LEGISLATIVE COUNCIL

Tuesday, 14 May 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:17 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 paper was laid on the table:

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

Regulations under Acts—
Controlled Substances Act 1984—Relevant Entities

Question Time

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on comments that the minister made last sitting week in this chamber.

Leave granted.

The Hon. N.J. CENTOFANTI: Last sitting week, the Minister for Primary Industries made statements in this place that my office had been ignoring her department's and office's offering of a briefing and stated, and I quote:

> 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.

And again I quote:

> In fact, I have the dates here on which we reached out to the Leader of the Opposition's office without response.

The minister was then asked to table those dates by the Hon. Tammy Franks, and I note that these dates have not yet been tabled in this chamber. I initially wrote personally to the minister back on 22 January seeking a briefing from her department on the fruit fly eradication program. I did not receive a response to that request until the minister formally wrote back to me on 6 February, stating in her letter, and I quote, 'My office will arrange a suitable time for a briefing with the appropriate PIRSA staff.'

After not receiving any contact from the minister's office, my office then recontacted the minister's office on 28 February with suggested dates for a briefing, and 8 March was proposed. On 7 March, my office received an email from the minister's office cancelling that briefing on 8 March due to the then recent discovery of fruit fly in the Adelaide Plains.

On 22 March, my office then received further correspondence requesting dates for the next two weeks, during which my diary was full, and a call was placed into the minister's office to get further information. That is why I completely reject the assertion that the minister made in this chamber that she has dates with which her office reached out to my office without reply. My office

has tried on multiple occasions to work with her office to secure a briefing. My question to the minister is: will the minister either table a list showing the back and forth correspondence between our offices on this issue or withdraw her remarks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I am certainly struck by the level of priority that the Leader of the Opposition gives to the first question in parliament back after two weeks, that it is about comments in terms of correspondence about an appointment. My understanding is that my office was going to provide those dates for tabling. I am glad that the Leader of the Opposition has acknowledged that dates were offered. She said in her introduction that we invited her on proposed dates for the next two weeks from that date, and that she was too busy. I am happy to gain that information from my office and table it as I had thought was already underway.

FRUIT FLY

The Hon. T.A. FRANKS (14:31): Supplementary: will the minister review the *Hansard* and consider whether she misled this council?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): Of course.

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): My question is to the Minister for Primary Industries on the topic of South Australian sheep producers. Will the minister follow my lead in standing up for South Australian sheep producers and condemn the federal Labor government's decision to phase out live sheep exports by 2028?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I could argue that it is not a straightforward question. I don't accept the premise of the question, given that she was referring to her own leadership; however, I wouldn't do something like that in this place. The topic of live exports by sea of sheep is a federal matter. The federal government took it as an election commitment to both of the last two federal elections. In both of the last two elections, the federal Labor Party went to those elections with a commitment to phase out live sheep exports by sea.

Over this, I think, past weekend, the Australian government has announced that the export of live sheep by sea will end on 1 May 2028. My advice from the federal minister's office is that trade can continue until this date without any additional restrictions and that the prohibition does not apply to other livestock export industries such as cattle, nor does it apply to live sheep exported by air. That is consistent with previous advice I have had from the federal minister.

One of the letters I wrote, certainly in my first year as minister—I don't recall the exact date—to the federal minister was in regard to live sheep export and the concerns that were being held at that time that it would include export by air. It is also worth pointing out that the last live sheep export ship to leave a South Australian port, according to my information, was in 2018, so it is six years since there has been live sheep export from South Australian ports. Since then, there have been exports via air, mainly breeding stock.

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Supplementary: why does the minister continue to support animal activists to drive agricultural policy throughout regional South Australia?

Members interjecting:

The PRESIDENT: Excuse me. I never heard any mention of animal activists in the answer to the question. The Hon. Leader of the Opposition, your third question.

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of sheep production in South Australia.

Leave granted.

The Hon. N.J. CENTOFANTI: On Saturday, the federal Labor government announced that the live sheep export trade will be shut down from 1 May 2028. In regard to this decision, Warranine Park farmer Ellen Walker has said, and I quote:

> This announcement is like having a punch in the guts when you are already down.
>
> We are coming off the back of an extremely dry summer with very poor sheep prices. We have had to carry extra stock because if they are slaughter quality, the supply chain is full, and if they are store quality, there is no confidence or feed for feedlotters to want to purchase.

Ms Walker said that she currently has over 200 sheep that she is going to have to destroy because there is nowhere for them to go. A YP sheep farming family for over 145 years, the Daniel family, have recently pulled the pin on producing lambs, citing reduced returns and excess paperwork.

According to the Victorian Farmers Federation, New South Wales Farmers federation, Livestock SA, and AgForce in Queensland, producers in all four states now face the awful scenario where some classes of sheep have no commercial value due to an oversupply of livestock. They blame the collapse in market confidence in part on federal Labor's ill-advised policy to phase-out live sheep exports. WA's own Labor agricultural minister said about the banning of live sheep exports, and I quote:

> This phase out will negatively impact our regional communities and the livelihoods of many—our Government has been consistent and clear from the start we don't support it.

My questions to the minister are:

1. With the supply chains already full and when the cost of doing business is already at breaking point, does the minister agree that, by supporting the federal government's position on live sheep export, she will be financially condemning farmers right here in South Australia?

2. What steps has the minister taken to ensure that South Australian sheep producers are protected and supported in the inevitable oversupply of sheep that will affect the domestic market and make local grazing unprofitable for producers across this state?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. She has, in part, answered some of her question in her preamble. There are many factors affecting the sheep industry at the moment. The phase-out of the live sheep export industry by sea in four years' time will, I think, be seen within the context that is appropriate. There are many other factors that are currently affecting the sheep industry.

The federal government has announced a package to assist during the transition: $107 million over five years. Much of that, of course, will be directed towards states with an active live sheep export industry, particularly Western Australia, but some of that will also assist South Australia. For example, there is money, $27 million, to enhance demand within Australia and internationally for sheep products. In terms of assisting with demand, any measures such as that will of course have a positive impact on South Australia as well.

I would also like to take issue, however, with the way the question has been framed. The South Australian government, and myself as minister, are neither supporting nor opposing the federal government's decision, because it is a decision that was taken by the then federal Labor opposition to two elections—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and then they received a mandate by being elected. It is a federal government decision. I have written to Minister Watt and I have had other interactions with—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the federal minister about this matter and have been particularly keen to ensure that there are mitigation initiatives put in place, some of which Minister Watt outlined in his announcement over the weekend.

LIVE SHEEP EXPORT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Supplementary: does the minister believe that the $107 million package is adequate for transition?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): There are a number of factors that we have been advised are included in that package: $64.6 million to support sheep producers and the supply chain, for example. That is a significant proportion. In terms of the detail of how that will be administered, that is not as yet clear, so I would suggest that it would be pure speculation by anyone to be able to say whether that is adequate, given we don't know the exact details of where that $64.6 million will be directed.

EYRE PENINSULA COUNTRY CABINET

The Hon. M. EL DANNAWI (14:39): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the recent country cabinet in Port Lincoln?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I thank the honourable member for her question and her interest in country cabinets, which are such a valuable part of the engagement by the Malinauskas Labor government with the various country communities.

It was an incredible few days last week at the most recent country cabinet that took place in Port Lincoln and across the Lower Eyre Peninsula. Firstly, I would really like to acknowledge all the community members, businesses, industry groups, councils, community and sporting groups and many others who took time out of their schedules to have the important discussions with government and to showcase also the very best of the region, a region that is important to our state's economy and important, I know, to everyone in terms of ministers who attended.

I continue to be extraordinarily proud of the fact that our government does get every cabinet minister out to the regions at the same time, as well as the chief executives of the department that each of them are aligned to, because the impact of this really can't be overstated. I think it's reflected in the amazing feedback that I and no doubt many other ministers as well have had from our time in Port Lincoln last week, and indeed, from all of the previous country cabinets across the state.

The forum last Thursday night was, again, very well attended—I think the estimates I heard were around about 300 people—and the range of questions on the night were thoughtful and indicative of the depth of passion that locals have for their local community and for the region. Unfortunately, there were some flight issues beyond our control, which meant that the first day of country cabinet got off to a bit of a delayed start for some of us, but we were able to quickly get back on track.

I was pleased to join Craig at the Fresh Fish Place, where he showed me around the incredible ocean-to-plate experiences that his business provides, with processing, factory outlet and seafood eatery all operating out of what is really something of a one-of-a-kind business that really encompasses all that is great about the region.

It was at that location that I was able to talk about the good news that the state government is funding a marine scalefish fishery industry blueprint, which, on the back of the former government's significant reform to the sector, is a great opportunity to consider how the fishery will look into the future. It will be led by key industry figures. I then travelled to Coffin Bay with the Premier where we

discussed the Lower Eyre council's plans for the region and spoke with Zac Halman, seafood company founder and CEO, about the incredible local oyster industry.

I was also really pleased that first up on Friday morning I was able to have the opportunity to get out to the sardine vessels. They were being unloaded of their catch from the night before, and I was able to see that. Sardines are the largest fishery by volume in our state, and seeing the large containers filled to the brim with sardines was a great visual representation of just how big the fishery is and its importance to the region as a key part of tuna operations, with most of the sardine catch ending up as feed for ranched tuna.

I also enjoyed the opportunity to have a tour of the newly developed foreshore, with an incredible playground, community areas, seating, paths and First Nations art, with an incredible steel panel piece designed by Galinyala Barngarla artists Jenna and Vera Richards. We had a number of other meetings, but I am conscious of not going too long on this question. I do think it's worth noting that we know how little those opposite value country cabinets, but I must say it was incredibly well received by the community, and it was thoroughly worthwhile for all the ministers, including myself.

I have visited Eyre Peninsula on many occasions since becoming minister, but this was to again have all of my colleagues there—we were there as a group—able to answer all the questions that people might want to raise and follow up on issues that are of concern. So they are very useful. I look forward to the positive results that will flow from this most recent country cabinet, and, of course, from all future country cabinets, as it's something that we remain committed to doing. I'm sure I will have the opportunity to talk more about them in this place.

EYRE PENINSULA WATER SUPPLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:43): Supplementary question: did the minister meet with Yumbah Aquaculture to discuss their concerns about the EP desal plant at Billy Lights Point, and is the minister advocating for a change of site as per the site selection committee recommendations?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): I thank the honourable member for her question. One of the other meetings that I had was with the seafood industry. There were a number of attendees at that. In terms of the desal plant, Minister Champion, who now has responsibility for SA Water, held a forum the night before in regard to the desal plant. I understand that was also very well attended and that there were multiple questions that were asked.

I think the key point that came through in a number of forums that I was at—and I would expect at that forum also on the Wednesday night with Minister Champion—is that the can has been kicked down the road in terms of water supply for Eyre Peninsula, for Port Lincoln. The former minister in the previous government, the now opposition leader, the Hon. David Speirs, wouldn't make a decision. He kicked the can down the road yet again, with the result, with the impact, that those in that region are now very likely to have to have water restrictions.

The area is at risk of running out of drinking water, and yet those opposite did nothing in their time. They kicked the can down the road for another four years, and now a decision needs to be made.

EYRE PENINSULA COUNTRY CABINET

The Hon. R.A. SIMMS (14:45): Supplementary arising from the original answer: was the topic of the inadequacy of public transport on Eyre Peninsula raised at the community forum and, if so, what action has the government taken?

The PRESIDENT: Minister, you did talk about the wideranging issues at the community forum.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): Indeed, yes. I don't recall that being mentioned in terms of public transport at the forum.

EYRE PENINSULA COUNTRY CABINET

The Hon. D.G.E. HOOD (14:46): Minister, was the local member invited to any of the events at all over the period of the number of days you were there, or was it merely simply a partisan event?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): A community forum is open to all members of the community. If the local member didn't consider himself part of the community, that's not our problem.

Members interjecting:

The PRESIDENT: Order!

EYRE PENINSULA COUNTRY CABINET

The Hon. C. BONAROS (14:46): Was the progress of the cost-recovery review process amongst the issues raised with the fishing and seafood industries at the meetings the minister has referred to?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): Yes, that was one of the topics.

EYRE PENINSULA COUNTRY CABINET

The Hon. C. BONAROS (14:46): Further supplementary: if the issue of cost recovery was amongst the issues canvassed at those meetings, what updates can the minister provide us in relation to those discussions?

The Hon. C.M. Scriven: It wasn't from the original answer.

The PRESIDENT: You did talk about meeting with—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): Yes, in terms of the meeting, I was pleased to have the opportunity to meet with a number of executive officers from a wide range of seafood sectors. The meeting was also attended by Minister Michaels in her capacity as Minister for Small and Family Business, and it was an opportunity, among other things, for the sectors to discuss cost recovery. I noted the sector's willingness to work with government on the road map for implementation of the accepted recommendations from the cost-recovery review. That is something that will be ongoing work, and formed part of our conversations.

OPERATION ANATIS

The Hon. T.A. FRANKS (14:47): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs, representing the Minister for Climate, Environment and Water, on the topic of Operation Anatis.

Leave granted.

The Hon. T.A. FRANKS: In response to previous questions that I have raised in this place on native bird hunting, I have received a response from the minister with regard to Operation Anatis and SAPOL, noting that the Department for Environment and Water is the lead agency for this operation and have the responsibility to ensure duck hunting complies with the strict guidelines and permit conditions of the National Parks and Wildlife Act 1972 and the Animal Welfare Act 1985. My questions are:

1. How many individuals are employed, auspiced or otherwise engaged by the Department for Environment and Water in Operation Anatis?

2. On what dates have they been engaged?

3. Have any DEW employees been involved in the monitoring of native bird hunting in Victoria during their native bird hunting season and, if so, what has been the nature of those activities and the cost to the state?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question. I think, as the honourable member would expect, I will have to refer those, but I will be happy to do so and bring back the honourable member a reply.

OPERATION ANATIS

The Hon. T.A. FRANKS (14:49): Supplementary: could he also clarify why Operation Anatis has been established, and what it means?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): If I can find easily an answer to that, I am always happy to indulge the honourable member and bring back a reply.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:49): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about Tarrkarri—Centre for First Nations Cultures.

Leave granted.

The Hon. J.S. LEE: In response to a question in this chamber on 3 May 2023, the minister stated that he will listen to the South Australian Aboriginal community. One year later, on 7 May 2024, the ABC reported that Aboriginal elders feel that they have been kept in the dark about the future of Tarrkarri—Centre for First Nations Cultures and have described the site as 'a graveyard for their culture'. Kaurna Elder Tim Agius said, and I quote:

> More importantly, that's on our country, but we haven't been engaged in it. Community is kept in the dark.

My questions to the minister are:

1. Reflecting on the statement the minister made about listening to the South Australian Aboriginal community, and what has been revealed and we know now, why is it that the community doesn't feel that they have been listened to in relation to the grave concerns about the stalled Tarrkarri project?

2. Is the minister satisfied that the review panel consulted widely with Aboriginal elders and communities and that their expectations were given weight in the report handed to the government in April last year?

3. What specific engagement has the minister undertaken with Aboriginal communities about the findings of the review and to assure them that the future of the project can still go ahead?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for her question. As the Premier has made clear, the project is still under consideration. The money allocated for it remains in the state budget.

In relation to views of Aboriginal community members and Aboriginal elders, certainly there have been quite a number of Aboriginal elders—Kaurna and other elders—who have spoken to me and wanted to talk to me about not just Tarrkarri but a whole range of other things. As a general rule, my door is always open. Many Aboriginal elders have my phone number and feel free to use it and give me a call and let me know what their views are, including Kaurna elders and other elders.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. H.M. GIROLAMO (14:52): Supplementary: as Minister for Aboriginal Affairs, what advocacy have you been doing to ensure that Tarrkarri goes ahead?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member. As I have said,

I have meetings regularly with members of the Aboriginal community. Tarrkarri is occasionally raised. I partook in the review process and I keep a keen interest in the outcomes of the next steps.

ELDERS AND EMPOWERMENT

The Hon. R.P. WORTLEY (14:52): My question is to the Minister for Aboriginal Affairs regarding the Elders and Empowerment oral history. Will the minister inform the council about the recent launch of the Elders and Empowerment oral history project as part of History Month?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for his question and I would be most delighted to do so. I recently attended the City of Port Adelaide Enfield's and Junction Community Centre's launch of their exciting and moving new project as part of History Month, entitled Elders and Empowerment.

