

LEGISLATIVE COUNCIL**Tuesday, 18 June 2024**

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

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

*Bills***SUPPLY BILL 2024***Assent*

His Excellency the Governor's Deputy assented to the bill.

SUPREME COURT (DISTRIBUTION OF BUSINESS) AMENDMENT BILL*Assent*

His Excellency the Governor's Deputy assented to the bill.

WORK HEALTH AND SAFETY (REVIEW RECOMMENDATIONS) AMENDMENT BILL*Assent*

His Excellency the Governor's Deputy assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

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

Regulations under Acts—

Environment Protection Act 1993—Environment Management Fee

Residential Parks Act 2007—Electricity Information

Residential Tenancies Act 1995—

Miscellaneous

Provision of Information

Teachers Registration and Standards Act 2004—Prescribed Qualifications

Report of actions taken by Department for Correctional Services dated 24 April 2024 following the Coronial Inquest into the death of Mr Giovanni Trotta on

5 July 2018

By the Attorney-General (Hon. K.J. Maher)—

Regulations under Acts—

Surveillance Devices Act 2016—Prescribed Circumstances

By the Minister for Industrial Relations and Public Sector (Hon. K.J. Maher)—

Regulations under Acts—

Work Health and Safety Act 2012—Prescription of Fee

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

By-laws under Acts—

Corporations—

Rural City of Murray Bridge—

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

Fees Notices under Acts—

- Energy Resources Act 2000
- Planning, Development and Infrastructure Act 2016

Regulations under Acts—

- Cost of Living Concessions Act 1986—Miscellaneous
- Heavy Vehicle National law (South Australia) Act 2013—Amendment of Law
- Road Traffic Act 1961—
 - Miscellaneous—Use of Devices in Vehicles
 - Road Rules—Ancillary and Miscellaneous Provisions—
 - Use of Devices in Vehicles

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

REGIONAL ROADS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding regional roads.

Leave granted.

The Hon. J.S. LEE: In the lead-up to the state budget, the RAA called for a \$1 billion investment in SA roads, saying the condition of the network is becoming alarming. The organisation is urging for a substantial increase in infrastructure funding following the recent federal budget, which did not include any new projects. Additionally, it advocates for a significant advancement in the duplication of national highways, specifically the Augusta, Dukes and Sturt highways. RAA CEO Nick Reade said, and I quote:

Quite frankly, the state of our road network is becoming alarming.

The road maintenance and backlog is growing faster than our roads are being fixed.

The latest Auditor General Report shows that 20 per cent of our 13,000 kilometre sealed road network is in the maintenance backlog, which is more than 2,500 kilometres of road in need of repair.

That means our roads aren't as safe as they should be, nor are they as productive as they could be from a freight productivity point of view.

Out of the \$310.6 million dedicated to regional road improvement, \$250 million is for the Mount Barker-to-city highway, leaving only \$60 million for the 24,000 kilometres of truly regional roads across the rest of the state. This means that, at best, only 19.3 per cent of the claim funding will benefit regional South Australia where the funding is most needed. Many of these roads connect regional communities right across our state, as well as being the arteries for the transportation of food and fibre. My questions to the minister are:

1. Now that there is no longer a dedicated minister focused solely on regional roads, did you, as the Minister for Regional Development, formally advocate for adequate funding for regional roads in the current state budget?
2. If the minister did try to do so, why has her voice not been effective?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. The Minister for Transport is the minister who covers regional roads. There has been significant

investment into roads in this most recent budget, including the South Eastern Freeway, which I would expect those opposite would understand is a significant freight route. Given that we need updates to significant freight routes, among others, that is a very positive and welcome investment.

It's also worth noting that we inherited a significantly higher backlog of road maintenance when we came into government compared with when the former Labor government changed to the Liberals in 2018.

STATE VOICE TO PARLIAMENT

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the State Voice to Parliament.

Leave granted.

The Hon. J.S. LEE: On 14 June 2024, InDaily reported that Talia Wanganeen and Leeroy Bilney were elected as the presiding members of the State Voice. The article highlights Wanganeen's positions as a senior policy adviser within the Indigenous Land and Sea Corporation and as the Chair of NAIDOC South Australia. It goes on to say that the presiding members will soon address the state parliament on any legislation of interest to Aboriginal people. This could happen as early as this year. My questions to the Attorney-General are:

1. Has the Attorney-General received any correspondence or indication from the State Voice as to when the presiding members will address the parliament?
2. Has the Attorney-General received any indication from the State Voice, or members of the State Voice, as to what legislation is of interest to Aboriginal people?
3. Has the Attorney-General met with the presiding members of the State Voice? Has the Attorney-General met with Ms Wanganeen in her capacity as the Chair of NAIDOC South Australia? If so, when did those meetings take place?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I was very privileged last week to spend approximately 20 minutes with the State Voice, when the State Voice first met, being able to talk briefly at the opening of their very first meeting. As I have said before, I am very proud that we have a body in South Australia that will allow Aboriginal and Torres Strait Islander South Australians to make a contribution and to give advice to government about the decisions that we make that affect their lives.

As the honourable member pointed out, the statewide Voice, which comprises the presiding members of each of the six regional Voices, met for the first time on Wednesday last week. As I said, I was very privileged to go along to the very start of that meeting. I understand that, during the course of the rest of the day that they met, on Wednesday of last week, they covered a number of matters, including electing, amongst their own 12 members, their own presiding members for the statewide Voice—and the honourable member has pointed out the names of the people who were elected.

In response to your question: when did I last have a meeting that included one of the two presiding members, Ms Wanganeen, she was part of the meeting that occurred on Wednesday of last week, of which I, as I said, addressed and was privileged to be a part of for about the first 20 minutes. In relation to when will the State Voice start making contributions: that is under the First Nations Voice legislation—two particular pieces of legislation. In relation to what legislation it is the State Voice might want to speak about: the whole point of it is that it is up to the members of the State Voice to decide that.

In relation to when that inaugural address to parliament may happen: again, that will be up to the State Voice to decide that. I am not aware that the initial meeting that selected the presiding members decided exactly the processes of when that will occur, how they will decide which bits of legislation they want to speak about, but I expect that will happen during the course of the second half of this year.

BIOSECURITY

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:35): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries regarding biosecurity.

Leave granted.

The Hon. J.S. LEE: Last week, the federal government removed the sanitation mats from Australian airports. This included the removal of the simple biosecurity measure from Adelaide Airport. These mats are designed to sterilise the sole of footwear and prevent disease incursions, such as foot-and-mouth disease, from getting into Australia. This measure was removed all while the federal agriculture minister sought to introduce a new tax on farmers in the form of a biosecurity protection levy and has mandated sheep and goat EID in an attempt to, and I quote from the minister, 'ramp up our biosecurity measures'. My questions to the state minister are:

1. What risk assessment has her federal counterparts undertaken prior to the removal of the sanitation mats at Adelaide Airport in the lead-up to the school holidays?
2. Is the minister concerned that the removal of sanitation mats from Australian airports may send the wrong message to travellers entering the country from international destinations of high risk?
3. Has the state minister or her department sought to meet with Adelaide Airport Ltd management to consider reintroduction to help reduce the risk of disease incursion?
4. If there is a change in incursion threat, what processes are in place for the state government to reintroduce increased biosecurity measures, such as sanitation mats?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question. I have become aware only today of the removal of the sanitation mats. It is a federal decision. I understand it's to do with the fact that the numbers of foot-and-mouth disease in Indonesia have stabilised. However, that's the extent of the information I have at the moment. It is a federal matter. I am happy to seek additional information from my department.

BIOSECURITY

The Hon. H.M. GIROLAMO (14:38): Supplementary: will the minister be contacting her federal counterparts to address this issue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I will be seeking additional information and taking any appropriate action.

TREE BREEDING AUSTRALIA

The Hon. M. EL DANNAWI (14:38): My question is to the Minister for Forest Industries. Will the minister update the council about the recent funding boost to Tree Breeding Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I thank the honourable member for her question. As members would be aware, the state government is committed to seeing the forest industry in South Australia continue to grow, and that's why we took to the last election a suite of forestry election commitments worth close to \$20 million. This is in stark contrast to those members opposite who announced no election policies for the forest industry, nor did they offer any vision to grow the industry further.

According to the South Australian Forest Products Association, the forest industry in South Australia employs, both directly and indirectly, approximately 18,000 South Australians and contributes \$3 billion to the South Australian economy each year. That's why I am delighted to inform the council that I had the opportunity to announce last week that the state government is contributing \$450,000 to Tree Breeding Australia to support the construction of a new research facility in Mount Gambier.

Tree Breeding Australia is already the home of the National Arboretum and gene banks for radiata pine and Tasmanian blue gum, and this investment will further embed Mount Gambier as a centre for forestry genetics research in Australia. The funding is being matched dollar for dollar by Tree Breeding Australia, with the new cost for the new research facility sitting at a little under \$1 million.

I was joined at the announcement by a wide range of key stakeholders from the forest industry and others, including Dr Tony McRae, General Manager of Tree Breeding Australia; board members of Tree Breeding Australia; hardworking local MP Troy Bell; CEO of the South Australia Forest Products Association, Mr Nathan Paine; Ms Charlene Riley, Corporate Affairs Manager at OneFortyOne Green Triangle; and many staff from Tree Breeding Australia.

Research is a key component of the forest industry, and continued improvement in research capability is critical. As in all other industries, climate change will continue to present challenges that need solutions. It is hoped that the work done here will deliver genetically derived improvements for the forest industry through development and propagation of new varieties that are higher yielding and more resistant to disease and insects than previous generations of trees.

This announcement will result in a facility built on the Kilsby Road site designed for pollen processing, seed handling, processing wood core samples, DNA extraction and storage, as well as soil and water quality testing. In addition, it will house IT systems supporting national and international tree improvement and research databases.

I have no doubt that this new facility will provide scientists with better access to infield genetic resources for a wide range of research projects, along with education and training. The research facility will value-add to the work that will soon be undertaken at the Forestry Centre of Excellence. The research undertaken by Tree Breeding Australia will lead to better outcomes and continued improvements in our forest industries, which will result in further growth and expansion of this important industry. Work on the site will begin shortly and is expected to be completed and operational by the middle of next year.

CORRECTIONAL SERVICES

The Hon. C. BONAROS (14:42): I seek leave to make a brief explanation before asking the Attorney-General a question regarding the justice portfolio.

Leave granted.

The Hon. C. BONAROS: As part of its justice budget announcements, the government has announced \$226.7 million in additional prison capacity, equating to a total of 352 additional beds; \$3.4 million in funding over four years for post-release supported accommodation; and \$5.1 million in funding over four years for Lemongrass Place Community Transition and Learning Centre, amongst other audiovisual and additional resources for the public sector and Crime Stoppers.

My question to the Attorney is: what, if any, additional funding has the government committed to rehabilitation and treatment programs for incarcerated individuals, both in the adult and minor jurisdiction, and is this government committed to providing funding for similar programs for individuals on remand pending the outcome of their trials?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for her questions. Most of the programs that are run in our prisons are run by the Department for Correctional Services. I will be happy to refer most of the substance of the questions to my colleague, the member for Kavel, the minister for corrections.

I do know that there is a significant investment in programs within our prisons. One of the items that the honourable member mentioned that was part of the budget was a continuation of the Lemongrass program at Port Augusta Prison, which I have a level of familiarity with, as it is a program that is particularly directed at Aboriginal prisoners in Port Augusta. I am very pleased to see that funding in this year's budget, but in relation to specific rehabilitation programs that already occur in our prisons, I will be happy to refer that question on to my colleague in another place and bring back a reply.

CORRECTIONAL SERVICES

The Hon. C. BONAROS (14:44): Supplementary: despite the significant investment in prisons that the Attorney-General refers to, does he acknowledge that over 70 per cent of perpetrators of domestic violence have already served time in incarceration?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I am happy to check on those figures and bring back a reply for the honourable member. I might also add, in relation to programs that are offered in South Australian prisons, it was sometime last year that I remember seeing a statistic that talked about South Australia having the lowest recidivism rate in the country—that is, people who have been in prison returning to our prisons—which I suspect speaks to the efficacy of some of the programs that are running.

ABORIGINAL REMAINS, RIVERLEA PARK

The Hon. J.M.A. LENSINK (14:45): I seek leave to make a brief explanation before directing a question to the Minister for Aboriginal Affairs regarding the discovery of Aboriginal remains at Riverlea.

