

## LEGISLATIVE COUNCIL

Tuesday, 27 August 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*

#### **CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL**

*Assent*

His Excellency the Administrator assented to the bill.

#### **DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL**

*Assent*

His Excellency the Administrator assented to the bill.

#### **STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL**

*Assent*

His Excellency the Administrator assented to the bill.

#### **SUMMARY OFFENCES (NAZI SALUTE AND SYMBOLS PROHIBITION) AMENDMENT BILL**

*Assent*

His Excellency the Administrator assented to the bill.

### *Parliamentary Procedure*

#### **PARLIAMENTARY STANDING ORDERS**

**The PRESIDENT (14:19):** I advise the council that I have received the following letter from Her Excellency the Governor, dated Thursday 1 August 2024:

Dear Mr President,

I refer to your letter of 14 June, seeking my approval, in accordance with section 55(2) of the Constitution Act 1934, of amendments to the Standing Orders of the Legislative Council, adopted by the Legislative Council on Tuesday, 4 June 2024 and amendments to the Joint Standing Orders adopted by the House of Assembly on 11 April 2024 and the Legislative Council on 4 June 2024.

I am pleased to advise that such approval was granted in Executive Council on 1 August 2024.

Yours sincerely

Her Excellency the Honourable Frances Adamson AC

Governor of South Australia

#### **ANSWERS TO QUESTIONS**

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

#### **PAPERS**

The following papers were laid on the table:

By the President—

Report of the Auditor-General—Report 8 of 2024: Managing homelessness services  
Reports of the Independent Commission Against Corruption titled:

The Gatekeepers: Corruption risks with ministerial advisors  
 The Inside Advantage  
 When duty calls who is responding  
 A Dependent Commission Against Corruption  
 Final report of Evaluation of grants administration  
 [Ordered to be published]  
 Administration of the Joint Parliamentary Service—Report, 2023-24

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

Reports, 2023—  
 Flinders University  
 Torrens University Australia  
 University of South Australia  
 Reports, 2021-22—  
 Animal Welfare Advisory Committee  
 Kanku-Breakaways Conversation Park Co-Management Board  
 Kanku-Breakaways Conversation Park Co-Management Board—Report, 2022-23  
 Fees Notices under Acts—  
 Residential Tenancies Act 1995  
 Notice under Acts—  
 Emergency Services Funding Act 1998  
 Regulations under Acts—  
 Aboriginal Lands Trust Act 2013—Davenport Community Dry Zone  
 Controlled Substances Act 1984—  
 Controlled Drugs, Precursors and Plants—Controlled Drugs  
 Pesticides—Licensing Authority  
 Poisons Miscellaneous  
 Electoral Act 1985—General  
 Emergency Services Funding Act 1998—Remissions—Land—Miscellaneous  
 Health Practitioner Regulation National Law (South Australia) Act 2010—  
 Amendment of Law  
 Health Services Charitable Gifts Act 2011—General  
 Irrigation Act 2009—General  
 Renmark Irrigation Trust Act 2009—General  
 Water Industry Act 2012—Extension of Third Party Access Regime  
 Department for Correctional Services Report on actions taken following the tabling of  
 2022-23 Official Visitor Annual Reports  
 Determination of the Remuneration Tribunal No. 1 of 2024—Minimum and Maximum Chief  
 Executive Officer Remuneration  
 Report of the Remuneration Tribunal No. 1 of 2024—2024 Interim Review of Minimum and  
 Maximum Remuneration for Local Government Chief  
 Executive Officers  
 Determination of the Remuneration Tribunal No. 2 of 2024—2024 Review of Remuneration  
 for Official Visitors of Correctional Institutions  
 Report of the Remuneration Tribunal No. 2 of 2024—2024 Review of Remuneration for  
 Official Visitors of Correctional Institutions  
 Determination of the Remuneration Tribunal No. 3 of 2024—Overseas Accommodation  
 and Daily Allowance International Bar Association Annual  
 Conference—Justice Livesey  
 Report of the Remuneration Tribunal No. 3 of 2024—Overseas Accommodation and Daily  
 Allowance International Bar Association Annual Conference—Justice Livesey

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

Board of the Australian Criminal Intelligence Commission, Report, 2022-23  
 Terrorism (Preventative Detention) Act 2005  
 Regulations under Acts—

Criminal Law Consolidation Act 1935—Prescribed Place—CT 5046/144  
Cross-border Justice Act 2009—General  
Land Valuers Act 1994—General  
Legislative Instruments Act 1978—Postponement of Expiry  
Oaths Act 1936—Prescribed Requirements

Rules of Court—

District Court Act 1991—  
    Joint Criminal—No 4  
    Uniform Civil—No 11  
    Uniform Special Statutory—No 3  
Environment, Resources and Development Court Act 1993—  
    Joint Criminal—No 4  
    Uniform Civil—No 11  
First Nations Voice Act 2023—  
    Uniform Civil—No 11  
Local Government (Elections) Act 1999—  
    Uniform Civil—No 11  
Magistrates Court Act 1991—  
    Joint Criminal—No 4  
    Uniform Civil—No 11  
    Uniform Special Statutory—No 3  
Mining Act 1971—  
    Uniform Civil—No 11  
Supreme Court Act 1935—  
    Joint Criminal—No 4  
    Uniform Civil—No 11  
    Uniform Special Statutory—No 3  
Youth Court Act 1993—  
    Joint Criminal—No 4  
    Uniform Civil—No 11  
    Uniform Special Statutory—No 3

Rules under Acts—

    South Australian Employment Tribunal Act 2014—Amendment Rule No. 1  
Return Pursuant to Section 83B of the Summary Offences Act 1953—Dangerous Area  
    Declarations  
Return Pursuant to Section 74B of the Summary Offences Act 1953—Road Blocks

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

Regulations under Acts—

    Daylight Saving Act 1971  
    Fair Work Act 1994—  
        General  
        Representation  
    Work Health and Safety Act 2012—  
        Crystalline Silica Substances  
        Engineered Stone

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

By-laws under Acts—

Corporations—  
    City of West Torrens—  
        No. 1—Permits and Penalties  
        No. 2—Local Government Land  
        No. 3—Roads  
        No. 4—Moveable Signs  
        No. 5—Dogs

## District Councils—

## Kangaroo Island

- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Roads
- No. 5—Dogs
- No. 6—Cats
- No. 7—Keeping of Livestock, Fowl and Bees

## Mount Barker

- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Roads
- No. 4—Local Government Land
- No. 5—Dogs
- No. 6—Cats
- No. 7—Animal Management

## Naracoorte Lucindale Council—

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

## Fees Notices under Acts—

Hydrogen and Renewable Energy Act 2023

## Regulations under Acts—

Family and Community Services Act 1972—General

Fisheries Management Act 2007—

Demerit Points—Lakes and Coorong Fishery

Lakes and Coorong Fishery

Harbors and Navigation Act 1993

Alcohol and Drug Testing

Harbors and Ports

Mining Act 1971—Exempt Land

Motor Vehicles Act 1959—Motor Bike Driver Licensing

Rail Safety National Law (South Australia) Act 2012—Fees

Real Property Act 1886—General

Road Traffic Act 1961—Road Rules—Ancillary and Miscellaneous Provisions

Compliance Vehicles and Exemptions

Supported Residential Facilities Act 1992—General

Survey Act 1992—Requirements for Lodgement of Plans

Adelaide Cemeteries Authority Charter

Direction to the South Australian Water Corporation

Direction to the South Australian Water Corporation

Direction to the South Australian Water Corporation

Summary Report—Draft Management Plan for the Lake Eyre Basin Fishery 2023

By the Minister for Forest Industries (Hon. C.M. Scriven)—

Forestry SA Charter 2022-23

2023 Charter of the South Australian Forestry Corporation

*Parliamentary Committees***SELECT COMMITTEE ON RECYCLING OF SOFT PLASTICS AND OTHER RECYCLABLE MATERIAL**

**The Hon. H.M. GIROLAMO (14:21):** I bring up the report of the committee, together with minutes of evidence and minutes of proceedings.

Report received and ordered to be published.

*Ministerial Statement***INTERNATIONAL STUDENT CAPS**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28):** I table a copy of a ministerial statement relating to international student caps made earlier today in another place by my colleague the Hon. Susan Close, Deputy Premier.

**REPORTS FROM THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.J. MAHER:** Today, five reports from the Independent Commission Against Corruption have been tabled in both houses in accordance with section 42(3) of the Independent Commission Against Corruption Act 2012. Commissioner Vanstone requested that, given she is shortly to conclude her role, I consider laying the reports before parliament as soon as possible, allowing her the opportunity to respond to any questions that may arise. I have facilitated this request and I have ensured that all reports that were received by me by close of business yesterday have now been tabled. The five reports tabled are:

- The Inside Advantage—a report into recruitment processes by the Public Service and the importance of impartiality of those involved in managing recruitment processes.
- When duty calls, who is responding?—a report that stems from an investigation conducted by the former commissioner and relates to SAPOL officers providing statements or affidavits.
- The Gatekeepers—a report making six recommendations to improve the governance of ministerial staff.
- Grants Administration—a series of evaluations of public authorities and their administration of various grant programs.
- A Dependent Commission Against Corruption—a report by the commissioner in relation to amending the Independent Commission Against Corruption Act 2012 (SA) on how the commission refers matters for prosecution.

The five reports make a series of recommendations and observations, and in some circumstances the government has already started to act. I note that none of the reports make any findings of corruption or illegality.

Following the tabling of the reports the state government will now carefully consider the recommendations and observations and take actions, including the following: firstly, in relation to the report 'The Inside Advantage', a report into the recruitment processes by the Public Service and the importance of impartiality of those involved in managing recruitment processes, this report will be referred to the Commissioner for Public Sector Employment, Ms Emma Ranieri, and the Chief Executive of the Department of the Premier and Cabinet to consider the five recommendations and, if necessary, update policies and procedures.

The 'When duty calls, who is responding?' report relates to SAPOL officers providing statements or affidavits. The recommendation of this report will be referred to the Chief Executive of

the Attorney-General's Department and the Commissioner for Police to consider the recommendation and provide advice to the state government. I note in the commentary of the report that the Commissioner for Police in 2022 updated 'General order—complaints and disciplinary framework' and since that time there have not been any SAPOL officers refusing to provide a statement or affidavit except for a small number who themselves are under suspicion of having committed a criminal offence, which, as the report notes, is their right.

The commissioner considered that the updated general order means that an investigator can direct another SAPOL officer to provide a signed statement setting out a version of events. Refusals without fair reason can result in disciplinary action.

'The Gatekeepers' report into the governance and accountability of ministerial staff will be referred to the Commissioner for Public Sector Employment, Emma Ranieri, to consider the six recommendations.

The 'Grants Administration' final report does not make any recommendations to specific agencies. Instead, it provides a commentary and suggestions for the public sector to improve the overall governance of public sector grant awards. I note the commissioner found that the grants administration at the agency level was generally sound and there were no critical or systemic risks to the integrity of grants activity in South Australia or blatant manipulation of grants programs by politicians for perceived electoral gain.

In relation to the grant awarded to a local clothing manufacturer, Belgravia, I am advised that this initiative was incorrectly identified as an election commitment despite no such commitment having been made or announced. This was clarified and confirmed in a cabinet meeting, and the original promise of an open and competitive grants program was authorised.

I am advised as follows: due to an administrative error this was not communicated to the public sector agency, which proceeded to conduct a rigorous assessment and due diligence of the funding request by independent experts external to government. The independent consultants ultimately supported the proposal and funding of \$1 million was granted. The grant has resulted in the local manufacturing business expanding its current operations, increasing production and employing more South Australians, and I am advised that the business is meeting all the requirements set out in the funding agreement.

As a result of the administrative error which resulted in the cabinet decision not being adequately communicated, a review was conducted by the Department of the Premier and Cabinet and a gap was identified in relation to how the decisions of cabinet and Executive Council were disseminated to chief executives and agencies. In November 2023, Premier and Cabinet Circular PC003—Cabinet and Executive Council Decisions was issued to avoid any similar incident occurring again.

In relation to election commitments, it is normal practice for all political parties to receive proposals for election commitments from community groups, MPs, candidates, stakeholders and peak bodies. In the lead-up to the 2022 state election all parties made commitments, from small infrastructure upgrades that benefited electorates across the state to statewide commitments in education, transport, health and other areas that benefited the entire state.

As mentioned by the Tasmanian Integrity Commission, election commitments are an established and important part of the democratic election cycle. Election commitments have been part of South Australia's democratic process since the very establishment of representative government.

The 'Grants Administration' report will be referred to the Chief Executive of the Department of the Premier and Cabinet and the Chief Executive of the Department of Treasury and Finance to consider the commentary and suggestions raised in the report and advise of any changes to procedures or policies that are needed to further strengthen grants administration.

The final report, entitled 'A Dependent Commission Against Corruption', relates to how matters are referred for prosecution by the commission. I note the current arrangements were supported by both houses of parliament when amendments were made to the ICAC Act in 2021.

This recommendation will be considered as part of any broader reforms that integrity agencies and stakeholders have advocated for.

I would like to thank the commissioner for her work on the five reports today, and the state government will now carefully consider the recommendations and commentary in relation to each of the reports.

*Parliamentary Procedure*

**VISITORS**

**The PRESIDENT:** Before we move on to questions without notice, I welcome officers from the Legislative Council and the Legislative Assembly of the Parliament of New South Wales, who are visiting our parliament this week as part of an exchange program between our two parliaments. Welcome.

*Question Time*

**CFMEU**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:47):** My question is to the Leader of the Government regarding the CFMEU. What is the Leader of the Government's response to the CFMEU's call today for the absolute destruction of the Labor Party?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47):** I thank the honourable member for her question. I think it's a great question; it's only been two months in the brewing. It's only been eight weeks that they have had to think of these questions.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** It's a great question from the honourable Leader of the Opposition, who apparently heard something half an hour ago. That's the most important thing she has been able to think of—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —for two months: 'I heard something half an hour ago and I'll give that a crack.' Imagine if there wasn't a protest today—there may have been no questions at all thought up over the winter break. Be that as it may, sir—

**An honourable member:** Answer the question!

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** Do you know what? I think this is just—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —a demonstration of how seriously—

**The Hon. H.M. GIROLAMO:** Point of order.

**The PRESIDENT:** Order! What is your point of order?

**The Hon. H.M. GIROLAMO:** Standing order 110: clearly, this is debate. Answer the question!

**The PRESIDENT:** I am sure the Attorney is about to conclude his answer.

**The Hon. K.J. MAHER:** Thank you, sir.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I notice the intervention from the overlooked shadow minister, who has been usurped by others on her backbench in the latest reshuffle. Again, be that as it may, I am not aware of this quote. I haven't seen it reported but, if it were true, it just shows how seriously we have taken recently aired allegations and how much the CFMEU is against the Labor Party for the action we have taken. It shows how firm we have been. This stands in stark contrast to what the opposition has suggested—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** The best the opposition has suggested in relation to anything to do with the CFMEU has been to come up with a bill that is effectively a telephone directory: 'If you have any problems here are the places you can ring.' I think it also had a penalty of \$2,000 for something to do with their bill. Low penalties and a telephone directory—that's their answer. The federal Labor Party's answer, in stark contrast, has been to take the dramatic action of placing the CFMEU general and construction division into administration—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —not just lodging a court application to do so but by passing legislation in the federal parliament to ensure it.

#### CFMEU

**The Hon. C. BONAROS (14:49):** Supplementary: does the Attorney agree with the unilateral and wholesale termination of workers across Australia in the absence of procedural fairness and in the absence of any substantiated claims or charges and does he know about the secret deal that was televised on TV on Sunday night and has been spoken about since in the lead-up to that bill that resulted in the CFMEU turning against the ALP?

**The PRESIDENT:** I struggle to hear any reference that the Attorney made, the Hon. Ms Bonaros; however, it looks like the Attorney is very keen to provide an answer so I will give you that leniency.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50):** I am always keen to be as helpful as I can to members in this chamber as a general rule. In relation to the second part of the question, I have no idea about any deal or anything that the member is talking about. In relation to the first part of the question, we in South Australian Labor fully support the action—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —that is being taken federally. I think anyone who saw the allegations that were aired in the media and saw some of the footage would have been horrified and shocked and there is no place—no place—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —for the sort of behaviour that was aired—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —in the modern union movement. Workers in the construction industry deserve much better in terms of—

*Members interjecting:*



**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —representation than what we have seen in recent media reports.

**CFMEU**

**The Hon. C. BONAROS (14:51):** Supplementary: given what the Leader of the Opposition has said today, does the Attorney acknowledge that in this government's own words there has been no evidence so far of any criminal activity in South Australia?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51):** I think that what many people saw—I think it was on *60 Minutes* and in the related newspaper reporting—were images that were, quite frankly, not becoming of an organisation that seeks to represent workers in one of the most dangerous industries. Given that and given that the South Australian branch of the construction division of the CFMEU was being run out of Victoria, I think it is entirely appropriate that in Victoria and New South Wales and South Australia that division of that union has been put into administration.

**CFMEU**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:52):** My question is to the Minister for Industrial Relations regarding today's CFMEU rally. Given the CFMEU is currently in administration, is it considered unprotected industrial action for protesters to be walking off site from their employer's construction sites and, if so, what are the legal ramifications?

**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 the question. These are matters that, since the referral of powers, are entirely within the federal jurisdiction. I don't know the status of the protected or unprotected nature of any industrial action that has been taken; however, if there are any concerns or complaints there are the appropriate federal forums to have them sorted out in.

**CFMEU**

**The Hon. D.G.E. HOOD (14:53):** Supplementary: does the Attorney agree that what we are actually seeing at the moment is the industrial wing of the Labor Party at war with the political wing?

**The PRESIDENT:** Attorney, it looks like you are happy to answer the question.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53):** No.

**CFMEU**

**The Hon. T.A. FRANKS (14:53):** Is it lawful to assemble on the Parliament House steps to demonstrate a public protest and was today's protest lawful?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53):** I thank the honourable member for her question. I don't know the nature of the protest, the applications that were made under the Public Assemblies Act, but certainly since the Dunstan government introduced our public assembly laws we have seen a thriving ability for people to air their grievances in protests and in civil action and long may that continue.

**CFMEU**

**The Hon. T.A. FRANKS (14:54):** Supplementary: what application applies under the Public Assemblies Act to have a Parliament House steps protest?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54):** I am sure other officers of the parliament will be able to provide more information if I've got it wrong—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —but I understand that there is a request that is made to use the steps of Parliament House for protest. My memory is, under the Public Assemblies Act, it's an application I think that's made to SAPOL, but I am happy to check that.