South Australia's History Festival, held in May each year, is an annual statewide event that explores South Australia's history through its places, spaces and people. The theme for this year's history festival is power. The City of Port Adelaide Enfield's local history team, together with Junction Community Centre and North East Community House, have channelled that theme into their exhibition Elders and Empowerment, which explores the stories of six exceptional Aboriginal female leaders and their insights into what empowerment looks like in their lives and their communities. Through a stunning photographic exhibit and audio interviews with each of the women, the stories are powerfully told in their own words.

Of the six senior Aboriginal women, Aunty Audrey Dix is one of the people whose story is told. She is a Ngarrindjeri woman from Raukkan and speaks in her interview about the role that education and the family environment plays in empowerment, having been removed from her family as a child and not receiving the education that she deserved. Aunty Audrey is making these things a priority for the next generations as a means of empowering them.

Aunty Daisybell Foster is originally from the Northern Territory and in her interviews in the exhibition cites valuing Aboriginal language and culture as keys to empowerment for herself and all First Nations people. Aunty Jean Pinke is a Binjari woman from Bordertown, who grew up in challenging conditions on an Aboriginal reserve. Aunty Jean says in the exhibition that her family relationships empower her as well as the support that she now gets from the Aboriginal Grannies Group.

Aunty Jeannie Lehotski is a Noongar woman, originally from Western Australia. A member of the stolen generations, Aunty Jeannie says that the older women placed on missions with her made her feel empowered by passing on cultural practices to her, which she now does for the younger generations after her. Aunty Pamela Keefe is a Ngarrindjeri woman from Raukkan. She describes in the exhibition her career, goal setting and eventually buying her own home as things that have empowered her.

Finally, but certainly not least, Aunty Yvonne Agius is a Kaurna and Narungga elder who would be well known to many members here. I have spoken about her in this place a number of times. She speaks in the exhibition about being empowered by her mother growing up, who fought for Aboriginal rights, as Aunty Yvonne continues to do today. Aunty Yvonne says that she draws empowerment from continuing to help others in her community.

Meeting with all of these women and celebrating their achievements at the launch was a distinct honour. There was a lot of respect and admiration as the women in the room had their stories told, and deservedly so. I would like to thank each of the women for sharing their stories and insight and for lending their voices to the History Festival to ensure that their perspectives are heard, amplified and marked in a very permanent way as part of this state's history.

I also want to thank Cindy from the Port Adelaide Enfield local history team, Vanessa from Junction Community Centre and Farrah from North East Community House for their work in putting this excellent exhibition together. It runs until 31 May at the Port Adelaide Visitor Information Centre, and I would encourage everyone to do themselves a favour and get down and have a look.

MEMBERS' TRAVEL

The Hon. S.L. GAME (14:56): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding members of parliament travelling interstate and overseas.

Leave granted.

The Hon. S.L. GAME: Politicians must be accountable and transparent in spending taxpayers' money. To do otherwise is a failure to understand their fundamental role in serving the South Australian people. While South Australians are suffering a cost-of-living crisis, Minister Nick Champion and the member for Chaffey, Tim Whetstone, spent almost $65,000 on a six-day trip to India last November. Taxpayers were also charged over $160,000 to send Minister Champion and opposition member of parliament Michelle Lensink on a study tour to London, Paris and Milan in May last year. My questions to the Attorney-General are:

1. Are government ministers including opposition members as part of their entourage for interstate and overseas travel as a strategy to avoid scrutiny?

2. Will the Labor government be holding the travelling members and ministers to account and demand they demonstrate the financial benefit of their trip to the taxpayers, who funded it?

3. How many interstate and overseas trips have included government ministers and opposition members travelling together since the Malinauskas government came to office?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for her questions. In relation to her first question, no, I do not think that is the case: I think it is to have a broader understanding from a broader range of people. I did not understand the second question, but I am happy to go back and have a look at it to see if I can understand what it means. In relation to the third question about interstate travel, that is not something I am aware of. I do not think I have travelled interstate with a member of the opposition.

REGIONAL ROADS

The Hon. H.M. GIROLAMO (14:58): I seek leave to give a brief explanation before asking a question of the Minister for Regional Development about regional roads projects in South Australia.

Leave granted.

The Hon. H.M. GIROLAMO: In November last year, the Albanese federal Labor government axed important regional roads projects across the regions of South Australia, including the Hahndorf Township Improvements and Access Upgrade, the Onkaparinga Valley Road/Tiers Road/Nairne Road intersection upgrade and the Truro freight route. Last week, it was announced that western Sydney will receive $1.9 billion of infrastructure funding in the federal budget, including for transport projects that were slashed as part of Labor's review. My question to the minister is: what advocacy has she done to ensure these projects are restored in tonight's federal budget for the benefit of regional South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for her question. The Minister for Transport in the other place is the lead minister in regard to all roads in the state, including regional roads. In terms of his advocacy, I know that he has been very active in this space. He was keen when the announcements were made by the federal Labor government to ensure that communication remained open in terms of supporting and advocating for funding to be available for those priority projects.

REGIONAL ROADS

The Hon. H.M. GIROLAMO (15:00): Supplementary: given there is no longer a minister for regional roads, should you as minister for the regions be doing your job and advocating for these projects?

Members interjecting:

The PRESIDENT: Order! Have you finished?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): The Minister for Transport is the minister responsible for roads.

AG TOWN OF THE YEAR

The Hon. J.E. HANSON (15:00): My question is to the Minister for Primary Industries and Regional Development. Will she inform the chamber of the key dates for the Agricultural Town of the Year 2024 process?

The Hon. K.J. Maher: I like this one. I'm very interested.

The PRESIDENT: Order! Attorney, do you want to answer the question?

Members interjecting:

The PRESIDENT: Order! The Minister for Primary Industries and Regional Development will answer the question.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:01): I am delighted to answer the question about the Ag Town of the Year. The state government, through the Department of Primary Industries and Regions (PIRSA), is pleased to once again run the Agricultural Town of the Year Award. Established in 2019, the Agricultural Town of the Year Award recognises South Australian towns that are excelling in agricultural practices and the flow-on effects to a township and the community. The award highlights the vital role that agriculture plays in the regional landscape, being the backbone of regional communities.

Entering the award provides regional communities the opportunity to reflect on their contributions to South Australia's primary industries and regional development and also public recognition of their town and of their town's contribution. The award will be delivered by Solstice Media and is aligned with the Regional Showcase Awards program, which shines a spotlight on regional South Australia by uncovering and showcasing success stories, and this is a Solstice Media initiative.

Any regional town in South Australia can be nominated. Past ag town winners include Cleve, Pinnaroo, Kimba, Mypolonga and, last year's winner, Wudinna. It didn't escape attention last week, when we were in Port Lincoln for country cabinet, that there had been such a strong showing from Eyre Peninsula in terms of winners of the Ag Town of the Year. Wudinna took out the coveted award in recognition last year of the town's leadership in the agriculture sector, including in agricultural education for local children and young people and for its current and relevant farmer-driven research and development.

Public nominations are made through an online form, requiring an answer to the question: how has the nominated town and agriculture community helped grow primary industries to drive regional development? The top 10 towns, according to a public vote, are then invited to submit a written application that details their commitment to agriculture and primary industries. A judging panel assesses the submissions and selects three finalists. The judges will then make their way to each town and will select a winner that is announced as a Regional Showcase Awards celebration event in October. The winning town will receive recognition as the South Australian Agricultural Town of the Year, as well as:

- a sign for the town entrance, recognising their achievement;
- presentation of a certificate and trophy;
- a community event and sign unveiling;
- very valuably, a double-page feature in *SALIFE* magazine in February 2025;
- media exposure;

- stories and videos to showcase the achievement of individuals and businesses that have made a significant contribution to the town; and
- networking opportunities with other regional towns.

The awards process includes multiple phases that take place between May and October 2024, and the key dates include:

- town nominations. This phase opened yesterday on 13 May and will close on 5 June;
- public voting, to open on 11 June and close on 27 June;
- the top 10 towns being announced on 2 July;
- the three finalist towns being announced on 12 August;
- the judging panel then visiting the three finalist towns in September; and
- the winner being announced at the Regional Showcase Awards celebration event in October.

Importantly, for the purpose of this award, agriculture refers to all primary industries, so field crops, horticulture, meat and livestock, dairy, grape and wine, forestry, fisheries and aquaculture. A town's involvement in agriculture is not limited simply to the farmers but includes the wider community that supports the industry, including shops, service providers and community activities.

Our regional towns deserve to be celebrated for all their hard work, their resilience and community spirit, and that is exactly what this award does. Let's shine a light on our fantastic agricultural towns and celebrate their achievements, whilst also providing a platform where communities can learn from each other. Nominations can be made at www.agtown.com.au.

ISRAEL-PALESTINE CONFLICT

The Hon. C. BONAROS (15:05): I seek leave to make a brief explanation before asking the Attorney in his own capacity, and representing the Premier, a question regarding Palestine.

Leave granted.

The Hon. C. BONAROS: According to recent media articles in *The Advertiser*, the Premier recently made comments in support of a Palestinian state at what has been described as a heated Islamic function. In addition to declaring the state government agrees that recognition of a Palestine state is essential to the creation of peace, the Premier is quoted as having said:

> We fully support the announcement by the Foreign Minister (Penny Wong) that Australia sees the recognition of a Palestinian state alongside the state of Israel as essential to the creation of a just and enduring peace.
>
> We stand alongside the Palestinian people in their aspiration to live in peace, to live in prosperity, in an independent democratic state.
>
> And we acknowledge the Palestinian people's right to demand immediate recognition of statehood, just as we acknowledge Israel's right to exist.

My questions to the Attorney and the Premier are:

1. Is the Attorney—and, indeed, the Premier—able to reiterate in this place in more detail the state government's position on the recognition of a Palestinian state, especially in light of decisions that have been made at a federal level and on behalf of the nation?

2. Do the Attorney and Premier acknowledge that over 13,000 children, let alone adults, have been killed in the preceding seven months, and that this has contributed to the local Palestinian and Islamic communities' frustration with the state government?

3. Why did it take so long for the Premier to address the local Islamic community in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the honourable member for her question. I can reiterate in this chamber the long-held Labor position of a two-state solution in the Middle East.

That was given effect and voice at a recent vote on the floor of the United Nations, where Australia supported an overwhelming majority of countries in the international community calling for just that. To be very clear, it has been a longstanding position of the Labor Party. The Premier endorsed essentially what our foreign minister, Penny Wong, has been saying for some time, and certainly I support the longstanding Labor Party position for a two-state solution.

In relation to the many, many thousands of deaths we have seen in that part of the world, I don't think there's anyone who looks on from Australia who is not horrified at the completely unnecessary loss of life, from October last year, with attacks by Hamas, to the thousands and thousands of Palestinian women, children and men who have lost their lives since then. We desire here to see a lasting peace forged and, as we have said, a two-state solution is a longstanding Labor policy and, as has been outlined, is needed in relation to that.

The second part of the honourable member's question I think refers to the Premier speaking at an event. I think that has been on the cards for quite some time and it was negotiating a suitable time for that to happen, when it suited all parties involved.

ISRAEL-PALESTINE CONFLICT

The Hon. C. BONAROS (15:08): Supplementary: did the frustration of the local Islamic community have anything to do with those delays in negotiating that address to them?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for her question. I wasn't at the address that occurred on the weekend and so I can't speak to that, but that's not my understanding. I think there were quite legitimate frustrations at what we are seeing happen in that part of the world.

I don't have the exact measures before me now, but I fully support the recent announcements in the last few months that the South Australian government has made in terms of supporting people who are coming to South Australia from conflicts in parts of the world, particularly the Ukraine but also and more recently in Palestine, in terms of accessing South Australian state government services more readily than would usually be available, recognising the horrendous circumstances many people find themselves in.

ISRAEL-PALESTINE CONFLICT

The Hon. C. BONAROS (15:09): Final supplementary: given what the Attorney has described in response to the initial question, is the state government prepared to respond to public calls to light up the colours of this parliament in Palestinian colours in support of the Palestinian community locally here in Australia and overseas?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): I thank the honourable member for her question. I am sure questions like that, whenever public buildings are involved, will be considered. It is certainly not a decision that is in my purview to make.

SOUTH-EAST ROCK LOBSTER INDUSTRY

The Hon. B.R. HOOD (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of rock lobster.

Leave granted.

The Hon. B.R. HOOD: According to regulations governing rock lobster fishing, recreational fishers are required to clip the tail fan of southern rock lobsters in half to a recognisable straight line before landing. The Kingston SE Recreational Fishers Association, representing over 200 members, is concerned that tail trimming, as prescribed, is excessive and may contribute to pain, bleeding and consequently spoiling of the cooked flesh of the lobster. While not being against the practice overall, they suggest a 20 per cent cut would achieve the desired identification required to differentiate it from a commercial catch without pain or blood loss. My questions to the Minister for Primary Industries and Regional Development are:

1. Is the minister aware of this issue, and does she share the concerns of the Kingston SE fishers?

2. Will she consider amending the rock lobster regulations as a result of their advocacy?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11): I thank the honourable member for his question. To my knowledge, that particular issue hasn't been raised with me. If it has been sent to me in correspondence, that correspondence hasn't as yet come across my desk. In terms of decisions that are made in regard to what requirements are put on seafood—in the case of this particular question, rock lobster—we are always informed by the best knowledge and the best science that is available. If it has been a request that has been made to the department, I will certainly seek a briefing on that and what information is available and what may or may not be recommended to me.

ENGINEERED STONE

The Hon. T.T. NGO (15:12): My question is to the Minister for Industrial Relations and Public Sector. Can the minister tell the council about a meeting of work health and safety ministers that occurred recently?

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 his question. At a recent meeting of work health and safety ministers in March, there was further discussion about a matter I have spoken previously in the chamber about, and that is engineered stone containing respirable crystalline silica dust. When processed through cutting and grinding, small particles of that dust can be inhaled in the lungs and can cause permanent disability and death.

An expert report from Safe Work Australia last year was developed following extensive stakeholder consultation and represented independent analysis and an expert review of the scientific evidence. That report found that engineered stone workers are dramatically over-represented amongst workers diagnosed with silicosis. The report found that there is no scientific evidence for a safe threshold of crystalline silica content in engineered stone and recommended a prohibition on the use of all engineered stone.

In December last year, South Australia was proud to join every other jurisdiction in Australia in supporting the ban on the use of engineered stone from 1 July 2024. This was a significant moment of national unity, with governments of both major political parties recognising the significant risks to workers' health and safety arising from these dangerous products. That followed significant leadership in the community, where we saw groups ranging from the Australian Medical Association and the Lung Foundation to national retail groups like Bunnings and IKEA calling for these products to be banned and, in some cases, acting on their own and doing so.

In that context, I was very pleased to attend a follow-up meeting of work health and safety ministers in March to discuss the next steps for the implementation of the ban on engineered stone. Importantly, this meeting also gives a clear direction to industry on transitional arrangements that apply for existing engineered stone contracts. As a government, we do not want to see a situation where new home owners are unnecessarily disadvantaged as a result of the ban on engineered stone, but our overriding concern has to be the safety and the health from a disease that can cause death.

That is why the work health and safety ministers have agreed to a transitional period for most jurisdictions for work involving the supply and installation or processing of engineered stone benchtops for contracts entered into before 31 December 2023. For those contracts which pre-existed before the announcement of the ban in December last year, there will be a six-month transitional period where the products can be installed up until 31 December 2024. For all other contracts, the ban will come into effect on 1 July 2024.

The transitional period provides a reasonable balance between the need to get these products out of the market as soon as possible while avoiding significant disruption to the delivery of new housing stock. This is supported by significant growing evidence of broader new alternative products which are coming to the market as replacement products for engineered stone. These

transitional arrangements will be implemented in a nationally consistent manner as far as possible, noting that some jurisdictions will have slight differences, with Safe Work Australia to finalise necessary amendments to the model work health and safety regulations in the coming weeks.

ENGINEERED STONE

The Hon. H.M. GIROLAMO (15:16): Supplementary: will there be a grace period for excess stock on hand or will that only apply to existing contracts?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for her question. Certainly, that is something that had been canvassed and jurisdictions talked about that. I think it is fair to say no jurisdiction wanted to be the dumping ground for any of this product that is in the nation or might be rapidly brought into this nation. That is why there was the transitional arrangement which allowed stone to be used up until the end of this financial year but also for contracts that were entered into before the end of last calendar year to be used right up until the end of this calendar year.