Leave granted.

The Hon. J.M.A. LENSINK: As honourable members would be aware, Aboriginal remains were exhumed at the Riverlea development site last year, with the minister due to receive a report on this matter. My questions for the minister are:

1. Can he confirm that he has received a report related to these discoveries, and when?
2. Can the minister explain reasons for the extensive period since the discovery in making a decision regarding this matter?
3. What actions has he taken since the report was received?
4. When is a final decision expected?
5. Considering the critical importance of preserving Aboriginal heritage and the impact on development timelines, will there be changes to the process to ensure that they are more transparent going forward?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for her question. As she correctly points out, up around the Riverlea area where there is a residential development occurring there have been discoveries of ancestral Aboriginal remains. There have been a number of interventions to ensure the preservation of those remains. There is an application that was made under section 23 of the Aboriginal Heritage Act and the consultation that occurs pursuant to section 13 of that act occurring over about the last 12 months.

Many of these applications under the Aboriginal Heritage Act are very complicated. This one in particular had many interested parties, and I think this has been the most extensive section 13 consultation that certainly I can remember in my 20 years involved in Aboriginal affairs in South Australia being conducted in relation to an application under that act.

These are necessarily very thorough processes. They were thorough under a former Labor government, they were thorough processes under the last term of the Liberal government, and they continue to be thorough processes, as they need to be under the Aboriginal Heritage Act. In relation to a final determination pursuant to that section 23 application, I don't have an exact date, but it is in the not-too-distant future this year.

ABORIGINAL VETERANS COMMEMORATIVE SERVICE

The Hon. R.P. WORTLEY (14:47): My question is to the Minister for Aboriginal Affairs regarding the Aboriginal Veterans Commemorative Service 2024. Will the minister inform the council about the recent Aboriginal Veterans Commemorative Service held during Reconciliation Week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for his question. As always, it was an honour to attend the Aboriginal Veterans Commemorative Service held during Reconciliation Week at the Aboriginal and Torres Strait Islander War Memorial on the Torrens Parade Ground. Each year, this service poignantly acknowledges and commemorates First Nations people who have served in the Australian defence forces since the Second Boer War, despite often exclusion faced by a significant portion of this community upon their return after providing service to the nation.

This year, an incredibly thought-provoking keynote address was delivered by Sergeant Roger Morris, an Aboriginal man and current serving member of the Australian Army, now based in Adelaide. Sergeant Morris gave an important speech recounting memories from his childhood and his Aboriginal ancestry on both sides of his family. It was this memory that largely shaped his decision to join the Army, with several generations of his Aboriginal relatives before him having served in the defence forces in various capacities.

Sergeant Morris spoke very bravely and candidly about instances of racism that Aboriginal serving members have faced in the Defence Force both in days gone by, as was recounted to him by his relatives, but also the unfortunate continuation of some elements of that behaviour today, acknowledging that the Australian Defence Force has more work to do to ensure that each Aboriginal service man and woman is always treated with the same unwavering dignity and respect as all of their counterparts.

Sergeant Morris spoke about the importance of people asking questions and wanting to learn about Aboriginal culture and customs and doing so in a way showing the respect that Aboriginal culture demands. Having completed his study through the ADF, the multitalented footballer Sergeant Morris recounted his experience as being very rewarding. He enjoyed as an Army engineer 'building things and then blowing them up', as he described a deployment interstate.

As is tradition, attendees at the service were fortunate to be led by Aunty Vonda Last in song, this year in an a cappella version as the sound system did not work as well as it should during very strong winds. I had the privilege of laying a tribute at the memorial alongside others in attendance, including my colleague in another place the member for Waite, Cathy Hutchesson.

The service is presented each year by Aboriginal Veterans SA, who undertake critical and important work in recognising the service of past Aboriginal veterans and supporting current and future veterans in the Australian Defence Force. I commend the work of all who were involved and look forward to next year's attendance.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:51): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of raising the age of criminal responsibility.

Leave granted.

The Hon. R.A. SIMMS: I understand that Victoria is on track to become the first state in Australia to raise the age of criminal responsibility, with news that this week they will be introducing a bill into their parliament. Last year, the Malinauskas government announced a discussion paper on diversion options. My question, therefore, to the Attorney-General is: what is the status of this discussion paper, when will the government release the submissions that have been made and when can we expect to see a bill come before the parliament to finally raise the age of criminal responsibility?

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 for his question and continued questioning in this area and acknowledge his very deep and unwavering interest and advocacy in this area. I saw media reports, I think even today, about proposed legislation in Victoria. I have not seen the details of the legislation, but obviously we will keenly look at those details.

I think the honourable member is correct that Victoria becomes the first state to propose legislation. At varying stages, our two territories have also had some movement in this area, as the honourable member points out; he keeps a very keen eye on these things. We had a discussion paper that was released. There were, from memory, dozens of responses to that discussion paper. It is a very complicated area. We are currently assessing those responses and what the policy options could be.

I think I have answered before that we will look to see what might be released once we have had an opportunity to thoroughly assess those. I have said before we have released a discussion paper, and it proposed a possible very high-level model. We have not released any commitment that we will legislate in this area, so in relation to when we will see a bill, there is no commitment from this government that a bill will be seen. But we are committed to thoroughly looking at the area, and we are considering those dozens of responses at the moment.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:53): Supplementary: what is the time frame that the government is working towards in terms of considering those submissions, and when will it reach determination on those submissions that can be made publicly available?

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. We don't have a time frame. I guess the simple answer is: as long as it takes to thoroughly look at them.

HOLDING ON TO OUR FUTURE REPORT

The Hon. H.M. GIROLAMO (14:54): I seek leave to give a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding the Holding on to Our Future report.

Leave granted.

The Hon. H.M. GIROLAMO: In the recent report Holding on to Our Future by the Commissioner for Aboriginal Children and Young People, it was found that there is insufficient funding to meet the demand identified for culturally appropriate early intervention services for vulnerable Aboriginal children and their families. Under the former government, in the 2021-22 budget there was an Indigenous Expenditure Report. That was the last time such a report was provided.

The report fulfilled the South Australian government's commitment under clause 113 of the National Agreement on Closing the Gap 'to review and identify current spending on Aboriginal and Torres Strait Islander programs and services to identify reprioritisation opportunities to Aboriginal and Torres Strait Islander organisations, particularly to community-controlled organisations'.

My question to the minister is: what is the government doing to further the work of the previous government to understand, review and identify current spending and identify prioritisation opportunities to Aboriginal and Torres Strait Islander organisations, particularly to community-controlled organisations, to ensure funding reaches those who need it most?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the honourable member for her question. I might clarify some of the basis of the question the honourable member asked. In relation to the requirement under the Closing the Gap regime, the former Liberal government certainly did not meet that. They may have put out a statement about what they were intending to spend in a particular year, but upon coming to government there was a massive amount of work that needed to be done to do that expenditure report, which we almost needed to start from scratch as a new government because of the former government's failure.

We have done that. I want to particularly pay tribute to the Treasury department in South Australia, which spent many, many hours identifying and looking at identifying spending for Aboriginal people and spending for mainstream programs for Aboriginal people. We have released a report that we did while we have been in government that the Liberals did not do.

SPARE YA CHANGE 4 KIDS

The Hon. T.T. NGO (14:56): My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the chamber about the program called Spare ya Change 4 Kids, a successful recipient of a Thriving Communities grant?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I thank the honourable member for his question. I am delighted to announce that, through the state government's Thriving Communities Program, Spare ya Change 4 Kids will receive grant funding of \$23,500 towards its program. Spare ya Change 4 Kids Incorporated is an incredibly important not-for-profit organisation that aims to eliminate hunger in our young people. They create pre-prepared lunch and dinner meal packs which are distributed to schools to ensure students' learning is not compromised by hunger.

Spare ya Change 4 Kids currently supports 25 of the 41 schools in the Limestone Coast region, along with Foodbank. The funding will be used to develop a website and associated IT infrastructure for Spare ya Change 4 Kids that can be maintained by the organisation and include an ordering platform to allow schools and other groups to coordinate access to their services, making it easier for schools to help students and families in need. Development of a website for this program will reduce food insecurity by improving accessibility, assist with volunteer coordination, reduce potential food waste and support the organisation's governance and operations.

Since its inception, Spare ya Change 4 Kids has created and distributed more than 35,000 meal packs, directly addressing issues of food insecurity, which in turn leads to improved wellbeing, concentration and learning in our schools. Recent studies have highlighted that many school-aged children don't have access to sufficient or nutritious food. The funding provided through the Thriving Communities Program will support the hardworking volunteers to directly address this problem, raise awareness and, to use the Spare ya Change 4 Kids motto, 'feed the need'.

The Thriving Communities Program, delivered through the Thriving Regions Fund, provides small grants to associations and charities for projects that build social resilience through facilitating greater community participation, a sense of belonging and ease of access. The grants range from \$20,000 to \$50,000 and are used to fund initiatives such as new or improved small infrastructure, access to services and programs or events with wellbeing outcomes.

As minister, I am delighted that the Malinauskas state government is supporting dozens of organisations across regional South Australia through the Thriving Communities Program, which has been incredibly successful in helping groups to deliver projects that make a difference in their communities. I would like to particularly congratulate Di Ind, who is central to the establishment of Spare ya Change 4 Kids. I know that a number, including the Attorney-General, are very familiar with Di and her work, and also the hardworking volunteers and volunteer board members of the organisation.

Earlier this year, the state government allocated an additional \$800,000 to the Thriving Communities Program, following its popularity in 2023. Now, 23 projects have had their applications granted as a result of this extra funding. Along with Spare ya Change 4 Kids, further funding was also recently awarded to the South-East Christian Broadcasters, which runs the community-based radio station Lime FM and has been allocated a grant to replace their outdated computers and equipment.

The station airs educational and assistance programs about mental health, family breakdowns, financial assistance and positive relationships, and is yet another testament to the success of the Thriving Communities Program. I congratulate all the volunteers and community members who are involved in these organisations and congratulate them on receiving funding.

POLICE INTEGRITY

The Hon. F. PANGALLO (15:00): I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police in the other place, a question about police integrity.

Leave granted.

The Hon. F. PANGALLO: Last Friday, *The Advertiser* published the story about a candidate for the President of the Police Association of South Australia, the current deputy, Mr Wade Burns, who was demoted from the rank of chief inspector to senior sergeant in 2017. No explanation was given either by SAPOL or Mr Burns for such a major reversion of rank, nor for that matter have I ever heard of any person in a powerful position requesting a significant demotion.

In one of his election posts to PASA members Mr Burns says, 'We all know that one of the greatest demands on the leaders of today is transparency. I have always believed in openness, and I will certainly apply it to the presidency.' In the interests of the openness and transparency Mr Burns demands, and for PASA's membership currently deciding who will get their vote, I will summarise the worst-kept secret in SAPOL, and most likely by the former Weatherill Labor government, which should have been made aware of it—I was while working at *Today Tonight*.

In 2017, in a positive initiative driven by the police commissioner, Grant Stevens, Mr Burns, then a chief inspector, was appointed to head Project Equitas, a program designed to combat sexual discrimination, sexual harassment and predatory behaviour in SA Police, following the disturbing findings of a review by the equal opportunity commissioner. His team included serving male and female police officers and civilian female staff.

Following the completion of the project, multiple complaints were lodged with SAPOL's internal affairs against Mr Burns for egregious behaviour at a social function in a public place for invited Project Equitas and SAPOL members. The accusations levelled against him included predatory behaviour and the alleged sexual assault of a then civilian female SAPOL employee, witnessed by several people in attendance. It is my understanding that there was a list of agreed facts during the investigation and the demotion to senior sergeant came after Mr Burns pleaded guilty to the agreed facts.

