98.2 per cent of non-Indigenous casual and recruitment agency contract staff had undertaken cultural awareness training. Staff who identified as Aboriginal or Torres Strait Islander were exempted from undertaking this training.

6. ECSA public sector staff attended a three-hour face-to face-workshop.

ECSA casual staff undertook a two-hour online cultural awareness training.

FIRST NATIONS VOICE TO PARLIAMENT

345 The Hon. H.M. GIROLAMO (10 April 2024).

1. To support the First Nations Voice to Parliament's initial election, what was the number of engagement activities undertaken by Electoral Commission of South Australia (ECSA)?

2. Where did these engagement activities occur?

3. On what dates did these engagement activities occur?

4. How much did each of these engagement activities cost?

5. How much did these engagement activities cost in total?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have sought advice from the Electoral Commission of South Australia (ECSA) and am advised:

Between August 2023 and March 2024, ECSA undertook 75 engagement sessions in metropolitan and regional South Australia. The dates and locations are available on the savoiceelection.sa.gov.au website and below.

ECSA's focus with community was on its extensive engagement activities, which included educating community on the election, the nominations process and voting information.

Over 300 service providers were engaged through this election, not all requested visits or engagement sessions. These service providers included traditional cultural groups, health services, education institutions, government support groups, non-government organisations (NGOs), and Aboriginal Community Controlled Organisations. Those that did not request engagement sessions were provided with promotional support materials to distribute to their community members and networks.

ECSA also conducted a workshop with key community leaders and elders to seek their advice on how best to conduct voting in a culturally safe way. Many of the initiatives gained from this workshop were implemented at the inaugural election.

The total ECSA cost of this engagement program amounted to $64,509.81.

REVIEW OF HARASSMENT IN THE SOUTH AUSTRALIAN PARLIAMENT WORKPLACE

In reply to **the Hon. T.A. FRANKS** (20 March 2024).

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

I note that it is a matter for the parliament, through its presiding officers, to undertake staff surveys and seek a SafeWork SA audit as referred to in the honourable member's question. Nonetheless, I have sought advice from the Office of the Commissioner for Public Sector Employment (OCPSE) and am advised that parliament did not conduct a workplace employee survey in February 2024.

I am advised that SafeWork SA has been monitoring the progress of the recommendations and has reviewed the three progress reports from the Clerks of the Legislative Council and House of Assembly that have been tabled in parliament. SafeWork SA has not yet been requested to undertake a compliance audit as proposed by recommendation 14.

While not specifically directed to the parliament, the state government has taken significant action on psychosocial risks in the workplace, which was a key issue raised in the then-Acting Equal Opportunity Commissioner's report.

In 2023, the government made amendments to the Work Health and Safety Regulations 2012 to address psychosocial risks. The new regulations came into operation on 25 December 2023.

The amended regulations provide a framework for employers and workers to identify psychosocial hazards, assess the corresponding risk and implement reasonably practicable risk control measures.

Sexual and discriminatory harassment in the workplace, or related to the workplace, are required to be addressed under the new regulations and the Work Health and Safety Act 2012 by way of taking reasonably practicable steps to prevent risks associated with harassment.

To support the new regulations, a model code of practice for managing psychosocial hazards and a model code of practice for sexual and gender-based harassment are being prepared for consideration and approval in South Australia, as required by the Work Health and Safety Act 2012. These codes have been published as guidance material on SafeWork SA's website.

COURT TRANSCRIPTS

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): I am advised:

The revenue generated by the fees only partially offsets the costs of providing transcript. Those costs are not limited to producing the electronic or paper copies but extend to the engagement of court reporters who take transcript in real time in court and transcribers who produce transcript from audio visual records of the court proceedings. Fees are invoiced by the CAA and then paid direct to CAA. They are then transferred into a consolidated Department of Treasury and Finance account.

I am advised that transcript is provided free in criminal matters where the accused receives legal aid. Other applications for waivers or remissions of fees may be made to the relevant registry. Powers in the relevant court acts provide for the waiver or reduction of court fees, including transcript fees, 'on account of the poverty of the party by whom the fee is payable or for any other proper reason.'

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

In reply to **the Hon. H.M. GIROLAMO** (10 April 2024).

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

The South Australian Civil and Administrative Tribunal (SACAT) receives approximately 8,500 guardianship and administration applications annually and about 22,500 applications in total annually. On average, cases are being listed for hearing between 21 and 28 days from the provision of application and supporting documents.

While I am not able to comment on specific matters before SACAT, I can advise that there are several factors which may contribute to matters being listed beyond that time frame, including principles of procedural fairness that require the sharing of documents prior to the hearing. Some delays may be caused by applications being lodged without supporting evidence, delays in the provision of documents to SACAT, or the provision of very high volumes of documents. Additionally, matters with complex or contested procedural issues may require preliminary hearings before the full hearing is listed. SACAT does not have a backlog of cases in any area of the tribunal. It is not otherwise appropriate for SACAT or myself to comment on a matter that is before the tribunal.