HOMELESSNESS

The Hon. R.A. SIMMS (15:17): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Treasurer on the topic of federal funding for homelessness.

Leave granted.

The Hon. R.A. SIMMS: Last week, the federal government announced that they would be providing $9.3 billion to states and territories over the next five years to provide support for people who are homeless, crisis support and to build and repair social housing stock. The move, however, has been criticised as being disingenuous, and I understand that there is no new money that is being allocated. Instead, this represents a business as usual model where the $9.3 billion allocated is simply an extension of the existing funding agreement that has been in place since the years of the Morrison government. My question to the minister representing the Treasurer therefore is:

1. Will South Australia be receiving any new housing funding from the commonwealth over the next five years?

2. What action has the government taken to advocate for more support from the federal government to address the cost-of-living crisis that is engulfing our state?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for his question. I will be more than happy to pass those questions on to the Treasurer in the other place and bring back a reply for him.

APY ART CENTRE COLLECTIVE

The Hon. L.A. HENDERSON (15:18): I seek leave to make a brief explanation prior to asking a question of the Minister for Aboriginal Affairs on the topic of the APY Art Centre Collective.

Leave granted.

The Hon. L.A. HENDERSON: After the South Australian government-led review of allegations against the APY Art Centre Collective came back with no findings of wrongdoing, they referred the APY Art Centre Collective to the Office of the Registrar of Indigenous Corporations in December 2023. That office investigates breaches of the commonwealth Corporations (Aboriginal and Torres Strait Islander) Act, which concerns matters of governance. The second referral comes after the National Gallery of Australia had also found no improper interference or wrongdoing in the making of a number of artworks from the collective. My questions to the Minister for Aboriginal Affairs are:

1. On what grounds was the APY Art Centre Collective referred to ORIC?

2. Was the government asked to provide evidence or information to ORIC in relation to its investigation into the APY Art Centre Collective? If so, did they provide this?

3. Has the minister sought or received advice about whether the APY Art Centre Collective has breached the commonwealth Corporations (Aboriginal and Torres Strait Islander) Act?

4. Will the Minister for Aboriginal Affairs request of his government that they restore grant funding to APY Art should it be cleared of any wrongdoing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for her question. The grants funding for APY Art Centre Collective sits within the portfolio of the member for Enfield, the Minister for Arts. However, I am aware and certainly speak to community members, particularly from APY or APY community members who regularly reside in Adelaide, about a whole range of issues, including the arts area.

As the honourable member outlined in her question, the review that was conducted—I think jointly with the NT and commonwealth governments—referred matters and, I believe, evidence (I am happy to check if that is not correct) to the Office of the Registrar of Indigenous Corporations, more commonly known as ORIC, for further investigation. ORIC regularly conduct reviews and investigations in relation to corporations registered under that commonwealth legislation. I think all PBCs (prescribed body corporates) under the Native Title Act necessarily fall within the purview of ORIC, and many other Aboriginal corporations are registered under the CATSIA legislation, of which ORIC is a regulator.

I am not aware that ORIC have finished their investigations or their review of whatever information was provided as part of the review, but I am sure that we will hear in relation to any finalisation of that in due course.

APY ART CENTRE COLLECTIVE

The Hon. T.A. FRANKS (15:21): Supplementary: will the minister undertake to contact ORIC to see the progress of their current investigation, if it is still current?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I am happy to see whatever information can be found out, and that is possibly through Minister Michaels' office. I am happy to see, if it's possible to find out, where it's up to.

APY ART CENTRE COLLECTIVE

The Hon. T.A. FRANKS (15:21): Supplementary: when will the money that was previously frozen with regard to APY ACC's activities in Port Augusta be unfrozen?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I am happy to answer those questions. I am not aware of money that was earmarked for any arts operations in Port Augusta being frozen. I am aware of money that would have been paid to APY Art Centre Collective themselves, which I think was, if my memory serves me correctly, just over $200,000. I can't remember if that is a six-month or a 12-month payment. I think it was a 12-month payment being frozen, but I am happy to inquire about that with the arts minister and bring back a reply.

APY ART CENTRE COLLECTIVE

The Hon. T.A. FRANKS (15:22): Supplementary: will the minister undertake to ascertain whether or not the Minister for Arts advised other jurisdictions at a national meeting to not fund APY Art Centre Collective?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I am not aware of that, but I am happy to pass on the question that the honourable member has asked.

GOOLWA PIPIS

The Hon. R.B. MARTIN (15:22): My question is to the Minister for Primary Industries and Regional Development. Will the minister please inform the chamber about the importance of the

Goolwa pipi recreational fishery and about any good news that recreational fishers might expect to hear about the species?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:23): I thank the honourable member for his question. Goolwa pipi is hugely popular, traditionally known as fantastic bait for some of our key fish species but increasingly becoming recognised as a tasty addition to many dishes. Many families enjoy time together, collecting pipi on Goolwa Beach and other nearby beaches as an experience unique to the south coast of South Australia.

The Goolwa pipi onsite recreational fishing survey, held during the 2020-21 season, showed that an estimated 67.7 tonnes of Goolwa pipi were taken, or around 4.26 million individual pipi—an increase of 24 per cent in the total number of pipi caught, compared to the 2013-14 survey figures, which shows the ever-increasing popularity of the species.

Formal sector allocations of pipi in South Australia are set at 73 per cent commercial and 26 per cent for the recreational sector, with 1 per cent set aside for the Aboriginal traditional fishing sector. Unlike any other fishery, the sector allocations are divided up on the share of area where fishing sectors can access pipi, rather than on a share of the sustainable yield. This means that the recreational sector exclusively accesses around 19 kilometres of beach, stretching from near Port Elliot to the Murray Mouth. I am advised the recreational and commercial sectors also share about 45 kilometres of the beach, from 28 Mile Crossing to Kingston South East.

The current bag limit for Goolwa pipi has been 300 per person, with a vehicle limit, which is three or more persons, of 900 and a possession limit of 1,200. After discussions with RecFish SA, who raised the importance of Goolwa pipi to the recreational sector and requested consideration of an increase in bag limits, PIRSA sought advice from SARDI as to whether any increase to the pipi bag limit would be sustainable. Scientific advice was received from SARDI that indicated an increase of 10 per cent would be possible, with low risk to the biological sustainability of the recreational stock of Goolwa pipi.

With this advice, I have approved the 10 per cent increase in bag limits for Goolwa pipi, meaning that the many families, friends and fishers who gather on the beach between November and May each year to collect cockles can now benefit from the increased limits, which is particularly important given many people do so to lower the cost of their fishing bait as well as some collecting for their own consumption.

The new bag limits that will be in place for the next recreational fishing season, from 1 November 2024, are as follows: 330 per person per day, up from the previous 300; 990 per vehicle carrying three or more persons, up from the previous 900; and a 1,320 possession limit, the prescribed quantity, increased from 1,200. It is another example of RecFish SA and the state government working together to get positive outcomes for our state's approximately 360,000 recreational fishers.

ISRAEL CONFLICT STUDENT PROTESTS

The Hon. F. PANGALLO (15:26): I seek leave to make a brief explanation before asking a question of the Attorney-General and the education minister about Adelaide University.

Leave granted.

The Hon. F. PANGALLO: Last Saturday, the foreign minister, Penny Wong, betrayed Australia, Israel and the Jewish community by siding with murderous tin-pot terror regime Hamas in voting to back UN membership for Palestine. It has resulted in widespread revulsion and condemnation, although it was immediately praised by none other than the barbaric baby killers Hamas as an expression of support for them, as they would see themselves in control as part of a two-state solution.

In the meantime, an unauthorised camp of largely empty tents has been set up by pro-Palestinian activists on the grounds of Adelaide University. It isn't about free speech. It is really about spreading the messages of hate against Israel and the Jewish community. Jewish students are afraid to attend. Academics have left. There are activists there who are not students of the

university, including one who tweeted her joy on 7 October when Hamas butchered more than 1,200 Jews—men, women, children and babies—and took more than 200 hostages. The Vice-Chancellor, Peter Hoj, confirmed this in a letter to me.

ANU and Deakin University have moved to clear the camps from their campuses because freedom of speech doesn't extend to the establishment of shanties taking over university grounds. Our Vice-Chancellor, Peter Hoj, doesn't seem to have the same attitude. My questions to the Attorney-General and minister are:

1. Do they support the encampments?

2. In doing so, if they do, are they also supporting hate speech and discrimination against Jewish members of the faculty and the campus?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I thank the honourable member for his question. I don't agree with the characterisation of much of what was said in the question, particularly Australia joining with the vast majority of the international community in the United Nations in recent days. In relation to protests that are occurring at Adelaide University, that's a matter for the university. It's not a matter for a member of this chamber to get up and impose their views on how that is handled.

I very much like the honourable member and appreciate his contribution, but I have to say: what a difference one year makes. One year: it was about this time last year we were debating changes to the Summary Offences Act that were about impeding the right of way in public places, and the Hon. Frank Pangallo I think spoke for five hours. He gave us a very in-depth history of the protest movement and the need for laws to be able to permit free and fair protesting on issues of concern. We are nearly a year later, and it seems the honourable member has had a very, very different change of heart and view in relation to how people protest.

We have a long and proud history in Australia that continues, I think, of social change through protest. The Aboriginal Tent Embassy in Canberra is probably—from the areas that I am responsible for—one of the most visible demonstrations of that. I am very glad that no government sought to tear down the Aboriginal Tent Embassy in Canberra that has highlighted issues over many, many years and brought about change.

Bills

CRIMINAL LAW CONSOLIDATION (RECRUITING CHILDREN TO COMMIT CRIME) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 April 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:30): I rise today as the opposition's spokesperson on the Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill 2024. This bill seeks to amend the Criminal Law Consolidation Act 1935 by introducing a new offence explicitly targeting the recruitment of children for criminal activities. The introduction of this bill is an essential step in safeguarding our children from exploitation and manipulation by unscrupulous adults. As members of this legislative body, it is our responsibility to ensure that our laws protect some of the most vulnerable members of our society: our children.

The bill proposes the insertion of a new part 7D into the Criminal Law Consolidation Act 1935. This new section, 267AB, makes it an offence for a prescribed adult to, firstly, require, recruit or encourage a child to commit a significant or major indictable offence; secondly, engage in conduct that would constitute a major indictable offence if committed by an adult; and, thirdly, engage in conduct that would constitute aiding, abetting, counselling or procuring the commission of a major indictable offence if committed by an adult.

The penalties for this offence are severe. The maximum penalty is set at 15 years' imprisonment. If the relevant major indictable offence carries a higher penalty, that higher penalty will apply. For example, if a prescribed adult recruits a child to commit murder, the maximum penalty

would be life imprisonment, which mirrors the penalty for murder itself. This ensures that those who exploit children face the total weight of the law.

Section 267AB(2) clarifies that a prescribed adult can be found guilty of this offence irrespective of whether the child engages in or agrees to engage in the criminal activity; the child is charged with or found guilty of the criminal activity; or the offence is committee within or outside South Australia.

A 'prescribed adult' is defined as a member of a criminal organisation who is 18 or older, or any other person who is 21 years of age or older. This definition ensures that the offence captures relationships with a significant power imbalance, targeting adults who exploit their influence over children. It is not aimed at young adults who may be close in age to their peers. 'Major indictable offences' are defined in section 5 of the Criminal Procedure Act 1921. Generally, these are offences with a maximum term of imprisonment greater than five years or carrying a fine greater than $150,000.

The introduction of this bill is of paramount importance for maintaining law and order in our society. By criminalising the recruitment of children into criminal activities, we are taking a firm stand against those who seek to corrupt and exploit our youth. This offence will serve as a solid deterrent to individuals and organised crime groups who prey on the vulnerability of children.

Children are our future, and our responsibility is to protect them from being drawn into a life of crime. This bill conveys that such exploitation will not be tolerated and will be met with severe consequences. It also aligns South Australia with other jurisdictions that have enacted similar legislation, ensuring a cohesive national approach to this critical issue.

The Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill 2024 is a necessary and sensible development in criminal law. It strengthens our legal framework to better protect children and uphold justice. By supporting this bill, we are taking a significant step towards safeguarding our youth and maintaining the integrity of our society. The Liberal opposition in South Australia is pleased to support this bill. I urge others in this chamber to support it, ensuring that we stand united in our commitment to protect the most vulnerable and uphold the rule of law.

The Hon. S.L. GAME (15:34): I rise in support of this bill, which essentially creates a new offence specifically targeting adults who try to involve children in serious crimes. The bill introduces a new section into the Criminal Law Consolidation Act 1935. It works by focusing on major indictable offences, which are the most serious crimes in South Australia. The offence applies to prescribed adults. These adults are defined as:

- members of a criminal organisation who are 18 or older; or
- any adult 21 years of age or older, regardless of criminal organisation membership.

It is an offence for a prescribed adult to:

- take any step to force or pressure a child to commit a major indictable crime;
- entice or persuade a child to commit a major indictable crime; or
- motivate or influence a child to commit a major indictable crime or to assist with committing one.

One Nation supports the aim of this bill to deter adults from involving children in serious criminal activity.

The Hon. C. BONAROS (15:35): I rise on behalf of myself to lend support to the Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill 2024. The bill, as other members have said, echoes similar measures in Victoria and New South Wales by introducing a new offence targeting adults who exploit children to commit major indictable offences. As other members have described, it is a necessary step forward in safeguarding the welfare of vulnerable youth, recognising the profound and lasting damage caused by early exposure to criminality.

On that point, I am not sure that the Attorney is able to provide some figures at this point, but I think going forward will be able to, in terms of the cohort that this legislation is likely to capture. To

be fair, I do not think we have that material available to us, and so this is one of those measures that is going to be tested in terms of how necessary or not it is in that respect, but it is intended to serve the purposes that the Attorney and others have outlined.

It does propose the most stringent penalty in Australia but it is, as I understand it, entirely consistent with other jurisdictions. When I say 'imposes the most stringent penalty', offenders face up to 15 years' imprisonment, irrespective of whether the intended crime is executed or if the child's culpability is ultimately established. In cases where the recruited offence carries a steeper penalty, the consequences, of course, may escalate accordingly. It does not impede the prosecution of the child perpetrator should that be deemed appropriate; it squarely targets those who seek to exploit the vulnerability of children for personal gain.

I point to the jurisdiction of Victoria, where there have been appalling examples of this type of exploitation where organised criminal syndicates are said to have coerced children into committing arson attacks on tobacco stores in exchange for small amounts of cash. We have seen a growing number of those occurring in that tobacco turf war that is exploding in Victoria. Of course, Victoria is not in isolation, even if we know that in that jurisdiction members of organised criminal organisations are known to prey on young people in residential care, facilitated by encrypted messaging platforms.

I think that raises the other question—these were just questions for my purpose during this bill. In this instance I have already said that an offence does not have to have been committed, so I think it will prove interesting how it is that we come to prove that someone has actually committed this offence in those cases where we capture them prior to any major indictable criminal offence being committed. Those issues have been quite topical in the last couple of years in South Australia, and indeed across Australia. I remain open-minded as to how it will work, given some of the issues we have noted publicly in relation to those matters.

By establishing age thresholds, 18 for organised crime affiliates and 21 for others, the bill is supposed to avoid unfairly penalising individuals who may be of similar age; for example, a 17 year old and an 18 year old. I certainly think the differentiation between individuals and members of organised crime gangs is sensible. I will just make a point in relation to this, because it was a topic that I spent a long time talking to the government's advisers about. We know what we are trying to resolve here, but we also know—and this is one of the reasons I support those particular provisions—it is very unlikely that we are going to have someone at 18 who is a full member of a bikie gang. I think that is young in terms of going through all the steps of becoming a member of a bikie gang.

Secondly, it still irks me that we have young people going from the juvenile jurisdiction into the adult jurisdiction—as they should for major indictable offences—but, even when shifting between jurisdictions, there is a lack of services that we provide to them available in both jurisdictions for treating what is often the underlying cause of their crimes in the first place. We know that there are lots of things that feed crime, but my concern remains around successive governments not investing anywhere near enough into rehabilitation services, counselling and psychosocial support and into rehabilitating those people, particularly those young people, who end up either in juvenile detention or, after turning 18, in adult detention and do not have the benefit of any rehabilitation while they are in there.