Some time later, Mr Burns appealed his demotion where the police commissioner's objections on integrity grounds were overruled and he was ordered to promote Mr Burns to the rank of inspector. Mr Burns recently sought a further promotion back to chief inspector. However, this was again rejected on integrity grounds, a decision I understand supported by Commissioner Stevens. My questions to the minister are:

1. Can he seek a detailed urgent response for the parliament on why Mr Burns was not criminally charged for his conduct or, for that matter, not referred to the Independent Commissioner Against Corruption?
2. Why was Mr Burns not sacked for his egregious conduct, which was open to SAPOL under its code of conduct and the Public Sector (Honesty and Accountability) Act, covering public officers?
3. Who at SAPOL issued the penalty demoting Mr Burns?
4. Will the minister request the Commissioner of Police to authorise the release of the full report into the investigation and adverse findings made against Mr Burns?
5. Considering the adverse findings against Mr Burns, does the police minister and the Premier have full confidence that Mr Burns is a fit and proper person to lead the union and represent the interests of all serving police officers, especially female police officers?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04): I thank the honourable member for his questions. I will pass them on and, if it is possible and appropriate to do so, bring back a reply, noting that it may well not be.

APY LANDS

The Hon. D.G.E. HOOD (15:04): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding crime in the APY lands.

Leave granted.

The Hon. D.G.E. HOOD: It has been reported that residents living in the APY lands, in particular parts of them, some in similar parts and spread across, have noticed an escalation of

violent crime in recent times where both houses and vehicles have actually been set on fire. In recent weeks, a 21-year-old man was charged with arson after allegedly torching a car, with the fire spreading to another vehicle and then onto a home and, in a separate incident believed to be completely unrelated, a different 20-year-old man was charged with arson and endangering life after allegedly setting a home on fire with occupants inside. Thankfully, the family escaped uninjured.

APY Executive Board member, Julieanne Campbell, has highlighted the need for more police officers to be permanently stationed in the area after it was revealed earlier this year that the APY lands policing service was operating at just two-thirds of its normal and allocated capacity. I understand that some of these questions will be more appropriately answered by the Minister for Police but, obviously given the uniqueness of the APY lands, I thought it relevant to put to the Attorney the following questions:

1. Has the minister visited the community since the recent spate of violence, and what are his plans to address these matters?
2. What action has the minister taken on behalf of the community to ensure that the APY lands policing level is at its funded level?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for his questions. The last time I visited the APY lands was brief, visiting only around the Umuwa area. Certainly the community that has been highlighted in the last week, I think, in the media, is the community of Mimili, which is the second community in the APY lands as you travel off the highway heading west.

I have spent a lot of time over the years in the Mimili community, as I have in all of the communities in the APY lands. I can't remember if I have spent significant time in Mimili this year but certainly I did last year. My time spent in the APY lands, if you add it all up, would be a number weeks and occasionally months each year. Community members raise legitimate concerns—and that occurs whether I am in government or in opposition—and I regularly make representations to other government agencies and also often to the federal government in relation to concerns that are raised with me.

I think there's an expectation that when community members raise issues with me I respect their privacy but I can absolutely assure the honourable member that issues raised with me—and are raised frequently—I pass on and seek to help as much as I can.

APY LANDS

The Hon. D.G.E. HOOD (15:07): Supplementary: I thank the minister for his answer. Is the minister concerned that only two-thirds of the allocated police officers are actually serving in recent times on the lands—two-thirds of the funded positions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I am happy to pass those on. I don't have any information in relation to how many police officers are serving at any given time, but I will certainly pass that on to the police minister.

NATIONAL LAW WEEK

The Hon. J.E. HANSON (15:09): My question is to the Attorney-General. Will the minister inform the council about the engagement activities undertaken by the Legal Services Commission during the national Law Week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I certainly will. I thank the honourable member for his question. He almost caught me by surprise. I was listening to and appreciating the Adelaide Roller Derby tournament. I would love to speak about that too but I will confine myself to the Legal Services Commission's activity during Law Week.

Law Week is an occasion marked across Australia with the intention, as I have mentioned before in here, of increasing public knowledge of the law and the services available, plus particularly

the legal assistance sector. I will be very pleased to outline some of the things undertaken by the Legal Services Commission during Law Week.

I have spoken about the Legal Services Commission and their outstanding work for South Australia in this place before. The Legal Services Commission plays a critically important role in the community by providing legal assistance to those in need plus a broader role of being a source for useful, general legal information, particularly via the Law Handbook.

During Law Week, the Legal Services Commission delivered a number of engagement activities which exemplified the stated aims of the week, which generated great community participation and I am sure increased awareness of both the law and how it applies, as well as the Legal Services Commission's excellent work within the community.

Throughout the week, the Legal Services Commission shared Daily Legal Bytes on their social media platforms, to make the law more approachable, accessible and understandable. Firstly, which I of course mentioned last sitting week, the Walk for Justice was held during Law Week and the Legal Services Commission were proud participants as was the honourable young Robbie Simms, who walked that morning very well.

On Wednesday during Law Week, the Legal Services Commission held a webinar, with more than 120 registrants, to highlight ways in which members of the public can access legal help and the important role of the legal assistance sector in the process. At the University of South Australia, the Legal Services Commission held a careers session at the Legal Services Commission session to inform law students of what a career in the sector looks like and to highlight the meaningful career that one can have in the sector, but particularly the role of the Legal Services Commission.

A promotional event was held at the Adelaide Railway Station, with flyers and information handed out to commuters about the free legal information available to all South Australians via the Legal Services Commission's legal helpline, which can provide general advice and guidance about next steps. As part of this, legal officers were on hand to offer free legal health check-ups for those interested, answering questions about topics on a range of areas such as wills, tenancy rights and more.

Finally, staff from the Legal Services Commission presented their Rights and Responsibilities Online session, which is available free to school students in high school years. It was presented to 380 students at Glenunga International High School, covering topics such as bullying, online commerce, image-based abuse, defamation and hate speech. I want to acknowledge the excellent work that the Legal Services Commission does, not only during this dedicated week but all year round, to improve access to justice for all South Australians.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:13): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of mass fish die-offs in the Coorong.

Leave granted.

The Hon. T.A. FRANKS: A seemingly useful link on the PIRSA website guides the public, typically those engaged in commercial or recreational fishing, to report mass fish kills to the 24-hour Fishwatch hotline. Those who do make that report are also encouraged to collect water, fish and organism samples for the department. I am advised by members of the public, fishers and ecologists that there have been two known mass fish kills in the Coorong this year, specifically in the South Lagoon of the Coorong, one in April and then one in June just before the King's Birthday long weekend.

The one in June certainly raised concerns amongst both the fishing industry and ecologists, and I quote Ms Faith Coleman, an ecologist, who posted on her LinkedIn her distress that:

Fish kills can have their own form of strange beauty and productivity...but they can also render one to tears of frustration when they are not a natural part of the system and could have been avoided.

Ms Coleman goes on to post her frustration that, despite an earlier fish kill in the exact same spot less than two months prior, there had been no government interest shown, and that certainly in June

site managers were yet to give any formal response to that April fish kill. The June one was described by Ms Coleman as:

...approximately 20km of Coorong shoreline, [walking along there] in knee-deep freezing hypersaline water well into the twilight, documenting a massive fish kill.

Ms Coleman of course sent these things to the department as well as posting them online and bemoaned the fact that we were documenting that kill in a Ramsar wetland where millions are spent on researching it:

...two days after the first reports from fishermen regarding the issue, the smell evident to those driving along the highway...

Driving along the highway from the fish kill the stench was overwhelming for the public along the highway. She goes on to say:

...[not] having heard anything from the site managers and paid researchers, was heartbreaking.

She noted also that:

...the Coorong monitoring program does not meet the standard practice for a wetland of this type, with not a single monitoring station within the kill zone and not a single profiling buoy anywhere within the system, is beyond frustrating.

Noting that fishermen have also posted similar messages of frustration online—not necessarily on LinkedIn but on other social media platforms—at the lack of response to these two mass fish kill events, my questions to the minister are:

1. On both occasions of mass fish death in the Coorong South Lagoon this year, how long was taken before the reports that were made to Fishwatch saw public servant boots on the ground in the South Lagoon?

2. What information can the minister now provide for concerned South Australians, not least those in the fishing industry, about what has been the cause of these two mass kill events of fish in the Coorong?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for her question. I have some advice that might be of assistance. I am advised that PIRSA began investigating media reports of a fish kill in the Coorong within hours of determining the location and that officers attended the site on 12 June and observed yelloweye, also known as Coorong mullet, scattered over about seven kilometres of shoreline and largely concentrated in the South Lagoon region.

I am advised that PIRSA officers collected water samples for analysis and have not detected any harmful or toxic algae from that. Environmental parameters were also measured at the site. That included dissolved oxygen, temperature and salinity, and all were found to be within acceptable ranges. A decline in oxygen levels in the South Lagoon region in the days leading up to the fish kill may have contributed to the event.

I am advised that PIRSA has been working with a number of government and non-government stakeholders on this incident, including commercial fishers. I am further advised that no report of the event was received by the Fishwatch hotline, so we emphasise again that it's vitally important that any fish kill event or concerns are reported to the Fishwatch hotline because that enables investigations to occur.

I am concerned by the claims that the honourable member made that this was reported. If the details of that could be provided perhaps we can see why there is a discrepancy there. The records so far show that there was no official report to the Fishwatch hotline.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:18): Supplementary: is the minister saying that there were no reports to the Fishwatch hotline in April?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): No, my response there was in regard to the June incident.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:18): Supplementary: the question also asked what happened in April. Will the minister provide an update on what happened in April?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): Yes, I am happy to take that on notice and bring back a response.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:19): Supplementary: does the minister think it's acceptable that it takes at least six days from a report of a mass fish kill for there to be public servant boots on the ground in the Coorong?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): It would depend, of course, when reports are made, the resources that are available and whether other information has already been collected at that time.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:19): Supplementary on the original answer: did the public holiday affect the departmental response time?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): I am happy to take that on notice and bring back a response.

COORONG FISH DEATHS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:19): Supplementary, Mr President.

The PRESIDENT: Final supplementary question, the Hon. Ms Lee.

The Hon. T.A. Franks: She has only had one.

The PRESIDENT: Yes, but they are cumulative. The Hon. Ms Lee, I want to move on to the Hon. Mr Hood.

The Hon. J.S. LEE: Can the minister confirm whether she was informed of the fish kill prior to any of the news reports that were publicly available? Was she informed? I just need to understand the process. Did she know about it?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): If a report had not been made to the Fishwatch hotline, then it's unlikely that PIRSA would have been aware and able to make me aware.

COORONG FISH DEATHS

The Hon. T.A. FRANKS (15:20): Supplementary.

The Hon. C.M. Scriven: From the original answer?

The Hon. T.A. FRANKS: From the original answer.

The Hon. C.M. Scriven: Final, final?

The PRESIDENT: Order! The Hon. Ms Franks, I will listen to it. Supplementary question, but then I really want to move on to the Hon. Mr Hood.

The Hon. T.A. FRANKS: Does the minister acknowledge that the department was informed well before the media reports were made public on the June fish kill?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): As I have mentioned, I am happy to take the questions on notice and bring back a response.

MOUNT GAMBIER AND DISTRICT SALEYARDS

The Hon. B.R. HOOD (15:20): My question is to the Minister for Primary Industries and Regional Development regarding the Mount Gambier saleyards. Which line in the 2024-25 budget contains the funding for the Mount Gambier saleyards, and can the minister confirm if there is financial support for the Mount Gambier saleyards as part of the Thriving Regions Fund in the 2024-25 budget?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:21): I thank the honourable member for his question. Those sorts of questions are normally reserved for estimates because it's referring specifically to the budget. However—

Members interjecting:

The PRESIDENT: Order! Order! Minister, sit down. Are you ready to listen to the answer?

The Hon. T.A. Franks: There was no answer; there was only obfuscation.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Order! Minister, please.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: The Hon. Ms Franks! Minister, answer your question.

The Hon. C.M. SCRIVEN: As I was trying to say before all of the interjections: however, I am happy to provide some information to the Hon. Mr Hood.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The Mount Gambier and District Saleyards project applied for funding to the federal government's Growing Regions Program.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Don't throw burley over at the opposition.

The Hon. C.M. SCRIVEN: I was very pleased that it did get through the stage 1 assessment of that because that clearly showed that the project has some merit. Members might recall that the state government made a commitment of \$2.7 million towards this project. It was the then Labor opposition that made that commitment, and only after that did the then Liberal government come to the party and match that commitment.

Prior to that, it had been crickets. There had been nothing from the then Liberal state government. The federal member for Barker, Tony Pasin, had totally failed to convince his colleagues in the former federal Liberal government to make any kind of commitment for this project.

The Hon. K.J. Maher: What, Tony Pasin failed? No!