#### CFMEU

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:55):** My question is to the Attorney-General and Minister for Industrial Relations regarding trade unions. Did the Minister for Industrial Relations attend today's rally organised by the CFMEU on our parliament steps and, if not, were Labor ministers, MPs or staff instructed not to attend the rally by anyone within the Department of the Premier and Cabinet or the Labor Party administration?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55):** To the first part of the question: no, I didn't. I had work to do. I was doing a whole range of things for part of the time.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I was very pleased to attend the Federal Circuit and Family Court with the federal Attorney-General to look at the Aboriginal sittings of the Family Court during the middle of the day and the great work that is being done. I had a press conference on at 1 o'clock, I think, in relation to legislation that we are going to introduce about a child sex offender register in South Australia.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I know that many of those opposite sit around in their offices on level 2 with not much to do, but as a government we have a lot to do and we are getting on with things. In relation to the second part of the question—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —no, not that I am aware of.

*An honourable member interjecting:*

**The Hon. K.J. MAHER:** Yes, I answered that.

*Members interjecting:*

**The PRESIDENT:** Order! When the two leaders have finished, we will move on. The Hon. Ms El Dannawi.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Attorney!

#### LEGAL SERVICES COMMISSION

**The Hon. M. EL DANNAWI (14:56):** My question is to the Attorney-General. Will the minister inform the council about the end of an era of leadership at the Legal Services Commission?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56):** I thank the honourable member for her question that's related to the state jurisdiction in particular. I will be very happy to inform the chamber about more than a decade of leadership, providing a steady hand and making sure equitable access to justice in South Australia is provided by Ms Gabrielle Canny, who will retire as the Director of the Legal Services Commission next week.

Ms Canny has been at the forefront of the provision of legal assistance in this state for almost a quarter of a century, having spent eight years working at the commission before being appointed deputy director and then, three years later, in 2011, being made director. Prior to her work in

South Australia, Ms Canny worked at the legal aid commissions in Western Australia and the Australian Capital Territory, as well as in private practice.

Throughout Ms Canny's tenure, the commission has established a reputation for innovation and modernisation, having expanded its physical presence across the state, now having six offices across metro Adelaide and regional SA. In addition, Ms Canny has chaired the National Legal Aid Family Law Working Group, which included heading the national project to create Amica, an AI-assisted resource to empower people to amicably navigate the settlement of family law disputes without initially requiring the assistance of a lawyer. This project rightly gained national attention and Ms Canny has even appeared on national television to talk about the program.

There is absolutely no denying that Ms Canny's innovative, perceptive and compassionate approach will be dearly missed at the LSC. The commission has progressed in leaps and bounds under her tenure, and I am sure it will be in safe hands with Ms Annmarie Lumsden, who has been appointed as her successor. Ms Lumsden comes to SA most recently from her role as the Chief Executive Officer of Legal Aid in the Northern Territory, before which she worked as Director of Criminal Law with Legal Aid in New South Wales and as Deputy Chief Executive of the ACT's Attorney-General's Department.

I very much look forward to working with the new leadership at the Legal Services Commission, and I certainly extend my heartfelt thanks to Ms Gabrielle Canny for a career served with distinction and wish her well in the next chapter of her life.

#### DEEPPAKE IMAGES

**The Hon. S.L. GAME (14:59):** I seek leave to make a brief explanation before addressing a question to the Attorney-General regarding the recent Tickle v Giggle case interstate.

Leave granted.

**The Hon. S.L. GAME:** I was pleased recently to hear the state government's intention to better protect South Australia's girls and young women by criminalising the creation and distribution of AI-created sexually explicit deepfake images. The recent outcome of the Tickle v Giggle case interstate found in favour of a New South Wales man who was banned from the women-only app known as Giggle for Girls. Mr Tickle, or Roxanne as he prefers to be called, was awarded \$10,000 in compensation, plus costs, because he could not join a female-only group.

The apps creator, Sall Grover, aimed to create a safe space for women. The interstate ruling could have long-term and widespread negative repercussions in the workplace. In light of the Tickle v Giggle case, my question to the Attorney-General is: given the move to better protect girls and women by changing the state's AI laws, will the Malinauskas government also act to protect South Australian females from biological men who try to access women-only apps and, if so, what steps will the Malinauskas government do to that end?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00):** I thank the honourable member for her question. I am not aware of the matter she refers to, but certainly this government has no intention of engaging in a culture war in relation to gender identity.

#### CFMEU

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:01):** My questions are to the Attorney-General regarding the CFMEU:

1. Does the Attorney-General endorse the Australian Attorney-General's (Hon. Mark Dreyfus) decision to place the CFMEU into administration?
2. Will the Attorney-General and the Malinauskas Labor government rule out the accepting of political donations from the CFMEU to the South Australian Labor Party?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01):** 1. Yes; 2. We're banning donations.

**CFMEU**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:01):** Supplementary.

**The PRESIDENT:** Good luck. The honourable Leader of the Opposition, I will listen to your supplementary question arising from the answer.

**The Hon. N.J. CENTOFANTI:** Has the South Australian Labor Party received donations from the CFMEU in the last two years?

**The PRESIDENT:** Attorney, I will rule on those things. The honourable Leader of the Opposition, that doesn't arise from the original answer.

**CFMEU**

**The Hon. D.G.E. HOOD (15:02):** Supplementary.

**The PRESIDENT:** The Hon. Dennis Hood will have a go, and I will listen to that.

**The Hon. D.G.E. HOOD:** In banning donations, as the Attorney said, will the Labor Party ban donations from the CFMEU to itself?

**The PRESIDENT:** Again, I don't understand how you can get that out of—

*Members interjecting:*

**The PRESIDENT:** Order! Listen! It may well be a worthy supplementary question, but his answers were yes and no. It is very difficult to get anything out of that.

**BUNDALEER FOREST**

**The Hon. R.P. WORTLEY (15:02):** My question—

*Members interjecting:*

**The PRESIDENT:** Don't be diverted by interjections.

**The Hon. R.P. WORTLEY:** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about her recent visit to Bundaleer to announce funding for the Bundaleer Forest picnic ground community project?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03):** I thank the honourable member for his question. Late last month, I visited the stunning Bundaleer Forest Reserve to make a very exciting funding announcement to the community. The Bundaleer Forest picnic ground is receiving a total of \$1.22 million in state government investment, made up of two separate grants: a special \$860,000 Bundaleer Picnic Ground essential works grant and, on top of that, \$360,000 from the Enabling Infrastructure Program.

The state government is committed to our regions and understands the importance of regional communities to the state's prosperity. For that reason, during the parliamentary break I also offered a further round of the Enabling Infrastructure Program for expressions of interest, which closed on 22 August. I am very excited to see what new projects are proposed for funding from the state government, and I look forward to working with the Regional Development Association to invite standout projects to make a full application.

The funding for the Bundaleer Forest Community Areas Association will allow for major projects to be undertaken at the picnic ground, including the installation of accessible toilets, a water supply system for the public toilets and fire tanks, boundary and other fencing, fire track creek crossing repair, arboreal assessment and treatment, a reticulation system, solar panel pump and battery and a storage shed for fire prevention equipment, tools and chemicals.

It is important to acknowledge the outstanding work, the incredible work, of the association volunteers in protecting the future of this important community space. I want to particularly acknowledge the work of the association chair, Greg Boston, and association board member Mel Kitschke. The advocacy of the board for Bundaleer and for the community has played an integral

role in the pursuit of this project and others, such as the recent Maple & Pine function centre and the nature playground.

Without the passionate work of the board members, the Bundaleer Picnic Ground would not be what it is today. The works protect the future of the Bundaleer Picnic Ground and ensure that the grounds are safe for use by, for example, forest kindy and forest school. I am told that forest kindy, in particular, is very popular among the children at their local early education childhood centre and provides valuable learning opportunities, as well as an opportunity for the children to connect with culture and learn about the traditional owners, the Nukunu and Ngadjuri nations.

It is also important to note the significance of Bundaleer Forest to the local community. It is the country's first plantation forest and is an extremely valuable recreational and wellbeing space for residents. The forest is used by the community and tourists alike for nature walks, bike riding, picnics and barbecues, cricket and tennis, as well as offering a place of peace and quiet. Moreover, it is expected that the works will serve to provide more tourism opportunities, increase confidence for local businesses and expand opportunities for new and existing businesses with growing numbers of tourists in the area.

In addition to the provision of funding for the essential works, the transfer of ownership of the Bundaleer Picnic Ground community precinct to the association is underway. The transfer of ownership will put it into the hands of the association, which understands the particular needs of the local community and protects this important space so that it may be enjoyed long into the future.

The state government funding for the works will serve to make this space even better than it already is, making it safer and more accessible so that more people can experience the wondrous natural environment of the Bundaleer Forest. The local community should be immensely proud of what they have achieved for the future of Bundaleer. Their advocacy and efforts have resulted in this project, which will serve to provide more tourism opportunities, increase confidence for local businesses, as I said, and expand opportunities for new and existing businesses with the growing number of tourists. I commend the members of the association for their advocacy to help to secure the site's future for the community.

#### CFMEU

**The Hon. C. BONAROS (15:07):** My question is to the Attorney-General and industrial relations minister. Can the Attorney, in his capacity as Attorney and industrial relations minister, confirm the government's publicly declared position that there has been no evidence of bikie involvement in local construction projects, that the minister responsible has acknowledged the government has not been alerted to any wrongdoing of unethical practices here in SA by the CFMEU, and does the Attorney acknowledge that any investigation instigated by this government needs to be systemic and include all players in the building and construction industry, not just the CFMEU?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08):** As I said in answer to a previous question, I think a supplementary from the honourable member, the construction and general division of the CFMEU in South Australia had been run and administered out of Victoria. What many people saw on I think it was the *60 Minutes* program and related reports in other papers were shocking scenes of some of the behaviour of people from that Victorian union, which effectively then controlled the South Australian union.

So, as I have answered here, I support the federal government legislation, and I and this government support the Attorney-General's decision to place the general and construction division in Victoria and, consequently, in South Australia, where it is being administered out of Victoria and New South Wales, into administration.

#### CFMEU

**The Hon. C. BONAROS (15:09):** Supplementary: I ask the Attorney again, can he acknowledge that any investigation instigated by the government in this jurisdiction needs to be systemic and include all stakeholders in that industry, not just the CFMEU?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09):** As I have said a number of times in this chamber and a number of times in other places, if people have evidence of wrongdoing, whether it is industrially in the construction industry or by companies or employers or employer groups, people should take that to the relevant authority.

#### CFMEU

**The Hon. J.M.A. LENSINK (15:09):** I seek leave to make a brief explanation prior to addressing a question to the Attorney-General regarding the South Australian CFMEU branch.

Leave granted.

**The Hon. J.M.A. LENSINK:** In an article reported in *The Advertiser* on 26 July, former South Australian CFMEU state secretary Aaron Cartledge called on the South Australian Labor government to support the return of a South Australian appointed CFMEU secretary, and he is quoted as follows:

Certainly, our Premier can play a major role [he said]. He's already shown the willingness to stand up to Victorian leadership and I believe...he could talk to his colleagues at a federal level to advocate the best position for South Australia in this equation. An administrator could direct that their recommendation is to give autonomy to the South Australian branch, to cut it free of Victorian oversight. There are enough members in this state, and enough income being generated that the South Australian branch has got the ability to stand on its own.

My questions to the Attorney-General are:

1. Does he acknowledge that the South Australian CFMEU branch has had its own serious issues, including allegations of bullying, threats, intimidation, cohesion, blackmail, extortion and others separate from the Victorian branch?

2. Does the Attorney-General condone the rehiring of Mr Travis Hera-Singh by the administrators as executive officer of the South Australian branch after he was stood down last Friday by the same administrators?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11):** We absolutely support the South Australian branch of the CFMEU being run out of South Australia.

**The PRESIDENT:** The Hon. Mr Martin.

*Members interjecting:*

**The PRESIDENT:** Order!

#### NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER ART AWARDS

**The Hon. R.B. MARTIN (15:11):** Thank you, Mr President. I couldn't hear over all of that racket. My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council about the excellent representation of South Australian artists at the National Aboriginal and Torres Strait Islander Art Awards?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12):** I thank the honourable member for his question and for his long-running interest in local Aboriginal art. The National Aboriginal and Torres Strait Islander Art Awards (NATSIAAs), otherwise known by their long-running sponsor's name 'the Telstras', are the most prestigious national awards for First Nations art and are also the longest running, being established in 1984.

The NATSIAAs celebrate all forms of art media, many of which have their own specific categories such as 3D art and bark painting. The NATSIAAs form part of the wider Darwin Festival, with artists coming together from all over the country to celebrate achievement. South Australia has a long and proud history of being very well represented at these awards.

Last year, Pukatja artist Anne Thompson took out the Wandjuk Marika Memorial 3D Award for her work *Anangu History*, which depicted the story of the modernisation of the landscape and the sometimes negative impact of modern life on Anne's family and community. In 2022, Betty Muffler

from Iwantja Arts took out the General Painting Award for her work *Ngangkari Ngura* or *Healing Country*; and from 2020 to 2022, South Australia had a clean sweep of the People's Choice Award, with Nyunmiti Burton, Sally Scales and Juanella McKenzie respectively taking out the award in each of these years.

This year, I was very proud to see that up and coming Mimili artist Josina Purmani took out the coveted Emerging Artist Award. Josina's late mother, Ngupulya Pumani, and her late grandmother, Kunmanara Pumani, were two of the founders of Mimili Maku Arts. Josina credits them with teaching her about art, cultural leadership and connection to country.

Josina won the award for her work *Maralinga*, a sculpted clay pot which tells the story of nuclear testing in South Australia. Josina says the work depicts the tragedy of Maralinga: 'black smoke came to our Country, and infected all my family'. It is simple, stunning and moving. Josina's award-winning work is doubly impressive, given that it was her first work with ceramics after working with paint for the last 15 years.

It was only last week that I had the pleasure of spending time with Josina and looking at some of her works here in Adelaide. A very big congratulations to Josina and all the award winners at this year's NATSIAAs. I very much look forward to seeing what work Josina does in the future and the achievements of all South Australian Aboriginal and Torres Strait Islander artists at the NATSIAAs in the future.

#### MEMBERS OF PARLIAMENT CODE OF CONDUCT

**The Hon. R.A. SIMMS (15:14):** I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of the parliamentary code of conduct.

Leave granted.

**The Hon. R.A. SIMMS:** Last week, the federal government introduced a bill to establish an independent parliamentary standards commission. The bill aims to stamp out bullying, harassment, sexual harassment, and assault and discrimination in Parliament House. Included in the bill are penalties for federal MPs who fail to meet behavioural standards and new powers to remove MPs from parliamentary committees and even suspend them from the parliament.

Under standing order 455B, this place has a code of conduct that was adopted in 2021. At the time of adoption the Greens moved an amendment that would require a fine or suspension if a member of parliament was to contravene the code. The amendment was not supported by any other party in this place. My question to the Attorney-General is:

1. Is the Malinauskas government supportive of imposing penalties on members of this place who breach the code of conduct?
2. Will the state government commit to establishing an independent parliamentary standards commission and, if not, why not?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16):** I thank the honourable member for his question. I have seen reports. I haven't seen the details of what is being proposed federally. I am happy to have a look at them to see how they may apply in South Australia. As the honourable member pointed out, for some years now we have adopted a code of conduct in this place. There have been reports, particularly the review of harassment in the parliamentary workplace. I know as a result of that there is legislation that I think in different forms is currently before both chambers of the parliament in relation to looking at how the administration of the parliament works as a result of some of those reports. We are happy to have a look at it.

#### MEMBERS OF PARLIAMENT CODE OF CONDUCT

**The Hon. R.A. SIMMS (15:16):** Supplementary: does the Attorney-General concede that a code of conduct without penalty could be regarded as a toothless tiger?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17):** As I said, I don't have the details of what is proposed federally, but we will certainly have a look at it.

**CFMEU**

**The Hon. H.M. GIROLAMO (15:17):** I seek leave to give a brief explanation before asking a question of the Attorney-General on the behaviour and conduct of the CFMEU.

Leave granted.

**The Hon. H.M. GIROLAMO:** On Tuesday 29 August 2023, the Attorney-General is quoted in *Hansard* as saying the following in response to a question asked by the Hon. Michelle Lensink:

So in relation to any reports or any evidence that people have of untoward behaviour, given we have had such a harmonious industrial relations environment for many, many years in South Australia, would those people who say they have evidence of it please pass it on so it can be properly investigated.

Additionally, on Thursday 22 February 2024, in response to a question regarding the CFMEU from the Hon. Dennis Hood MLC, he said:

Certainly, I think it is fair to say that South Australia has a comparatively enviable harmonious industrial relations landscape, and we expect that to continue. The players in South Australia have been mature and pragmatic and it has brought about good results for South Australians, and there is no reason that won't continue, and that is exactly what we expect to happen.

My questions to the Attorney-General are:

1. Does the Attorney-General still stand by these responses?
2. Does the Attorney-General regret not taking action earlier in regard to the behaviour and conduct of the CFMEU and the concerns raised in this place?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18):** I thank the honourable member for her question. It is a pity that there wasn't any specific incident or actual concern raised by any single member of the opposition in relation to what they are talking about. The opposition said, 'Maybe we've got a bit of a vibe about something'—not a single specific allegation.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** And when challenged—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —when challenged not one of them had a specific allegation. As I said before, what we have seen in media reports over the break, particularly out of Victoria's construction and general division of the CFMEU, I think has been shocking, and we support the federal government's actions.

*Members interjecting:*

**The PRESIDENT:** Order! I think the Hon. Ms Bonaros has a supplementary question.

**CFMEU**

**The Hon. C. BONAROS (15:19):** Given, in the Attorney's words, the absence of any single incident here in South Australia, can he now confirm that the position of this government is—what I referred to earlier? I can't remember what I said.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19):** The position of this government is full support of the action that has been taken federally. What many people have seen in the reports—as I said, I think it was *60 Minutes* and newspaper reports—is unacceptable and does not promote the interests of members in the construction industry.



**CFMEU**

**The Hon. C. BONAROS (15:20):** Further supplementary: given the absence of any single incident identified in South Australia, does, as reflected by the Attorney himself just a moment ago—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C. BONAROS:** —does the Attorney agree with the unilateral termination of any official here in South Australia?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20):** As I answered before, given the SA branch is administered out of Victoria and given some of the images and some of the behaviour that we have seen from Victoria, we support the federal government's actions right across the country.

**PENOLA NORTH FIRE TOWER**

**The Hon. J.E. HANSON (15:20):** My question is to the Minister for Forest Industries. Will the minister update the council about the recent construction of the Penola North fire tower in the state's South-East?