One of the reasons they do not have the benefit of rehabilitation while they are in there—and this is an issue that I continue to raise with the Attorney—is that in many cases when a minor, or indeed an adult, is remanded in custody, if they do not have the means or are unable to access bail or home detention, then they are likely to remain incarcerated until they are convicted. We know that currently you could be waiting 12 to 18 months at least for your matter to proceed to trial and for you to be convicted. So this person is in custody this entire time—12, 15 or 18 months, whatever the case may be—and during that time they have not qualified for any of those services that I have alluded to, and the reason they have not qualified is that they have not yet been convicted.

You have a captive audience, so to speak, by having that person in your custody at that point. If there is a time when you are going to offer effective rehabilitation services, drug and alcohol rehab and whatnot, that is the point in time. There is no point seeing them convicted, in many cases seeing them having served the time for which they have been convicted, and at that point or in

months to come seeing them be released with $50 to get back home if they have one and not expect that, for some of those individuals, it is going to see them end up in exactly the same place.

When we are talking about these young people, I am not speaking in favour of these criminal organised activities, but who is the person or group of people they are most likely to go back to? The ones who are going to give them somewhere to sleep, the ones who are going to put food in their mouths and money in their pockets, despite what they have to do to get that. So we create this vicious cycle that sees the trajectory of these young people resulting in a lifetime of disadvantage and incarceration, having missed out. Like I said, they are a captive audience when they are in custody. It is not like they can go anywhere.

If you are going to offer those services, that would be the ideal time to offer them, not wait for 12, 18 or 24 months down the track, once they have been convicted, to then say, 'Well, now you qualify for rehabilitation or for psychological support or whatever other counselling you need.' In the youth jurisdiction I think it is even more critical, because the likelihood is that, once they turn 18, we know where they will end up too—they will end up in the adult jurisdiction. I make that point, because it is one issue that I continue to raise with the Attorney when we have these pieces of legislation come before us. It is also the reason I support the age thresholds as they are and also who they apply to as they are.

I do not think the new offence is the magic bullet—pardon the pun. It represents a step in the right direction. The reality is that we do not know how many people this is likely to capture, but I am hoping that once it is implemented and in place it will serve the deterrent effect the government is intending and that we are all looking for.

We need to confront the failures of our youth detention in South Australia. I am not laying any blame with those fine people in the youth detention jurisdiction, but for my part it is unconscionable that a disproportionate number of young males, particularly Indigenous youth and young males, find themselves detained and often on remand with inadequate access to rehabilitation services. I eagerly anticipate reforms aimed at raising the age of criminal responsibility in South Australia, recognising how ludicrous it is that we continue holding young children accountable for those actions at such a young age, but importantly in the absence of so many valuable services they need in order to be able to turn around their lives.

For my part, if we want to invest, that is where all the investment should be going, because we all know that prevention is better than cure, and there is no cure here. We have big problems in this space. I also eagerly await more focus on rehabilitation, counselling and mental health supports for those individuals, but especially for the qualification period to shift so that you do not have to wait until conviction to be eligible to access those services in either the youth or adult jurisdictions.

It is my position that we need alternatives to detention and that we need to prioritise children and communities and keep them safe. I fully endorse and support the intention of the government on this bill. It reminds me very much of other laws that we have passed, which I fully and wholeheartedly supported, where we have penalised severely those people who have tried to recruit minors for illegal purposes. It is appropriate that we move with the times, as other jurisdictions have already done in terms of implementing these laws and with the 15-year maximum imprisonment sentence, and wait to see how effective they are in terms of having the effect the government has outlined.

The Hon. R.A. SIMMS (15:48): I rise to speak briefly on this bill and to indicate that the Greens will also support it. The Greens have been advocating for many years, as members of this place will know, to raise the age of criminal responsibility. All of the research demonstrates that people under the age of 14 are far too young to understand the implications of the judicial system and our incarceration system.

In 2022, in this place, in introducing the Greens' bill to raise the age of criminal responsibility to 14, I outlined the ever-increasing body of evidence that supports this. The recent report from the Guardian of Children and Young People, entitled From Those Who Know, presents actual accounts and the views and opinions of young people who are living in the Youth Training Centre. I do reiterate the comments made by my colleague the Hon. Connie Bonaros: she is right in her assessment about the Youth Training Centre. This is not an appropriate place for young people to be held.

What we know is that when we lock young people up in these sorts of conditions, what we do is set them on a path of criminality that can continue throughout their lives. We lock them in to ongoing interactions with the criminal justice system, and that is just not right. It is precisely the opposite of what we should be seeking to do as legislators and as people who make policy in this state. I want to quote a few comments from that report. Some of the testimonies that are included are really harrowing. One young person stated:

> I think that kids as young as 10 might not know what they're doing, but they could be influenced by other people that might pervert the way that they see everything.

I think that young person has made an important point, and one that is addressed by this bill—that is, the potential for young people to be used as surrogates, in effect, to commit crimes, and that is a practice that we need to shut down.

It is shameful that adults could seek to influence young people to commit criminal acts, and this bill really closes that loophole. It aims to address the issue by imposing a penalty on adults who recruit children for criminal behaviour. It is our understanding that current aiding and abetting laws that exist mean that an adult who has influenced a child to commit a crime can only be charged with that offence if there is, in fact, a crime that has been committed by the child. In effect, that means that if the child is below the age of criminal responsibility then they are not actually committing a crime and, therefore, it is difficult for the adult to be appropriately charged and convicted.

It is our hope, of course, that this government will raise the age of criminal responsibility to 14, in line with calls from the United Nations, the South Australian Council of Social Service, the Law Society, the Law Council, the Australian Medical Association, Change the Record and more, and we need to ensure that, if we do that, we do close this loophole as well. The Greens support this bill. It is our hope that it is the first in what we hope will be a suite of measures that come to us in preparation for raising the age of criminal responsibility.

I do want to commend the Attorney-General in that, having engaged with him over the years on this issue, I know he is someone who is passionate and genuine in his desire to address this. I urge the government to make this a priority and to ensure that they do everything they can to get children out of these inappropriate environments, to ensure that they can realise their full potential in life.

The Hon. R.B. MARTIN (15:52): The recruitment of children by criminals and criminal organisations is a despicable phenomenon that has no place in any society. Every child deserves the opportunity to live their lives free from the particularly sinister type of exploitation that is the subject of the bill we now consider.

The Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill seeks to enshrine a new criminal offence in the Criminal Law Consolidation Act 1935 of adults recruiting children to commit crimes. The government's intention in creating the new offence is to target adults who, seeking to avoid criminal culpability themselves, recruit children to commit or to participate in the commission of crimes.

Under the provisions of the bill, persons convicted of this offence could be subject to 15 years' imprisonment or an even greater number of years if the offence that they have recruited the youth to commit can attract a longer sentence. Under our current laws, South Australia does not have a general offence provision that deals with adults who recruit children to commit crimes. The new offence is proposed to respond to such situations where the child is being defined as a person under 18 years of age.

The offence will specify that an adult can be convicted of the offence of recruiting a child to commit a crime irrespective of whether the child actually engages in the criminal activity, irrespective of whether or not the child is prosecuted or can be prosecuted for the crime, and irrespective of whether the child, if prosecuted, is found guilty of committing the crime. This aspect of the legislation is important because it gives emphasis to the intention that the persons targeted will be the adults who are recruiting children rather than the children who are actually being recruited.

The new offence will go towards protecting children and young people in South Australia from the deeply reprehensible people who would seek to encourage, lure or coerce them into

engaging in criminal activity. If this legislation is passed, South Australia will have the strongest laws in the country to deter and punish those who exploit or attempt to exploit young people in this way. This bill represents another step in the Malinauskas Labor government's efforts to improve the safety of our community and the children and young people within it. Other reforms we are undertaking include:

- bringing legislation to jail indefinitely persons who are repeat serious child sex offenders;
- expanding the definition of 'child-related work' to prevent registered child sex offenders or people accused of registrable child sex offences from working within a setting where they will come into contact with employees who are children;
- ensuring that outlaw motorcycle gangs do not need to be consulted before their clubhouses are declared as prescribed places; and
- passing legislation to mandate home detention bail and electronic monitoring of domestic violence defendants who violently breach the terms of an intervention order.

We are also proud that South Australia now has the most police officers per capita and the lowest rate of recidivist offending of all Australian states, as the 2022-23 Report on Government Services indicated. I am proud of the Malinauskas government's efforts to improve safety across our community and especially to promote the safety and wellbeing of children and young people in our state. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:56): I would like to thank all members who have made a contribution on this important legislation and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Can the Attorney-General confirm whether the increased penalties under section 58 of the Summary Offences Act, which deals with the offence of obstruction, will be impacted by this bill?

The Hon. K.J. MAHER: I thank the honourable member for his question. I can happily confirm that that will not be the case. That is a summary offence. The legislation we are passing now, I am advised, applies only to major indictable offences. While I am on my feet, the Hon. Connie Bonaros asked a number of questions about statistics and numbers. As she thought was the case, I do not have those. They are numbers that we might be able to ascertain, if they are able to be recorded, in the future.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BAIL (TERROR SUSPECTS AND FIREARM PARTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:00): I rise today as the opposition spokesperson to address this chamber on the Bail (Terror Suspects and Firearm Parts) Amendment Bill 2024. This bill proposes crucial amendments to the Bail Act 1985 to resolve significant legislative irregularities concerning the definition of 'terror suspect' and the terminology surrounding firearm parts.

The bill before us directly responds to concerns raised by South Australia Police (SAPOL) regarding existing gaps in our legislative framework. It seeks to ensure that our bail laws are robust and comprehensive, providing clarity and enhancing public safety. As members of this legislative body, we must ensure that our laws are clear, consistent, and effective in protecting our community from potential threats. The bill addresses two primary issues: the definition of 'terror suspect' and the use of the term 'part of a firearm'.

In 2017, the Bail Act was amended to include a presumption against bail for individuals classified as terror suspects; however, a loophole exists wherein individuals charged with state-based terrorist offences, which are not covered under federal legislation, do not fall within this presumption. This anomaly means that individuals could be granted bail under regular conditions, despite posing a significant risk.

The proposed amendment in clause 4 of the bill ensures that both state and federal terrorism offences are considered under the definition of 'terror suspect'. This includes individuals currently charged with or previously convicted of terrorist crimes, whether under state or federal law. This correction is vital for maintaining a consistent and stringent approach to handling those who pose a potential terror threat, ensuring that they are appropriately subject to the presumption against bail.

The Bail Act currently uses the term 'part of a firearm', which is not explicitly defined and has been interpreted broadly to include non-operational or cosmetic parts. This broad interpretation has led to practical challenges for SAPOL, particularly when enforcing bail conditions that prohibit the possession of firearms and their parts.

The bill proposes to align the Bail Act with the Firearms Act 2015 by adopting the defined term 'firearm part'. The Firearms Act defines 'firearm part' as components essential to the firearms function, such as the barrel, firing mechanism, magazine, cylinder, hammer, bolt, breech block, or slide. Using this definition, the bill aims to streamline SAPOL's enforcement efforts, reducing unnecessary administrative burdens and focusing on components that pose a genuine risk to public safety.

The amendments proposed in this bill are paramount for maintaining law and order in our society. By closing the loophole concerning terror suspects, we are taking a firm stand against those who may seek to exploit our legal system's gaps. This change ensures that individuals who pose a terror threat are appropriately restricted and monitored, enhancing public safety. Similarly, by clarifying the terminology around firearm parts, we provide SAPOL with clear guidelines, reducing confusion and administrative workload. This change allows law enforcement to focus on genuine threats, improving the efficiency and effectiveness of our bail conditions.

The Bail (Terror Suspects and Firearm Parts) Amendment Bill 2024 is a necessary and sensible development in our legal framework. It addresses critical gaps, ensuring our laws are robust, transparent and effective in protecting the community. By supporting this bill, we affirm our commitment to upholding law and order, enhancing public safety, and ensuring justice is served. I certainly urge this chamber to support the bill, which would demonstrate our collective commitment to protecting our society from potential threats and maintaining the integrity of our legal system.

The Hon. S.L. GAME (16:04): This bill expands the definition of 'firearm' in the Bail Act 1985 to include firearm parts. This means that people charged with possessing or supplying firearm parts will be subject to the same bail restrictions as those charged with possessing or supplying complete firearms.

One Nation will always support measures that protect the community. The bill makes it more difficult for people charged with terrorism offences to get bail. It does this by clarifying that the bill

applies to terrorism offences under both state and federal laws. It also presumes that a person is a flight risk if they have been previously convicted of, or charged with, a terrorism offence.

I support the bill's intention to give bail authorities more power to impose conditions on bail, such as requiring a person to surrender their passport or firearms. The bill's intent to make it more difficult for people who are a danger to the community to get bail is a welcome provision, as long as it does not extend to people who are not considered a danger.

The Hon. T.T. NGO (16:05): I rise to speak in support of this bill that deals with two sets of amendments, both of which have arisen due to submissions from SA Police (SAPOL). One of the two amendments in this bill relates to the Bail Act and replaces the words 'part of a firearm' with 'firearm part'. The amendment also defines 'firearm part' in the same way it is defined in the Firearms Act. In the Firearms Act, 'firearm part' means a barrel, firing mechanism, magazine, cylinder, hammer, bolt, breech block or slide designed as, or reasonably capable of, forming part of a firearm. This change of wording covers all firearm parts that are essential to the function of the firearm and have potential to cause harm.

The change updates the act so that the terminology between the Bail Act and the Firearms Act is consistent. SAPOL highlighted the issues caused by the discrepancies between the Bail Act and the Firearms Act, which specifically relate to section 45(2) of the Firearms Act.

As the Attorney-General the Hon. Kyam Maher MLC explained in his introduction to this bill, currently a person on bail is required to surrender all firearms, ammunition and any parts of a firearm. This includes the non-operational parts of a firearm that do not pose any risk to the public, such as cosmetic parts, and consequently there is really no reason for them to be seized or stored by SAPOL.

The second amendment deals with the definition of 'terror suspect'. As we know, in Australia counterterrorism laws are primarily governed by commonwealth legislation, which outlines offences related to terrorism, including planning or preparing for a terrorist act, financing terrorism and being a member of a terrorist organisation.

The current Bail Act came about through an amendment made in response to a decision by first ministers at a Council of Australian Governments meeting on 9 June 2017. An amendment in the Statutes Amendment (Terror Suspect Detention) Act 2017 commenced operation in 2018. This resulted in applying a presumption against bail and parole to applicants who are terror suspects.

'Terror suspect' refers to an individual who is suspected by law enforcement agencies or intelligence services of involvement in terrorist activities or plots. A terror suspect may be under investigation for planning, aiding, financing or participating in acts of terrorism, which can range from violent attacks to supporting extremist ideologies. Even if a terror suspect is not directly connected to a terrorist organisation, terror suspects with extremist ideologies may inspire other individuals within the community to act in such a way as to pose a risk to the safety and wellbeing of the public.

In South Australia, we have state laws and regulations related to counterterrorism and public safety. This amendment bill fixes an ambiguity raised by SAPOL in the way presumptions against bail are applied to both terror suspects and individuals who are charged or convicted of a state terrorism offence. The amendment clarifies that if a person is arrested for a state terrorist offence and has no past terrorist charges, terrorism notifications or convictions under the commonwealth Crimes Act then they are not a terror suspect pursuant to the Bail Act and the presumption against bail and parole will not automatically apply.

As we all know, the presence of any terror-related behaviour within a community can have far-reaching consequences, posing risks to safety, social cohesion and the overall wellbeing of entire communities. For that very reason it is crucial for law enforcement agencies to be able to identify and address potential threats and apply the law accordingly.

As the Hon. Kyam Mayer has stated, the two sets of amendments were made in response to addressing the issues presented by South Australia Police. Whatever we do to streamline and improve our state laws in order to better facilitate and support the work of SAPOL, the better outcomes we will have in terms of public safety. Therefore, I commend this bill to the house.

The Hon. M. EL DANNAWI (16:11): I rise to speak in support of the bail amendment bill. The government must take utmost care when evaluating the presumption of bail. It forms a component of the principle that rests at the heart of our justice system: the presumption of innocence.