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Tony Pasin did fail. I think we can all acknowledge—

The Hon. K.J. Maher: It's a habit of a career!

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that Tony Pasin is very good at some things: he's good at creating noise, he's good at posing in front of angry groups, but he's not good at actually advocating effectively—

The PRESIDENT: You will refer to him as the member for Barker, please.

The Hon. C.M. SCRIVEN: —he is not good at actually talking to relevant ministers, and he is not good at delivering outcomes. In terms of the District Council of Grant's project—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —I have been advised, and indeed I spoke with them I think the day after the announcement was made, that it is now re-evaluating the project and what its future is. I am meeting with key stakeholders associated with saleyards very shortly. I do note from media reports, however, that last Friday apparently there was a launch of a campaign to secure new funding from the commonwealth. The Hon. Ben Hood was there and the Hon. Tony Pasin was there. In fact, I understand from the corflutes that this is being launched by Tony Pasin and yet as Minister for Primary Industries I didn't get an invitation to come. I did not get an invitation to come.

Members interjecting:

The Hon. C.M. SCRIVEN: Suddenly, we have allegations that I was invited. My question is: why aren't those opposite and their federal colleagues looking at this in a bipartisan way?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Why are they trying make political points instead of looking at this in a bipartisan way?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I can certainly assure the honourable member, had I been invited I would have been there. I was in the South-East on Friday and would have been happy to attend. My question is—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —is this petition being presented to the House of Representatives or is this just data mining by those opposite, data mining for their own political purposes? Are those opposite, particularly Mr Ben Hood, and Mr Pasin—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —actually keen to secure an outcome, or are they just keen to secure their own political points?

Members interjecting:

The PRESIDENT: Order!

MOUNT GAMBIER AND DISTRICT SALEYARDS

The Hon. B.R. HOOD (15:25): Supplementary: will the minister sign the petition, given it is supported by both local councils and the Mount Gambier combined agents?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:26): I thank the honourable member for his supplementary question. I haven't seen the petition as yet. It hasn't been provided to me, in the same way that an invitation was not provided to me. My question before signing the petition would be: is it a sincere attempt to obtain funding for a worthy project that the South Australian Malinauskas government—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —has supported, or is it full of, perhaps, political diatribe—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —rather than a sincere desire—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —to gain an outcome?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: What we see from those opposite—and I can see that the Hon. Ben Hood is following in the Tony Pasin mould—

Members interjecting:

The PRESIDENT: Order! The member for Barker.

The Hon. C.M. SCRIVEN: —is lots and lots of noise. Let's create some noise, let's get some photo opportunities, but let's not actually try to advocate for an outcome. It was the Labor opposition that committed to this project—\$2.7 million. It was the state Labor government that quarantined that funding—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —while we were awaiting the outcomes of the federal grant program decisions. It is the state government—the Malinauskas state government—that has been a strong supporter of this project. We have been a strong supporter, from back when we were in opposition.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: And yet what do we get from those opposite? A lot of noise, but no sincere desire to actually achieve an outcome. I would be delighted to have a look at this petition. Certainly, I support the concept of the saleyards getting funding, which is why the state government provided that commitment of \$2.7 million.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The federal funding I would hope would be forthcoming in a future round—

Members interjecting:

The PRESIDENT: Order from both sides! Come on!

The Hon. C.M. SCRIVEN: —of their grant programs. They are competitive programs.

Members interjecting:

The PRESIDENT: The Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN: They are competitive programs.

Members interjecting:

The PRESIDENT: The Hon. Mr Martin!

The Hon. C.M. SCRIVEN: The fact that they have got through stage 1 of that—

Members interjecting:

The PRESIDENT: I wish I could kick you all out!

The Hon. C.M. SCRIVEN: —shows that merit was seen in this project. It is clear, because it got through stage 1—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that the project does have merit. I would hope that the—

Members interjecting:

The PRESIDENT: I cannot—

Members interjecting:

The PRESIDENT: And don't you start, because you have been as bad as everybody else.

The Hon. C.M. SCRIVEN: —Grant district council will show that they are intending to make a change, remembering that it was \$2.7 million—\$2.7 million—that the state Labor opposition, now state Labor government, offered to this project, and yet we had nothing—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —until after that occurred.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: We have those opposite complaining that I have run down the clock. How many times was I interrupted? How many times was I interrupted? I am happy to still have more to say.

The Hon. K.J. Maher: Fourteen times.

The Hon. C.M. SCRIVEN: Fourteen times, apparently, I was interrupted. I am surprised it wasn't more. However, I look forward to—

The PRESIDENT: Sit down, minister.

The Hon. C.M. SCRIVEN: —meeting with the Grant district council, and I would hope that those opposite would actually go about—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —this in a bipartisan way instead of their petty politics.

The PRESIDENT: Sit down.

Bills

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 June 2024.)

The Hon. J.M.A. LENSINK (15:29): I rise to place some brief remarks on the record in relation to this legislation that amends the Criminal Assets Confiscation Act 2005, which obviously has the purpose of managing the confiscation of the proceeds and instruments of crime and has been in operation for some time. This legislation has been needed to be dealt with in a fairly forthright manner due to it being a fairly important piece of the Criminal Assets Confiscation Act and its operation being very important to ensure that justice is carried out in the way the community expects.

I note that this legislation was introduced to the House of Assembly and went through there in the previous sitting week, particularly the debate in the House of Assembly on 6 June 2024, when Mr Teague, the member for Heysen, as our lead speaker and shadow attorney in these matters spoke thoroughly in support of this legislation. There has been a review of the act, and so that is where these provisions have arisen from. I note that it is in part to ensure that police practice and the statutes line up so that the intent of the legislation is valid.

There are two particular areas of relevance from the Criminal Assets Confiscation Act relating to freezing orders and to warrant seizures and forfeiture of property, which are two separate processes and sit within separate sections of the act. I will have a couple of questions for the Attorney during the committee stage in relation to the targeted consultation that was to occur between the houses, but, yes, I do understand that police practice over time needs to be lined up with the courts.

These are clearly important matters in that those who obtain assets from the proceeds of their activities should not be able to utilise those for areas in which the community does not see fit. With those brief remarks, I indicate that we will be supporting this piece of legislation. We will consider the amendments that are before us as well.

The Hon. F. PANGALLO (15:33): I rise to speak on the Criminal Assets Confiscation (Miscellaneous) Amendment Bill. I support the bill brought by the government in rectifying the issue relating to warrants pursuant to section 172 of the act and further amendments to streamline the process of freezing and restraining orders.

Whilst the assets confiscation legislation is front and centre in the chamber, I had hoped to provide an amendment designed to reduce the burden on the government and the taxpayer-funded Legal Services Commission by allowing restrained property to be used for the purposes of legal fees. Unfortunately, I gather that the government, opposition and other crossbenchers have indicated they will not support it, so I will not be moving it, but I did receive some positive comments about it. They just did not have enough time to fully consider it on this occasion.

For context, it is no secret that government-funded agencies like the Office of the Director of Public Prosecutions and the Legal Services Commission are under the pump at the moment. We have independent reports into workplace experience at the DPP, describing conditions as, and I quote, 'unacceptable, unreasonable and unsustainable' and 'ill equipped to manage the realities of a modern DPP'. In the budget just gone, an additional \$4.8 million was announced for the DPP to address some of these concerns. Similar workplace complaints are heard from within the walls of the Legal Services Commission.

The high quality and hard work of these organisations and their staff in continuing to deliver services to the people of South Australia, frequently in challenging circumstances, must be acknowledged. Operation Ironside created a huge burden on the criminal justice system and continues to result in a significant influx of complex criminal cases. As a result, the state government in its 2022-23 budget announced an additional \$8.8 million in funding to the DPP and courts to manage Ironside-related matters. On 5 January 2023, the government announced a further \$13.2 million in funding to boost the DPP and courts over four years to manage Ironside. The Attorney-General, in the announcement, stated:

Operation Ironside is one of the most significant criminal investigations undertaken in the history of South Australia's Criminal Justice System.

The level of expertise and resources required through all facets of the criminal justice system are unprecedented.

This funding will help ensure that the wheels of justice run smoothly, and each case is given the attention it deserves as matters progress through the courts.

The Treasurer further opined:

It's vital that the DPP and criminal justice agencies receive the funding needed for complex cases to ensure an appropriate outcome for the community, police and the courts.

The most noteworthy content of the announcement, however, was that \$38 million worth of assets had been confiscated by SAPOL on Operation Ironside matters. This is in addition to the likely hundreds of millions worth of assets confiscated or restrained annually.

This brings me to the amendment I would have moved. Where does this money go? In the 2022-23 financial year, the Legal Services Commission funded \$27.1 million of external solicitor work through the legal aid panel. The criminal law community would have no quarrel with me making the statement that the grants of funding provided to external solicitors to take on legally aided files are well and truly poor.

A guilty plea in the Magistrates Court, including taking instructions, reading the brief of evidence, all preparation and time in court, pays \$304. In New South Wales, it is \$1,429. A guilty plea in the District Court or Supreme Court, including taking instructions, reading the brief of evidence, all preparation and time in court, pays \$1,389. In New South Wales, it is a minimum \$7,500. These files take days and weeks of work, and on the basis that a solicitor applies for a matter to be classified as complex, like Operation Ironside matters, there is still an underwhelming amount of additional funding provided.

It is for this reason that a large proportion of competent solicitors and barristers are either not on the legal aid panel or knock back files from Legal Services. It is all very well from the ivory tower of government to say there is plenty of funding and that the rates of legal aid are adequate, but they are not. Criminal law is complex, and it is only when you speak to those in the industry that you realise the quality of representation would be better with changes like this.

Snide remarks that lawyers are paid too much already show the naivety of those who have never practised law or worked on a matter under a grant of legal aid. It is no wonder lawyers refuse to take files at the current rates of legal aid, because, with the amount of work that is expected to give a file the attention it deserves, they would end up being paid less than the minimum wage.

Interstate, both New South Wales and Western Australia have longstanding provisions within their criminal assets confiscation and proceeds of crime legislation that allow the court to order that reasonable legal expenses associated with the defence of criminal charges be paid out of a restrained property. As a state that as a model litigant upholds the rule of law and the presumption of innocence, why should restrained property not be able to be used to fund legal fees, or is it the case that South Australia no longer adheres to the principle of innocent until proven guilty?

My amendment sought to replicate the interstate legislation by inserting a clause into section 27 of the act to allow for reasonable legal expenses to be ordered to be paid out of restrained property, and no, this would not allow an accused to hire five King's Counsel through their restrained assets. The judiciary would, on a successful application, decide on the basis of complexity what reasonable legal expenses would be required.

These changes, supported by the Law Society's Criminal Law Committee, would have: (1) reduced the burden on the government to fund externally granted legal aid; (2) reduced the burden on the Legal Services Commission, both in-house and for external grants; (3) increased the supply of solicitors and barristers; (4) reduced the burden on the courts as a result of an increased supply; (5) increased the calibre of legal representation; and (6) allowed for the reallocation of the funding to other areas, such as forensic science, psychology and court programs.

Rather than funding legal representation through the public purse, why not allow seized property to be used to pay for it? Would that not reduce the ever-increasing burden on the state? Would that not actually be a way to help the community, to allow the public purse to be diverted to the courts, mental health, housing, rehabilitation or hospitals?

This amendment to the government's bill would have been greatly beneficial to the administration of justice, would have eased funding burdens and would generally provide a better quality of representation in our criminal courts. It is disappointing to see those in the chamber

unsupportive of what is positive legislative reform. With those closing remarks, as I said, I will not be moving my amendment and I will be supporting the bill.

The Hon. C. BONAROS (15:43): I rise to speak on the Criminal Assets Confiscation (Miscellaneous) Amendment Bill 2024. The government has indicated that this is the first of two bills it plans to introduce this term to enhance the effectiveness of our legal framework in seizing criminal assets, following the review tabled in 2021, and implementing all the recommendations of that review is of course another one of those election commitments to be ticked off the list by this government.

I understand, based on the briefings I have had, that this is mostly uncontroversial in terms of its scope, but it does address a very pressing matter. The urgency of this bill can be attributed, as I understand, to the recent decision of the Chief Justice, who brought into question the validity of historical warrants authorising the seizure of property under section 172 of the act. In the absence of written reasons in that case, I am relying on the advice of the Attorney's office that retrospective amendment is required to avoid an onslaught of applications from many individuals who have had their assets confiscated and, ultimately, forfeited under warrants of seizure rather than via freezing orders, over the past 19 years.