**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. As members in this place would be aware, the state government is busy delivering a suite of forestry election commitments for the industry, unlike members opposite, who failed to announce any forestry policies in the lead-up to the last election.

Unlike those opposite, we worked closely with industry on a platform that would help the sector grow. The government is investing over \$20 million in forestry-related projects, including the investment of \$2.346 million to upgrade the Green Triangle fire tower network. The forest industry is worth over \$1.4 billion to the South Australian economy and provides employment to 18,000 people, both directly and indirectly. That is why we must ensure forest plantations are protected, as far as possible, from the ongoing risks which bushfires present. Bushfires are a major risk and an ongoing challenge that the industry faces, and it needs to ensure that the billions of dollars worth of fibre is protected.

I recently had the opportunity to join local South-East company Whitty Engineering in announcing construction was well underway for the Penola North fire tower. I thank William from Whitty Engineering and Deon Kriek, General Manager of Green Triangle Forests, OneFortyOne, for joining me in inspecting the near complete fire tower a few weeks ago in Mount Gambier. The tower is being constructed in collaboration with the Green Triangle Fire Alliance and OneFortyOne Plantations.

The completion of these works will enhance landscape level fire detection systems and ensure ongoing protection of the Green Triangle's assets. Unlike all the other fire towers that are currently being installed with AI technology onto existing fire towers, the Penola North fire tower is being completely rebuilt due to its age and condition, which was over 100 years old. The new Penola North fire tower will be rebuilt in the same location as the existing one and will provide a strong defence for the forest plantation that is located around it.

The fire towers being upgraded across the Limestone Coast, from Comaum, Penola North, Mount Benson, Mount Burr, Carpenter Rocks and Lucindale South, will offer a strong layer of defence for the forest industry, but it also provides protection for other agricultural groups and the wider South-East community that lives and works in this region. We know that fire doesn't recognise boundaries, and that's why these towers are so important.

The Penola North fire tower will be installed at Tower Road over the next two months and will be operational in time for this year's fire season. All fire towers will be upgraded and fully operational for the start of this year's fire season, and this, interestingly, will be Australia's first fully integrated bushfire detection platform, utilising satellite technology and ultra-high definition 360-degree panoramic cameras aimed at improving early detection of fires. I look forward to being

able to continue to update this place on the significant ongoing works being undertaken to protect our forests and our broader regional community.

### **POLICE COMPLAINTS AND DISCIPLINE ACT**

**The Hon. F. PANGALLO (15:24):** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Police in another place, a question about the Police Complaints and Discipline Act and the Police Union president, Wade Burns.

Leave granted.

**The Hon. F. PANGALLO:** Mr Burns' notorious history was exposed nationally last night on the Nine network's top-rated program *A Current Affair*. Mr Burns suffered the biggest demotion in South Australian police history after an alleged sexual assault involving a young female SAPOL employee during a night out in 2017.

An internal misconduct investigation was undertaken where Mr Burns agreed to a set of facts and was demoted from chief inspector to senior sergeant. The commissioner further confirmed that the matter was criminally investigated but it did not proceed because the alleged victim declined to proceed. Due to the draconian confidentiality provisions of the PCDA these findings, and any other investigations into proven misconduct within SAPOL, cannot be published and cannot be discussed publicly unless authorised by the police commissioner.

Arrogantly, Mr Burns has repeatedly dismissed the allegation as a workplace incident which was 'recycled in a desperate last-ditch attempt to manipulate voter sentiment'. He is now in charge of one of the most powerful unions in South Australia, representing more than 4,500 female and male police officers whose role it is to uphold community safety, and which they do diligently.

Today, the association's vapid deputy president, Daryl Mundy, issued an hysterical, inaccurate and defamatory statement attacking me and *A Current Affair* without addressing the crux of the report: that its president is not a fit and proper person to hold the job. My questions to the minister are:

1. Has the police investigation into the 2017 incident at the Distill nightclub been reopened?
2. Will the government now seek a briefing from the police commissioner about the incident and how he and the government plan to conduct business with the police union when these disturbing allegations hang over the head of the union's leader, which have brought SAPOL and the union into disrepute?
3. Has the commissioner officially approved Mr Burns' secondment to allow him to undertake his new duties as PASA president?

To the Attorney-General:

1. When will your and the government's proposed amendments to the PCDA be introduced?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27):** I thank the honourable member for his question. In relation to the last question, the Crime and Public Integrity Policy Committee of the parliament I know has conducted a review of the police complaints processes. I can't remember but I think there are 16 or 18 recommendations at least, off the top of my head, and the government will be considering them.

In relation to the other matters that the honourable member has raised, I certainly will pass them on to the police minister in the other place and see what information can be brought back, noting that there may well be some that are subject to provisions of confidentiality, but I will pass that on and see what can be brought back.

**POLICE COMPLAINTS AND DISCIPLINE ACT**

**The Hon. T.A. FRANKS (15:28):** Supplementary: with regard to publication of investigations or previous Police Complaints and Discipline Act activities, isn't an interstate media organisation subject to the South Australian Police Complaints and Discipline Act?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28):** I am happy to take that on notice and bring back a reply for the honourable member.

**POLICE COMPLAINTS AND DISCIPLINE ACT**

**The Hon. T.A. FRANKS (15:28):** Supplementary: does the Attorney agree that there is a role to bring back the Police Ombudsman?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28):** As I have said, there has been a thorough review into the Police Complaints and Discipline Act and how it works, and the government is considering its position.

**VOLUNTARY INTOXICATION LAWS**

**The Hon. B.R. HOOD (15:28):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding voluntary intoxication laws.

Leave granted.

**The Hon. B.R. HOOD:** Synamin Bell was found dead in her home in Millicent on 12 March 2022. Crown prosecutors allege that, while under the influence of drugs, Cody Edwards, her boyfriend at the time, repeatedly struck Ms Bell over the head with a metal weapon. Her injuries were much too graphic to describe here. The court heard that Mr Edwards stabbed Ms Bell five times in the back after she had died.

Despite the heinous nature of the offences, some time during the trial the murder charges were dropped and Mr Edwards was rearraigned and charged with manslaughter, to which he pleaded guilty. Ms Bell's family believes Mr Edwards is evading accountability and justice, relying on the defence of voluntary intoxication. My questions to the Attorney-General are:

1. Is the Attorney-General at all concerned that a defence of voluntary intoxication could be used by domestic violence perpetrators to receive reduced sentences?
2. Has the Attorney-General considered whether these laws could be strengthened to ensure justice for victims of domestic violence?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30):** I thank the honourable member for his question. I won't comment on a particular matter that is still before the courts; I believe sentencing is due to occur in the coming weeks. More generally, it is an area we are considering at the moment and looking particularly at what happens in other jurisdictions, the interaction between self-intoxication and various defence provisions.

I thank the honourable member for raising it. The matter is yet to be sentenced, so I will not comment on that particular matter, but certainly it is an area we have started looking at.

**OUTLAW MOTORCYCLE GANGS**

**The Hon. T.T. NGO (15:30):** My question is to the Attorney-General. Will the Attorney-General update the council on the government's efforts to combat the harm caused by outlaw motorcycle gangs?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31):** Thank you, sir, and I thank the honourable member for his question and the always 'tough on crime' attitude that he brings into this place.

Members would be well aware that South Australia has some of the toughest anti-bikie laws in the country, and it is a credit to the work of successive Labor governments under Premiers Mike Rann, Jay Weatherill and now Peter Malinauskas. Under South Australian law, the Commissioner of Police can apply to have an organisation declared as a 'declared organisation'. There are currently 10 such organisations in this state.

There is a range of offences that can apply in relation to declared organisations. For example, section 83E of the Criminal Law Consolidation Act creates an offence for those who participate in a criminal organisation and whose participation contributes to the occurrence of criminal activity. That offence carries a penalty of up to 15 years' imprisonment. Recruiting others to be a member of a criminal organisation, or gathering with other participants of criminal organisations in a public place, also constitute offences under the Criminal Law Consolidation Act.

An important part of our legal framework to combat outlaw motorcycle gangs is the concept of 'prescribed places'. The Governor, by regulation, can declare a place a prescribed place. Serious penalties can then apply to criminal organisation participants entering prescribed places.

Members would recall that in August last year the High Court struck down flawed prescribed place regulations made under the former Liberal government. This, in particular, had implications for a Hells Angels linked site at Ponde. This government and this parliament moved swiftly to legislate in response to that decision to ensure our laws remained strong and effective, and that outlaw motorcycle gangs could take no comfort from the court's ruling in that matter.

In recent weeks, the government has again acted to ensure the activities of criminal organisations are stamped out to the fullest extent in this state. On 15 August, I joined with the Premier and the Deputy Commissioner of Police to announce that a Descendants-linked property at Pooraka was declared a prescribed place, further combating the activities of criminal organisations in this state.

#### **AUSTRALIAN SLAUGHTERHOUSE STANDARDS**

**The Hon. T.A. FRANKS (15:33):** 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 Australian standards in slaughterhouses.

Leave granted.

**The Hon. T.A. FRANKS:** With the announced phasing out of the live export of sheep by sea, now intended to commence 1 May 2028, we will undoubtedly see an increase in the rates of animals that are slaughtered on our shores—indeed in our own state—in preparation for export. We know—and I have raised this both in the parliament and in correspondence to the minister previously—that there are cruel practices currently occurring within South Australian abattoirs that are not meeting the Australian standards. This includes animals being killed without any form of stunning, leaving the animal in immense suffering as it dies.

My question therefore to the minister is: what is being done by PIRSA, her department, to ensure that the Australian standards for the processing of meat will be met in light of the recent ban on live exports to come?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:34):** I thank the honourable member for her question. In regard to the ceasing of live exports, which of course won't be happening for a number of years, it is worth noting that we have not had live exports of sheep from South Australian ports for a number of years. I think 2018 was the last one, if I remember correctly. So the likely impact of increased animals being slaughtered here in South Australia is not likely to be particularly huge. Certainly, there will be some impact, but it's not likely to be particularly huge.

In terms of the Australian standards, all slaughterhouses, all processing facilities, are required to adhere to the relevant standards. It is important that, where there are any known cases

of contraventions of those standards, they are reported. The RSPCA is responsible in the first instance for investigation, but PIRSA will always provide assistance where that is possible.

### **AUSTRALIAN SLAUGHTERHOUSE STANDARDS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:35):** Supplementary: is the minister indicating that a ban on live exports will not impact sheep moving from Western Australia into the Eastern States, including South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:35):** I thank the honourable member for her supplementary question; however, I did answer that in the original answer where I said that we are not expecting it to be huge. It will have some impact, but it won't be huge.

### **AGE OF CRIMINAL RESPONSIBILITY**

**The Hon. D.G.E. HOOD (15:36):** I seek leave to make a brief explanation before asking questions of the Attorney-General regarding the age of criminal responsibility in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** At the weekend, members would have seen that the Country Liberal Party defeated the Labor Party in the Northern Territory election. One of the primary policies that the CLP were pursuing at the time was to lower the age of criminal responsibility back to 10 after it was raised to the age of 12 less than two years ago under the Labor government at that time. This follows the Victorian state Labor government abandoning its plans to raise the age of criminal responsibility from 12 to 14 a little while ago.

The South Australian government, as members would be aware, has been reviewing youth justice laws for the past several months and it is yet to formalise its position on raising the age of criminal responsibility in South Australia potentially from 10 to 12 or, as some are arguing for, from 10 to 14. Subsequent to these public discussions, the police commissioner, Grant Stevens, stated to the media that, if a change in the age of criminal responsibility were to occur in our state, an alternative framework would need to be put in place to protect victims of crime and the South Australian community from recidivist offenders. My questions to the Attorney-General are:

1. Has the Attorney liaised with his Victorian counterpart to discuss the reasons for their change of position and, if so, what were they?
2. In reference to the police commissioner's comments, what possible alternative frameworks is the Attorney-General considering if the age of criminal responsibility is to be raised in South Australia?
3. Given public consultation on raising the age of criminal responsibility from 10 to 12 in South Australia closed on 25 March this year, some five months ago, will the Attorney advise when the state government will formalise its policy on the issue and make an announcement?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:37):** I thank the honourable member for his question. There are a number of questions. I think in relation to what the Victorian government is doing, certainly I had the opportunity some months ago to talk to the Victorian government about what their plans as they stood then were and what framework they were putting in place. I haven't received an update in the last couple of weeks when there was an announcement made not to go to 14 but to 12.

In relation to our intentions as a government and in relation to what was outlined by the police commissioner and what alternatives might be in place, we do not have a policy as a government. We have started a discussion and we have launched a discussion paper for that exact reason to get a range of views on what we should do in South Australia. So, in relation to timing, I don't have a fixed time as to when we will do that. This is a complicated area of public policy and certainly that goes exactly to I think what was the second question, which was: if you didn't have a criminal justice response what would take its place?

As we have said over and over again, what we are interested in is a response that makes South Australia safer. What would be proposed if it wasn't a criminal justice response would be therapeutic and family support intervention. We are keen and continue to assess the evidence from around the world about whether a very strict criminal justice and more punitive response causes a society to be safer, or whether those early interventions in the therapeutic and family support sense make the community safer.

So when the police commissioner says that if it wasn't a criminal justice response you would need to have something, he is exactly right. You can't just change it without something else to take its place. Certainly, the discussion paper sought to promote that discussion, and we are assessing the evidence that has been put forward in evidence where there have been changes around the world.

### AGE OF CRIMINAL RESPONSIBILITY

**The Hon. D.G.E. HOOD (15:40):** Supplementary: in light of the Attorney's answer, is it reasonable to expect that a position from the government is still some months away?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40):** As I said, we don't have a fixed timeframe. We are continuing to assess that work.

### AUSTRALIAN NATIVE PLANTS

**The Hon. M. EL DANNAWI (15:40):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about SARDI's work in developing the Australian native plants basic care and user guide?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:40):** I thank the honourable member for her question. Australian First Nations communities have known for thousands of years the importance of bush tucker and bush medicine plants. Knowledge has been passed down from generation to generation through storytelling and experience, forming the basis for First People's diets for thousands of years.

Recently, PIRSA and SARDI teamed up with Red Centre Enterprises to create a basic care and user guide for a range of Australian native plants. Authored by Yuandamarra and SARDI Crop Sciences and Entomology Program Leader, Dr Peter Crisp, the guide highlights the potential that Australian native plants have to become a regular part of our diet, as well as a sustainable part of our agricultural and horticultural landscape.

The collaboration between SARDI and Red Centre Enterprises, First Nations elders and communities aims to increase awareness and preserve knowledge of Australian native food and medicine plants, which in turn may assist communities in developing commercial agricultural and horticultural enterprises, which has the potential to create employment and income streams.

The guide was launched during an event at SARDI's Waite Campus during NAIDOC Week, alongside iconic South Australian company Spring Gully's launch of their Australian native-inspired sauces, like bush tomato, quandong chilli sauce and lemon myrtle sauce. The guide covers over 20 different bush tucker and bush medicine plants from across Australia, some of which are increasingly being used in modern cooking and food products, including lemongrass, lemon myrtle, aniseed myrtle, curry myrtle, Kakadu plum, quandong, bush tomato, saltbush and peppermint, as well as a range of other incredible Australian native plants.

For each of the bush tucker plants included in the guide, it explains what it pairs well with, whether it's a pollinator, attracts butterflies, its water tolerance and its edibility. It lists the flavour, taste and aroma for each—for example, saltbush, where the guide explains its salty flavour, earthy undertones and subtle notes of green tea with a soft, savoury, salt-like taste on the front palette with earthy notes and an earthy aroma with notes of green tea and kelp. For each example of bush tucker, the guide also explains how it was used on country in First Nations traditions.

It's an extremely useful guide set out in an easy-to-read format that will be of great use to anyone who wants to explore and expand their culinary taste with the use of Australian native plants. I am told there has been a fantastic reaction to the guide since its launch and it's hoped that soon

the guide will be available through libraries and schools. Anyone who would like a copy of the guide can also contact SARDI, and I would encourage anyone in this place who is interested to do so.

### EMISSIONS TRADING SCHEME

**The Hon. S.L. GAME (15:43):** I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development regarding PIRSA emissions trading scheme policy.

Leave granted.

**The Hon. S.L. GAME:** We have learned that Denmark will tax livestock farmers for the greenhouse gases emitted by their cows, sheep and pigs from 2030, the first country to do so as it targets methane emissions. The Danish move comes at the same time the New Zealand government pledged to review local methane science and targets after a law change to keep agriculture out of the emissions trading scheme was introduced to parliament.

The aim is to reduce Danish greenhouse gas emissions by 70 per cent from 1990 levels by 2030. As of 2030, Danish livestock farmers will be taxed \$A65 a tonne of carbon dioxide equivalent in 2030. The tax will increase to \$A150 by 2035. My question to the minister is: will the Minister for Primary Industries protect South Australian farmers by ruling out an emissions trading scheme taxing livestock farmers for the greenhouse gases emitted by their cows, sheep and pigs?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:44):** I thank the honourable member for her question. I am very pleased to say that South Australia is a leader in terms of its addressing greenhouse emissions, and support for agriculture is a very important and central part of that. The state government has committed \$8.4 million over five years towards a new research, development and extension initiative that will deliver new solutions towards a net zero agriculture future.

To maintain market access and competitiveness in the global agricultural market, South Australian producers increasingly need to demonstrate their commitment to reducing greenhouse gas emissions and using sustainable management practices. This requires research, development, extension and adoption to develop and promote new solutions and best practices for greenhouse gas emissions reduction and sustainability, as well as engagement with international markets and stakeholders to understand and respond to changing market demands and regulations.

As part of this important initiative, SARDI will continue current research and development in methane mitigation in livestock and agronomic practices to reduce emissions and improve carbon sequestration. It will work with industry partners, such as farming system groups and agtech startups, to pilot and test innovative technologies or practices at research centres or on private farms.

It will participate in a range of research and extension projects as a tier 2 partner in the zero net emissions from agriculture CRC, and work with the Grains Research Development Corporation to develop and implement a low-emission intensive farming systems initiative that will provide farmers with information, tools and options to reduce, monitor and manage emissions. It will investigate partnerships with research and development corporations, other research organisations or private technology enterprises to leverage specialised expertise in allied research and development areas, such as remote sensing, machine learning and AI.

The net zero agriculture initiative is expected to leverage commonwealth and industry contributions of \$16 million over five years to 2028-29, providing a total program budget of \$24.4 million. I think this is an excellent example of the way in which the South Australian government is keen to be a leader, working in partnership with industry. The agricultural industry is very aware of the pressures from international markets, as well as domestic markets, to be able to show both provenance and environmental responsibility and sustainability. This is the sort of investment the state government is making, and I look forward to updating the chamber in the future on the outcomes we are working on with industry.