As we live in a federation, it is also important that our criminal laws be uniform across states and territories when appropriate. Inconsistencies may lead to unintended consequences. There is a presumption against bail for those charged with terror offences where the offence is covered by commonwealth legislation. At the time they were added to this prescribed category, there were no state-based terror offences existing in South Australian legislation. That has since changed, and as such this bill brings state-based offences into line with commonwealth-legislated offences.

The amendment bill before us is of a technical nature. It seeks to close loopholes and smooth inconsistencies between acts to make sure that our justice system is operating as fairly and efficiently as possible. Following feedback from SAPOL, this bill will also be clarifying terminology as it relates to firearms. The bill will make terminology in the Bail Act consistent with the terminology used in the Firearms Act. This change will mean that police only have to seize parts of a firearm essential to its function.

This bill is the latest in a number of amendments to the Bail Act that this government has undertaken, two of which I have previously spoken to in this place. The Bail (Conditions) Amendment Bill 2023 fulfills the election commitment to introduce legislation which will require persons who have been charged with a serious domestic violence offence to be electronically monitored as a condition of bail. This is a small but meaningful change which will positively impact survivors of domestic violence.

The government also recently amended the Bail Act with the Child Sex Offenders Registration (Child-Related Work) Amendment Act 2024. That act created a default rule that registered child sex offenders and those accused of registrable child sex offences must not work in a business that employs children if their employment would involve contact with child employees.

As I said at the outset, the presumption of bail as an extension of the presumption of innocence is an important part of our justice system. It can be a fine balance between the rights of the individual and the safety of the community. It is the government's responsibility to ensure that the balance remains correct and that our justice system can work for everyone. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:14): I would like to thank all honourable members for their valuable and significant contributions on this important piece of legislation. I look forward to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 May 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:17): I rise as lead speaker on behalf of the opposition on this bill to indicate that the opposition cannot and will not support this

bill in its current form. There are a number of clauses in this bill that are non-controversial and which the opposition do support. Clauses 3, 5 to 19, 20 to 30 and 33 to 51 amend 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 Act 1983 and the Supreme Court Act 1935 to remove references to 'Master' of the District and Supreme courts and replace them with 'Associate Judge of the District Court' and 'Associate Judge of the Supreme Court', as appropriate.

Clause 4 provides for a deeming provision in the District Court Act to ensure that all references to 'Master' in any other act or legislative instrument will be taken to be a reference to an 'Associate Judge'. As I have stated previously, these amendments are uncontroversial and ones that the Liberal opposition support.

What we do not support is this government's bid to end the appointment of counsel as KC or QC by removing reference to Queen's Counsel in part 7 of the Legal Practitioners Act. What we also do not support is the government's move to substitute the existing section 92 with a new section 92 that would abrogate the Crown's right of appointment.

We are not the only ones who do not support these changes. In fact, most of the legal profession do not support these changes. I would like to point to correspondence that the opposition has received on this bill from both the Law Society of South Australia and the South Australian Bar Association. The South Australian Bar Association have written that:

> The profession in South Australia, as represented by its constituent bodies, is opposed to the amendments proposed by the Attorney-General in the bill so as to abolish the Office of King's Counsel.

They go on to state that:

> Historically, the postnominal Senior Counsel was only introduced because of the Rann Government's interference in the process of appointment that had occurred at that time. Under the current legislation, there is no possibility of Government interference in the process of appointment, nor is the role of the Justices of the Supreme Court in the appointment process in any way usurped.

They have also stated that:

> There is no impetus for such a change from members of the profession. The South Australian Bar Association opposes the proposed amendments to this aspect of the Proposed Bill and respectfully request they be removed from the Proposed Bill.

The Law Society of South Australia stands by its remarks to the then Attorney-General, the Hon. Vickie Chapman, in 2019, that the reintroduction of the title is supported by the majority of its membership and remains of the opinion that it should be an option available to those appointed by the court.

Many senior barristers have spoken out publicly against the move. Parole Board chairwoman, Frances Nelson KC, one of the most experienced members of the legal profession in this state, was quoted in *The Advertiser* recently, stating:

> I don't believe that politics should enter the administration of justice. This is creating disturbances in the legal profession over an issue of ideology.

David Edwardson KC is an incredibly experienced criminal barrister and is noted in a separate *Advertiser* article on 7 May stating this entire ideological debate is, and I quote, an 'unnecessary and gratuitous distraction from much more important issues to the SA public'. Mr President, whilst I am not necessarily suggesting that an *Advertiser* poll should be a sole measure of popular opinion—

The PRESIDENT: Good.

The Hon. N.J. CENTOFANTI: —it is interesting to note that out of over two and a half thousand online votes, 70 per cent of those people do not think the title of King's Counsel should be abolished. So other than Supreme Court Chief Justice Chris Kourakis and the Attorney himself, it would seem that most other individuals, certainly in the profession, believe this piece of legislation is flawed, and is flawed for a number of reasons.

Firstly, the postnominal SC is apt to mislead and many individuals outside the profession do not really know what it means. It is also well known that larger firms designate their in-house counsel

as SC, standing for special counsel. This is misleading also. So, too, does the Courts Administration Authority, which the Chief Justice heads, by allowing the Coroners Court counsel assisting to be designated Senior Counsel Assisting the Coroner if they have been promoted to that employment rank by the authority.

I do want to make some comments that what is also unfortunate is the assertion made by Chief Justice Kourakis suggesting that those who have adopted the QC or KC postnominal have done it to exploit for their own gain. Whilst I am not a member of the legal profession, I have no doubt that these comments are quite hurtful and unfair to those in the profession. Many barristers who I know have centred their practices on long, legally aided trials, and many silks do much pro bono work. In any case, the Chief Justice should not be commenting on bills yet to be passed by the parliament. He is the head of the judicial branch of government, and we do have the doctrine of separation of powers in this parliament and in this state.

I think it is important to note that in 2020 the Marshall Liberal government reinstated the appointment of Queen's Counsel, now King's Counsel, by way of the Legal Practitioners (Senior and Queen's Counsel) Amendment Bill 2020. This followed the cessation of appointment of QCs by the then Rann government back in 2008 at the request of Chief Justice Doyle.

It is also very poignant to note that the then Labor opposition supported the Liberal government's amendment bill in 2020. I would like to refresh the chamber's memory with some of the quotes of the then shadow attorney-general, the Hon. Kyam Maher, who is now pushing through this piece of legislation as Attorney-General of this state. The Attorney-General said at that time:

> It is our contention that, given the things that we have to deal with at the moment, this issue is not of that great an importance.

He was suggesting that rather than spending time on postnominals, the then government should have been legislating for other more meaningful reform around protections of our community. Might I suggest that the Attorney-General and his government might want to heed his own advice on this issue and focus on other more pressing matters, such as community safety, the cost of living and doing business in this state, and fixing the ramping crisis that his government promised to fix, rather than focusing on pushing republicanism ideology.

The Attorney-General stated in his correspondence with the sector, that being a letter to the Law Society of South Australia President, Mr Alex Lazarevich, dated 2 May 2024:

> These amendments would align our state with New South Wales.

He also said that they would:

> Return(s) South Australia to the status quo that existed from 2008 until the previous Government's legislative amendments in 2020.

It seems that the Attorney-General has forgotten that industry is best communicated with when that communication is two way. Reform works best when you bring the sector with you and do not, as it has unfolded over the past two weeks, split the sector into two uneven factions. While New South Wales may have removed the title, Queensland and Victoria reversed their prior decisions and have instead moved to reinstate the postnominal. Western Australia has never ceased the practice.

Labor governments have quite the historical record of aggravating the legal profession in South Australia. In 2006, Premier Rann repeatedly aggravated the sector by initially intervening in a QC appointment and was said by *The Advertiser* at the time to be submitting the legal profession to a 'sustained attack from Rann over the past five years'. Skip forward and it seems that the current Attorney-General is content to repeat this ongoing row. As my Liberal Party colleagues have already gone on record to state, the inclusion of these two clauses amongst the other 49 changes is a half-baked display of ideology.

'Modernising language' does not improve outcomes in this case. It is so far from being in any way effective, and it is just another attack on cultural heritage in this state. The current Attorney-General seems to have a particular enthusiasm for fighting culture wars. We saw this on display with the public holidays amendment bill when he attempted, succeeded and then had to withdraw attempts to remove the names of ANZAC Day, Australia Day and even Christmas Day.

Once again, we can see that although this Malinauskas Labor government might throw a decent party with a bit of sport and rec, when it comes to the day-to-day running of the state and making important industry decisions that affect people's livelihoods, they get it wrong time and time again.

As noted prior, the opposition will be opposing clauses 32 and 33 to reverse this nonsense and noise. The Attorney-General has no business meddling with this, just like his predecessor Premier Rann had no business meddling in this. Marie Shaw KC, President of the South Australian Bar Association, notes in her correspondence that I referred to earlier:

> It is regrettable that the Government proposes to promulgate this aspect of the Bill just four years after the Act was amended following extensive consultation and debate.

Ms Shaw demonstrates here that the extensive consultation and debate did indeed find that there was a relevant and valid place for the title of King's Counsel in the sector in this modern era, and it should be kept this way. So it beggars belief that here we are again discussing such matters and, I note, without proper consultation with the profession, when, to the Attorney's own point, we could be and should be focusing parliament's time on more pressing matters.

I think we can all see that this legislative move at the hands of the Premier and the Attorney-General is all about the republican cause, and I have no doubt that it will be something they will continue to push right up to and possibly including their appointment and their enthusiastic acceptance of vice-regal office in the years to come—such hypocrites that they are.

The Hon. L.A. HENDERSON (16:30): I rise today to speak to the Statutes Amendment (Attorney-General's Portfolio) Bill 2024. The Hon. Nicola Centofanti MLC is the lead speaker for the opposition and has already clearly articulated our position on this legislation.

Given the interest in this issue within the legal profession, I take this opportunity to briefly address this bill as well. The bill seeks to replace and update references to the title of Master of the Supreme Court or District Court to Associate Justice and Associate Judge respectively, and also seeks to abolish the appointment of King's Counsel in South Australia, and expressly to extinguish the prerogative power of the Crown to make such appointments.

It is my understanding that the proposed amendments concerning the titles of the relevant judicial officers was made at the request of the Chief Justice and Chief Judge, following a resolution by the judges of the Supreme Court and District Court to discontinue the use of the title of Master in their respective jurisdictions. It is my understanding that these changes are not seen to be controversial, nor do they cause substantive changes to judicial functions.

I cannot, however, say the same for the amendment proposing to abolish the appointment of King's Counsel, formerly described as Queen's Counsel prior to the death of Her late Majesty Queen Elizabeth II. Despite being, quite frankly, an incredibly discrete issue, this proposed change has attracted much attention since its announcement a few weeks ago. According to the South Australian Bar Association, the only group of people directly affected by this proposal:

> The profession in South Australia, as represented by its constituent bodies, is opposed to the amendments proposed by the Attorney-General in the Bill so as to abolish the Office of King's Counsel.

It is my understanding that there has been no request by either the South Australian Bar Association or the Law Society of South Australia seeking the proposed amendments to be promulgated. One must wonder why the Labor government is so intent on seeking to make these changes, noting that this is just four years after the act was amended by the Marshall Liberal government to allow for KCs and QCs to be appointed. Those amendments, which gave us the framework in existence today, were made following extensive consultation with the legal profession. I query what, if any, genuine consultation has been conducted in the proposal for this bill, given the unambiguous lack of support by the constituent bodies of the legal profession.

I note that the Attorney-General set out in his second reading speech the recent history of King's and Queen's Counsel in South Australia during his contribution, noting that 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. In 2019, the former Liberal government determined to reinstate the appointment of Queen's Counsel in South Australia.

In 2020, the former Liberal 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.

In a letter addressed to the Attorney-General, the Law Society has stated that the society does not see the need to revisit what was an otherwise recently settled issue that involved considerable debate, and that the KC postnominal is available in Queensland, Victoria and at commonwealth level, and that over the past 30 years each of these jurisdictions had changed to SC before ultimately reverting to the original approach of allowing the KC postnominal.

This letter further says that it is the Law Society's understanding that the vast majority of the profession appointed SC since the 2020 change have chosen to obtain letters patent and become KC. The society considers that this demonstrates the preference of the legal profession for an individual-appointed silk to have a choice in the matter and, for this reason, queries the impetus for the government to intervene, particularly noting that the views of the society and the South Australian Bar Association were voiced and settled so recently.

According to correspondence from the Bar Association, at their AGM on 1 August 2018, a motion was put that the association support the reinstatement of the appointment of Queen's Counsel in South Australia, and requested the government to effect the reinstatement. At that AGM, 98 per cent of members were in favour of the association resolving to seek that Queen's Counsel be reinstated in South Australia, adopting the model and processes in place in Victoria.

In accordance with that motion, SABA's then President, Mark Hoffmann KC, wrote to the Hon. Steven Marshall, the then Premier, and Vickie Chapman, the then Deputy Premier and former Attorney-General, requesting the government to effect that reinstatement in accordance with the model set out in the motion. A survey was also conducted by the Law Society of South Australia of its members in relation to the reinstatement of Queen's Counsel in South Australia. Members voted 70 to 30 in favour of the reinstatement.

Rightly, concerns have been raised as to whether this proposed change by the Labor government is in reality an attempt to push a republicanism ideology. *The Advertiser* has reported that government officials believe the monarchist title must go so, in reality, that causes one to wonder whether this bill really is just posing as a wolf in sheep's clothing, whether this is a half-hearted attempt to disguise a hidden republican agenda from this Malinauskas Labor government—a minister of the Crown going after the Crown.

As recently as the weekend, long-serving and respected Parole Board chairwoman, Frances Nelson KC, said that she does not believe that politics should enter the administration of justice. She also said that this is creating disturbances in the legal profession over an issue of ideology and:

> I think the situation that was agreed not so long ago, where barristers could make a choice was…fair because we're still a constitutional monarchy.

On that note, perhaps it is worth reminding members on the government benches that we are still in fact a constitutional monarchy. Perhaps it is worth reminding members on the government benches that there has not been a successful referendum put to the people of Australia to make our nation a republic.

Then again, we know that under the Malinauskas Labor government, and more particularly the Attorney-General, the result of a referendum does not appear to matter in the slightest. They have shown us that they do not care about what the majority of Australians think, when they did not wait for the results of the recent federal Voice referendum before pushing ahead with legislating for a State Voice, and then again when they pushed ahead with the inaugural First Nations Voice elections despite 64 per cent of South Australians voting with a resounding no.

If we want to talk about resounding noes, perhaps we should look at the resounding results of the Law Society of South Australia's consultation back when the royal title for a silk was brought back to legislation: 70 per cent of Law Society members who voted in 2020 supported the reinstatement of what was then Queen's Counsel, and for barristers who were appointed silks to have a choice. Ninety-eight per cent of the South Australian Bar Association, the only people who

have a right to these postnominals, if they are esteemed enough to obtain them, supported the reinstatement of what was then Queen's Counsel.

As I have said, those changes were the subject of extensive consultation. But, despite the Attorney-General's constituent body giving him a resounding no, he pushes ahead today without regard for his representative role as the first law officer of this state. This Attorney-General's conduct, in pursuing this change, is in complete disregard of the profession he is supposed to represent. It is shameful at best, it is a tin-eared approach to an issue which was resolved some years ago and which, for whatever reason, has made it to the government's priority agenda today.

Rather than listening to those he represents, this Attorney-General is embarking on another quest of telling everyone that he knows best. While we are in a cost-of-living crisis, where people are struggling to put food on the table and keep their lights on, with people struggling to pay for the fuel to get to work, what does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel. While we are in a child protection crisis where, under this government, we have seen review after review without result, what does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel.

While the government ignores the opposition's calls for a standalone child protection minister, instead appointing an assistant minister for junior sport participation in his latest reshuffle—instead of listening to these calls—what does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel. While last Monday alone, around 47 per cent of matters on the District Court list related to people who had been charged with child sexual abuse or exploitation-related matters, what does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel.

While we are in a housing crisis inflicting untold misery on people both young and old in our state, what does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel. While the ramping crisis gets worse and worse under the Malinauskas and Kyam Maher-led Labor government, what does this government choose to spend their time on?