As noted by the prosecutor in that case, the consequences could be drastic—potentially in the hundreds of millions of dollars. In terms of the briefings I have had, I have been assured that both methods would have the same impact on the defendant, so the act intends to ensure through this bill that criminals, more often than not those involved in organised crime and drug dealing, do not profit from their illegal activities.

Upon conviction, as we know, seized funds are allocated to the Victims of Crime Fund or, for drug-related crimes, to the Justice Rehabilitation Fund. We know how much successive governments have relied on those funds. Fortunately, or unfortunately, I have been here long enough to remember when the latter fund was established and the undertakings, agreements, decisions and legislative reform that was made in terms of what the purpose of that fund should be (or is) and how those moneys should be spent. It was quite a contentious debate at the time.

I think the former Attorney-General, the Hon. John Rau, was initially asking for that money effectively to go towards propping up the Courts Administration Authority, and these are moneys that had come from confiscated assets. They were the proceeds of crime, and specifically we were talking about drug-related crimes as well. There was a lot of negotiation to and fro about how that money would be divided, first between the Victims of Crime Fund and the Justice Rehabilitation Fund, and the purposes for which they would be levelled.

We all know what the Victims of Crime Fund does, but it has been pretty difficult to get some straight answers out of any government—and I am not pointing the finger directly at this one, because I had these discussions with the former government as well—about how that money is allocated through the Justice Rehabilitation Fund. I was in those discussions and those negotiations and I was here when that bill was passed, and I do know that we had lengthy debate about the need for that money to go towards appropriate rehabilitation services in our prisons.

I guess on that front I have referred today to the budget papers. We can keep adopting this practice of building more prison beds—352 have been allocated, I think, in the new budget—because our prisons are at capacity, but unless and until we acknowledge that we cannot just lock up people and leave them there without appropriate access to services, then they are not doing themselves, the community or society any good.

I have had lengthy discussions with this Attorney-General—and I will seek to clarify from him—on when we can expect the next lot of changes that surround criminal assets confiscation and how we will better allocate those funds. Giving a person who is incarcerated a pamphlet (or giving a person facing court on serious charges a pamphlet), spending that money just on research and not directing it towards specific rehabilitation and treatment programs is not achieving anything at all.

I referred earlier in question time today to a new report that was released I think nationally, which shows that 70 per cent of perpetrators of domestic violence have already had dealings with the criminal justice system. They are known to the criminal justice system and many have served time in prison, and there is absolutely nothing to be gained from simply locking up people—I am all

for what this bill stands for, but if we are going to lock people up we need to ensure they come out rehabilitated at the other end.

I have a particular gripe with our current state of laws that does not allow a person who is on remand to have access to any rehabilitation services while they are incarcerated on remand. We know that because of the delays in our criminal justice system a person might be on remand for 12, 18 or 24 months. You have, effectively, a captive audience sitting there right in front of you. They cannot go anywhere: they are incarcerated, they are in jail and for that period they will have access to none of those programs.

Guess what happens then? That person gets released from jail, probably because they have served their sentence effectively for the time that they have been on remand and they get given \$50 to catch a cab to God knows where, if they were not eligible for bail or home detention in the first place, only to reoffend again. That is the biggest failure of our justice system. The old mentality of—and I am not suggesting this is one that this government has adopted—rack 'em, pack 'em, stack 'em has let us down in terms of the way that we rehabilitate our prisoners.

I know that one of the core functions of the Justice Rehabilitation Fund is not to prop up the courts, it is not to do research into things that we already know, it is to provide those sorts of labour-intensive programs that actually help people get better. We all know that there are people who are not going to get better, and they are going to come out and they are going to do exactly the same, or they are not going to come out at all for a very long time—and that is all well and good, that is where they deserve to be—but for those individuals who stand a chance of being rehabilitated in prison, there is absolutely no logic in having them locked up for that period of time and not having access to programs that could actually help them.

It could help them come out the other end in a better way than when they went in. It certainly will not leave them with the trajectory they are facing now, which is to come back to the exact same life that they had beforehand because there has been no assistance offered to them. That is my problem with the way that we spend money from the Justice Rehabilitation Fund, and that is my problem with the way that we deal with the justice system overall.

When it comes to the confiscation of assets, that is something that I am on the record as having long supported, and I still support it. I understand the urgency for this bill and, indeed, the need for this piece of legislation, given what has been explained to us, but I put the Attorney on notice, once again, that this is not just an ad hoc fund to be used wherever we see a hole in funding. This is supposed to be very purpose-driven funding. We know that there is a lot of money in there, and we know that that money could be going to a lot of community good ultimately by serving those people who are incarcerated and by ensuring that they get the right rehabilitation services they need.

I have had these discussions, as I said, with the Attorney at length. I have had them with members of the Law Society. I have had them with members of the judiciary. I have had them with members of the Youth Court. I have had them with members of the legal profession overall. I have not found one person who disagrees with the view that I have just put. Again, I put the Attorney on notice that when that next bill comes I will certainly be seeking some further reassurance from this government that those funds are used appropriately so that people with drug-related crimes, and other crimes, actually have access to the sorts of services they need.

Make no mistake: if you have the opportunity to speak to somebody who works in those settings, they will laugh at you if you ask them the question whether there are appropriate rehab services being provided in our jails—they will laugh at you. I have had those discussions with people who work in Corrections, in the adult jurisdiction and in the minor jurisdiction, and they say to me, 'Connie, there is no way in hell we could provide the sorts of services that these prisoners need or people on remand need under the current funding arrangements.'

It was even scarier coming from those—indeed, anonymously, I did have conversations with people who work in Corrections in the youth jurisdiction, and that was even more frightening because the worst thing we know you could do to a youth is stick them in a cell and leave them there until they have learnt their lesson, presumably, and release them without access to appropriate services.

If we want to start somewhere in terms of dealing with our crime rates, then we need to be looking beyond just building more beds to fit more people who we are incarcerating and actually provide them with some sort of services, whether that is psychological services, rehabilitation services, drug treatment services, whatever it is that they need to get them on the straight and narrow.

When we are talking about the individuals who are covered by this bill, they are not necessarily the ones who are going to need the services because if we think back to when this legislation was first introduced into this place, this was about focusing on the kingpins—the people who always get away with it, the people at the top of the food chain—and ensuring that their assets were confiscated.

But their assets have been seized in the first place because of drug-related crime, so if there are those people lower down the food chain who are peddling the drugs and doing whatever else they are doing, they are there because of the people at the top of the chain who these bills are focused at, and they are the assets that have been seized from criminal organised activity, and those assets go into those funds, and those funds should be used for the purposes for which they were intended.

Like I said, this is not the bill for those changes now. I am continuing to have those discussions with the Attorney and I hope that this government is genuinely amenable and open to further considering changes around the way those funds work. But, as I have done previously, I have already said to the Attorney that I will not hesitate to bring a bill into this place to do just that, and I would like to see what the response is going to be then in terms of ensuring that the Justice Rehabilitation Fund is adequately directed towards the purposes for which it was designed.

The Hon. S.L. GAME (15:56): I rise briefly in support of this bill which modifies the existing law for seizing and confiscating assets from criminals. One Nation supports any measures that disrupt criminals from conducting illegal activities that harm the community. After reviewing the amendments to the Criminal Assets Confiscation Act 2005 back in 2021, the Malinauskas government made an election promise to adopt the subsequent recommendations. Police can now apply for freezing orders on a category of accounts if they suspect someone is moving money around multiple accounts.

The initial freezing order will be shortened to seven days, but magistrates can extend it if they believe a restraining order application is likely or ongoing. Clarification on restraining orders for prescribed drug offenders makes it clear that restraining orders can target property already subject to a similar order, potentially preventing the criminal from accessing funds through alternative means. The amendment concerning disposing of forfeited property clarifies that the administrator can dispose of this property by selling it, destroying it, or any other appropriate method.

To further assist SAPOL, warrants issued before this legislation change that aimed to seize money in bank accounts or intangible assets like debts owed will now be considered valid. This protects law enforcement actions taken under the previous law. One Nation supports expanding police powers to freeze and seize assets suspected to be obtained from criminal activity. I also note safeguards included in this bill need to be effective in minimising disruption to innocent South Australians.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:58): I thank all those who have contributed on this bill and acknowledge that this is, as occasionally happens, a bill that has been put in by events that have occurred that have needed a reasonably quick response. I can confirm for the Hon. Ms Bonaros that there are further amendments to this regime being contemplated, and we can expect further legislation in this area.

I thought I would put on the record a response to particularly comments that were raised by the Hon. Frank Pangallo, who had foreshadowed moving an amendment and gave a detailed explanation about what the amendment would have done in relation to the reasonable legal expenses of a person. The Hon. Frank Pangallo has indicated he does not intend to move the amendment. He understands the majority of the rest of the chamber will not be supporting it and certainly the government would not be supporting the Hon. Frank Pangallo's amendment.

I will give more detail, but it is basically because in South Australia we used to have the regime the Hon. Frank Pangallo was intending to put into the bill and it was, quite frankly, an abject disaster. The amendment that was filed but will not be moved, as the Hon. Frank Pangallo has outlined, would have allowed a person whose property is restrained to use those restrained assets to pay for their reasonable legal expenses.

Current section 27(2)(d) of the act effectively prohibits a person whose property is restrained from directly using the restrained property to fund legal expenses incurred in connection with proceedings under the act or for proceedings for an offence against the law of the commonwealth, a state or a territory. There is, as I have said, an extensive history behind the current prohibition on the defendant directly using restrained assets to pay for legal fees.

The Criminal Assets Confiscation Act 1996 came into effect on 7 July 1997 and contained specific provisions for the payment, out of restrained funds, for 'legal costs on a reasonable basis', which is wording that used to be in the act and is very similar to the amendment that has been filed but will not be moved by the Hon. Frank Pangallo. This particular clause that used to be in the act led to extensive litigation, and there are many examples of just how problematic the regime with that wording became.

In the 1998 matter of Petropoulos just under \$100,000 was restrained. Before the trial the accused argued that the court had no jurisdiction to hear the case because the cannabis in this particular matter was intended for sale in New South Wales and not South Australia. The accused was represented by a QC and junior counsel in the Court of Criminal Appeal and in the High Court. The High Court refused leave. More than \$40,000 had already been spent on legal expenses, there had been no trial on the merits of the case and the accused had lost at each stage of the argument.

This problem was not confined to South Australia. There are some more spectacular examples in other states. The most cited example is likely the Queensland case known as Operation Tableau, in which 12 defendants successfully obtained access to \$1.2 million held in an overseas bank account to fund legal advice. The defendants eventually pleaded guilty, but the entire \$1.2 million was spent on the preliminary hearing and pre-trial litigation.

The issue of restrained assets and legal expenses was examined in great detail by the Australian Law Reform Commission in 1999. In its report, *Confiscation that Counts*, the ALRC reviewed the general scheme relating to the release of funds for legal expenses—like that which was in place in South Australia at the time and like that which was proposed by the Hon. Frank Pangallo—and the Australian Law Reform Commission concluded that it was unsatisfactory. The Australian Law Reform Commission concluded, and I will quote:

... the proposition that restrained property should be able to be made available to fund a defence to the very proceedings that would, in the event of a finding against the defendant, lead to the forfeiture or possible forfeiture of that property cannot, in the view of the Commission, be sustained.

The most serious defects found in the South Australian position, as it was at the time and as it would revert to if the Hon. Frank Pangallo were to succeed with the amendment he has filed, on the evidence of the Australian Law Reform Commission, include:

3.11.1... funds are not infrequently dissipated on unmeritorious proceedings as there is no mechanism to limit the type of proceedings to be funded, and a defendant who is aware that his or her assets may be confiscated is not likely to exercise judgments exercised by ordinary prudent litigators;

In paragraph 3.11.2 it concludes that:

...it leaves open the potential for persons with restrained assets to seek the most qualified and expensive legal advice available; and

3.11.3... after available assets have been expended on committal and interlocutory litigation, defendants either plead guilty or apply for legal aid to fund the trial.

Following the Australian Law Reform Commission report, the South Australian legislation was amended to implement largely the same model as suggested in that report to address legal expenses via the Legal Assistance (Restrained Property) Amendment Act 2001. This amendment act introduced a scheme to provide legal funds directly to the Legal Services Commission by way of the restrained assets.