*Bills***RETURN TO WORK (EMPLOYMENT AND PROGRESSIVE INJURIES) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 27 June 2024.)

**The Hon. H.M. GIROLAMO (15:48):** Today, I rise on the Return to Work (Employment and Progressive Injuries) Amendment Bill, introduced by the Attorney-General. During the debate on the Return to Work (Scheme Sustainability) Amendment Bill in 2022 the government acknowledged the need for some further reforms, particularly concerning section 18 of the Return to Work Act, to address any potential disadvantages faced by workers suffering from work-related dust diseases and terminal illnesses.

This bill before us today is in direct response to those commitments. Section 18 of the Return to Work Act outlines an employer's duty to provide suitable employment to an injured worker who is unable to return to work. However, in the current legislation there is a gap that could potentially result in unfair outcomes for injured workers. If a dispute arises over an employer's obligation to provide suitable employment, the South Australian Employment Tribunal (SAET) can resolve the dispute. However, any orders made by the tribunal only apply moving forward, with no compensation available for the loss endured by the injured worker during the months of dispute resolution.

This bill introduces a new subsection 18(5e), which empowers the tribunal to order an employer to compensate an injured worker for wages or salaries they would have received had suitable employment been provided from the outset. This is a critical amendment that addresses the financial hardship potentially faced by workers during lengthy dispute resolutions, ensuring they are not left without income through no fault of their own.

Additionally, the bill amends the responsibilities of self-insured groups. With section 18(16d) the duty to provide suitable employment now applies across the entire self-insured group, not just the pre-injury employer. This ensures that larger self-insured organisations take responsibility for ensuring employment opportunities for injured workers. Section 18(5c) further enables SAET to determine where within a self-insured group a worker should be placed, promoting a more flexible and fair approach to re-employment.

This bill also addresses the challenges faced by workers with dust diseases and terminal illnesses. Currently, a work injury must be stabilised before a permanent impairment assessment can be conducted. This assessment is critical for determining the worker's degree of whole person impairment.

The bill also allows workers with prescribed dust diseases to elect which employment history is used to calculate their average weekly earnings. This amendment ensures that workers with a higher paying job at that time are not financially disadvantaged when their compensation is calculated.

Throughout the development of this bill, the opposition has engaged in thorough consultation with various stakeholders, including the South Australian Business Chamber and the Motor Trade Association as well as officials from ReturnToWorkSA, to assure the opposition that the amendments will not negatively impact the scheme's sustainability or the rate paid by businesses in South Australia. ReturnToWorkSA did confirm that they do not foresee that this will increase the rates paid. I hope that is the case. Based on these consultations, we believe these amendments are appropriate to ensure that our Return to Work system is equitable and supportive of all South Australian workers and employers.

**The Hon. T.A. FRANKS (15:51):** I rise on behalf of the Greens to speak in support of the Return to Work (Employment and Progressive Injuries) Amendment Bill 2024. This bill will ensure that workers are able to return to work after an injury and ensure that what is in the best interests of the South Australian community is continued.



I do, however, take this opportunity to note concerns from stakeholder groups and from the Greens regarding the effectiveness of certain processes under the Return to Work Act. Section 18 refers to an employer's duty to provide suitable employment, insofar as reasonably practicable. Regardless of an injured worker's income support or what their role may have been before, employers should be obliged to help the worker return to the workplace. A scheme which supports a return to the workforce results in better outcomes for injured workers and reduces scheme costs to relieve employers. The Greens believe that a fair and comprehensive workers' rights compensation scheme is essential to protect workers. These amendments will ensure that no worker is cast aside or left behind and can better re-enter or assimilate back into the workforce.

The Greens have for a long time campaigned for worker protections with regard to crystalline silica dust, and we have finally seen engineered stone banned at a federal level and, through regulations, at a state level. We welcome that. However, as we know from this horrible disease, the symptoms of silicosis can appear many years after exposure. In some cases, workers have been exposed for decades before they become debilitated by their illness. In these instances, workers can be subject to unfair earnings calculations, as they may be earning less than when they were exposed.

Amendments in the bill will now allow a worker with a prescribed dust disease, such as silicosis or others, to opt for fairer income supports and elect whether their former or current employment is used for calculating their average weekly earnings. This bill also imposes obligations on self-insured employers, such as BHP or Woolworths, and the state government to affirm that where a worker is injured working for a self-insured group they have a duty to provide suitable employment across their business. The Greens welcome these changes, which ensure workers' rights are protected and injured workers are supported in their transition back into work. With that, I commend the bill.

**The Hon. S.L. GAME (15:54):** I rise briefly to support the Return to Work (Employment and Progressive Injuries) Amendment Bill. There is an ongoing need to strike the right balance between the interests of workers and the interests of employers when an injured worker returns to work. These reforms aim to improve the operation of an employer's duty to provide suitable employment for an injured worker under section 18 of the act. This is essential to the fair treatment of injured workers.

I do share the concern of stakeholders regarding the technicality and complexity of this legislation and the requirements for effective dispute resolution. I understand the purpose of these amendments is to address some of these issues.

I appreciate the employee absence from the workplace combined with an adversarial process is not conducive to an effective return to work. Engaging the parties in discussions during the initial stages of the process is an effective measure for dispute resolution and will encourage valuable early negotiation of suitable employment options. Both parties are required to meet their reasonable obligations in this early stage of the process and if an agreement cannot be reached there is still time to resolve the matters before the dispute escalates and reaches the Employment Tribunal.

Most of these proposed amendments are uncontroversial and useful; however, I am concerned about the increasing complexity of these proceedings and the potential increase in section 18 applications due to the options available to employees seeking to litigate against an employer.

**The Hon. C. BONAROS (15:55):** I rise very briefly to speak in support of the Return to Work (Employment and Progressive Injuries) Amendment Bill and to echo the sentiments expressed in this place by other members, in particular the Hon. Tammy Franks in relation to the issues that she has highlighted, and to commend the Attorney for seeing through the commitments that he gave during the last round of reforms that we undertook in this place.

We took him at his word at the time that we would be here implementing those very important changes. All the discussions that I have had with stakeholders and individuals involved have been positive. The government has picked up on those issues that were raised during that very long and heated and contentious debate on return to work. So I commend the Attorney in particular, in his capacity as Attorney and industrial relations minister, for keeping his commitment and for implementing these very critical and crucial reforms. With those words, I support the second reading of the bill.

**The Hon. M. EL DANNAWI (15:56):** I rise today to speak in support of the Return to Work (Employment and Progressive Injuries) Amendment Bill. To say that the Return to Work scheme is complicated might be an understatement. It is no secret that people who have lived experience with the scheme have long advocated for it to be clarified. This government is responding to those calls and will seek to remedy some of the scheme's various shortcomings, particularly with regard to section 18.

Today, I will touch on some of the amendments that will achieve this. Section 18 of the Return to Work Act deals with the employer's duty to provide work to an injured worker. It is an important part of this act which, as the name suggests, is intended to help injured workers re-enter the workplace. As the Attorney-General said in his second reading explanation, unless they are seriously injured, most workers' support entitlements will only last for two years. Under this model, it is essential that there be a tangible pathway back into the workforce.

Section 18 is a part of the act that has been subject to much confusion, frustration and critique as to how it is to achieve this goal. This bill creates provisions that will make it harder for an employer to dodge their responsibility to find suitable work for an injured worker. One way this will be achieved is through making sure that every employer within a self-insured employer group comprised of related bodies corporate can be found to bear the obligations imposed on the employer under section 18.

Currently, a large group of self-insured employers can potentially avoid providing suitable employment to injured workers despite having the means to do so. This amendment will ensure that where an employer is part of a larger body corporate the responsibility to find work is not limited to the nominated workplace. The bill will still maintain, however, that this only applies where there is no suitable work available at the pre-injury employer.

This bill also contains amendments to deal with the application of section 18 to sectors with a high use of labour hire employment, inserting provisions requiring host employers to cooperate with labour hire providers in relation to return-to-work matters. The bill introduces amendments to give the tribunal the power when making a section 18 order to also order the employer to make a payment to the injured worker for the wages or salary they would have received if the suitable employment had been provided.

Currently, the tribunal can only make prospective orders. This is simply not suitable, particularly when you consider the amount of time that it can take to resolve a dispute. These amendments, in addition to being fair, create a financial disincentive for employers who contravene their obligations under section 18.

Beyond section 18 this bill provides much-needed clarity in the area of permanent impairment assessment. This assessment is crucial. The findings from this assessment will ultimately determine the worker's entitlement to lump sum compensation and access to other benefits such as serious injury status and common law. Before the assessment may be performed the act states that the worker's condition must have stabilised. We cannot afford ambiguity in such an important provision. That is why this bill includes a clear definition of 'stabilised'. The definition is consistent both with personal injury law and the impairment assessment guidelines.

The bill also provides exceptions to the stabilisation requirement for injured workers with terminal illnesses and prescribed conditions. These exceptions ensure those workers can undergo an assessment and access the entitlements that flow from that process. These are just some of the amendments covered in this bill. As it stands, the current act has seen far too many unfair and in some cases inhumane results for injured workers. All the amendments in this bill, including the ones I did not touch on today, will have a real effect on the lives of these workers and their families, but we still have more work to do.

As many in this place will know, I took the place of my predecessor, the Hon. Irene Pnevmatikos, on the Select Committee on the Return To Work SA Scheme, and I would like to take a moment to acknowledge her contributions to this area. Although I was not there for the entire duration of the committee, the things that I have learned and the stories that I have heard as a part of that committee make me very pleased to see this bill before the parliament today.

The value that we place on a person's ability to work is massive. In a society where your ability to work determines so much—your sense of self-worth, your earnings potential and your standard of living—losing your ability to do that work, whether in the short term or the long term, has huge consequences.

The function of this legislation has the potential to have a lasting impact on someone's entire life. Whether that impact is positive or negative depends in no small part on what is done in this place. To leave workers out in the cold over a workplace injury that is not their fault, is an accident or is the result of a twist of fate is not fair and not right. This scheme is about people's lives. They deserve a scheme that works. I commend the bill to the council.

**The Hon. E.S. BOURKE (16:02):** The Malinauskas government is committed to reforming our workers compensation scheme, and this bill delivers necessary changes that will make the Return to Work scheme fairer for injured workers in our state. The government has listened to advocates who know the system's landscape, including unions, employers, ReturnToWorkSA, members of the legal profession and workers themselves.

The reforms proposed by this bill have been long called for and include making it easier for injured workers to return to work by improving communication between workers and employers about suitable employment options after an injury. The bill also aims to make the system fairer for victims of dust diseases and terminal illnesses, a group of people who have for far too long been fighting for justice.

One must appreciate the grave seriousness of industrial dust diseases and other terminal illnesses that can arise from the performance of work duties and the uniquely terrible position that affected workers and their families can find themselves in. I believe that anyone who knows someone who has been so affected will understand the need for these reforms.

Asbestosis still remains a menace in too many ways in our community. There are still hundreds of new cases of diseases arising from exposure to asbestos being diagnosed each year. Our government's ban on engineered stone products will protect workers from contracting fatal lung disease and exposure to silica from becoming the next dust disease epidemic.

As many members have mentioned, including the Hon. Tammy Franks, under the existing provisions of the Return to Work Act a worker's level of income support is calculated based on their earnings at the time of exposure to dust. This is problematic, because as we know with lung disease it is usually years or decades between the time of exposure and the development of the disease, by which time they may well be earning significantly more or less than they were at the time of the exposure.

The amendments to this bill will allow a worker to choose their employment for the purpose of calculating income support: either the employment they were in at the time they ceased work due to illness or their employment at the time of exposure. This will ensure the financial loss they experience is reflected more fairly. Ensuring fair compensation is the absolute minimum that we can do to deliver justice for affected workers and their families.

The other main reform of this bill is to strengthen the employer's duty to support workers returning after injury by providing them, so far as it is reasonably possible and practical, with suitable employment. This duty is particularly important in supporting individuals who may not reach the seriously injured threshold but nonetheless continue to be affected by a degree of not being able to return to work and provide support for their family.

Workers who fall into that group, not necessarily injured but with an ongoing impacted capacity, both need and deserve to be suitably accommodated. It reduces financial impost on the scheme and the taxpayer, it helps to bring down employer premiums and it ensures that those people who are able to work can enjoy the benefits of work in a safe and a suitable way. If it is done correctly, reinjury will be reduced, workers will be gainfully employed and will benefit from the dignity that work actually provides.

I have been fortunate to be a member of the Select Committee on Return to Work SA Scheme, as many others in this chamber have been. The committee has received a range of submissions and heard evidence from a range of witnesses, including the SDA union. The committee

has heard, as we have heard consistently from our state's unions over a number of years, that the duty of employers to provide suitable work for persons who are seeking to return to work is not operating as effectively as it should be.

In relation to the roadblocks that the SDA has experienced with section 18 of the act, the select committee heard of blanket refusals by employers to provide suitable employment, or suitable employment is provided while an injured worker is on the scheme and receiving income maintenance but once they cease to be entitled to that they are thrown onto the scrap heap, as quoted in the committee, or what an employer deems to be suitable employment is meaningless and demeaning work that has not been of any benefit to the employee.

As we have mentioned many times throughout this debate, this is not just in the best interests of workers who we are raising these concerns for, it is in the interests of taxpayers, it is in the interests of our community and it is in the interests of having an effective scheme that will last for many years to come. I commend the bill to the chamber.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:07):** I wish to thank all speakers on this bill and thank them for their indication of support on this important bill which, as has been mentioned in the second reading debate, stems from some things that we looked at when we last touched upon the Return to Work scheme in this place. With that, I commend the bill to the chamber and look forward to the committee stage.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. H.M. GIROLAMO:** Can I ask the Attorney: are you able to guarantee that these changes will not result in an increase in Return to Work premiums for South Australian businesses?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. There is no reason this should have any ability to increase premiums and, because this is about returning people to work, if there is a pressure on premiums it should be downwards.

**The Hon. H.M. GIROLAMO:** In regard to what forecasting ReturnToWork has done as a result of these changes, are there any actuarial reports or anything that can be tabled in regard to the changes that are being proposed?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. My advice is that this does not affect the scheme costs in terms of ReturnToWork. This is, in fact, about returning people to work so, if it does anything, it should put downward pressure on the scheme. So, no, there are not actuarial reports.

**The Hon. H.M. GIROLAMO:** I hope that is correct, thank you. In regard to the changes, how do you foresee the changes to SAET working—the changes that are happening with SAET? Are they appropriately resourced to be able to cover those changes?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. It is a good question and we certainly have consulted closely with SAET on these changes, as we do for any changes that may affect what comes before their jurisdiction, and they are appropriately resourced for any of the changes that occur in this legislation.

**The Hon. C. BONAROS:** Just on from the question asked by the honourable member, can the Attorney confirm that ReturnToWork has indeed provided advice to members that clarifies that this is supposed to create that level playing field by making cost provisions fairer for employers?

**The Hon. K.J. MAHER:** I thank the honourable member for her question. Yes, I can confirm that that is my advice.

Clause passed.

Remaining clauses (2 to 13), schedule and title passed.

Bill reported without amendment.

*Third Reading*

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

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (VICTIM IMPACT STATEMENTS) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 11 April 2024.)

**The Hon. J.M.A. LENSINK (16:13):** I rise to make some remarks in support of this legislation which makes some changes to the very important provisions that exist for victims of crime to be able to make statements in our justice system.

The victim impact statement is, as I said, a very important part of our judicial system and is provided to the court after someone has been convicted of a crime and prior to sentencing, which provides the victim with an opportunity to state how the crime has had an impact on them. That could be in a range of ways, whether it is particular trauma, financial or a range of ways in which I think we could all appreciate that victims would be impacted by particular crimes.

No doubt it also serves as a very important opportunity for the victim to state their side of what has taken place, and provides an important piece of closure (for want of a better word) for them to at least feel as if they have participated in the court process. It is something that is highly valued, and I note that this legislation is supported by the former Commissioner for Victims' Rights, Bronwyn Killmier, and the current commissioner, Sarah Quick.

Provisions within the Sentencing Act, particularly at section 14, talk about victim impact statements. The legislation before us will do two significant things, and one is to ensure that the courts provide victims with an appropriate amount of time to be able to make victim impact statements. One can only imagine how a victim would feel if they did not have an adequate period of time to prepare something that they felt really explained, in their words, how they had been impacted by a crime.

The other thing is in relation to the language. That is something that has caused difficulties, and it has therefore been recommended that it be altered. It is in relation to the court's current practice, which is to be able to refuse irrelevant and/or inflammatory material and what might be considered highly subjective factual assertions and the like.

It seems that the consistency of support is with this, and I note particularly the correspondence we have received from the Law Society. There are two pieces of correspondence, and I am referring to their second version, dated 1 November 2023, where their Criminal Law Committee and also the Women Lawyers Committee had considered this bill. They stated that some members of the society's Criminal Law Committee felt that these provisions 'appear to be well thought out and reasonable'. They said:

Of particular note were the amendments dealing with irrelevant and/or inflammatory material, whereby the court can on application specify the material in the VIS not be read aloud in the court and accordingly exclude public access to that material.

With those few words, I indicate we will be supporting the passage of the legislation.

**The Hon. C. BONAROS (16:17):** I rise today to speak in support of the Statutes Amendment (Victim Impact Statements) Bill 2024. I was very pleased to see this bill introduced by the government back in April, and for one reason in particular.

Earlier this year, I became aware of a loophole in the Sentencing Act 2017, a loophole that I do not think should have existed. It came about because the mother of a victim of a fatal car collision was not afforded the opportunity for her victim impact statement to be submitted to the court, or indeed be read in court. Today, I am seeking to amend our laws to prevent this from occurring again, to ensure that the rights of other families like Jason's are better protected.

I am humbled today to be speaking on their behalf. Madam Acting President, with your indulgence I would like to acknowledge the presence here today of Jason's mum, Jan, Jason's dad, Simon, Jason's younger brother, Wesley, and his partner Dannii, Jason's older sister, Jodi, and his Aunt Jo, as well as his long-time friend—and, I am told, Jason's favourite guy—Bruce. It is an entire family who have made their way from the Riverland today to be here on the eve of Jason's birthday to see our laws changed and hopefully spare other families their same pain and anguish and it is my sincere hope to get some semblance of closure.

We all know that nothing will bring Jason back and none of us can ease their pain, but we can do our level best in this place to make sure our laws are better in memory of Jason and in the hope of preventing other families sharing their same fate. We offer Jan and Simon and their family the opportunity to share this moment and Jan, in particular, to share her victim impact statement, which we know is such an important part of healing for families.