Members interjecting:

The Hon. L.A. HENDERSON: I am glad that those opposite find this so funny. What does this government choose to spend their time on? Whether a small minority of lawyers can use the title of King's Counsel. While we continue to see more and more deaths due to family and domestic violence in this nation, this government chooses to spend their time today on whether a small minority of lawyers can use the title of King's Counsel. There are just so many issues that this government could be focusing their time on today, but instead they choose to occupy the time of this parliament with its hidden republican agenda pursuing change for change's sake without the support of those affected. Why this issue is at the top of their list, I do not know.

In closing, I have to agree with David Edwardson KC, who criticised this bill as the unnecessary and gratuitous distraction from much more important issues to the SA public and that it is really quite difficult to understand why the government is making this move. This bread-and-circuses government has the wrong priorities and, boy oh boy, is it on display today.

The Hon. R.A. SIMMS (16:41): It will be no surprise to members of this place that the Greens are supportive of this bill. I must confess I am a republican. I know that will shock some members; I can see the looks of distress on their faces. The secret Green agenda for Australia to become a republic is on display here today.

I am a republican, but might I say this is actually also about modernising our legal profession. These are terms that have been used since the 1500s. Surely, 700 years later, rather than creating terms that hark back to a time when the responsibility of legal counsel was to serve the monarch, we should actually move towards titles that represent the role of these professionals to serve their clients. I really do not think the people who are seeking justice in our state care whether or not these people are referred to as KC or SC; they want to ensure they are getting the best support possible. But I think it does send the wrong message when we have these anachronistic titles from a bygone era.

I do think it is interesting, though, hearing some of the remarks from the Liberals in this chamber. They talk about this not being a priority, yet I note, looking at the *Notice Paper*, that there are more Liberal speakers on this matter than there are on any of the other important issues that the parliament is dealing with today. Indeed, there are more speakers on this matter than there are on the bill that we dealt with earlier relating to recruiting children to crime. There are more Liberal speakers on this bill than there are on the bail bill that we dealt with earlier.

When we are in the middle of a cost-of-living crisis, what does the opposition spend their time on? When we are in the middle of a cost-of-living crisis, the opposition chooses to spend their time in this place on this matter and give it significant focus—I should acknowledge mouse traps as well. But really, this is not the number one issue for the people in the broader community, despite the fact that the Liberals have given it such prominence. It is anachronistic, and it is time to change.

It is our understanding that the current process requires the minister to approve the nomination of a Senior Counsel to King's Counsel before it is sent to the Governor. Indeed, this was the model that was implemented when QCs and KCs were reinstated after 2019, after being abolished for 10 years. I note the submission of the Law Society and I respect the views of many people in our legal profession but they are wrong on this.

The Liberals have talked a lot about the need to protect our heritage. If they are serious about that, I urge them to in the future support the Greens' calls to protect our iconic heritage buildings rather than folding like a cheap suit when the Property Council comes out swinging, as we saw in this chamber just a few weeks ago. That would be the kind of meaningful support for our heritage buildings that the people of South Australia are looking for, not the sort of nonsense that the Liberals are latching onto in their quest for relevance.

There is one other thing I will say before concluding. I urge members—there was a point made about the separation of powers and I think it is important to note that the Chief Justice is removed from politics, and I think it is important that members of parliament and the broader profession respect that delineation. I think it is appropriate, of course, to criticise government policy, to engage in that debate, but I think we also need to respect the distinct role that the Chief Justice plays in our system. It is very important for the confidence of the broader community that that role be outside of politics, in my opinion. With that, I conclude my remarks.

The Hon. S.L. GAME (16:46): I rise briefly to indicate I will not be supporting the bill. It is ideologically driven and not supported by the legal profession. Amid the state government's mounting law and order failures, this is a distraction that the judiciary does not need. When changes were introduced a few years ago to give counsel a choice of whether their skill elevation should be by way of King's Counsel or Senior Counsel, the South Australian Bar Association and the Law Society supported a choice being available. Both remain supportive of the status quo. There has been no basis put forward by the government to reverse the position and deny counsel who are appointed the choice of taking the postnominals of Senior Counsel or King's Counsel.

There is nothing to suggest it is not working. Many of us still believe in a constitutional monarchy as the optimum form of government rather than a republic, and our entire legal system is based on the English common law system. There is no suggestion that this proposed change has been initiated by the legal profession in respect of whom it is to apply. The reality is quite the opposite. Both the South Australian Bar and the Law Society remain united in opposing the proposed legislation.

The Hon. F. PANGALLO (16:47): I rise to vehemently oppose both parts of this bill, particularly that to abolish the appointment of King's Counsel, a move spearheaded by the Attorney-General at the behest of the Chief Justice of the Supreme Court, who I may add is a known socialist. This legislation not only disregards tradition but also demonstrates a concerning lack of transparency, accountability and observance to the opposition of both the legal profession and the broader public.

First and foremost let me address the elephant in the room: whose interests does this bill serve? It certainly is not the public or the majority of the legal industry, as evidenced by the overwhelming dissent voiced by constituents and legal professionals alike. Clearly, the Attorney-General has not actually looked at the public view of this bill, so let me read out just some

of the comments made by the public in media articles relating to this bill. As one constituent aptly puts it, and I quote:

> Hey Kyam, how about you do something that's actually useful to us South Australians whom pay your wages, like going to Ceduna and helping a community under siege.

Another constituent expressed frustration, stating, quote:

> Can someone please tell me one useful thing that Kyam Maher has done since being in power. Professional politician! Give us something Kyam!

The next quote:

> KM if you are not prepared to do the job we are paying you to do as AG you need to resign from the role ASAP.

I could go on all day. The comments regarding this bill paint a vivid picture of public disillusionment with the Attorney-General's priorities. At a time when our communities are grappling with pressing issues, such as cost of living, affordable housing, domestic violence, crime, ramping, inequality and access to justice, it is perplexing that the government would choose to focus its efforts on such a trivial matter that amounts to a culture war salvo. We have heard the Attorney-General, in response to this question, state:

> While the Liberals may struggle to focus on more than one area at a time, we are more than capable of tackling the serious issues, whilst dealing with routine business.

Here is the public's response to the Attorney-General, and I quote:

> Are you though? Let's see…Cost of living (fail), ramping (fail), museum funding (fail), crime (fail), building a hospital (fail), Building South Road (fail), Rail to Mount Barker (fail)…Gather Round (yes), LIV Golf (tick).

Just one more for good measure:

> Shouldn't the Attorney-General be focusing on more important matters that actually protect the South Australian public?

That is a pretty good question, particularly when a violent, paroled, high-risk paedophile offender, Allan Hopkins, was on the loose, whose supervision order the government allowed to lapse a month ago. Police in three states were looking for him on allegations that he was responsible for another sexual assault, and he was only apprehended at the weekend.

I actually have deja vu from the last time this bill came before parliament, in 2020, because these public reactions are the exact argument the now Attorney-General tabled in opposition. Let me give you some snippets of the way the Attorney-General argued his opposition last time. I quote from *Hansard* on 24 September 2020:

> My question to the Treasurer, representing the Attorney-General in this place, is: in allowing for the appointment of Queen's Counsels, as this bill proposes, how many dangerous child sex offenders will spend longer in prison as a result of this bill passing?

Another quote:

> Can the Treasurer outline how many further recommendations of the Royal Commission into Aboriginal Deaths in Custody will be implemented as a result…of this bill?

And another quote:

> Can the Treasurer explain in any way how our criminal justice system or our justice system will be better for South Australians as a result of the passage of this bill?

Can the Attorney-General explain today, in any way, how this change and the passage of this bill will benefit South Australians in addressing the shocking rate of domestic violence, child sex abuse, the spike in youth crime, murders and other vicious assaults on persons, and drug dealing, all in a wobbly and overloaded criminal justice system? We have government legislation tabled that supports victims of crime and supports workers returning to work following injury, and we have legislation that improves the lives of those in the community with a disability, but apparently they are not nearly as important as the Attorney-General and Chief Justice's opinion on the title that barristers can call themselves. It sounds like hypocrisy to me.

Given that 70 per cent of the public, in a poll completed by *The Advertiser* last week, think that King's Counsel should remain, can the Attorney-General make one cogent argument as to why this should be supported? Do not say, 'Because the majority of jurisdictions have.' That is just a deceptive use of statistics, a furphy, when the facts show that there are more barristers in the three King's Counsel states of Queensland, Victoria and South Australia than the remaining majority.

Can the Attorney-General show us any statistics identifying public support or the profession's support? Does he have anything beyond symbolism and a desperate attempt to push the state away from the monarch? From all public accounts, it is the following that can be heard:

> Labor only cares about symbolism and never about real issues concerning people.

Another quote:

> Maher is deaf and blind to what he doesn't want to hear or see and has his own agendas, doesn't care what anyone else wants.

The Attorney-General's zeal to abolish titles with monarchical connotations poses the questions: what is next on the chopping block? Will the esteemed title 'the Honourable' for members of parliament and Supreme Court judges be deemed obsolete next? It is a whimsical thought—

Members interjecting:

The Hon. F. PANGALLO: 'Yes', he is saying yes. There you go. It is a whimsical thought, but given the Attorney-General's apparent aversion to such titles one cannot help but wonder if he will cleanse himself of it. In the spirit of jest one might even speculate whether the Attorney-General harbours plans to somehow abolish South Australia's recognition of the Victoria Cross, named after Queen Victoria, or perhaps the Order of Australia, which owes its existence to the prerogative of His Majesty as sovereign head.

If he is so principled about monarchist titles is he going to join us from the Legislative Council and break bread with our popular Governor, Frances Adamson, the King's representative, at a dinner in Government House shortly? After all, we are a constitutional monarchy. Has he considered the confusion this creates with the postnominal for the Star of Courage, held by some 183 courageous individuals, including none other than our Lieutenant-Governor and former joint Australian of the Year Dr Richard Harris SC OAM? I am sure Dr Harris is excited to know he will now be recognised as a doctor and a senior barrister rather than a Star of Courage recipient.

It seems that in the pursuit of so-called progress the Attorney-General is willing to discard tradition without batting an eyelash, saying it is all about the language of the court. What in the hell does that nonsense mean? He is flailing to find a logical reason. But where does it end? Should we obliterate all vestiges of our historical ties to the monarchy, or should we recognise the value of tradition and the contributions of those who have earned such honours? Will he ask that Queen Victoria's statue in Victoria Square be moved elsewhere and replaced by one of his choosing? Presumably the square will need to be renamed as well.

What muddies the water further is the Chief Justice. The most senior judicial officer in the state has masqueraded his well-known strong personal opposition to the monarchist term 'King's Counsel' as a view of the judiciary. Do not be fooled, though: it did not stop him from putting in his application to be appointed Queen's Counsel back in 1997 or from holding on to the postnominal for some 10 years before renouncing the title once the appellation of Senior Counsel was introduced to the state. I am sure he did not alter his bills, either.

Whilst it is his choice to hold such a view, it is in clear conflict with most of the legal community. This includes both the Law Society and the Bar Association, which are up in arms about this. There is a reason the Chief Justice has declined to publicly comment on any concerns raised by his fellow judges. As someone who said he will not engage in political activism, he sure has used his position to show support for the partisan woke Attorney-General and to politicise the debate in media and radio interviews.

This is in stark contrast to the Chief Justice declining to appear before a sham Budget and Finance Committee inquiry instigated by the Attorney-General when he was in opposition in 2019. The shadow attorney saw an opportunity to fling some mud at then Attorney-General Vickie

Chapman after she had awarded a $2.5 million ex gratia payment to Henry Keogh following the quashing of his conviction for the murder of Anna-Jane Cheney, thus avoiding a costly claim.

The Labor Party never wavered. Mr Kourakis had advised the government at the time that Mr Keogh's third petition for mercy had no prospect of success. Mr Keogh had to spend 20 years in jail for a murder he said he did not commit, and this was confirmed in a report of an independent forensic expert, Professor Barrie Vernon-Roberts, which was commissioned by Mr Kourakis when he was Solicitor-General.

That report found the forensic evidence tendered against Mr Keogh was so flawed, and it stated concisely that in his expert opinion no murder had been committed, concurring with the views of other eminent experts who later gave evidence in Mr Keogh's appeal. Professor Vernon-Roberts recommended that Mr Kourakis undertake a specific test on tissue samples, which would back up his findings. Not only was this test not carried out, but the report itself did not see the light of day for seven years while a presumed innocent man was left to rot in prison.

In 2012, when Mr Kourakis was a judge on the Supreme Court bench, he was interviewed by the ABC's Richard Fidler on his *Conversations* program where he was very insistent that Mr Keogh was guilty of murder on circumstantial grounds. Yet he made no mention of that vital report or the inadmissible forensic evidence presented by a disgraced and unqualified witness, Dr Colin Manock. The report's eventual discovery and disclosure at his appeal in 2014 led to the conviction being quashed unanimously, and a retrial ordered; however, the DPP chose to enter a nolle prosequi.

I put several pertinent questions about this matter on notice to the former Attorney-General Vickie Chapman, only to get inadequate answers. I also asked the Budget and Finance Committee to request the Chief Justice appear before the Keogh inquiry to answer the many questions I had about the hidden report, including that as a legal practitioner he was duty-bound to disclose this exculpatory evidence as a model litigant.

The Chief Justice declined to appear because he did not want to 'politicise' the issue. The Presiding Member—the now Attorney-General—was also reluctant to issue a summons from the Legislative Council to compel him to appear. Ironically, I do not think that sham committee ever reported on that inquiry and Mr Kourakis has never addressed why he held on to that report. We may never know. Was it to appease the Labor government, which always insisted Mr Keogh was guilty, and would not get out of jail before his time? Justice is not blind. It is biased and wielded by those in powerful positions.

By the way, Marie Shaw KC worked pro bono on Mr Keogh's case for two years and was instrumental in his freedom bid. The Attorney-General has taken no notice of the Law Society's views despite seeking them. I just want to read some portions of their letter in which they expressly state that they are opposed. Here is what they have to say:

> The Society resolved to adopt that majority view, and on 5 February…

This is in relation to a letter that is referred to in their letter to the Attorney-General that the society had decided to adopt the majority view to support the move in 2019 to keep Queen's Counsel, and they sent the enclosed letter to the former Attorney-General, the Hon. Vickie Chapman. I have that letter here, and let me just read from it. This is what it said in relation to that:

> SA Bar Association's Proposal for reinstatement of Queens Counsel
>
> I refer to a letter of 5 December 2018 sent to you by my predecessor, Mr Tim Mellor. Mr Mellor advised a preliminary resolution of the Society's Council in the context of its consideration of the proposal of the SA Bar Association that those appointed Senior Counsel be able to seek the grant of letters patent for the title of Queen's Counsel, if they wish; and that the Council would respond further after a survey to ascertain the views of its Members had been conducted.
>
> The results of a survey were considered by the Council at its meeting on 4 February 2019. Accordingly, the Council resolved
>
> That the Society, in light of the view expressed by the strong majority of respondents to its survey, advise the Attorney-General, Chief Justice and the SA Bar Association that the Society takes the view that

1. the appointment of silk is a matter solely for the Court (noting the Court undertakes a process of extensive consultation) and it is inappropriate for the Attorney-General or any party to participate in any way that may undermine the authority of the court [as previously resolved by the council]; and

2. Individuals who have been appointed Senior Counsel should be able to choose to seek a grant of Letters Patent for the title of Queen's Counsel and be able to use the post-nominal QC.

It is the Society's understanding that Letters Patent would be granted as a matter of course to an applicant who had been appointed Senior Counsel by the Court.

In other words, it is a matter of choice. That is all it is. That is all we are talking about: a matter of choice and nothing else—not ideology. Then there is the letter that was sent to the Attorney by the society. They point out that:

13. The Society does not see the need to revisit what was an otherwise recently settled issue that involved considerable debate.

14. The KC post-nominal is available in Queensland, Victoria and at the Commonwealth level and, over the past 30 years, each of these jurisdictions had changed to SC before ultimately reverting to the original approach of allowing the KC post-nominal.

15. The Society understands the vast majority of the profession appointed SC since 2020 change have chosen to obtain Letters Patent and become KC. The Society considers that this demonstrates the preference of the legal profession for individual appointed silk to have a choice in the matter and for this reason queries the impetus for the Government to intervene, particularly noting the views of the Society and the South Australian Bar Association were voiced and settled so recently.

16. There is a further important commercial aspect to the ability to take up KC as a post-nominal in that it provides a clear distinction between those who might otherwise be designated as Senior Counsel, and those who work in the many firms that have the position named 'Special Counsel'. Retaining the KC post-nominal will assist in ensuring members of the public are aware of this important distinction.