The Legal Services Commission undertakes an assessment and reports to the court where the defendant has financial means, and where the defendant has means they are to fund their own defence. Where the defendant does not have the means and thus qualifies for legal aid in the same way as other defendants, the Legal Services Commission can fund the defence out of the restrained assets. If the restrained assets are exhausted, the defendant may be eligible for legal aid in the same way as anyone else. If the restrained assets are not exhausted in the defence, the remaining assets continue to be restrained and are subject to forfeiture in the same way as any other restrained assets.

The legal assistance scheme ensures that restrained assets are not needlessly expended in lengthy litigation as well as ensuring the validity of the legislation. This model of funding legal defences was retained in the bill that was introduced in 2004 to create the current act, and, importantly, remains in the current act. It would therefore have not been the government's intention to essentially return to the past scheme that was wholly unsustainable and that we do not think would have properly met the needs of justice in South Australia. Having said that, I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I have a point of clarification. I think it has been clarified, but we did pass some laws recently in relation to unexplained wealth and I just wanted to confirm that this bill and that bill are not interrelated at all in terms of their scope.

The Hon. K.J. MAHER: My advice is that that is correct. That is a completely separate act and not related to what we are doing today.

The Hon. J.M.A. LENSINK: I mentioned in my second reading speech—the Attorney may not have heard it—that I was interested in learning more about the consultation that was to occur between the houses given that this piece of legislation has been put through with a reasonable amount of haste. Have there been concerns that have been raised in relation to any aspects of it? Is the Attorney able to outline some more details for the chamber?

The Hon. K.J. MAHER: I am advised that in between the chambers it has been provided to the Law Society, the Bar Association, the Legal Services Commission, the ALRM, the Chief Justice, the Chief Judge, the Chief Magistrate, as well as the State Courts Administrator. We are not aware of any responses to that.

The Hon. J.M.A. LENSINK: Can I just clarify? We are not aware, but they have been written to and asked their opinions, those sorts of things?

The Hon. K.J. MAHER: I can confirm that, yes, that is my advice.

The Hon. C. BONAROS: Just going back to the contribution I made in the second reading, can the Attorney confirm when we can expect to see the next raft of changes surrounding the remainder of the recommendations of the 2021 review and implementation of those?

The Hon. K.J. MAHER: As I outlined briefly in my second reading sum-up, we do intend to introduce further legislation. My advice is it is being worked on at the moment. I do not have a hard and fast date, but in the not-too-distant future.

The Hon. C. BONAROS: What, if anything, as part of that work is considering the issue of providing services to those who are on remand but not yet convicted?

The Hon. K.J. MAHER: There are ongoing discussions, I am advised, about what form rehabilitations might take and who might benefit from those, including which prisoners. I do not have information on that at the moment. As I said, there is an intention for further work to look at implementing recommendations from the review that previously occurred in this area.

Clause passed.

Remaining clauses (2 to 7), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

The Hon. H.M. GIROLAMO (16:12): I rise to speak on the Disability Inclusion (Review Recommendations) Amendment Bill 2023 and indicate that I am the lead speaker for the opposition and also that the opposition is in full support of this bill. I will also talk to the amendments from the Hon. Tammy Franks and the Hon. Clare Scriven.

This amendment bill is better late than never. The Disability Inclusion Act was introduced in 2018 under Minister Lensink, during the term of the former government, and I commend her for her fantastic work in this space. This bill was due to be reviewed at the three-year anniversary in March 2022, the same time that this Labor government was elected. The review paper was finalised by Mr Richard Dennis AM PSM in June 2022. From this substantial review, Mr Dennis presented his final tabled report of 51 recommendations. This amendment bill seeks to include 14 of those recommendations.

Two years on and this government has not been prioritising this important bill. However, I am very pleased to see it here today. The Labor governments, both state and federal, have a history of talk and no action, all review and no implementation, and we see this continuing to this day. The NDIS review was completed in December 2023, but currently the Premier and Prime Minister are playing handball with responsibility and funding, while NDIS clients wait in the dark.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was released in September 2023. It called on all governments to publish responses by March this year, but Minister Cook signed the all-Labor governments media release that put the commission into the too-hard basket—again, all talk and no action.

Whilst we fully support this bill, I will highlight a couple of concerns about its implementation from here. Our concerns with this bill come from the lack of resourcing for stakeholders to implement change. The Local Government Association's submission to this bill aired concerns of resourcing and funding, clarity in language such as 'reasonable steps' and what the expected legal requirements will be. We will be monitoring this and the funding allocation and exploring this further during estimates and the committee stage.

I would also like to highlight the importance of ongoing and regular community engagement, continued stakeholder consultation and genuine co-design with people who live with disability. I have heard from CEOs, advocates, managers, clients, carers, participants and everyday people who are living with disabilities, who constantly raise their concerns that they feel under-engaged by this government and particularly under-engaged by Minister Cook. People in this sector are experts and want their knowledge to be utilised.

The sector is screaming out for disability advocacy funding from the state government. Community-based, independent and needs-matched advocacy is an invaluable support for those in need of guidance. This government must know the importance of advocacy because they advertise independent advocacy organisations on their department's website, but they have not put their money where their mouth is. It is another area that we will be monitoring closely and we believe deserves focus by this government as well as funding.

The public sector is the largest employer in the state, employing nearly 100,000 South Australians, but people with disabilities make up just 1.33 per cent of South Australian public sector employees. This government is setting the wrong example when it comes to employment of people with a disability. The public sector should be leading the way. People with disability want the opportunity to work, and this government must act to ensure that the proposed target of 3 per cent is achieved. I often have many families coming to me whose children who live with disabilities have applied for 30, 40 or 50 jobs without any success. More needs to be done in this space, and I hope that this bill ensures that this occurs.

An all too common concern is about how people living with disabilities face challenges with suitable accommodation and permanent housing. This state is facing a housing crisis, and that includes disability housing. Our most vulnerable often face homelessness and long stays in hospital because there is nowhere for them to go. Not only is there limited stock but there is also limited choice.

If Minister Cook is listening to her community, she will have secured funding for advocacy, employment and housing. At this stage we do not believe that that is the case, based on the state budget, but I do hope in the future that this will be addressed. There are vacancies within disability housing, but they often do not match the funding that is made available. This must be addressed to ensure that people living with disabilities have access to appropriate housing and support.

I would like to send a personal thankyou to JFA Purple Orange for their submissions, consultation and presentation in regard to their concerns and amendments to this bill. Selena, Tracey, Belle, James, Cathy and Tessa and so many more, your hard work often goes unseen but is enormously appreciated. Your insights are invaluable.

I would also like to thank the Hon. Tammy Franks for her amendments that will be introduced today, which are driven by the support of Purple Orange. I appreciate her taking the time to be able to work through these amendments to ensure that this bill is appropriate and the amendments going through benefit all South Australians living with a disability.

I would like to highlight in particular, from an amendment perspective, that we are very supportive around the co-design. We strongly believe that we need to ensure that this government ensures co-design when it comes to everything relating to disability services so that people living with disability are able to have a say.

As I mentioned before, amendment No. 5 regarding section 13 is around the State Disability Inclusion Plan employment target. This is something I am very passionate about, and it will be something that I will continue to monitor to ensure that this government achieves these targets and puts measures in place to ensure that it is not just talk but that there is action. The work of Purple Orange seeks to see tangible outcomes, and I commend them for their work in this space.

In summary, people with disabilities deserve better. We must do better. Reviews, recommendations and royal commissions are not polite requests: they are necessary reforms. In future, I hope to see disability reform prioritised in both chambers and it not taking over a year to be able to come through. It should be at the forefront for consideration and consultation for this government. I would like to thank you, Mr Acting President, for the opportunity to speak on this bill, and I look forward to seeing tangible outcomes for people living with disabilities as a result of these amendments.

The Hon. T.A. FRANKS (16:20): I rise to speak on behalf of the Greens on the Disability Inclusion (Review Recommendations) Amendment Bill 2023, and I do so to overwhelmingly support the bill but to flag that, as has been raised by the opposition, the Greens will be moving a set of amendments. Certainly, those amendments have been discussed with government, opposition and members of this crossbench, but they were due to the advocacy of JFA Purple Orange, and I do thank the team there as well.

Disabled people, or people living with a disability, have fought for decades against the ableism that runs deep within our decision-making processes. We have seen progress. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, established by

my federal Greens colleague Senator Jordon Steele-John, painted a confronting picture and marked a significant milestone for people living with a disability in this nation.

This bill represents yet another positive step. This progress is a result of fierce and fearless advocacy and action by grassroots advocates, activists, our national advocacy organisations, peak bodies and those from the community who speak up and say 'nothing about us without us'. However, the Greens know that significant barriers still remain in our society and that disabled people continue to fall through the cracks, often being denied the same rights and supports that they need to live the lives that they deserve.

We commend the work being done by this government and in particular Minister Cook in initiating this particular bill before us from the government. We are pleased to see the implementation of several recommendations from the Dennis review, and it complements Australia's Disability Strategy 2021-2031. The consultation undertaken when developing this bill made clear that the right for people with a disability to actively contribute to the design and delivery of inclusive policies and programs was vitally important. Again, I will echo the commendations of the former minister, the Hon. Michelle Lensink, in this place, who in her time as minister had charge of some of these matters and has done some stellar work.

My office has been working with disability advocate group Purple Orange and has put forward a series of amendments to strengthen this legislation, take advantage of the opportunity that the government bill presents and ensure that the contributions of people living with a disability are not simply tokenistic and have genuine opportunity to contribute to the process. I note that the Greens have lodged those amendments in two forms, so as we move through the debate I will note that the Greens filed a second series of amendments, and that is the one that I will be pursuing today. I thought it was simply easier to file a whole second set of amendments after the various negotiations rather than try to work from two documents.

One of those amendments seeks to ensure that government genuinely co-designs with people living with a disability rather than them only having 'a right to participate in the design and delivery of inclusive policies and programs'. A meaningful co-design process would run through the life of a project, from the planning stages through to the implementation and, of course, the review. Co-design leads to stronger outcomes and when compared to consultation alone is so far superior. It brings a range of perspectives, experiences and expertise that the process would otherwise miss.

The Greens will also seek to include certainty for independent advocacy services. There must be options for advocacy external from government agencies to allow for advocates to provide independent advice when issues arise that involve government departments, for example. We have also seen successive South Australian governments inadequately funding independent advocacy services, and that is to our loss as a democracy. Enshrining this in legislation and using this particular opportunity would reinforce the responsibility and provide funding certainty. This move would also bring us in line with some other jurisdictions.

We are also moving, in our amendments from the Greens, to further acknowledge the impacts and barriers faced by LGBTQIA+ and people living with a disability in regional South Australia. Those amendments reflect the fact that people who identify as LGBTQIA+ and people who live in regional South Australia and have a disability may also encounter many additional and compounding barriers. They often have to straddle the hurdle of less access to essential supports and services that are appropriate to their needs.

A further amendment seeks to expand the reporting requirements of the chief executive when 'advising the minister on systemic or emerging accessibility and inclusion issues'. In addition to this requirement, our amendment would require more information such as details of the issue and the actions taken and proposed and, if no action was taken, the reasons for that decision. That would provide for increased accountability and transparency and encourage broader conversations and engagement on how best to manage emerging issues.

The Greens will also move an amendment to require the government to set public sector employment targets for people living with a disability in the State Disability Inclusion Plan. Our amendments also provide that an independent auditor would track the progress of achieving those

targets. This way, the state government can serve as a model employer and lead the way in lifting the workforce participation rates for people in our state living with a disability.

The Dennis review, of course, highlighted the benefits of inclusive employment, if anyone needed to be reminded or advised that this was in fact something that we should be striving for. There are positive economic impacts, increased independence, reduced pressure on public resources and contributions made by people living with disability as exceptional workers that are not only recognised in that report but, I would hope, would be supported by all in this chamber today.

Finally, we have an amendment that is designed to ensure that disability access and inclusion plans continue to develop and be effective. Some of the initial plans used ill-defined and vague language, resulting in ineffective and ill-defined outcomes. This amendment will seek to include a requirement for measurable outcomes. Clearly articulated outcomes ensure that it will be much more than just a tick box exercise, and help agencies and local councils to understand when it is working and when it is not.