On 19 February 2022 at 7.20pm in the evening, then 27-year-old Rebecca Fronsco's vehicle collided with Jason Edwards' wheelchair on Brighton Road and ran him over. Sadly, tragically, Jason died and for whatever reason—and I do not intend to flesh out the particular circumstances of what happened in any detail today—the defendant was found guilty of one count of driving without due care and ultimately a fine was imposed of \$350 plus the victims of crime levy and prosecution costs, which meant that in the eyes of the law the defendant did not cause Jason's death.

At sentencing in the Magistrates Court at Christies Beach in February this year, Jason's mum, Jeanette (Jan), was present and prepared with her victim impact statement in hand. She was denied the opportunity to read out that victim impact statement or to have it read on her behalf. Magistrate Shulz's reasons were as follows:

This is a difficult and sensitive matter.

I acknowledge that the family of Mr Jason Edwards has suffered an immeasurable loss and that it would assist them to read statements in court.

However, the Sentencing Act prescribes the circumstances in which the court has a discretion to allow Victim Impact Statements to either be submitted to the court or read in court by the victim or another person.

I find that the discretion to allow that to occur does not arise because, as submitted by defence counsel, there is no causative link between the injury and loss suffered by the victims and the offending that is before the court for determination.

So, while I appreciate it may be difficult for the family of Mr Edwards to hear, it is my understanding, as I have said, that the discretion to allow the Victim Impact Statements to be read does not arise and, therefore, the request by prosecution is declined.

The amendments that will be moved today will ensure that when a person has died—they have lost their lives—or suffered an injury resulting in total incapacity as a result of any conduct occurring in connection with the commission of an offence, the court may allow a victim impact statement to be provided. Today, I am humbled to read out that statement on Jan's behalf, and I quote:

I Jeanette Edwards request that the prosecutor present this Victim Impact Statement to the court on my behalf.

I am aware that the defendant may be given a copy of this statement to read.

I am making this statement to inform the court about how this crime has affected me.

Oh how I wish I wasn't here today but here I am.

Saturday 19<sup>th</sup> February 2022 at 10pm with the doorbell ringing, the world stopped.

A parent's nightmare began.

All you hear is white noise, you've just been told your son was killed at 7.20 earlier that night.

You drop to your knees and you hear your husband wailing, NO NO NO. It's all so surreal.

Jason Charles Edwards was the 7<sup>th</sup> person to lose his life on SA roads in 2022.

He was born fighting for his life on 28<sup>th</sup> August 1974 and we were unceremoniously informed that he may not live 3 days, as his spina bifida lesion was very large and very high on his spine.

If he lives, he will never walk, live in a wheelchair, have many challenges to overcome and be a burden to the family, that it would be better not to see him and bond with him.

What terrible news to be told after just giving birth to your first son.

None of that was on my agenda.

He spent the next 3 and a half months in the Children's hospital, North Adelaide undergoing treatment and 3 huge life-threatening operations, which he came through with flying colours, surprising everyone.

He came home two weeks before Christmas, and never looked back.

He thrived with the love and care of his family, and our wonderful friends.

He grew up as normally as an able-bodied child.

There were no CAN'T DO'S in this family. Positive and upwards and onwards.

It certainly was a huge challenge, many many operations, life-threatening medical problems, but everyone was overcome with honesty, positiveness, courage, toughness and trust.

He excelled at wheelchair sports in Track and Field, Basketball, and Rugby until he was 19.

He used to wheel 40 Kms from a friend's house in the Northern Suburbs to home in Brighton after staying overnight on a few occasions in his 20s and 30s.

His road awareness was second to none.

He had a mantra... 'stupid car drivers are a danger to everyone'.

Now I cannot believe one killed him.

Two nights before his death, he and a mate had wheeled to the service station the exact same way, as he did hundreds of times.

To buy milk, coke and cigarettes.

His mate mentioned he always gave way to cars, with a wave and would say 'you're bigger than me, so you go'.

So what I say to you Rebecca Fronsco, is that your careless inattention and awareness of our surroundings was very poor, and you needlessly ran over my precious son, crushing the life from him and I relive these sickening last moments of pure hell of his screaming pain, in waves of anger and despair that explode, followed by helpless emptiness with tears running down my face that drop off my chin, many times a week.

He's gone, then reality appears, again.

Knowing you had no alcohol or drugs, weren't speeding or breaking laws, makes his death more senseless and cruel.

Jason was tough, strong, positive, tenacious, stubborn, kind, thoughtful, caring, super friendly and oh so loving.

He loved everybody and they him.

Loved going to the Blackwood Football Club, where his Dad was a life member.

We lived on the Murray at Blanchetown for 18 years and were the publicans of the Blanchetown Hotel, which his brother now is the Publican and some of his ashes are scattered in the front of the Hotel, where he loved visiting family and friends.

His nieces and nephews all went to Waikerie High School and played footy for Waikerie.

Loved to chat over a cigarette and a beer on the deck, loved hearing everyone's stories.

Ending a phone call was extremely hard, he would just think of something more to talk about.

He just simply loved life. He was on his way to have tea with mates at the Espy on that fateful night.

But most of all he loved and adored his family, His sister Jodi, brother Wes, Dad, nephews and nieces and extended family.

His bond and never-ending love and warmth for me I miss the most.

The pangs of separation, not seeing him, hearing him, wondering what he's up to, organising our next outing, planning his appointments, hearing what he is planning is enormous.

It's a huge empty hole in my life right now.

We spoke nearly every day, I visited him every time I was in Adelaide, I had joy in my heart every time I drove up from our home on Hindmarsh Island.

Now there is nothing.

The pain of his beloved V8 Supercars back in Adelaide, Collingwood winning the GF, Pink, FooFighters, Guns n Roses concerts, we went to everything together, the whole family.

I know you never meant to kill him Rebecca but you did and I can never forgive you for your inexcusable inattention and negligent capacity as a driver.

I do feel compassion that you and your family have to live with this tragedy for the rest of your lives too, but you still have a life to live and enjoy with loving family and friends, my son doesn't and nor do we.

All I have are his last words on the phone call to me an hour before he decided to go out.

He was just checking on me as we had been to the funeral of his Godmother, my long-time best friend from childhood the day before.

He hadn't made his mind up whether to stay home and watch the cricket or see mates at the Espy... 'I love you Mum', I replied with a laugh, 'I know you do' he then said, 'and I love everything you do for me'.

I treasure those words so much.

Oh, how I wish he had stayed home and watched the cricket.

Our bond is now broken...

And in the blink of an eye, he was gone.

The sweet lady in the street around the corner from Brighton Road he chatted to on his journey, blames herself...if she had kept him talking a minute longer or let him go a minute sooner...

Signed, Jeanette Edwards. Tomorrow would have been Jason's 50<sup>th</sup> birthday, the big one, and we are, as I said, joined by his mum and dad and family today. I just hope that today does something to ease their pain, if only for a brief moment. Our laws cannot prevent every tragedy. They can, however, offer some justice to victims and their loved ones, and victim impact statements are part of the process for that very reason. These amendments will ensure the processes are available to parents like Jan and Simon.

I thank the Attorney for supporting these amendments to ensure the voices of families and loved ones are heard. Jason's case highlighted an inconsistency in how the existing provisions have been applied and interpreted since their inception. Many of you would recall Julie McIntyre and the death of her son, Lee. That is a matter I worked on, and it is for that reason that this case piqued my interest and attention.

At the time that case was progressing through the Magistrates Court, the death of another young man, who was also the subject of District Court proceedings, was taking place. Julie and Evie supported each other through their hearings. I attended those hearings with both families, and what became abundantly clear to all of us who were involved in those matters was the glaring difference between how victim impact statements and victims' families more generally are treated, depending on the jurisdiction and idiosyncrasies of the law.

We led a very public campaign. Julie did what no mother should have to do, highlighting the disparities, and we all thought that we had fixed that issue then through legislative reforms. So the first thing that struck me about Jason's case was that this should never have happened after those changes were made. I know that is of little comfort to Jason's family but, following today's amendments, further education of the judiciary would go a long way to ensuring correct interpretation going forward.

With those words, I wholeheartedly support this bill and thank Jason's family for their advocacy in Jason's honour. It never ceases to amaze me where loved ones find the strength to do what mums and dads, like Jan and Simon, and their families can do in the face of such unspeakable loss. I hope members do not mind me saying this, but I think I speak for all of us when I extend my sincere condolences to all of you and thank you for righting a wrong in our laws today and sparing



any other family the same injustice that you have endured. Doing so on the eve of Jason's birthday and in memory of his life is a special moment that I hope will ease, as far as we can ease, such unspeakable loss for a family.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:33):** I had not intended to rise to speak to this bill, but as a fellow Riverlander I feel compelled to rise briefly to echo the words of many of the members in this chamber in regard to the amendments in relation to the victim impact statements and to signal my support for this piece of legislation. I acknowledge in particular Jason's family for their bravery today: Jan, Simon and their wider family. Today's amendments will not bring Jason back, but I hope there is some small comfort for Jason's family, knowing that their strength, their courage and their advocacy will assist other families into the future to have a voice during that court process. With that, I commend the bill to the house.

**The Hon. R.A. SIMMS (16:34):** I rise to indicate that the Greens will be supporting this bill. Before commenting on some of the elements of the bill, I also want to extend my condolences to the family of Jason Edwards, in particular his parents, Jan and Simon. The loss of a child is a truly horrendous thing. In fact, it is an inexplicable thing. I do not think there are any words, really, that that can be used to describe the pain that a family goes through in that circumstance, but I do extend our condolences to them for their horrendous loss.

I also want to acknowledge the Hon. Connie Bonaros for amplifying the family's voice in this place. I think that is really important. Through that example, I think the honourable member has actually demonstrated the power of victim impact statements, so I thank her for doing that.

This is an important reform because what it does is give victim survivors further rights in our legal system. It provides victim impact statements, and it ensures that these are provided in most circumstances. The Greens welcome this move. The Greens believe that the criminal justice system needs to be based on the principles of restorative justice and the rights of the victims and the accused.

Many victim survivors of crime see victim impact statements as part of the serving of justice. Indeed, victim impact statements are a crucial way to ensure victims have a voice and that their suffering is given appropriate weight in our judicial process. They put a human face onto legal proceedings that are by nature objective and often procedural.

Firsthand accounts that relate to the fear, suffering and disruption to life caused by crime can help deepen empathy and understanding of the ripple effects that cannot always easily be quantified. They remind us that criminal acts do not occur in a vacuum. They leave lasting impacts on individuals, families and communities.

South Australia has been a leader in including victims in our criminal justice system. In 1985, the United Nations made a declaration about integrating victims into the process. Following that, South Australia formulated and endorsed 17 principles of victims' rights. Principle No. 14 stated that the victim shall—and I quote from that document—'be entitled to have the full effects of the crime on him or her made known to the sentencing court'. In 1989, South Australian legislation came into effect, allowing statements that concerned the impact of the crime on the victim, making it the first jurisdiction in our country to do so. The other states implemented victim impact statements over the next 10 years.

This bill includes reforms that create further rights for victims. Currently, as the Hon. Connie Bonaros has outlined, victims are too often denied the right to a victim impact statement if there is an unexpected guilty plea or if expediency is prioritised by the courts. This bill corrects that to ensure the victim has a right to provide their impact statement.

The bill also ensures that there is sufficient time to provide a statement and that it can be presented in an unedited and unaltered form. It requires that victims are fully informed about their rights to make a statement. We in the Greens consider this to be a critical step, ensuring that victims are empowered in a system that can all too often feel overwhelming and alienating.

I note that there have been amendments filed to this bill by the Hon. Connie Bonaros and the Hon. Frank Pangallo. The Greens have considered these amendments carefully and sought feedback from stakeholders. I indicate that we will not be supporting the amendments of the

Hon. Frank Pangallo, but we will be supporting the amendment being advanced by the Hon. Connie Bonaros, and she has spoken a little bit about that in her remarks today.

Victim impact statements are a powerful reminder that behind every crime there are real people whose lives are thrown into turmoil through no fault of their own, and so the Greens support this bill and see it as an important part of supporting the rights of victims. It is certainly our hope that no other families will be denied the opportunity to have their statement read in court. I do hope that the fact that the law is changing will help families who confront the terrible circumstances that the Edwards family faced.

**The Hon. F. PANGALLO (16:39):** I rise today to speak on the Statutes Amendment (Victim Impact Statements) Bill, a piece of legislation designed to enhance the rights of victims in our justice system. This bill recognises the profound right for victims to articulate in their own words the impact that crime has had on their lives physically, emotionally, financially and socially. The bill, based on the recommendations of key stakeholders, including the former Commissioner for Victims' Rights, is a step forward in reducing the procedural burden on victims, and ensuring their voices are heard without undue editing or censorship.

Today, I propose an amendment that I believe will refine this bill to better balance the rights of victims with the administration of justice. The amendment aims to support victims while ensuring the judiciary retains the necessary flexibility to manage court proceedings effectively. The core of the proposed amendment focuses on new section 16(1a) of the bill which mandates that courts must adjourn proceedings to allow victims a reasonable opportunity to prepare a victim impact statement or whenever a victim requests more time.

The bill also includes a carve-out provision in new section 16(1b) that allows courts to refuse such adjournments only for special reasons. While I wholeheartedly support the intent behind this provision to grant victims ample time to communicate their experiences, it is crucial that we do not undermine the judiciary's ability to manage its own proceedings effectively. It is the judiciary with its intimate knowledge of each case that is best positioned to determine when an adjournment is necessary and the length that is appropriate.

Our proposed amendment to new section 16(1a) seeks to introduce a more defined framework for adjournments by specifying 'a period of not more than 14 days or for a reasonable period determined by the court'. This change provides clarity and ensures that the adjournment period is balanced, giving victims time to prepare while preventing unnecessary delays.

Preventing extended delays is particularly important in the Magistrates Court, a court of summary jurisdiction, which is continually dealing with a high case load. I am informed that there are over 6,500 matters waiting to be determined by police as to whether they will charge the accused, and we do not need more delays. Furthermore, we propose changing the standard for refusing adjournments from 'special reasons' to 'sufficient reasons'. This adjustment strikes a more appropriate balance, allowing the court to retain its discretion and ensure that adjournments are granted in a fair and context-sensitive manner.

Victim impact statements often contain emotive and intense language as victims convey the depth of their suffering, which is understandable. While the DPP's guidelines advise victims that certain content may be rejected by the court, our amendment provides further clarity by making one key change. It inserts section 16(1d), which allows a court to refuse to receive a victim impact statement if the statement contains material that is threatening or otherwise unlawful. This ensures that statements remain within the bounds of legality while still reflecting the victim's experiences.

Resulting from this change is an amendment to 9C(b) of the Victims of Crime Act, updating the wording from 'will' to 'may' when informing the victim of the discretion the court has in receiving their victim impact statement. The amendments I propose are designed to achieve a delicate balance, empowering victims to have their voices heard without compromising the court's ability to fulfil its role in the administration of justice. By allowing the judiciary to retain control over adjournments and ensuring victim impact statements are both genuine and lawful we can support victims more effectively while maintaining the efficiency and fairness of our legal system.

I urge all members in this chamber and parliament across government, opposition and the crossbench to support this amendment. It is a practical, necessary adjustment to the bill that respects both the rights of victims and the foundational principles of our justice system. We cannot let people put threats and unlawful things on the public record, and police and the DPP can offer advice to victims in relation to the way these statements are made.

With those closing remarks, I commend my amendments to the Legislative Council. I am supportive of the bill and hope other members see the merit in supporting them.

**The Hon. E.S. BOURKE (16:45):** I would also like to share with other members my condolences for Jason and his family. As the Hon. Rob Simms has stated today, it is a big thing to share a story in this chamber, particularly because we know that those words will now be captured forever in *Hansard*, and nothing can take that away.

The experience of being a victim of crime can create lasting impacts upon an individual but also their family and their community. The impact can be wideranging. People who are affected by crime may experience trauma; feelings of anger or sadness; feelings of grief and loss, fear and anxiety, shock and disbelief, shame and guilt; and the loss of self-esteem and self-worth. Victims may also experience psychological responses to the experience. All of these can be experienced at once or at different times of the journey that follows the experience of becoming a victim of crime.

We know that the journey of healing for many can be a long one. These impacts can last for months or for years, and, indeed, for some people it may affect them for the remainder of their life. It is no small thing to have one's life impacted in such a way. For many it is permanent and life altering.

This bill proposes amendments to the Sentencing Act 2017 and the Victims of Crime Act 2001. The aim is to address concerns that have been put forward particularly by the former Commissioner for Victims' Rights in relation to the experience of victims during the sentencing process.

Victim impact statements offer an opportunity for a person who has become a victim of crime to provide the sentencing court with a personal statement about the impact on their lives of the injury, loss or damage they have suffered as a result of certain offences. Victim impact statements give people a chance to talk about their individual experience and the impact upon their lives that are associated with their experience as a victim of crime. They can explain how the crime has affected them physically, emotionally, socially and financially.

The victim impact statements are a significant part of having the opportunity to be heard, of having one's experience acknowledged and recognised. The opportunity to provide a victim impact statement can offer an important therapeutic value for victims as part of their journey of healing and recovery.

This bill aims to strengthen and expand the rights of victims to have their personal statements heard and considered. First, the bill provides that where a victim has not had a reasonable opportunity to provide a victim impact statement, or has requested more time to prepare it, sentencing proceedings can now be adjourned to give the victim a reasonable opportunity to prepare and provide their statement.

We have heard from the former Commissioner for Victims' Rights that victims can miss out on the opportunity to prepare and present victim impact statements in the circumstances where matters proceed to sentencing earlier than expected. Under current provisions the decision as to when to adjourn sentencing proceedings is at the discretion of the court. There are no specific factors that must be taken into consideration. The proposed changes are modelled after the provisions that are in place in the ACT.

The bill provides that the court may not refuse to receive victim impact statements on the basis of concerns around the inclusion of material that is irrelevant or inflammatory. Irrelevant or inflammatory materials can be taken into consideration for sentencing purposes. That is the case under the current provision, and it will remain unchanged after these amendments are made. Victims deserve the opportunity to have their complete say, and that is what this bill seeks to ensure can happen consistently.

Finally, the bill amends the Victims of Crime Act 2001 to ensure the right of victims to be informed, in relation to their entitlements to provide a victim impact statement, about the ways in which the court can have their statement heard. Importantly, these reforms are subject to two stages of consultation: firstly, with the discussion paper and, secondly, with the draft bill. The version of the bill we are now considering has been shaped by feedback that has come from those processes. I congratulate everyone involved in this process, and thank everyone who shared their stories in the development of this bill.