17. The Society notes that the South Australian Bar Association opposes the proposed change.

18. The current approach, by which legal practitioners are appointed as SC by virtue of section 92 of the Act and have the option to seek letters patent to use the KC title leaves the discretion with practitioners, strikes an appropriate balance and, in the Society's view, should remain unchanged.

I have been contacted by many senior practitioners and silks in the legal community who are utterly outraged by the Chief Justice's defamatory comments that having the KC title enables them to 'exploit clients so they can charge more'.

The Hon. I.K. HUNTER: Point of order, sir.

The PRESIDENT: The Hon. Mr Pangallo, I have to listen to the Hon. Mr Hunter's point of order. Sit down.

The Hon. I.K. HUNTER: Point of order 193: honourable members should not reflect on members of the court in a negative way. The comments that Mr Pangallo has just made are negative and I ask that you instruct him to withdraw.

The Hon. F. Pangallo: Which comments?

The Hon. I.K. HUNTER: 'Defamatory'.

The Hon. F. Pangallo interjecting:

The Hon. I.K. HUNTER: No, I am sorry, I am asking the President to reflect on order 193.

The PRESIDENT: Withdraw, please, the Hon. Mr Pangallo.

The Hon. F. PANGALLO: I will withdraw the 'defamatory' from it, so I will read it again. I have been contacted by many senior practitioners and silks in the legal community who are utterly outraged by the Chief Justice's comments that having the KC title enables them to 'exploit clients so they can charge more'. How ridiculous. Has he seen the prices his beloved SCs are charging in New South Wales? Has he looked in the mirror at his $560,000-plus perk salary that equates to more than $2,100 a day?

It is an insult to some of our most senior silks like Frances Nelson, Marie Shaw, Michael Abbott, William Boucaut, Dick Whitington and David Edwardson, who hold multiple Legal

Aid or pro bono files at any one time. They do it for the love of their profession. The profession is so outraged by the chief's comments that I am reliably informed by my sources that a group of them are still considering lodging a no-confidence motion to have the Chief Justice removed. That would be unprecedented, but we all hope cool heads can calm things down. My sources also indicate that members of the bench are unhappy, too.

The preservation of the King's Counsel postnominal is not only a matter of tradition but also a symbol of respect for the contributions of senior barristers to the legal profession. The public and the profession are entitled to know who holds this title and what they have done to reach that standard. I will conclude with a statement aptly made by a member of the community:

> It's part of a tradition that should carry on. Obviously this could be revisited in the situation of Australia becoming a Republic and it should wait until then. I'm concerned that we are almost seeing State legislation the equivalent of a separate sovereign identity and that is ridiculous. I do not consider my nationality to be simply a South Australian but a proud Aussie forever.

If or when Australia votes for independence from the monarch, that is when this and another huge amount of legislation should be tabled. This does not seem to be anytime soon, so I am strongly opposed to this bill on the understanding that my voice is indeed a voice in the wilderness of the current Legislative Council. Shame on you, Attorney-General, and the Chief Justice for igniting an unnecessary powder keg among the legal profession. Both of you failed to have a meaningful engagement with them.

The PRESIDENT: The Hon. Mr Pangallo, please do not refer to the Chief Justice in that manner.

The Hon. F. PANGALLO: I will finish with this, Mr President. The Attorney-General has failed to have a meaningful engagement with the legal profession. It was just the cold presentation of the draft. That is not consultation: it is sheer hubristic arrogance.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:11): I thank many members for their lengthy and impassioned speeches on what they described as a matter that ought not occupy too much of our time. It is probably the ultimate in irony in this chamber to say that and then spend a large amount of time on this. I note the Hon. Nicola Centofanti spoke for less than 4½ minutes on the other two bills we had in this place, one about terror suspects and one about making sure adults do not recruit children to crime, but she spoke in excess of 12½ minutes almost exclusively on the second part of the bill.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: Whether it is irony or hypocrisy I will leave to others to work out. I thank the Hon. Robert Simms for his brief but thoughtful contribution in support of the bill, and I thank the Hon. Sarah Game for her brief but thoughtful contribution that was not in support of this bill. I thank the Hon. Laura Henderson for her impassioned speech on this bill. I would have marked it high if it were a high school debate. It was very good. There were many good points.

I thank the Hon. Frank Pangallo. It was not, as he describes most things as he stands up, a brief contribution; this was a brief Frank contribution, I guess, in comparison. I also thank Frank for, as he pointed out, some of his deliberate exaggerations and comedy styling during the course of his debate. But in all seriousness, I know the Hon. Ian Hunter moved a point of order. The Hon. Frank Pangallo has talked about respect for our institutions only in the last week or so, and I would ask him to reflect on some of the way he conducted his speech today and how that promotes respect for our institutions in South Australia.

I know the Hon. Frank Pangallo implored us not to use pesky things like statistics or evidence as a basis for putting forward arguments about why we do things in legislation, but the simple fact of the matter is that this legislation has two elements. It modernises language used in the legal profession. The first one is about the title of Master being applied in the Supreme Court and District Court, and the second is about the title of KCs, formerly QCs, used in the legal profession.

As has been pointed out, those titles have a historical context that refers to those who do work exclusively for a government. That is not the case today. KCs certainly do not, as they have in centuries gone by, need permission of the Crown to act for criminal defendants. I know the Hon. Frank Pangallo will rally against the fact that the vast majority of our states and territories do not have the appointment of KCs or QCs. The biggest legal jurisdiction in the country, for I think some 30 years since 1993, has not had that appointment.

The Hon. Frank Pangallo talked about the economic disadvantage of not using those titles, yet offered no evidence to suggest any of that. As I have said, the New South Wales legal profession has not used those titles for many years. The Hon. Frank Pangallo referred to comments from *The Advertiser*. I have not looked but I am not sure what the comments from *The Advertiser* on Frank Pangallo's last story about the height of urinals in Parliament House said, but I do not think they would form a basis for us to take action.

This is not something that is the most important thing we will do, it is not even the most important thing we will do today. In fact, in the scheme of what we have achieved legislatively today—passing laws to make sure that adults do not recruit children to commit crimes, passing laws to make sure that there is a presumption against bail of people accused of state terrorism offences—those are important things. This is, as we do from time to time, updating of language. We regularly have bits of legislation that update language, the differences between births, deaths and marriages and the Burial and Cremation Act, these are run-of-the-mill things that we do regularly.

Unlike the former Attorney-General's bill on this in the last term of parliament, which was the single bill that she deemed worthy to personally brief the opposition on, I do not see it in that light. This is merely modernising language in two aspects of the legal profession.

The council divided on the second reading:

Ayes 11
Noes.....8
Majority 3

AYES

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

NOES

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

PAIRS

El Dannawi, M.	Lensink, J.M.A.

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: Can the Attorney inform the chamber whether the proposed amendments in relation to the title of Master of the Supreme and District courts were made at the request of the Chief Justice?

The Hon. K.J. MAHER: I thank the honourable member for her question. My memory and advice is that they were made at the request of the Supreme Court.

The Hon. N.J. CENTOFANTI: Can the Attorney inform the chamber whether the proposed amendments at clauses 31 and 32 were made at the request of the Supreme Court Chief Justice?

The Hon. K.J. MAHER: I thank the honourable member for her question. They were not made at the request of the Supreme Court but, of course, we consulted with them.

The Hon. N.J. CENTOFANTI: Given that it was not something asked for by the Chief Justice, on what basis is the Attorney-General initiating these changes, particularly given that many of the other relevant stakeholders are opposed?

The Hon. K.J. MAHER: I thank the honourable member. It was to modernise the language, while we were modernising the language in relation to Masters, and to bring us into line with the vast majority of other Australian jurisdictions.

The Hon. N.J. CENTOFANTI: How long has the government spent preparing this legislation?

The Hon. K.J. MAHER: Not very long.

The Hon. N.J. CENTOFANTI: Can the Attorney be slightly more specific?

The Hon. K.J. MAHER: I thank the honourable member for her question. Whenever legislation is prepared it is some hours to prepare, between policy and legal advice and parliamentary counsel advice. My guess is—and I am happy to go and check and let the honourable member know if it is not correct—the part of the legislation that affects the title of Masters in both courts, given the number of pieces of legislation it changes, would have been the vast majority of the work spent on this bill. These sort of amendment portfolio bills are not ones where there is nearly as much time spent as some of the substantive policy bills that make much more substantial changes or impacts.

The Hon. N.J. CENTOFANTI: The Attorney mentioned hours, can he inform the chamber as to how many hours of staff time were devoted to this bill?

The Hon. K.J. MAHER: I do not have that and, if I am to be honest, I do not think it would be easily ascertained. My guess is that it would be, orders of magnitude, less hours on that second part of the bill than was spent by the former government on their changes previously.

The Hon. N.J. CENTOFANTI: Can the Attorney outline the quantum of correspondence between the Attorney and his department and the Chief Justice and their office relating to clauses 31 and 32?

The Hon. K.J. MAHER: I thank the honourable member for her question. I think the sum total of the correspondence, from my memory, was a letter to the Supreme Court with a draft of the bill, which happens almost every time there are these sorts of bills, and a letter back.

The Hon. F. PANGALLO: Has the Attorney met with members of the legal profession or received correspondence from them in the last two days?

The Hon. K.J. MAHER: So that would be today or yesterday. I understand there is a letter that a number of barristers have signed. I have received an email that has been printed out in the last half hour, but besides that, no.

The Hon. F. PANGALLO: Can the Attorney read that email and table it?

The Hon. K.J. MAHER: I thank the member for his invitation, but I am not sure what the status of the authors of that correspondence have for that, and I do not make a habit of tabling something unless I have express permission.

The Hon. F. PANGALLO: The 'status of the authors'—are you suggesting that it could have been a dodgy document; you are not sure of that?

The Hon. K.J. MAHER: I am not suggesting that for one moment. I have been given, since this bill has started, what is a printout of a letter. I am not questioning its authenticity. What I am

suggesting is I do not have the permission of those whose names appear on there to table it, and I do not make a habit of tabling things without people's permission.

The Hon. F. PANGALLO: Whose names appear on that document?

The Hon. K.J. MAHER: Again, it is something I have been given in the last half hour, and I do not have permission to table it. I do not make a habit of referring to things that quite often people have an expectation of privacy about.

The Hon. F. PANGALLO: Does the document say 'in confidence', or is it an open letter or email?

The Hon. K.J. MAHER: Once again, I have briefly scanned the document. If it had been provided to me some time ago, I guess I would have had a chance to have more of an understanding as to what the authors may have intended with it.

The Hon. N.J. CENTOFANTI: Has the Attorney-General had discussions with the president of the Bar Association, Ms Marie Shaw KC, relating to amendments of clauses 31 and 32?

The Hon. K.J. MAHER: Yes.

The Hon. N.J. CENTOFANTI: Can the Attorney outline the nature of those discussions?

The Hon. K.J. MAHER: It was a meeting I have from time to time with the president of the Bar Association. Once again, I am not in the habit of discussing in a public way the meetings that I have, which often and generally have an expectation of privacy. However, I think the honourable member probably has the benefit of the views of the Bar Association, and I think she might have referred to them already.

The Hon. N.J. CENTOFANTI: Is the Attorney-General aware of anyone else in the legal profession other than the Chief Justice who supports these amendments?

The Hon. K.J. MAHER: Again, I think of people who have sought out and contacted me directly about this. Many members of the legal profession have my details of contact. From memory, I have had four barristers directly contact me—two in favour, two against.

The Hon. N.J. CENTOFANTI: Can the Attorney-General outline how many dangerous child sex offenders will spend longer in prison as a result of this bill passing?

The Hon. K.J. MAHER: I can tell you what will happen. Only recently, we passed a bill in this chamber, an Australia-leading first, to make sure serious repeat child sex offenders are indefinitely in jail—indefinitely in jail. This is something those opposite did not do. They did not think of doing that. We are absolutely committed to protecting children.

Members interjecting:

The CHAIR: Order!

The Hon. F. PANGALLO: How much personal correspondence has the Attorney-General had by way of phone or in person with the Chief Justice since this matter blew up?

The Hon. K.J. MAHER: Very little.

The Hon. N.J. CENTOFANTI: Can the Attorney-General outline how many South Australian women will be protected from domestic violence as a result of the passage of this bill?

The Hon. K.J. MAHER: What I can do, if that is in order, is outline the legislation that this parliament has passed very recently in relation to people who are domestic violence offenders who breach intervention orders. Now, if they are granted bail, they are required to be on home detention and electronically monitored. This was only in very recent weeks that we passed this bill in this parliament, so I am very proud that we have passed bills to keep women who are victim survivors of domestic violence safer, and we have passed nation-leading reforms to make sure dangerous repeat child sex offenders are indefinitely detained—indefinitely detained.

Members interjecting:

The CHAIR: Order!

The Hon. I.K. Hunter interjecting:

The CHAIR: The Hon. Mr Hunter, quiet. I will only take questions that relate to this bill.

The Hon. N.J. Centofanti interjecting:

The CHAIR: Order! You can have an early minute if you keep it up. I have had enough.

The Hon. I.K. Hunter: Seconded.

The CHAIR: I don't need you to second it.

The Hon. F. PANGALLO: Does the Attorney-General believe that having the title KC entitles barristers to charge more against their clients? Does he believe that quote?

The Hon. K.J. MAHER: Again, New South Wales have for in excess of 30 years not had the title KC or QC and their legal profession does alright.

The Hon. F. PANGALLO: That is not exactly what I asked. I asked does he believe that by having the title of KC, that gives them an entitlement to charge more to their clients than SCs?

The Hon. K.J. MAHER: I have not seen any studies.

The Hon. N.J. CENTOFANTI: Given that there was recent in-depth consideration of this issue with extensive consultation and debate as recent as 2020 when it was decided to reinstate the Queen's Counsel postnominal title by the former government, why does the Attorney-General believe that this was an issue that needed to be addressed so soon?

The Hon. K.J. MAHER: As I have explained before, we had a request that we update language in the judiciary that referred to Masters that most of the rest of Australia does not use, and so we used the opportunity while we were updating and modernising language used in the legal profession to do it for this as well.

The Hon. F. PANGALLO: Is the Attorney aware that some of the Masters are not happy with the change?

The Hon. K.J. MAHER: I know that there is always a range of views from people on anything that we do as policymakers and legislators.

Clause passed.

Clause 2.

The CHAIR: There is an amendment in the name of the Hon. N.J. Centofanti at clause 2. Can you explain what you are going to do with that, the Hon. N.J. Centofanti?

The Hon. N.J. CENTOFANTI: I move:

That this amendment be postponed and taken into consideration after clause 51.

This is because it is contingent on amendments Nos 2 and 3 [Centofanti-1] being successful, and the substantive clauses being deleted.

The CHAIR: What you are moving is that clause 2 be taken into consideration after clause 51 because of what you have just outlined.

Motion carried; clause postponed.

Clauses 3 to 30 passed.

Clause 31.

The CHAIR: The Hon. N.J. Centofanti has indicated that she will be opposing the clause. Do you want to speak to that?

The Hon. N.J. CENTOFANTI: Only to say that obviously due to the reasons outlined in my second reading speech, I indicate that the opposition will be opposing this clause.

The committee divided on the clause:

Ayes 11
Noes.....7
Majority 4

AYES

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

NOES

Centofanti, N.J. (teller)	Girolamo, H.M.	Henderson, L.A.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Pangallo, F.		

PAIRS

El Dannawi, M.	Lensink, J.M.A.

Clause thus passed.

Clause 32.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 3 [Centofanti–1]—

Page 8, lines 1 to 11—This clause will be opposed

Just quickly, whilst I am on my feet, I would like to place on the record that whilst the Attorney-General has commented on my length of speech today, he spoke for a full 13 minutes on this so-called unimportant bill back in 2020.

Members interjecting:

The CHAIR: Order! I am going to put the question that clause 32 stand as printed. If you are supporting the Hon. N.J. Centofanti you will vote no.

The committee divided on the question:

Ayes 11
Noes.....7
Majority 4

AYES

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

NOES

Centofanti, N.J. (teller)	Girolamo, H.M.	Henderson, L.A.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Pangallo, F.		

PAIRS

El Dannawi, M.	Lensink, J.M.A.

Question thus agreed to; clause passed.

Clauses 33 to 51 passed.