I again thank Purple Orange and the team there for their work in ensuring that we had in this debate genuine insight into issues affecting South Australian people living with a disability. This bill does represent a significant step and is an opportunity to make our state a leader in this space. With that, I commend the bill.

The Hon. S.L. GAME (16:28): I rise briefly in support of this bill on the basis that it will strengthen the rights and protections of people with disabilities in South Australia. This bill requires the minister to consider the views of people with disabilities on how the act is working. It broadens the definition of disability to include physical, technological and attitudinal barriers, and the amendments add new principles to the act, including the right to safety, information and participation for people with disabilities.

The bill requires the State Disability Inclusion Plan to address the needs of people with significant disabilities and those with high vulnerability. It makes changes to reporting requirements for both the State Disability Inclusion Plan and disability access and inclusion plans of government agencies. The bill aims to make South Australia more inclusive for people with disabilities by improving accessibility, strengthening their rights and ensuring their voices are heard.

The Hon. E.S. BOURKE (16:29): I rise to speak on the Disability Inclusion (Review Recommendations) Amendment Bill. I thank the Minister for Human Services for developing this important body of work. I also acknowledge the work of the Hon. Tammy Franks, who has worked with Purple Orange in developing a number of these amendments. I will not repeat the many details that have already been outlined through the bill by Minister Scriven, who did an outstanding job explaining the clauses of the bill in her second reading explanation in the last sitting week.

I will, however, link this important body of work to the state's autistic and autism communities. As with all important changes, it is important to review it to make sure that they are meeting the needs of the community they serve. In this case, it is the state's disability community, of which many autistic people consider themselves a part.

As has been mentioned previously, the review of this act was undertaken in 2022 by the independent reviewer, Mr Richard Dennis AM. Now the government is updating this bill with a suite of key changes, including but not limited to moving elements of the Disability Inclusion Regulations 2019 into the act, including a definition of 'barrier', given the significance of the concept of barriers in the definition of disability and within the wider issue of achieving greater inclusion, requiring consultation with people with lived experience and groups to facilitate consultation.

One in four Australians has an autistic family member, and here in SA we sit around 6 per cent higher than the national average, around 41 per cent of our NDIS participants being autistic. In essence, autistic people are the largest disability group in our country, especially here in our state. The changes in this act will benefit the state's autistic and autism communities and build on much of the work already being undertaken at a policy level to improve the life outcomes of autistic South Australians.

We have already established an autism advisory committee, with almost all members of the committee identifying as autistic. We are developing the state's first Autism Strategy, a road map that

will guide the state government now and into the future on how best to support the autistic and autism communities. This strategy has been designed by the very people it serves, the state's autistic and autism communities, with over 1,300 people coming together overall to have their say and help co-design this historic body of work.

We are rolling out the state's first Autism Inclusion Charter across the state government. We have made changes in our public primary schools through the delivery of autism inclusion teachers and changed teachers' degrees to include disability and inclusive studies. We have created the nation's first autistic-led Office for Autism. We have created new diagnostic services, with the flexibility for these to be delivered in school for free.

We have released grants of up to \$50,000 to support autism inclusion in the community, and we have secured over \$14 million to deliver support earlier than ever before through the new Inklings program, which will be delivered to families of babies aged six to 18 months. Again, we are leading the way here in SA and doing the necessary legislative work to make sure our state has the best support available to the disability community.

The Hon. R.B. MARTIN (16:32): The proportion of Australians and South Australians who experience some form of disability is higher than many in our community may realise. We have heard in the contribution of the Minister for Primary Industries that the figure for Australia is as high as one in six people. The nature of disability in our community is as diverse as our community itself, and disability impacts people in many different ways.

As a state government, recognising the diversity and complexity of those impacts, and doing all that we can to ensure the needs of people with a disability are identified and met, from the structure of the institutions within our society through to some of the most mundane-seeming infrastructure of our daily lives, is a strong imperative. It is a task that any good government should be ready and willing to meet.

Section 32 of the Disability Inclusion Act 2018 requires the Minister for Human Services to cause a review of the operation of the act before the fourth anniversary of the commencement of the act and to table a report in both houses of parliament. To that end, we have heard that Mr Richard Dennis was appointed on behalf of the South Australian government in December 2021 to undertake an independent review. The review was undertaken mid-2022 and included consultation activities, such as meetings, written submissions and public engagement through the state government's YourSAy website.

The final report, which was tabled in parliament in September 2022, included 50 recommendations for the state government to consider. Among them, 20 recommendations were in relation to legislation, nine in relation to policy and 21 in relation to operational considerations. The bill now before us deals with 14 of the 20 legislative recommendations. Other recommendations are being considered in the context of the review of the National Disability Insurance Scheme released in December 2023 and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, released in late September 2023, as well as the review of the State Disability Inclusion Plan, which is ongoing.

The draft version of the bill was subject to both public and targeted consultation. Between 27 February 2023 and 6 April 2023, the Department of Human Services conducted a consultation through the YourSAy portal seeking community feedback on a draft bill and to commence discussions on a state disability inclusion plan more broadly. Peak organisations and those who had provided feedback in the first consultation were invited to provide written submissions.

Only one change was made following the public consultation period, which was to amend the lengthy and prescriptive section about the minister's disability advisory committee, down to a shorter section that requires the minister to seek the views of the people with disability and to establish an advisory group. Prior to the legislation being introduced, the Minister for Human Services in the other place established the Disability Minister's Advisory Council, which aligns with this element of the bill.

Among other things, the bill before us seeks to move elements of the Disability Inclusion Regulations 2019 into the act, and they are:

- to better define the term 'barrier' in the act;
- to include new paragraphs to provide expressly that people with disability, regardless of age, have a right to be safe and to feel safe through the provision of appropriate safeguards, information, services and supports;
- the bill also seeks to amend the act to enhance clarity and/or definition of the principles as they relate to people with significant intellectual disability or who have high levels of vulnerability;
- to include a new section to provide for consultation and engagement activities by the minister on the operation of the act, and for both formal and informal committees to be established for this purpose; and
- to amend sections relating to reporting requirements and time frames for the State Disability Inclusion Plan and state authority disability access and inclusion plan, as well as the specific functions of the chief executive of the Department of Human Services.

It is a keen ambition of the Malinauskas Labor government to ensure South Australia is an inclusive state. Inclusion for people with disability is about ensuring that every person can participate on equitable terms across all aspects of society. Inclusion can be embedded in our public spaces, our schools, our workplaces and beyond.

Our deliberate choice to promote and facilitate inclusion for people with disability is essential. Many areas of life are aimed principally at accommodating people without disability, which can make access, particularly access on equal terms, quite difficult and sometimes impossible for people with disability. Many people miss out on opportunities for social and community participation, education and employment because their needs are not or cannot be accommodated.

Inclusion is central to fairness, justice and equality. It should be our goal to make sure that each person has fair opportunity to participate and access life's experiences. But inclusion does not only enhance life for people with disability, it elevates and enriches our whole community. Ensuring that different perspectives are incorporated and diverse voices are heard in our society helps us to grow and develop as a community, and helps us to make better decisions as a community.

Making South Australia an inclusive place is a goal that we can only reach through seeking input from people with lived experience. The Malinauskas Labor government aims to keep this in mind in the work that we do to increase inclusiveness and to promote fairness, justice and equity for people with disability. We have marked some significant milestones thus far towards delivering on our suite of commitments in this important policy area. In particular, in relation to the autistic and autism community, we heard just now from the nation's first Assistant Minister for Autism, whose hard work and dedication I strongly commend, about many of the things this government has achieved that we should be proud of—without resting on our laurels, however, because there is more work to be done.

In addition to our nation-leading work around autism and autistic South Australians, we have increased funding to the Community Visitor Scheme from \$319,000 a year to \$450,000. We have established a disability ministerial advisory council and we have agreed to changes to the National Construction Code that come into effect from October 2024, increasing minimum accessibility and adaptability standards to silver level of Livable Housing Australia design guidelines. I note that this was voluntarily adopted by the SA Housing Authority for all new builds from April 2022.

We have, in December 2023, introduced a target of 3 per cent employment in the state Public Service for people with disability under the Office of the Commissioner for Public Sector Employment's new Diversity, Equity and Inclusion Strategy. We have other major work that is still ongoing and the work of this government in relation to strengthening inclusion for people with disability will never be complete because there is no such thing.

We know we can always do better and striving to do better means, among other things, that you are paying attention. Elevating the voices of those with lived experience and listening to what they are saying will always be critical to our success in this very important area of policy and of community life.

I pay tribute to the good faith and support that this bill has enjoyed in the other place, and I note and welcome the contributions and cooperation of the crossbench, in particular the Greens and the Hon. Tammy Franks. This is an area of policy where we should quite rightly hope for and expect cross-partisan collaboration because we can all agree that inclusion, fairness and justice for people with disability are fundamentally important matters that we have every obligation to advance in this parliament. I am pleased to commend this bill to the council.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:41): I would like to thank all those members who made contributions on this bill this afternoon: the Hon. Heidi Girolamo, the Hon. Tammy Franks, the Hon. Sarah Game, the Hon. Emily Bourke and the Hon. Reggie Martin. As mentioned, a number of the changes that are proposed in this bill are in response to recommendations of the Dennis review. I look forward to the committee stage and I am confident that the outcomes from this afternoon's debate and votes will result in a more inclusive and responsive system to respond to the needs of people with disability.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. H.M. GIROLAMO: In regard to the implementation of the bill, what additional state funding or increase in FTE will be allocated to ensure the rollout of the amendment bill?

The Hon. C.M. SCRIVEN: I am advised that the rollout is expected to be achievable within existing resources, noting that each of the relevant agencies will have their own implementation plans and the expectation is that that will be achievable.

The Hon. H.M. GIROLAMO: Are you able to confirm for the record that there will be no increase in headcount to ensure that these recommendations are achieved?

The Hon. C.M. SCRIVEN: I am advised that it is certainly worthwhile mentioning that there is a new state plan that is currently under consultation. In terms of this specific bill, it does not require additional FTE directly through the operation of the bill.

The Hon. H.M. GIROLAMO: Are you able to clarify what elements are legally required within the bill versus more 'nice to have' elements that may or may not be achieved by the department?

The Hon. C.M. SCRIVEN: Could the honourable member clarify what she means by 'legally required'?

The Hon. H.M. GIROLAMO: I guess I will use the example of the potential targets or areas of interest within disability inclusion, some of the recommendations that are coming through. Does the minister intend on making sure that measures are going to be put in place to make sure these are achieved versus talk or action and not necessarily having the outcome that is intended by the bill? I am wondering what legal ramifications there are to ensure that these targets, or what has been included in these recommendations, are actually achieved.

The Hon. C.M. SCRIVEN: I am advised that the intent is to action them through the state plan, and so we will be accountable in the same way that agencies are for other similar matters.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks-2]—

Page 3, line 1 [clause 4, heading]—delete 'section 7A' and substitute 'sections 7A and 7B'

I note that while this is an administrative amendment it is with regard to the co-design principles that have been requested through the advocacy work of Purple Orange and others. While it is administrative, it will have a knock-on. Should people support the principles of co-design they will support this administrative clause being amended.

The Hon. H.M. GIROLAMO: We are supportive of this amendment.

The Hon. C.M. SCRIVEN: The government is supporting this amendment. We are certainly very conscious of the importance of co-design. It is something that has been a commitment, and we have no problem with it being included specifically in the act.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks-2]—

Page 3, line 12 [clause 4, inserted section 7A(2)]—Delete 'may' and substitute 'must'

This changes the word 'may' to 'must' and would therefore see that relevant clause read, 'The Minister must establish a committee to advise and assist the Minister in relation to the operation of this section', again, along the principles of the co-design amendments.

The Hon. H.M. GIROLAMO: We are supportive of this amendment as well.

The Hon. C.M. SCRIVEN: The government supports this amendment in that it requires the minister to establish an advisory group rather than simply allowing a group to be established. The government has already established the Disability Minister's Advisory Council, which is consistent with this proposal.