**The Hon. T.T. NGO (16:50):** I rise to speak in support of this bill. Before I start, I also acknowledge Jason Edwards and his family through the words of the Hon. Connie Bonaros, who spoke earlier about the tragic death of Jason. The Statutes Amendment (Victims Impact Statements) Bill 2024 makes amendments to the Sentencing Act 2017 and the Victims of Crime Act 2001. It is a bill that has been influenced and developed by feedback during two stages of consultation. It was especially shaped by concerns raised by the Commissioner for Victims' Rights (CVR) about the experience of victims.

The former Commissioner for Victims' Rights, Bronwyn Killmier, described how a victim can miss out on preparing a statement when matters in court proceed to sentencing earlier than expected, particularly in the Magistrates Court. At the moment, the decision to adjourn the court is a discretionary matter without any specific facts to consider when making such a decision.

The first part of the amendment addresses the need to provide the victim with enough time to provide a statement, and in incidents where a victim requests more time the court must, on application of the prosecutor, adjourn sentencing proceedings in order to give the victim time to prepare their statement. This is a significant improvement because it is well-known that victim impact statements can offer many benefits for victims and the criminal justice process as a whole.

These statements allow victims to share their experiences and describe how the crime impacted on them personally. The act of thinking through, writing down and delivering a victim impact statement can help victims process their trauma. It also acknowledges and validates a victim's suffering, and gives a formal recognition of their pain.

The second factor this bill clarifies is that the courts must not refuse a victim impact statement on the grounds that it contains irrelevant or inflammatory material. It is important to note that any type of material, whether it be inflammatory or irrelevant, cannot be taken into consideration for sentencing purposes.

Currently, courts have a discretion whether to accept a victim statement, so there is a risk that courts could refuse to accept a statement. The updated guidelines make it clear to prosecutors that they cannot edit or censor a victim impact statement in a way that goes against the victim's wishes, even if it contains information that is irrelevant to sentencing or contains insults or abusive language.

Finally, the bill amends the Victims of Crime Act to give victims clear information about their right to provide a victim impact statement as well as details about how the court may use their statement, including the circumstances in which the specific sections of their statement may be disregarded or not read aloud to the court.

In summary, this final part of the bill empowers the victim through a chance to focus on the expectation of managing their statement as well as any potential editing. A victim's impact statement can help to facilitate a restorative justice approach to criminal justice by giving the offender an opportunity to understand the full impact of their actions on another person's life. The inclusion of a victim impact statement in court proceedings can also contribute to a broader community healing by emphasising the consequences of criminal behaviour.

Consequently, this bill highlights two very important facts: the first is that a crime is not just a violation of the law but something that had a real and profound effect on another human being's life; and the second is a formal acknowledgement of the impact the crime had on the victim within a legal context, which can be important for a victim's sense of justice. I therefore commend this bill to the chamber.

**The Hon. S.L. GAME (16:56):** I rise briefly to support the Statutes Amendment (Victim Impact Statements) Bill and also the amendments from the Hon. Connie Bonaros. Victim impact statements are an important feature of the criminal justice system in South Australia. This bill intends to provide more acknowledgement, autonomy and privacy to victims who want to make a statement to the court.

The bill inserts new subsections 16(1a) and (1b) to ensure that victims who are entitled to provide a victim impact statement are given adequate opportunity to exercise that right. In subsection 16(1a), where the victim has not had a reasonable opportunity to provide a statement, the court must, by an application by the prosecutor, adjourn sentencing proceedings and provide the victim with the opportunity to prepare a statement. In 16(1b) the court can refuse adjournment only if special reasons exist to justify a refusal.

Insertion also of new section 9C to the Victims of Crime Act provides entitlement to victims to be informed about provision of victim impact statements and how the court will use the statement. Proposals that uphold the rights of the victims of crime should be supported.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:57):** I thank all contributors to this bill. They have been incisive and heartfelt contributions about what is a really important aspect of our criminal justice system. There are many purposes of a criminal justice system, holding those who do wrong to account and looking at the rehabilitation of those who have done wrong back into society, but at the forefront of what we do in the criminal justice system is to take into account the victims of often very tragic crimes.

It has been one of my great privileges as Attorney-General to meet with families of victims who have struggled but have put forward ideas into the criminal justice system—the family of Sophia Naismith, who was killed so tragically by that Lamborghini, which resulted in very significant law reform; the family of Daniel Hind, Mindy and Phillip, who campaigned for and saw laws passed about the hiding of remains after a murder has been committed; people like Lynette Nitschke, who for 33 years next month has helped other victims of homicide navigate a very difficult system; and today, Jan and Simon and other friends of Jason Edwards.

It always amazes me and fills me with great hope when you see people who have turned what has been the single most tragic event in their lives into something that they give selflessly to help others who might go through the same thing. All of the people I have mentioned today have got nothing out in terms of their experience of the criminal justice system from their advocacy, but have done it in the hope that other people will find it a little bit easier than they found it. It is a remarkably selfless thing that so many families of victims go through in their advocacy.

I indicate, with the amendments that have been put forward, that we will be supporting the primary amendment of the Hon. Connie Bonaros and the two consequential amendments. When we get to those amendments I will be happy to explain a little more about why we will be doing that.

I think the Hon. Frank Pangallo has five amendments that have been put forward. We will not be supporting the first four: it is the government's view that in many ways they go against what we are trying to do in making sure that the victims are at the centre of the criminal justice system. I understand the motivation of the Hon. Frank Pangallo in terms of, as he said, balancing an efficient and effective criminal justice system, but we think we have the balance right in what we have put forward. There is a fifth amendment that changes the word 'may' to 'will' that is, in our view, a reasonable and sensible amendment, and we will be supporting that amendment.

With that, I thank all honourable members for their contributions, and look forward to the passage of this bill through the committee stage, surely.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 and 2 passed.

New clause 2A.

**The Hon. C. BONAROS:** I move:

Amendment No 1 [Bonaros–1]—

Page 2, after line 8—Before clause 3 insert:

2A—Insertion of section 15A

After section 15 insert:

15A—Other impact statements

- (1) If a person has died or suffered an injury resulting in total incapacity as a result of any conduct occurring in connection with the commission of an offence, the sentencing court may, if it considers it appropriate to do so, allow a person who has suffered injury, loss or damage from that death or injury to provide a written personal statement.
- (2) Subsections (2) to (5) (inclusive) of section 14 apply to a statement provided under this section as if it were provided under that section.
- (3) Nothing in this section requires the court to have regard to a statement provided under this section in determining sentence.
- (4) For the purposes of this section, conduct will be taken to occur *in connection with* an offence if it occurs in circumstances arising out of the offence or as a result of any physical element of the offence or otherwise arises from any act or omission by the offender that is proximate to the offence.

I note that my further amendments, numbers 2 and 3, are consequential, so I will speak to them all together.

Amendment No. 1 seeks to incorporate other impact statements, and that is spelt out in terms of if a person has died or suffered an injury resulting in total incapacity as a result of any conduct occurring in connection with the commission of an offence, the sentencing court may, if it considers it appropriate, allow a person who has suffered injury, loss or damage from that death to provide their statement.

It goes on to provide that subsections (2) and (5) of section 14 apply to a statement provided under this section as if it were provided under that section, and that nothing in that section actually requires the court to have regard to a statement provided in determining sentencing. That is a critical element of that amendment.

Then we go on to actually define what the conduct is more broadly, to ensure that it is conduct that has occurred in connection with an offence if it occurs in circumstances arising out of the offence or as a result of any physical element of the offence, or otherwise arises from any act or omission by the offender that is proximate to the offence. It is broad, but there is still a discretion, and that is hugely important in terms of the way we draft this.

As I said during my second reading contribution, it seeks to address and provide further clarity around that discretion for judicial officers and ensure where statements can be read and, in effect, closes that loophole I referred to during my second reading contribution.

The interpretation applied in the case I have outlined today is not consistent with the interpretation that I think this parliament intended when these laws were last reformed. However, even in the absence of that, it provides further clarity and, importantly, a critical educational role.

The reality is that in lower jurisdictions—and we have heard from the former commissioner—it is chalk and cheese for victims and their families compared to higher jurisdictions. Most of these matters happen rather expeditiously through the Magistrates Court. It is a different jurisdiction. It is still important—hugely critical—that we do not treat victims as part of the run-of-the-mill cases, which typically happens in the Magistrates Court. You are there with every other person who is before the Magistrates Court that day and we need to do our best to make it easier, for instance, for magistrates to exercise their discretion, particularly without any unintended legal consequences.

I think we have captured that in this amendment well, especially in terms of determining sentencing, but, importantly, at the same time fostering the principles that underpin victim impact

statements in the first place, something the remainder of the bill also seeks to address. With those words, I commend the amendments to the chamber.

**The Hon. F. PANGALLO:** I rise to say that I will be supporting the amendment, but I just would like to say that it is disappointing that my office did not receive notice from Ms Bonaros or her office about this amendment. The first I have seen it is today, even though it was filed a month ago and my staff have been in attendance throughout the winter break, but I will just put it down to forgetfulness and we will support it.

**The Hon. C. BONAROS:** Just by way of clarity, amendments are circulated to all members not by me but through the process that exists in this place. I did not personally hand-deliver one to the Greens or to the opposition or to the Labor Party or any other member because I do not need to; that is part of the process. Parliamentary counsel drafts, they are finalised and then, via the Clerk's office and the protocols that exist, they are circulated to honourable members and their staff respectively.

**The Hon. K.J. MAHER:** I rise to indicate, as I did in my second reading summing-up, that we will be supporting these amendments. It is likely that the effect of these amendments would only be used in limited circumstances where the court is not satisfied that the harm suffered by a person resulted from the offending but nonetheless it occurred in connection with the offence. This is a gap that we see in the law today and we thank the Hon. Connie Bonaros for bringing these amendments to the chamber. It is our view that the purpose of victim impact statements is not merely as a mechanism to inform the court's decision-making but is also an exceptionally important means by which victims are given a voice in the criminal justice system. The restorative and therapeutic value of victim impact statements should not be overlooked.

**The Hon. J.M.A. LENSINK:** Just to ease the passage of the bill and to advise what the Liberal Party's position is on all the amendments, we will be supporting the amendments of the Hon. Ms Bonaros and we will have the same position as the government in that we will not be supporting the first four amendments of the Hon. Mr Pangallo, but we will support the fifth and commend the Hon. Ms Bonaros for discovering a gap in the law.

**The Hon. R.A. SIMMS:** To assist you in gauging the position of the chamber, I will also indicate, as I did in my second reading, that we will be supporting the Hon. Connie Bonaros's amendments. We will not be supporting the Hon. Frank Pangallo's amendments; however, I have heard the feedback of the government and the opposition in relation to amendment No. 5, so we will support that recognising that our position is immaterial in any case.

I do again want to acknowledge the work of the Hon. Connie Bonaros in amplifying the voice of the family in this. I do think it is really important when we are discussing the criminal law that we remember the human stories and it has been a very powerful example of the gap that exists within our law.

New clause inserted.

Clause 3.

**The Hon. C. BONAROS:** I move:

Amendment No 2 [Bonaros-1]—

Page 2, after line 15—After subclause (2) insert:

(2a) Section 16(1)—delete 'or 15' and substitute:  
, 15 or 15A

Both of these subsequent amendments are consequential.

Amendment carried.

**The Hon. F. PANGALLO:** In light of the fact that members have indicated they will not be supporting my first four amendments, I will not be moving any of those four amendments.

**The Hon. C. BONAROS:** I move:

Amendment No 3 [Bonaros-1]—

Page 3, after line 6—After subclause (3) insert:

- (4) Section 16(3)—delete 'or 15' and substitute:  
, 15 or 15A

Again, this is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 4.

**The Hon. F. PANGALLO:** I move:

Amendment No 5 [Pangallo-1]—

Page 3, line 16 [clause 4, inserted section 9C(b)]—Delete 'will' and substitute 'may'

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:13):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

#### **APPROPRIATION BILL 2024**

*Introduction and First Reading*

Received from the House of Assembly and read a first time.

At 17:14 the council adjourned until Wednesday 28 August 2024 at 14:15.



*Answers to Questions***FRUIT NETTING**

**351 The Hon. T.A. FRANKS** (6 June 2024). Can the Minister for Climate, Environment and Water advise:

1. Certain types of fruit netting are known to be harmful to wildlife, including flying foxes. Is this type of fruit netting still being sold anywhere in South Australia?

2. What efforts are being made to address the sale of this netting?

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

There is currently no legislation that regulates the type of fruit netting sold in South Australia.

The government has committed to regulating the sale and use of household fruit netting. The current review of the Animal Welfare Act includes proposed changes to the act that would enable the future regulation of household fruit netting.

The Department for Environment and Water encourages the use of wildlife friendly fruit netting for both permanent and temporary use. Helpful fact sheets promoting the use of wildlife friendly fruit netting are available on the department's website.

**DREDGING PROGRAM**

**352 The Hon. T.A. FRANKS** (6 June 2024).

1. The Premier's statement says that 'the two-month dredging program will collect sand from a nearshore zone between Taperoo and North Haven'. Is the proposed dredging site within the northern management area: Offshore of Largs Bay zone, as described in Appendix C: Review of sand sources of the Scientific Report?

2. What is the average grain size of the sand in the dredging site?

3. How far offshore is 'nearshore'?

4. The panel recommended an offshore dredging timeframe of 'two years for feasibility investigations and approvals, plus up to four months to complete the restoration campaign'. Will this timetable be adhered to?

5. Will DHI be commissioned to provide an updated 2024 report on the sand volume analysis along West Beach?

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

1. Following additional studies recommended by the panel it has been confirmed that the northern management area near Largs Bay, outlined in appendix C as areas A1–A5, is largely unsuitable for sand recycling due to its sediment and seagrass conditions. Area A3 could be an exception as its sand properties, while slightly coarser, are within an acceptable range. The chosen trial site, known as area B3, was determined during further studies as it has more suitable sand characteristics for recycling purposes.

2. Initial sand testing has shown the sand in area B3 has a median sand size of between 0.125mm and 0.30mm.

3. The nearshore zone identified is about 350 to 400 metres from the shoreline at its deepest point.

4. The panel recommended West Beach be restored with 550,000m<sup>3</sup> sand from outside the beach system and that next steps include further investigations with concurrent restoration with quarry sand.

In its evaluation of the available options, the panel estimated that it could take approximately two years to complete feasibility investigations and obtain approvals, with a restoration campaign in the order of 350,000m<sup>3</sup> likely to take four months to complete.

The government has instructed the Department for Environment and Water to undertake further investigations into alternative sand sources. This aspect of the project is budgeted for in 2024-25.

5. DHI has been commissioned to provide an updated 2024 report on the sand volume analysis along West Beach.

**VOLUNTARY ASSISTED DYING**

**353 The Hon. L.A. HENDERSON** (19 June 2024).

1. Can the minister advise how many individuals convicted and sentenced to a term of imprisonment or charged and awaiting sentencing, have been approved for voluntary assisted dying (VAD) since the legislation has come into effect.

2. Can the minister advise how many applications have been made to access VAD by individuals who are serving a term of imprisonment or charged and awaiting sentencing, since the legislation has come into effect and the status of those applications?

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

South Australia issues VAD permits only when very strict eligibility requirements are met. The law does not exclude a prisoner from accessing VAD, if they meet those strict eligibility requirements. We do not comment on individual cases.

#### RECYCLING AND MODERNISATION FUND

**355 The Hon. H.M. GIROLAMO (27 June 2024).** Can the Minister for Climate, Environment and Water advise:

1. What projects did your government/the minister's office put forward in response to the federal government's request for the recycling and modernisation fund (RMF)
2. What projects were successful?
3. What projects did the minister receive as recommendations/submissions for funding for RMF?

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

In response to question 1, the following projects were submitted by the South Australian government since 2022-23 under the plastics technology stream of the Australian government's recycling modernisation fund:

Project	Submission Date	Funding Stream
Advanced mechanical recycling of post-consumer soft plastic	November 2023	RMF Plastics Technology stream
Low Density Polyethylene (LDPE) and Polymer Polypropylene (PP) to injection moulding grade pellets and Toner Plas (recycling used toner cartridges for use in road pavement)	November 2023	RMF Plastics Technology stream

In response to question 2, the 'Advanced mechanical recycling of post-consumer soft plastic' project was approved by the Australian government.

In response to question 3, the following projects were received by the Minister for Climate, Environment and Water's office from Green Industries SA as recommendations for submission to the Australian government under the plastics technology stream of the recycling modernisation fund:

- Advanced mechanical recycling of post-consumer soft plastic
- Low density polyethylene (LDPE) and polymer polypropylene (PP) to injection moulding grade pellets and toner plas (recycling used toner cartridges for use in road pavement)

#### BIOMEDICAL SECTOR

**357 The Hon. T.A. FRANKS (28 August 2024).** Can the Minister for Climate, Environment and Water advise:

1. How many non-human primates were used in biomedical research in South Australia in the period 2021-24?
2. Which scientific license holders reported using non-human primates in biomedical research between 2021-24?

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

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

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

#### SAND DREDGING

**365 The Hon. H.M. GIROLAMO (28 August 2024).** Can the Minister for Climate, Environment and Water advise:

1. Can you please advise when the first dredge dump is expected to occur at West Beach as part of the government's sand dredging trial?
2. Can you please advise what public information will be put out regarding where sand sources are available and volumes?
3. If the dredging trial along our coastline is successful, what will be the long-term cost of a dredging solution year on year?
4. If dredging is unsuccessful, what option will the government pursue?
5. What is the cost per cubic metre for the sand to be delivered by dredge and truck at West Beach?
6. What volume of sand is expected to be delivered at Henley Beach South?

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

1. Specific information regarding the schedule of trial operations will be finalised and announced once the Environment Protection Authority has approved a detailed dredge management plan.
2. Information on the design of the trial, including sand sources and volumes, will be published as it becomes available on the DEW website: [www.environment.sa.gov.au/topics/coasts/adelaide-beach-management-review](http://www.environment.sa.gov.au/topics/coasts/adelaide-beach-management-review).
3. The trial provides the opportunity to gauge the actual cost of dredging. The proposed trial aims to test different placement methodologies which, if determined to be feasible, will be used to inform a long-term costing of the approach.
4. On completion of the dredging trial, the results will be reviewed and used to inform the government's decision on the appropriate next steps.
5. The cost of quarry sand delivered to West Beach by truck is approximately \$65 per cubic metre, depending on the market rate. The cost of dredged sand delivery to West Beach will be informed by the proposed trial.
6. It is expected that 15,000 cubic metres of sand will be delivered to Henley Beach South in spring 2024.