Clause 2—reconsidered.

The Hon. N.J. CENTOFANTI: Given my amendment to this clause is consequential, I will not be moving it.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:41): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 11
Noes.....7
Majority 4

AYES

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

NOES

Centofanti, N.J. (teller)	Girolamo, H.M.	Henderson, L.A.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Pangallo, F.		

PAIRS

El Dannawi, M.	Lensink, J.M.A.

Third reading thus carried; bill passed.

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

At 17:46 the council adjourned until Wednesday 15 May 2024 at 14:15.

Answers to Questions

COVID-19 VACCINE MANDATES

328 The Hon. S.L. GAME (8 February 2024). Can the Minister for Health and Wellbeing advise:

1. How many staff have been terminated for gross misconduct by SA Health since January 2021 for failing to comply with vaccine mandates?

2. Why does the COVID-19 vaccine remain as ongoing workplace policy for health workers when there is no impact on infection or transmission?

3. Who is funding the 'up to $15,000 relocation costs for interstate and overseas health workers' that are advertised positions?

4. Why has South Australia retained its vaccine mandate policy for health workers when Queensland Health have reviewed and removed based on it being no longer necessary?

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

1. Since October 2021, 235 permanent SA Health employees have been terminated for failure to comply with a lawful and reasonable direction, which required compliance with the policy and mandate.

2. SA Health has a comprehensive vaccination policy that covers the COVID-19 vaccine and other vaccines to ensure we meet our obligations from an occupational health and safety perspective.

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

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

We take seriously our responsibility to have evidence-based policy to protect our staff and patients.

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

Following an extensive review, on 12 April 2024 SA Health announced proposed changes to its workplace vaccine policy.

The proposed changes include that SA Health continues to strongly recommend COVID-19 vaccination for all SA Health staff. Exemptions for COVID-19 vaccination will only be provided if a staff member signs a declaration acknowledging they have been advised of the proven benefits of COVID-19 vaccinations and their active decision to forgo its benefits.

SA Health is currently consulting with staff and unions on the proposed amendments to the policy.

3. Reimbursements for relocation costs are funded by local health networks from existing operating budgets.

4. Refer to answer for 2.

AUTISM SERVICES

336 The Hon. H.M. GIROLAMO (21 March 2024). Can the Minister for Education, Training and Skills advise:

Which organisation does the government recognise is the 'peak organisation' for autism in South Australia?

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

The Department of Human Services provides funding to peak bodies across various sectors including carers, families, multicultural communities, social services, financial counselling, volunteering and youth although no organisation is funded as a peak for autism.

In seeking advice about and from the autistic and autism communities, the state government engages with a range of organisations and individuals including but not limited to:

- Autism Strategy Advisory Committee;
- Julia Farr Purple Orange;
- Autism SA
- Disability Engagement Group;

- Minister's Disability Advisory Council;
- South Australian Council on Intellectual Disability;
- National Disability Services; and
- members of the autism and autistic communities.

Various organisations provide a range of advice, advocacy and services related to autism and, across 2021-22 and 2022-23, Autism SA received more than $73 million in revenue from government sources.

COVID-19 COMPENSATION

342 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (10 April 2024). Can the Minister for Health advise:

1. Are SA Health staff entitled to paid leave if they have been directed not to attend work because they have tested positive to COVID-19?

2. If so, is there any restriction on the number of days that leave can be paid for being absent due to testing positive for COVID-19?

3. If not, when was paid special leave for COVID-19 terminated and how was that decision communicated to SA Health staff?

4. Is the SA Health directive that staff must not attend their workplace for seven days following a positive COVID-19 test still in place?

5. If not, when was that directed terminated and how was that decision communicated to staff?

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

1. Yes, excluding casuals.

2. In line with Commissioner's Determination 3.1 and SA Health (Health Care Act) Human Resources Manual, special leave with pay of up to 15 days may be granted to enable an employee to remain absent for reasons directly relating to COVID-19.

3. N/A.

4. No, however, staff who test positive should consider staying home and taking appropriate steps to protect others.

5. The Chief Public Health Officer advised chief executive officers of this change on 10 November 2023. The chief executive advised Department for Health and Wellbeing staff on 16 November 2023.

BAROSSA HILLS FLEURIEU LOCAL HEALTH NETWORK

343 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (10 April 2024). Can the Minister for Health advise:

1. Why is the Barossa Hills Fleurieu Local Health Network (BHFLHN) offering to renew some community nurses' contract positions for just six months when their current contracts finish in June this year?

2. How many community nurses have been offered a six-month extension to their current contract by the BHFLHN?

3. How does offering community nurses contract extensions of six months assist in securing the BHFLHN's future workforce needs in the middle of a severe shortage of nurses nationwide?

4. What is the average length of a contract for a community nurse working for the BHFLHN?

5. What is the average time between advertising for a nurse to join BHFLHN and the nurse's first day on the job?

6. What is the annual turnover of nurses working for the BHFLHN?

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

1. BHFLHN is working through improving the alignment of the community nursing positions. This process is expected to be finalised in the near future, with the intended outcome being the ability to offer longer term and permanent contracts to community nursing staff as required, once this transitional alignment and assessment period has passed.

2. Ten community nurses (including the Country Referral Unit) have been offered six-month contracts beyond their current temporary contract.

3. BHFLHN is providing reassurance and support to staff so that they may be retained as the network moves through this transitional alignment phase towards offering longer contracts and permanency.

4. The BHFLHN community nursing workforce is made up of:

- Ongoing/permanent contracts: 49 per cent
- Temporary contracts: 29 per cent
- Casual contracts: 22 per cent

Of those subject to contract, the average length of those contracts in BHFLHN is nine months.

5. This data is not available to BHFLHN as there is no linkage between advertising data in the recruitment system and contract data in the HR/payroll system.

6. As at 31 March 2024, the annual turnover rate for nurses in BHFLHN is 6.6 per cent.

GUARDIANSHIP ORDERS

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

1. For each year, since 2018 including year-to-date 2024, how many applications for guardianship have been lodged with South Australian Civil and Administrative Tribunal (SACAT) according to age: age 18-24, age 25-44, ge 45-64, age 65 +?

2. Of those guardianship order applications, by year, how many applications were lodged by an agency of the state of South Australia (e.g. Adult Safeguarding Unit, Office of Public Advocate, Public Trustee, SA Health, other government department)?

3. For each year, since 2018 including year-to-date 2024, how many applications for guardianship orders pertained to participants under the National Disability Insurance Scheme (NDIS)?

4. For each year, since 2018 including year-to-date 2024, how many applications for guardianship have been successful with SACAT according to age: age 18-24, age 25-44, age 45-64, age 65 +?

5. Of those successful guardianship orders, by year, how many applications were lodged by an agency of the state of South Australia (e.g. Adult Safeguarding Unit, Office of Public Advocate, Public Trustee, SA Health, other government department)?

6. For each year, since 2018 including year-to-date 2024, how many successful applications for guardianship orders pertained to participants under the National Disability Insurance Scheme (NDIS)?

7. For each year, since 2018 including year-to-date 2024, what is the average duration of an application from the time of lodgement to the time of final decision (e.g. action discontinued and/or orders handed down) before SACAT?

8. For each year, since 2018 including year-to-date 2024, how many applications lodged were dismissed and/or lodgement refused by SACAT?

9. For each year, since 2018 including year-to-date 2024, how many guardianship orders resulted in the removal of a vulnerable person from their domestic/familial place of residence and placement into a group facility (e.g. NDIS specialist disability accommodation) and/or other state care facility (e.g. hospital, rehabilitation, boarding house, aged-care facility, etc.) by SACAT?

10. For each year, since 2018 including year-to-date 2024, how many applications lodged resulted in the protected person being returned/placed into the full care of a family member by SACAT (i.e., without Office of Public Advocate or Public Trustee involvement and/or intervention and/or oversight)?

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

1. SACAT receives approximately 8,500 guardianship and administration applications annually. That total includes all types of applications relating to guardianship and administration and includes applications to vary or revoke an order, applications for urgent hearings, and tribunal reviews that are mandated by legislation to occur periodically.

The collation of data regarding applications for guardianship and administration is limited to reports retrieved from SACAT's case management system. SACAT is not able to separate guardianship and administration applications into separate reports and is not able to provide a breakdown of age range.

SACAT's new applications report records a total of 12,524 new individuals relating to whom a guardianship and/or administration application (including applications for special powers) was made for the period between 1 January 2018 and 30 April 2024. That total is not reflective of the total number of applications received but rather the total number of new individuals the subject of an application.

SACAT's current case management system was introduced in 2020, and this particular year-on-year data set is only readily available from 2020 onwards. The total number of guardianship and administration applications (including applications for special powers) received year to year from 2020 onwards is as follows:

- 2020 = 5,323
- 2021 = 4,317
- 2022 = 4,474
- 2023 = 4,839
- 2024 = 1,589

2. SACAT is not able to provide a breakdown of the nature of the applicants in this way.

3. For the period between 1 January 2018 and 30 April 2024, SACAT received 3,197 applications where the applicant had flagged that the subject of the application was an NDIS participant. SACAT's data does not indicate the type of application made in each instance therefore it is not possible to break that down into guardianship applications as separate from administration applications.

4. The term 'successful' is presumed to mean applications where orders have been made. The total of all orders made relating to guardianship and administration applications (with or without special powers) is 30,303. This data does not indicate that a matter was 'successful', only that an order was made. The outcome of the order is not indicated (i.e., whether the order was for guardianship/administration or not for guardianship/administration).

5. SACAT is not able to provide a breakdown of the nature of the applicants in this way.

6. The answer to question 3 is the only data available.

7. SACAT is able to report that on average, cases are listed for hearing between 21 and 28 days from the provision of an application and supporting documents. In the majority of cases, orders are issued on the day of the hearing.

8. Lodgements are not generally refused by SACAT but may be redirected to the appropriate application type. SACAT does not have any data as to the number of cases in which this occurs.

An application may be dismissed for a variety of reasons including: the application is misconceived, there is want of prosecution, or the applicant withdraws the application.

However, in this instance, if 'dismissed' is intended to mean that a guardianship and/or administration order was not made in relation to an individual the subject of an application before SACAT, SACAT advises that it does not have data indicating whether the orders made are for guardianship/administration or not for guardianship/administration.

In relation to questions 9 and 10, SACAT is responsible for appointing guardians or administrators and does not have information about the decisions that guardians or administrators make which is outside SACAT's jurisdiction.

ADMINISTRATION ORDERS

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

1. For each year, since 2018 including year-to-date 2024, how many applications for administration orders have been lodged with South Australian Civil and Administrative Tribunal (SACAT) according to age: age 18-24, age 25-44, age 45-64, age 65 +?

2. Of those administration order applications, how many applications were lodged by an agency of the state of South Australia (e.g. Adult Safeguarding Unit, Office of Public Advocate, Public Trustee, SA Health, other government department)?

3. For each year, since 2018 including year-to-date 2024, how many applications for administration orders pertained to participants under the National Disability Insurance Scheme (NDIS)?

4. For each year, since 2018 including year-to-date 2024, what is the average duration of an application from the time of lodgement to the time of final decision (e.g. action discontinued and/or orders handed down) before SACAT?

5. For each year, since 2018 including year-to-date 2024, how many applications lodged were dismissed and/or lodgement refused by SACAT?

6. For each year, since 2018 including year-to-date 2024, how many administration orders resulted in the removal of a vulnerable person from their domestic/familial place of residence and placement into a group facility (e.g. NDIS specialist disability accommodation) and/or other state care facility (e.g. hospital, rehabilitation, boarding house, aged-care facility, etc.) by SACAT?

7. For each year, since 2018 including year-to-date 2024, how many applications lodged resulted in the protected person being returned/placed into the full care of a family member by SACAT (i.e., without Office of Public Advocate or Public Trustee involvement and/or intervention and/or oversight)?

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

1. SACAT receives approximately 8,500 guardianship and administration applications annually. That total includes all types of applications relating to guardianship and administration and includes applications to vary or revoke an order, applications for urgent hearings, and tribunal reviews that are mandated by legislation to occur periodically.

The collation of data regarding applications for guardianship and administration is limited to reports retrieved from SACAT's case management system. SACAT is not able to separate guardianship and administration applications into separate reports and is not able to provide a breakdown of age range.

SACAT's new applications report records a total of 12,524 new individuals relating to whom a guardianship and/or administration application (including applications for special powers) was made for the period between 1 January 2018 and 30 April 2024. That total is not reflective of the total number of applications received but rather the total number of new individuals the subject of an application.

SACAT's current case management system was introduced in 2020, and this particular year-on-year data set is only readily available from 2020 onwards. The total number of guardianship and administration applications (including applications for special powers) received year to year from 2020 onwards is as follows:

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- 2021 = 4,317
- 2022 = 4,474
- 2023 = 4,839
- 2024 = 1,589

2. SACAT is not able to provide a breakdown of the nature of the applicants in this way.

3. For the period between 1 January 2018 and 30 April 2024, SACAT received 3,197 applications where the applicant had flagged that the subject of the application was an NDIS participant. SACAT's data does not indicate the type of application made in each instance therefore it is not possible to break that down into guardianship applications as separate from administration applications.

4. SACAT is able to report that on average, cases are listed for hearing between 21 and 28 days from the provision of an application and supporting documents. In the majority of cases, orders are issued on the day of the hearing.

5. Lodgements are not generally refused by SACAT but may be redirected to the appropriate application type. SACAT does not have any data as to the number of cases in which this occurs.

An application may be dismissed for a variety of reasons including: the application is misconceived, there is want of prosecution, or the applicant withdraws the application.

However, in this instance, if 'dismissed' is intended to mean that a guardianship and/or administration order was not made in relation to an individual the subject of an application before SACAT, SACAT advises that it does not have data indicating whether the orders made are for guardianship/administration or not for guardianship/administration.

In relation to questions 6 and 7, SACAT is responsible for appointing guardians or administrators and does not have information about the decisions that guardians or administrators make which is outside SACAT's jurisdiction.

DRUG-DRIVING LAWS

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

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

1. I am informed that SAPOL acknowledges there are numerous studies with regard to the use of cannabis and the impairment of driving.

I am informed that SAPOL is aware of the study published in December 2022 by the Canadian Institute of Actuaries entitled 'Assessing the impact of marijuana decriminalization on vehicle accident experience', which is a data-driven study which 'provides new insight into the impacts of marijuana decriminalization on the vehicle experience and the implications for the insurance industry'. The executive summary notes 'the analysis showed no statistically significant changes in the average cost per claim and claim frequency after marijuana legalization in Canada'.

The second study identified involving 25 participants who smoked cannabis and then drove in a simulator is unreferenced. I am informed that no comment can be made in respect to that study.

2. I am informed that SAPOL's view is that the presence based system for the testing of drivers for a prescribed drug is not highly inaccurate. Drivers who return a positive drug screening test are required to supply a sample of oral fluid or blood which is subsequently analysed in a laboratory for confirmation.

SAPOL already have the power to sanction impaired drivers under provisions in section 47 of the Road Traffic Act 1961 (SA). Impairment is an observation offence where police are assessing drivers for faculty impairment including, but not limited to, bloodshot eyes, slurred speech, unable to stand unassisted and swaying whilst standing.

Impairment observations are recorded by police, in writing and on police body-worn video. A person who has used alcohol or a drug only requires the identification of one faculty impairment to commit the offence. Drivers who are identified driving with impairment are then subjected to alcohol testing by way of breath analysis and drug testing by a blood test.

I am informed that field impairment tests (FIT) or standardised field sobriety tests (SFST) have been considered by SAPOL in the past. Whilst these types of tests can standardise the way an assessment for impairment is performed, SAPOL advise that it is satisfied with its current training and performance of police officers in detecting impairment in drivers who have used alcohol or drugs.

NATIVE BIRD HUNTING

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

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

South Australia Police (SAPOL) notes that duck hunting season occurs between 16 April 2024 and 30 June 2024. As at 8 April 2024, SAPOL advises there have been no reports or apprehensions for this offence for 2024.

Frontline police officers are aware of the requirements of the Firearms Act 2015 for hunters during this period and are provided reminders on offences and areas of activity.

SAPOL notes the Department for Environment and Water is the lead agency for Operation Anatis and has the responsibility to ensure duck hunting complies with the strict guidelines and permit conditions of the National Parks and Wildlife Act 1972 and Animal Welfare Act 1985.