Just for the record, I am advised the clause also reintroduces some words from the draft bill that went out for public consultation around the functions of the group, including a critical role in the preparation and review of the State Disability Inclusion Plan, Inclusive SA. There is considered to be a good balance between the public consultation version, which potentially had too much prescriptive detail, and the version now introduced.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks-2]—

Page 3, after line 23—After inserted section 7A insert:

7B—Minister to establish committee

- (1) Without limiting section 7A(2), the Minister must establish a committee to—
 - (a) advise the Minister, taking into account the principles of co-design, in relation to the preparation and review of the State Disability Inclusion Plan; and
 - (b) perform such other functions as may be assigned to the committee under this or any other Act or by the Minister.
- (2) The membership of the committee will be determined by the Minister but should, as far as is reasonably practical, include a diverse range of people with lived experience of disability.
- (3) The procedures of the committee will be—
 - (a) as determined by the Minister; or
 - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

This provides for the creation of an external review committee to advise on the State Disability Inclusion Plan. I also, in doing so, acknowledge the work of the minister in actually taking these approaches in practice, if not being previously required to in law, so I commend her for that.

The Hon. H.M. GIROLAMO: We are also supportive of this element. Leading from the question that I asked before, I think the word 'must' ensures that there is that direction that it needs

to be done by law, and that is something that we feel more comfortable with rather than there just being talk and not as much action. So we are supportive of this amendment as well.

The Hon. C.M. SCRIVEN: The government is supporting this amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. T.A. FRANKS: I move:

Amendment No 4 [Franks–2]—

Page 4, lines 2 to 4 [clause 6(2), inserted paragraph (p)]—Delete paragraph (p) and substitute:

- (p) people living with disability from a range of lived experiences, and their families and representatives, have a right to participate in the design and delivery of inclusive policies and programs including, as appropriate, through co-design, consultation or other processes;

I note that this highlights the importance of co-design while acknowledging that it will be used as appropriate, and note my restraint so far to have not mentioned co-designing a new engagement paradigm once, but that is it, that is my quota. With that, I commend the amendment.

The Hon. H.M. GIROLAMO: In regard to this amendment, we will be supportive of the government's amendment on this one. We did raise concerns about mention of the commonwealth government and feel that the state should be accountable within this bill and then, of course, we are very supportive of disability advocacy across both federal and state governments. We are one of the only states that has very limited support from a state perspective when it comes to advocacy. We will not be supporting this amendment at this stage.

The CHAIR: This is amendment No. 4.

The Hon. H.M. GIROLAMO: Okay, I will save that comment for amendment No. 5, sorry.

The CHAIR: So you are agreeing to amendment No. 4?

Members interjecting:

The CHAIR: The Hon. Ms Girolamo, stand up and tell me what you are doing about amendment No. 4.

The Hon. H.M. GIROLAMO: We are very supportive of amendment No. 4.

The Hon. C.M. SCRIVEN: The government is supporting amendment No. 4.

The Hon. C. BONAROS: For the record, I am supportive of all of the Greens' amendments.

Amendment carried.

The CHAIR: The Hon. Ms Franks, we will deal with your amendment first: amendment No. 5.

The Hon. T.A. FRANKS: Yes, I think you might need to, Chair, because if you do not have my amendment moved, then you do not have the government amendment of my amendment.

The CHAIR: I am sorry, I did not hear what you said.

The Hon. T.A. FRANKS: I move:

Amendment No 5 [Franks–2]—

Page 4, after line 10—After inserted paragraph (q) insert:

- (r) independent individual, representative or peer group and systemic disability advocacy are important and the State and Commonwealth governments equally share the responsibility for ensuring adequate funding and resourcing for independent advocacy in South Australia.

The Greens move this because independent individual, representative or peer group and systemic disability advocacy are important and the state and commonwealth governments equally share the responsibility for ensuring adequate funding and resourcing for independent advocacy in our state.

The Hon. C.M. SCRIVEN: I move:

Amendment No 1 [PrimIndRegDev-1]—Amendment to Amendment No 5 [Franks-2]—

Page 4, after line 10—Delete inserted paragraph (r) and substitute:

- (r) people with disability, and their families and representatives as appropriate, have a right to access and benefit from independent individual and systemic advocacy that assists in accessing services and addressing problems with services.

This makes some changes to—

The CHAIR: To the Hon. Ms Franks' amendment.

The Hon. C.M. SCRIVEN: —correct—to amend [Franks-2] amendment No. 5. The government supports reference to advocacy in the act and notes that this reinforces the government's own proposal to expand the principles of the act to acknowledge the role of advocates for people with significant intellectual disability or who experience high levels of vulnerability. However, the government has concerns about reference to commonwealth funding and resourcing when there is limited or, indeed, perhaps no capacity to bind the commonwealth using state legislation.

Similarly, the government has concerns about referencing state funding obligations that may trigger an undefined budget impact. However, despite those concerns we think it is important to boost references to advocacy in the act and therefore are proposing the alternative set of words that has been lodged.

It is probably worth noting that according to my advice the government's proposed wording is not the first preference of Julia Farr Purple Orange, which first proposed the amendment, but they have indicated, I am advised, that the government's proposal would be acceptable if the council does not support the Greens' position.

Amendment to amendment carried; amendment as amended carried.

The Hon. T.A. FRANKS: I move:

Amendment No 6 [Franks-2]—

Page 4, after line 25—After inserted subsection (5a) insert:

- (5b) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to people with disability who identify as LGBTQIA+:
 - (a) cultural and other differences create barriers to providing supports and services to people with disability who identify as LGBTQIA+;
 - (b) the provision of mainstream supports and services to people with disability who identify as LGBTQIA+ should recognise and seek to address those barriers and should be informed by working in partnership with people with disability who identify as LGBTQIA+ and in consultation with their communities, to enhance their lives.
- (5c) In addition to the principles set out in any other provision of this section, the following risks and principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to people with disability who live in regional communities:
 - (a) distance from metropolitan regions reduces the availability of supports and services to people with disability who live in regional communities;
 - (b) the provision of mainstream supports and services to people with disability who live in regional communities should recognise and seek to address this availability shortage, and should be informed by working in partnership with people with disability who live in regional communities and in consultation with their communities, to enhance their lives.

This inserts a new subsection (5b) that specifically recognises in addition LGBTQIA+ and regional people with a disability. Certainly, the principles of the bill have identified that some people with disability have intersectional and additional challenges and require appropriate supports. This amendment does reflect the fact that those people who identify as LGBTQIA+ and people who live in regional South Australia may indeed encounter those additional compounding barriers and often have lesser access to essential supports and services that are appropriate to meet their needs.

The Hon. C.M. SCRIVEN: The act currently has four priority groups, comprising people with disability who are women, children, Aboriginal or come from culturally and linguistically diverse communities. The amendment seeks to add two additional priority groups, being people with disability living in regional communities and people with disability who identify as LGBTQIA+. The government will be supporting this amendment.

As Minister for Regional Development and as a regional resident myself, I am particularly aware of the specific challenges that arise from living distant from metropolitan Adelaide, and therefore I am particularly keen to see this reference to regional communities included. There are consequential amendments to ensure these groups are then referenced in other relevant sections of the act and the government, of course, supports those also.

The Hon. H.M. GIROLAMO: The opposition is supportive of all further Greens' amendments that have been put forward, particularly around including regional South Australia. Concerns are often raised about the lack of access to services within regional South Australia for people living with disabilities.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8.

The Hon. T.A. FRANKS: I move:

Amendment No 7 [Franks-2]—

Page 4, after line 30—Before subclause (1) insert:

(a1) Section 13(3)(a)—after 'of people with disability' insert:

including by adopting targets for the employment of people living with disability in the South Australian public service

This amendment adopts employment targets for people living with a disability and works with the existing policies within the Office for the Public Sector and their disability employment targets.

The Hon. C.M. SCRIVEN: The government supports these two amendments that seek to add a disability employment target into the statewide disability inclusion plan, Inclusive SA, and ensure the expanded list of priority groups that were added to the principles earlier in the committee stage are reflected in the statewide plan.

When the bill was introduced last year, there was a disability target for the state Public Service. In December 2023, the Office of the Commissioner for Public Sector Employment published a new Diversity, Equity and Inclusion Strategy that included a formal target for disability employment, along with governance arrangements and reporting requirements. The government intends to comply with this new requirement in the act by updating the statewide plan to include the target established by the commissioner. It should also be noted that the act already requires agency-level disability access and inclusion plans to have strategies around employment amongst a range of other areas.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 8 [Franks-2]—

Page 4, line 40 [clause 8(1), inserted paragraph (ba)(ii)]—Delete 'and (5a)' and substitute:

, (5a), (5b) and (5c)

This is consequential with regard to the regional and LGBTQIA+ categories.

Amendment carried; clause as amended passed.

Clause 9.

The Hon. T.A. FRANKS: I move:

Amendment No 9 [Franks-2]—

Page 5, after line 12—After subclause (2) insert:

- (3) Section 14—after subsection (2) insert:
- (3) A report under subsection (1) must include details of any systemic issues raised with the Minister and—
- (a) if action has been taken or is proposed to be taken in relation to an issue raised with the Minister—details of that action or proposed action; and
- (b) if no action is to be taken in relation to an issue raised with the Minister—the reasons for not taking action.

This provides that annual reports must include the details of systemic issues and proposed action. It provides for that ministerial accountability that was sought but does so through the annual report process rather than on an as-it-occurs basis.

The Hon. C.M. SCRIVEN: We support this amendment that seeks to increase transparency and reporting around systemic issues by including additional information in the annual report that is tabled in parliament. While systemic issues are not specifically defined in the act, the general view is that they are problems with systems rather than individuals. This may be where an issue in a particular system affects large numbers of people but also issues where different systems between agencies or between levels of government clash, overlap or leave gaps.

Amendment carried; clause as amended passed.

Clause 10 passed.

Clause 11.

The Hon. T.A. FRANKS: I move:

Amendment No 10 [Franks-2]—

Page 5, after line 19—Before subclause (1) insert:

- (a1) Section 16(3)(d)—after 'strategies' insert:
, accompanied by measurable outcomes where appropriate,

This adds a requirement for measurable outcomes in disability access and inclusion plans where appropriate. It adds the words 'accompanied by measurable outcomes where appropriate'. I note that it is important to have aspirations, but it is also important to be able to measure those aspirations. It does not mean that those aspirations and the measurables require significant financial investment necessarily, but certainly if we are setting ourselves goals, and particularly at a local council or other government level, to increase accessibility in our community, to include people with disabilities in our community, we should be able to prove that we are doing so and that the things that we are trying to do are actually working.

The Hon. C.M. SCRIVEN: The government supports this amendment. It is consistent with the government's proposed changes to the statewide plan that required the inclusion of measurable outcomes linked to strategies.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 11 [Franks-2]—

Page 5, line 22 [clause 11(1), inserted paragraph (da)]—Delete 'and (5a)' and substitute ', (5a), (5b) and (5c)'

This is consequential with regard to the amendments around LGBTIQA+ and regional inclusion in the groupings that we are making provision to ensure that those barriers are addressed.

Amendment carried; clause as amended passed.

Clause 12.

The Hon. T.A. FRANKS: I move:

Amendment No 12 [Franks–2]—

Page 6, line 4 [clause 12(5), inserted subsection (1a)]—Delete 'and (5a)' and substitute ', (5a), (5b) and (5c)'

This is consequential again on the issues of including LGBTIQA+ and regional people with a disability. I certainly imagine that administratively this is just a consequential amendment, but I want to take the opportunity to thank Minister Cook, her hardworking staff and, in particular, Michael Hicks from her team for ensuring that we have worked collaboratively and collegially to get all of these amendments across the line in the end.

Amendment carried; clause as amended passed.

Remaining clause (13) and title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:06 the council adjourned until Wednesday 19 June 2024 at 14:15.

*Answers to Questions***AUTISM ASSESSMENTS**

In reply to **the Hon. H.M. GIROLAMO** (2 May 2024).

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

The school and Department for Education are closely engaged with the family to support the student's needs and school attendance, while also ensuring the safety and wellbeing of all staff and students. The school has acted at all times to ensure a safe environment for everyone. This includes providing the student with a full-time SSO to support his learning.

Any suggestion of the student being in solitary confinement is incorrect.

Autism assessments are not made by the Department for Education.

The South Australian government released a tender to provide eligible school students with access to autism assessments at no cost to their families. Whilst the program will prioritise students in northern Adelaide at risk of being disengaged from education, it will also add to the number of people in South Australia able to benefit from an autism assessment, including those currently awaiting assessment in the public system.