#### FLOOD RECOVERY

**368 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. Has Green Industries South Australia surveyed flooded residents who did not register for demolition and ask why they chose not to do so?
2. Can Green Industries South Australia please provide the communication schedule informing residents of how to register?
3. What number of properties were demolished by Johns Lyng Group or Disaster Management Australia as part of the flood recovery?
4. What number of properties did Green Industries South Australia inherit that were still to be demolished when they received the returned contract from Johns Lyng Group or Disaster Management Australia?
5. In addition to the spending on Johns Lyng Group or Disaster Management Australia, how much has Green Industries South Australia spent on the recovery and clean-up program?
6. How much of the supplies and services expenditure within the program summary was allocated towards the River Murray Flood Waste Clean-Up Program in 2023-24?
7. How much of the supplies and services expenditure within the program summary is allocated towards the River Murray Flood Waste Clean-Up Program in 2024-25?
8. Was there a fee to be paid to Johns Lyng Group or Disaster Management Australia (JLG/DMA) for completing the flood recovery work? If so, how much was that fee? Was some or all of that fee paid despite the work being incomplete upon handover to Green Industries South Australia? If so, how much was paid?
9. Did JLG/DMA provide any financial undertakings or performance guarantees under the contract?
10. Did JLG/DMA achieve completion under the contract? What is the status of the undertakings?
11. For any outstanding undertakings, what timeline is the completion expected?

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

1. No. GISA's case management team has supported the 1,934 property owners who registered for services offered under the program, including demolitions. The availability of services under the program was widely communicated to flood-impacted communities.

GISA has not surveyed residents who did not register for assistance and therefore have not provided their contact details. GISA is not able to comment on whether residents or property owners were flood impacted if they did not register under the program.

2.

Action	Description	Date
GISA website	Regular updates, FAQs and factsheets	Ongoing
Recovery Hotline (1800 302 787)	Call scripts via state government call centre to encourage people to register for the clean-up program when they enquired about other assistance	From late 2022
Community Recovery Coordinator (Alex Zimmermann)	The Coordinator encouraged and referred impacted individuals to register for assistance.	January 2023– June 2024
Community Recovery Meetings	GISA attended and presented at 13+ recovery meetings held in regional and city locations outlining government support and how to register	From February 2023
Free waste disposal vouchers	Vouchers were an incentive for property owners to initially register	February-July 2023
Flood recovery BBQs	Small community events held in the region to outline services offered and advise how to register for assistance	8 July 2023 and 26 August 2023
Posters/flyers	Displayed on community notice boards and used as handouts for field staff	From February 2023
5 VMS boards (digital roadside signs)	Deployed in the Murraylands and Riverland displaying the phone number and encouraging property owners to register	1 September 2023 – 13 October 2023
SA Power Networks text message	Message sent to their customers who had their power disconnected. Encouraged recipients to register for clean-up assistance and provided the 1800 phone number to call.	February 2023
SA Power Networks text message	Message sent to their customers who had their power disconnected. Advised recipients registrations were closing 13 October 2023 and provided the 1800 phone number to call to register.	September 2023
Printed roadside signs	Signs installed in flood affected communities to promote the clean-up program and encourage property owners to register for assistance.	September – October 2023
Mid Murray Council mailout	Letter sent to ratepayers and included a registration factsheet.	September 2023
River Murray Community Newsletter	32 issues of community newsletter which promoted the clean-up program and encouraged property owners to register for assistance up until the closing date	February 2023 – March 2024
Radio appearances	Multiple appearances on radio promoting the clean-up program and encouraging property owners to register	Multiple: January 2023 onwards
ABC Riverland	Assistance and registration promoted via ABC e-newsletter and online article content provided to ABC Riverland website	Multiple: February 2023 – June 2023
Relief and Recovery Centres	Drop-in centres for the impacted community to visit and provide case management support	January 2023— February 2024

3. Johns Lyng Group oversaw the demolition of 196 properties prior to conclusion of its management of clean-up operations.

4. Green Industries SA did not receive a returned contract from Johns Lyng Group.

5. As at 30 June 2024, in addition to the \$38.864 million spent with Johns Lyng Group, Green Industries SA has spent \$10.3 million.

6. The 2023-24 supplies and services estimated result of \$53.295 million includes \$49.125 million allocated to the flood program. Of this, \$23.946 million was unspent funds carried over from 2022-23.

7. The 2024-25 supplies and services expenditure budget does not include funds allocated towards the River Murray Flood Waste Clean-Up Program. All flood program expenditure in 2024-25 is subject to carryover of funds unspent at 30 June 2024.

8. No. Johns Lyng Group were engaged on a cost-plus basis and were hence paid only in relation to actual work completed on the project.

9. Under the contract, Johns Lyng Group provided to GISA two bank guarantees with a total value of \$1.5 million to be released as \$1 million upon project completion and \$0.5 million on expiry of the defects liability period (nine months following project completion).

10. Johns Lyng Group has completed its operations under the contract and \$1 million of the bank guarantee has been released by GISA. The remaining bank guarantee is scheduled to be released on expiry of the defects liability period under the contract, expected January 2025.

11. As per above at point 10.

#### HERITAGE AGREEMENT GRANTS

**369 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. How much funding was allocated for the heritage agreement grants for 2023-24?
2. How many heritage agreement grants were awarded in 2023-24 and what was the value of those grants?
3. How many heritage agreement grant applicants were there in 2023-2024?
4. How many heritage agreement grant applicants were rejected or not funded in 2023-2024?
5. How many grants are forecast to be made in 2024-25?

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

1. For the 2023-24 financial year, \$2,553,033 was allocated to the heritage agreement grant program.
2. In 2023-24, 134 heritage agreement grants were awarded for a total of \$2,659,246 (this amount includes the grants awarded in the previous financial year from the start of the program in March 2023).
3. 134.
4. No grant applications to this program were rejected or not funded.
5. There will be no new grants awarded for the heritage agreement program in the 2024-25 financial year.

#### ENVIRONMENTAL CRIMES

**370 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. How many crimes have been reported in 2023-24 via the partnership with CrimeStoppers to report environmental crimes?
2. Has the government pursued any environmental crimes, including criminal charges or penalties, associated with the reports received?

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

1. 56 reports were made to the Department for Environment and Water through the Crimestoppers portal in 2023-24.
2. DEW has responded to a number of the reports; conducting site visits, executing search warrants, helping people achieve compliance through education and assistance in obtaining relevant permits where required and undertaking prosecutions. The department has also passed on relevant reports to the RSPCA, EPA and local councils.

#### THREATENED SPECIES

**371 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. Which threatened species recovery projects have been initiated or advanced during 2023-24?
2. What is the timeline to commence and progress the preparation of the 'contemporary and accurate threatened species listing' as referred to in Budget Paper 4, Volume 2, page 139?

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

1. There have been a range of threatened species recovery projects initiated or advanced in 2023-24 by the Department for Environment and Water and landscape boards. Across the 2023-24 financial year, projects were initiated or advanced for over 160 threatened species including at least:

- two amphibian species
- 63 bird species
- 61 plant species
- 14 freshwater fish
- 13 mammal species
- three marine fish species
- six reptile species.

Additionally, work was undertaken to progress the monitoring, recovery and habitat enhancement for two invertebrate species considered to be threatened but not yet listed as a threatened species. Work was also undertaken on a range of nationally listed ecological communities.

The department and landscape boards are not the only organisations to undertake work on threatened species recovery, with work also undertaken by non-government organisations and other departments including the Department of Primary Industries and Regions SA.

2. The preparation of contemporary and accurate threatened species listing, aligned with national agreements and standards, commenced on 1 July 2024. The project will continue over four years from 2024-25.

Following completion of this initial four-year period of funding allocated in the 2024-25 budget, South Australia's threatened species list will continue to be accurately maintained in alignment with national agreements and standards.

#### FRIENDS OF PARK GRANTS

**372 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. How many Friends of Parks grants were awarded in 2023-24 and what was the value of those grants?
2. How many applications for Friends of Parks grants were there?
3. Please provide the selection criteria for the Friends of Parks grants.
4. Were any funds returned to the department because a friends group was unable to deliver the project?
5. What is the process for acquitting the grant funding and ensuring the project is completed?

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

1. 41 Friends of Parks grants were awarded in 2023-24 totalling \$174,426.40 of grant funding.
2. 57 applications were received in 2023-24.
3. Grants were assessed against the following criteria:
  - Protection and/or restoration of land, biodiversity, environment and either European or Indigenous heritage sites. The extent to which the project contributes to that protection and/or restoration, through on-ground works, or follow up on previous on-ground work.
  - Value for money. The budget demonstrates that the application represents good value for money, including realistic costs that are directly related to the grant proposal, and a clear justification for requested budget items.
  - Project in-kind or co-contribution. To meet the Department of Treasury and Finance requirements, groups must demonstrate an in-kind or co-contribution to their project of at least 50 per cent of the funding amount being sought. This can include volunteer hours, other funds or other in-kind contribution.
  - National Parks and Wildlife Service regional staff/local government/private landowner support. Project applicants must have obtained all necessary endorsements or approvals from either the national park region, local government and/or private landowner for the proposed project to be undertaken, prior to an application being submitted. If legislative approvals or permits are

required to carry out the proposed works, these have been obtained and attached to the application.

Projects/activities must also be supported by an approved plan (e.g. park management plan, regional landscape plan, biodiversity plan, fire management plan, or species recovery plan) and supported by the relevant district ranger, national parks and wildlife manager, or other land manager.

4. No funds were returned to the department because a Friends of Parks group was unable to deliver its project.

5. Friends of Parks grants recipients complete annual acquittals and project reports (for projects longer than 12 months), or an end-of-project acquittal and report (for projects 12 months or less). The acquittals and reports document progress against the project milestones and expenditure against the project budget.

#### LANDSCAPES PRIORITIES FUND

**374 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (28 August 2024). Can the Minister for Climate, Environment and Water advise:

1. As referenced in the recent budget papers (Budget Paper 4, Volume 2) why did the regional landscape boards require 'working capital' in 2023-24 (pg. 158) and why do the boards not require working capital in 2024-25?

2. As referenced in the recent budget papers (Budget Paper 4, Volume 2) can the minister explain the reason for the reduction in cashflows from the Landscapes Priority Fund? Noting the 2023-24 estimate results in \$6,994,000 of expenditure. However, in 2024-25, the cash outflows will fall to \$5.28 million.

3. Which Landscape Act priorities will be cut or will not commence in 2024-25 as a result of the reduction in cash outflows from the Landscapes Priorities Fund?

4. As referenced in the budget papers in 2024-25, \$9,272,000 will be transferred from the Landscapes Administration Fund to the state government. What is the purpose of this funding? Will it be used for natural resources management?

5. How much was distributed in projects into the regions through the Landscape Priorities Fund for 2023-24. What were those projects? How much is forecast for 2024-25?

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

1. The working capital mechanism available to landscape boards allows for access of appropriation, if required, from the Landscape Administration Fund in advance of receiving levy funding in September to ensure that fixed costs can be met. If accessed, the appropriation is then repaid in the same financial year into the Department of Treasury and Finance consolidated account once levies are received.

No working capital was required in 2023-24, as noted on page 158 of Budget Paper 4, Volume 2. Provision has been made in the Landscape Administration Fund for working capital to be available in 2024-25 if required.

2. The 2023-24 budget estimates includes funds approved to be carried over from previous financial years.

3. No Landscape Act priorities will be cut in 2024-25. The variation between 2023-24 estimates and 2024-25 budget relates to timing of payments associated with approved grants.

4. This budget reflects repayment of the working capital mechanism by boards, if they have drawn down any of the working capital available as referenced in question 1.

5. The 2023-24 Landscape Priorities Fund Grants Program allocated \$4,900,000 to the following 13 landscape board projects:

Alinytjara Wilurara Landscape Board

- Healthy Country Community Leadership: Stage 1 Yalata based feral predator control

Eyre Peninsula Landscape Board

- Controlling feral herbivores: deer and goat control on Eyre Peninsula

Hills and Fleurieu Landscape Board

- Building Landscape Resilience with High-Performing Dams

Limestone Coast Landscape Board

- Landscape SA Soil Extension Project 2

Kangaroo Island Landscape Board

- Connecting Kangaroo Island kids and landscapes through an integrated environmental education program
- Healthy Country Planning for Kangaroo Island—A Collaborative Approach
- Priority actions to mitigate impacts of weeds on biodiversity on Kangaroo Island
- Kangaroo Island Feral Pig Eradication: Critical Final Control Actions

#### Murraylands and Riverland Landscape Board

- Bringing Back a Lost Icon: Re-introducing Murray crayfish into the River Murray

#### Northern and Yorke Landscape Board

- Now or Never—controlling feral deer and goats

#### South Australian Arid Lands Landscape Board

- Sustainable Land Management project
- Statewide Rangelands Goat Management Strategy Project
- Kangaroo Partnership Project—improving landscape and community resilience in South Australia

The approved budget for the Landscape Priorities Fund in 2024-25 is \$5.281 million.

### AMBULANCE RAMPING

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

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

Instead of addressing the issue, the former Liberal government made hundreds of nurses redundant, including during the pandemic—and launched a war on our ambos. Corporate liquidators were appointed to make hundreds of millions of dollars of cuts to hospitals.

Our government acutely understands the concern for patients who do get ramped, as well as for those in the community needing that ambulance to respond to 000 callouts.

The causes of the delay of ambulances to offload patients into emergency departments are across the entire health system. The solutions therefore require the many actions that we are undertaking right across the system.

Patients get ramped in ambulances because the emergency departments are at capacity. The emergency departments are often at capacity because there are many patients stuck in ED waiting for a ward bed. Patients who no longer need to be in ward beds get stuck because of hospital flow issues and also because of the availability of discharge options especially to residential aged care.

Many patients get stuck in EDs because there are not enough beds in the hospital wards. Patients then get stuck in the wards because there are resourcing issues inside hospitals or a lack of discharge options to care outside hospitals. The impacts are largest with elderly patients, mental health patients and National Disability Insurance Scheme (NDIS) participants who no longer require acute care but require additional support outside of hospital.

In three years we have added an additional \$7.1 billion to the health budget.

This additional funding is enabling us to add more than 1,400 more doctors, nurses, ambos and allied health staff and open more beds.

While we promised to deliver 300 beds in 2022, we have now increased that to 600 extra beds across the health system being put in place.

We have comprehensive plans to address every aspect of the blockages that lead to patients waiting longer on the ramp and in the community for an ambulance and are investing in new health initiatives to meet demand pressures, ease pressure on hospitals and address ramping.

### PROJECT COSTS

In reply to **the Hon. S.L. GAME** (6 February 2024).

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

1. No.
2. There is no cost blowout.



The Marshall Liberal government's flawed reference design would have cost \$14.3 billion and would not have included essential network upgrades to east-west connections. The costs of these essential upgrades are estimated at \$850 million for a total cost of \$15.15 billion. The \$9.9 billion figure was a cost provided by the former government to obtain a political benefit. The flawed reference design would never have been built for \$9.9 billion.

#### WHYALLA STEELWORKS

In reply to **the Hon. F. PANGALLO** (9 April 2024).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Energy and Mining advises:

1. The government of South Australia and GFG Alliance continue to maintain close contact. GFG Alliance is providing regular updates and the government is continuing to encourage GFG Alliance to minimise temporary impacts to staff as much as possible.

2. See 1.

3. No. Any funding provided will be on completion of approved projects. To date, the state government has not yet approved an application by GFG Alliance.

4. This is a question for Mr Gupta.

5. That is a question for GFG Alliance.

#### RENTAL AFFORDABILITY

In reply to **the Hon. R.A. SIMMS** (30 April 2024).

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

The South Australian government committed to delivering a package of initiatives to respond to current housing challenges. These initiatives included a review of the Residential Tenancies Act 1995 (act) to modernise the act, strike the right balance between protecting both tenant and landlord interests, and address the issues of rental affordability.

As part of this review, the Residential Tenancies (Limit of Amount of Bond) Amendment Regulations 2023 and the Residential Tenancies (Protection of Prospective Tenants) Amendment Act 2023 came into operation on 1 April 2023 and 1 September 2023 respectively, as the government's immediate priorities.

This provides immediate protections for tenants by limiting most rental bonds to four-weeks' rent (previously six weeks) and effectively banning rent bidding. This sought to provide relief to tenants in the rental market, while the broader review of the Residential Tenancies Act 1995 (RTA) was completed.

On 1 March 2024, the government commenced the next phase of RTA changes by introducing rental reforms in the Residential Tenancies (Miscellaneous) Amendment Act 2023 (amendment act) that did not require supporting regulations or significant adjustments to industry or community practices. Tougher penalties for all offences commenced, as did the amendment to ensure rent cannot be increased more than once within a 12-month period.

The remaining provisions in the amendment act will commence on 1 July 2024 (with one exception). Some of the changes to be commenced include:

- Requiring prescribed grounds to terminate or not renew a tenancy;
- Extending the notice period to end a tenancy from 28 days to 60 days;
- Allowing tenants to have pets in rental homes with reasonable conditions;
- Ensuring rental properties comply with minimum housing standards;
- Phasing in the need for replacement fixtures to meet energy and water saving standards;
- Providing additional support for victims of domestic violence; and
- Providing more protections for renters living in rooming houses.

This review presented opportunity for tenant and landlord representatives to discuss rent control measures. It was the overall view of those in attendance at the 2022 RTA forum that rent control measures are not a viable solution to rental affordability issues and are likely to cause an upsurge in rental prices.

Economists support this view, suggesting rent control disadvantages both landlords and tenants, and restrictions are likely to reduce incentive for investors, lead to disrepair of housing stock, reduce rental housing turnover, and exacerbate the mismatch between housing size and household size (particularly for vulnerable groups).

The South Australian government's housing package demonstrates commitment to increasing housing supply and providing affordable housing solutions, access, and support for South Australians. The government is in

the process of delivering the first increase in public housing stock in a generation. By increasing public housing stock and affordable housing options, we are lessening demand for housing which will in turn benefit lower income households. To further ease stress in the private market, the SA Housing Authority are undertaking a range of initiatives with key partners.

The government's approach does not support the Greens' freeze on rents for a period of two years.

#### FISHERIES SECTOR

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (2 May 2024).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** Yes, I have had formal correspondence with Seafood Industry South Australia Incorporated concerning the implementation of the government's revised and reset policy. Following their detailed feedback on the independent cost-recovery review, I sent a response dated 8 May 2024, outlining the steps for ongoing consultation and collaboration. This response underlines our commitment to stakeholder engagement and the effective implementation of the cost-recovery process.

#### FISHERIES SECTOR

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (2 May 2024).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** I have indeed responded to the formal correspondence from Seafood Industry South Australia Incorporated. After receiving their input on the independent cost-recovery review dated March 18, 2024, I addressed their concerns and suggestions in a detailed reply on 8 May 2024. This correspondence highlighted our commitment to thorough consultation and collaboration with the industry to ensure effective implementation of the cost-recovery framework.

#### APY ART CENTRE COLLECTIVE

In reply to **the Hon. T.A. FRANKS** (14 May 2024).

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

The Office of the Registrar of Indigenous Corporation (ORIC) have been provided with documentation as requested as part of the investigation. ORIC are an independent statutory authority who are under no obligation to report on the progress of their investigations to external parties. Nonetheless, I can advise that ORIC have contacted the Department of the Premier and Cabinet (DPC) with a request to provide further detail and specifics, as a 'notice to produce' under s. 453-5(1) of the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

#### HOMELESSNESS

In reply to **the Hon. R.A. SIMMS** (14 May 2024).

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

Funding under the new National Agreement on Social Housing and Homelessness (NASHH) is effectively a continuation of the former National Housing and Homelessness Agreement (NHHA) with the only significant changes being the split between the specific homelessness and general housing components.

However, by signing up to the new agreement, South Australia became eligible for a share of the new \$1 billion Housing Support Program (Priority Work Stream) funding. This funding will be used to support infrastructure projects that are currently limiting our ability to build more housing. South Australia's share of this is estimated at \$67.4 million.

Throughout the negotiations for the NASHH, the government has made efforts to advocate for additional funding. This included representations to the Hon. Jim Chalmers, commonwealth Treasurer, from the Board of Treasurers (all state and territory treasurers) advocating for more funding under the NASHH.

#### ASPIRE PROGRAM

In reply to **the Hon. S.L. GAME** (15 May 2024).

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

Since the 2022 election, the government has committed \$9.3 million to the Aspire Program including \$2.1 million arising from an election commitment, \$1.7 million in the 2023-24 state budget and more than \$5.5 million in the 2024-25 state budget.

This is part of broader support to homelessness services where the government has increased funding by more than \$30 million since the 2022 election for both higher indexation and to support specific programs.

Importantly, increased funding to homelessness services is complemented by our government's additional investment of hundreds of millions of dollars into public, community and affordable housing that will help people avoid homelessness in coming years and have stable pathways out of homelessness if required.

All of these investments contribute to avoiding higher long-term costs in other system like health and to build a more prosperous and resilient community.

#### NATIVE BIRD HUNTING

In reply to **the Hon. T.A. FRANKS** (15 May 2024).

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

1. The department's National Parks and Wildlife Service rangers are employed to undertake a range of duties across South Australia's environments.
2. The cost to the department for the staff time and operational costs for compliance activities during the duck open season opening weekend was \$18,528.38.
3. The staff conducted 318 compliance checks of permit conditions and issued seven cautions and 11 verbal warnings, with 12 matters currently under formal investigation.
4. The department does not reveal methodologies and ways of working for compliance operations.
5. The public has an expectation that the department will conduct compliance activities and monitor that duck hunters are compliant with legislation and adopting best practices whilst engaged in lawful duck hunting activities.
6. The department issued 1,430 permits in this duck hunting season with a total revenue to date of \$68,641.00. The department does not separately record activities undertaken by rangers across the entire duck hunting season.

#### REGIONAL RAIL

In reply to **the Hon. R.A. SIMMS** (16 May 2024).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Infrastructure and Transport advises that any request for project funding to the Australian government must be supported by evidence of the project benefits.

The state frequently works with the rail industry through rail infrastructure managers such as the Australian Rail Track Corporation, Aurizon and Bowmans Rail.

Aurizon and Viterra have submitted a business case to the Australian government for the reactivation of the rail-based export grain supply chain on Eyre Peninsula.

On 25 October 2023, the Hon. Tom Koutsantonis MP, Minister for Infrastructure and Transport provided a letter of support for the project to the Hon. Catherine King MP, federal Minister for Infrastructure, Transport, Regional Development and Local Government following country cabinet and discussion with local councils. The Department for Infrastructure and Transport (the department) will now deliver a business case for the Eyre Peninsula export grain supply chain for \$200 000 which will be 25 per cent funded by local government, to inform advice to the Australian government on investment priorities.

As part of its election commitments, the South Australian government committed a total of \$1.4 million to Great Southern Rail from 1 July 2022 to 30 June 2026, to support the operation of the *Overland* passenger train between Adelaide and Melbourne. A condition of the funding is that services stop at Bordertown and Murray Bridge.

The department is investigating the feasibility of providing a rail passenger service to Mount Barker using the existing rail corridor and will be considering rail options in a business case for mass transit between the CBD and Mount Barker.

In addition, the 2024-2025 state budget included \$10 million in partnership with the Australian government to plan for outer metro and regional passenger rail service extensions.

This will inform potential future rail bids as part of the future budget process.

#### VETERINARY STUDENTS

In reply to **the Hon. T.A. FRANKS** (16 May 2024).

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

As outlined in the Adelaide University Act 2023 payments made from the Adelaide University Student Support Fund (the fund) to Adelaide University (the university) will be applied towards:

- facilitating access to the university, and addressing equity considerations, for people within the community who have experienced disadvantages in education, or in access to education, or who are under-represented in education;
- programs developed by the university to address access to the university and equity considerations for people residing in regional and outer metropolitan areas who have experienced disadvantages in education, or in access to education or who are under-represented in education; or
- a purpose related to supporting students at the university approved by the advisory committee.

The fund guidelines are currently under development and will reflect what has been committed in the Adelaide University Act 2023.

#### COUNTRY FIRE SERVICE

In reply to **the Hon. T.A. FRANKS** (16 May 2024).

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

The 2024-25 state budget includes additional funding of \$817,000 over two years for the Country Fire Service (CFS) to undertake an audit of their facilities.

This additional funding will allow the CFS to commence this important piece of work.

The annual consideration of the emergency services levy will allow the Economic and Finance Committee to be kept informed of the progress of the audit.

#### SOUTH AUSTRALIAN HOUSING AUTHORITY

In reply to **the Hon. S.L. GAME** (4 June 2024).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Housing and Urban Development advised:

Maintenance of South Australian Housing Trust homes is currently provided through external service providers under service contracts which commenced in January 2023 after a public tender process and following extensive pricing consultation with sub-contractors.

SA Housing Trust tenants can ring the maintenance call centre and all repairs are prioritised so that no one is left in an unsafe position, and all progress is tracked.

The Trust receives around 152,000 requests for maintenance every year or an average of 3,000 every week. These are categorised from priority 0 to priority 4 depending on the urgency of the work.

The Trust's maintenance model has a management fee component paid to the head contractor for managing the works requests, and a payment to subcontractors based on schedule of rates.

Downer (Spotless) pass-through, in full, agreed scheduled rates to their subcontractors.

This model ensures transparency of rates being paid to subcontractors who are completing the work.

From contract inception on 1 January 2023 to 31 May 2024, total expenditure incurred for Spotless Facility Services is \$79.8 million GST inclusive. This includes Spotless' Management fees of \$11.9 million, and maintenance works of \$67.9 million GST inclusive.

To our knowledge there are no delays holding up of valid payments between contractor and sub-contractor; however, reports over issues with payment by the head contractor have recently come to light.

Any instance where subcontractors are not being paid for completed works which meet the service delivery standard is unacceptable. The government has commenced a review of the South Australian Housing Trust Maintenance Contract following these allegations. The review is being conducted by the chairs of the government's independent statutory authorities, the Urban Renewal Authority, SA Water Board, the South Australian Housing Trust Board and acting chief executive.

It is a requirement of the state government that suppliers must provide specific documentation evidencing completed works before public funds can be disbursed.

The review will also consider appropriate and effective dispute resolution mechanisms and any improvement models that could improve and enhance the maintenance outcomes for the Trust and its tenants.

The review will provide a report to the Minister for Housing and Urban Development by September 2024.

We take our responsibilities to our tenants seriously and their health and safety is our priority. We are working hard with our head contractors to improve outcomes for our tenants and prioritise all maintenance requests so that those with more urgent works required are managed faster and are given the highest priority.

### SAND DREDGING

In reply to **the Hon. T.A. FRANKS** (4 June 2024).

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

1. Following additional studies recommended by the panel it has been confirmed that the northern management area near Largs Bay, outlined in appendix C as areas A1–A5, is largely unsuitable for sand recycling due to its sediment and seagrass conditions. Area A3 could be an exception as its sand properties, while slightly coarser, are within an acceptable range. The chosen trial site, known as area B3, was determined during further studies as it has more suitable sand characteristics for recycling purposes.

2. Initial sand testing has shown the sand in area B3 has a median sand size of between 0.125 millimetres and 0.30 millimetres.

3. Investigations are being undertaken to confirm the mineral content of the sand in area B3 to determine if it can be a reliable source for ongoing sand recycling, however the results of early testing are positive.

4. The nearshore zone identified is about 350 to 400 metres from the shoreline at its deepest point.

### VULNERABLE CHILDREN

In reply to **the Hon. L.A. HENDERSON** (4 June 2024).

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

I undertook to bring back a response in relation to questions about recommendations made by the Coroner. Accordingly, the Minister for Child Protection has advised:

Section 20 of the former Children's Protection Act 1993, which was the focus of the honourable members' questions, while in effect at the time of the deaths investigated by the Coroner's Office (2016), was repealed along with the rest of the act at the time the Children and Young People (Safety) Act 2017 became fully operational (2018).

I can confirm that there is no direct equivalent of section 20(2) of the Children's Protection Act 1993 in the Children and Young People (Safety) Act 2017 (the CYPS Act). This is because recommendation 60 of the Nyland royal commission report recommended as follows:

'Amend section 20 of the Children's Protection Act 1993 to delete section 20(2) and (3), and include a provision which empowers the Agency to issue a written direction to parents, guardians or other persons requiring them to submit to a drug and alcohol assessment, with the results to be provided to Families SA.'

The CYPS Act responds to that recommendation by empowering the chief executive to direct a person or persons to:

- undergo an approved drug and alcohol assessment—section 36;
- take part in random drug and alcohol testing—section 37; and
- undertake an approved drug and alcohol rehabilitation program—section 38.

The Department for Child Protection takes its responsibilities under the CYPS Act very seriously and has systems in place to ensure its compliance.

Further, section 53(1)(c) of the CYPS Act empowers the Youth Court to make an order directing a drug and alcohol assessment.

From a practice perspective, the Department for Child Protection has made a range of improvements to its operations and staff guidance since the deaths, including:

- The Manual of Practice Investigation and Assessment Chapter (Engage with the family) provides guidance for social workers in relation to drug and alcohol assessment, testing and rehabilitation.
- The department initiated the Alcohol and Other Drug Learning and Practice Excellence strategy in 2020. The overall aim of this strategy is to further improve DCP's practice in relation to child protection matters that involve alcohol and other drugs.
- A practice paper entitled 'Substance misuse by Caregivers' was developed in 2020 as part of the implementation of DCP's practice approach. The paper supports staff to deepen their understanding of the impact of parental substance use on children and young people.

As to the specific matter of which government was responsible for which changes, I can advise that the legislative changes—introduction of the CYPS Act and repeal of the Child Protection Act—were instigated during the time of the Weatherill government, while the practice changes—most of which occurred in 2020—were actioned under the Marshall government.

**VULNERABLE CHILDREN**

In reply to **the Hon. C. BONAROS** (4 June 2024).

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

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**ELECTORAL COMMISSION, DUNSTAN BY-ELECTION**

In reply to **the Hon. J.M.A. LENSINK** (4 June 2024).

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

1. ECSA is in the process of developing a new electronic mark-off system (subject to funding approval) which will reduce the likelihood of these errors reoccurring.

To reduce human error, existing training for polling officials will be amended to reinforce the need to ensure electors are correctly marked off. Additionally, procedures will be amended to implement an additional stage to check data integrity prior to sending letters to electors.

2. ECSA has established a call centre to manage calls regarding the non-voter process.

ECSA is also in the process of writing to those affected to advise the nature of the error and that their vote was included in the count.

3. An analysis has identified 197 electors had voted however were incorrectly sent non-voter notices.

Of the 197, 48 have been determined as being due to a technical issue and the remaining 149 are considered as due to human error by polling officials.

#### **PUBLIC HOUSING**

In reply to **the Hon. R.A. SIMMS** (4 June 2024).

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

The South Australian Housing Trust has a clear plan for the staged relocation of tenants within the Seaton redevelopment.

All tenants in the area have been written to, including those in the first stages of relocations, those that will move in future stages, and also a small group of tenants that are not required to move.

The South Australian Housing Trust has an extensive history and established policy, procedures and staff that cover relocation activities.

The tenants in the first stages of relocations will be contacted via phone to discuss their relocation and:

- the timeline for the relocation
- why they need to relocate
- explain the relocation process
- what support can be provided—including phone, gas and electricity connection fees, mail redirection for three months and reasonable moving costs
- tenant housing needs and preferences
- reasonable reimbursement of property improvements made by tenants
- any other questions or concerns.

As part of their tenancy agreement, the South Australian Housing Trust has the ability to relocate people in the circumstances of redevelopment.

Staff will work with tenants on a one to one basis to find a new public housing home that meets their needs.

The government appreciates the importance of tenants' existing property and understand that moving home can be a big change. For some tenants it is a real opportunity to move into better accommodation while others might feel anxious and worried.

The South Australian Housing Trust will support tenants and have established additional support services available in this situation.

Tenants can call 1300 918 814 for more information.

In the specific case of Seaton, the age and condition of the properties is impacting tenants as the property is no longer suitable for them.

The local staff have received a number of transfer requests from existing tenants, so for some, relocations will be a positive opportunity that better meets their housing needs.

#### **AVIAN INFLUENZA**

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (5 June 2024).

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

Surveillance occurs during each quarter, based on weather and an available wild bird population to sample.

#### **VULNERABLE CHILDREN**

In reply to **the Hon. L.A. HENDERSON** (6 June 2024).

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** As Minister for Aboriginal Affairs, together with my colleague the Minister for Child Protection, we are steadfastly committed to improving outcomes for Aboriginal children in care. I have regular discussions with my colleague about the work being done in this space, and am proud that the government has invested significant funds into specific initiatives aimed at supporting Aboriginal children and families.

I have sought advice about the honourable member's specific questions from the Minister for Child Protection, who has advised:

The state government has expanded services available to Aboriginal people within the child protection and family support system.

Our government has invested \$450 million into the child protection and family support budget to ensure children and families are supported to thrive.

These additional investments include:

- \$3.2 million to establish an Aboriginal peak body for children and young people
- \$13.4 million for family group conferencing expansion
- \$35.7 million for intense family supports
- \$2.1 million for family reunification services
- The employment of 10 additional Principal Aboriginal Consultants

For the first 11 months of 2023-24, the growth rate for Aboriginal children and young people in care was -0.1 per cent. This continues the trend of slowing growth in the number of Aboriginal children and young people in care, which has seen the rate fall from 13.1 per cent in 2019-20.

Our government is setting about doing more to support Aboriginal families and to address the over-representation of Aboriginal children and young people in out-of-home care. We also recognise that these supports must be developed in partnership with the Aboriginal people.

#### COASTAL SAND EROSION

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

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

The City of Charles Sturt is responsible for the day-to-day management of the West Beach to Henley Beach coast. This includes the safe collection and disposal of asbestos and any other rubbish found on the beach.

The Department for Environment and Water undertakes a sand replenishment program. This includes replenishing West Beach with sand. Over the next 12 months, up to 200,000 cubic metres of sand will be delivered to West Beach. This will significantly reduce the likelihood that these small fragments are uncovered.

#### UNIVERSITY MERGER

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

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

The South Australian government is not concerned about any potential fall in ratings for the new Adelaide University. There might be a small diminution while the reputation of the university is built which has been accounted for in their planning.

The new Adelaide University will be a member of the Group of Eight universities which brings with it a foundation of strong academic reputation and other key contributors to maintain a top 100 university position in the rankings as stated in their strategic ambition. Being a Group of Eight university will make Adelaide University very appealing to international students.

#### CORRECTIONAL SERVICES

In reply to **the Hon. C. BONAROS** (18 June 2024).

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

The Minister for Police, Emergency Services and Correctional Services has advised:

Rehabilitation programs are central to the Department for Correctional Services (DCS) Reducing Reoffending by 20% by 2026 Strategy, and their commitment to Closing the Gap.

In line with the Agency Statements, the DCS budget is allocated across three key programs. Program one is Rehabilitation and Repatriation which provides for a range of offender and offence related programs including education, vocational training and prison industries. In the 2024-25 budget, the government committed \$47,219,000 to program one.

The Agency Statements also confirm that DCS met the 2023-24 target set for the delivery of behaviour changing rehabilitative programs designed to reducing reoffending.



In response to the statistics raised by the member in relation to family and domestic violence reoffending, while the recidivism measures used nationally through the Report on Government Services (RoGS) do not measure offence specific results, in the most recent RoGS report, South Australia's overall rate of 'return to corrective services with a new correctional sanction within 2 years' of release' continued its overall downward progression to 36.9 per cent. This further re-established DCS as the lead jurisdiction, again below the national average of 51.7 per cent. In addition, DCS is again leading the way with the current 20by2026 target.

Further to this, DCS recognises the devastating impact of family and domestic violence, and accordingly have several dedicated DCS programs and approaches, across all stages of response.

Key to the criminogenic response is the department's delivery of the Domestic and Family Violence Intervention Program and the Aboriginal Men's Family Violence Program. These programs are targeted interventions to address behaviour, and safety planning. Key topics include Responsibility, Values, Gender and Power, Dangerous Thinking, Sexual Respect, and Cycles of Violence.

DCS also has several important partnerships with external providers, including OARS Community Transitions who deliver the nationally recognised program 'Don't be that Man', which is funded by the Office for Women.

### BIOSECURITY

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (18 June 2024).

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

I am advised

The commonwealth department conducted a risk assessment in 2022 in response to Indonesia experiencing a widespread uncontrolled outbreak of foot-and-mouth disease (FMD). This led to enhanced risk management measures to manage the then higher risk, including travellers from Indonesia undertaking specific actions, such as the use of sanitation foot mats.

The commonwealth has been continuously and carefully monitoring the FMD outbreak situation in Indonesia and reviewing these enhanced measures. Upon review in December 2023, the commonwealth concluded that the disease situation had stabilised to the extent it is comparable with other countries where FMD is present. Therefore, risk settings could also be returned to those in line with other countries where FMD is present.

Measures that will continue include:

- Real-time risk assessments undertaken by commonwealth biosecurity officers at the border including identifying post-arrival indicators of risk and targeted questioning of travellers
- Application of biosecurity profiles to identify high-risk travellers, mail and goods
- Referral of all high-risk passengers and mail for biosecurity screening
- Continued screening with 2D X-ray capability and trials with the enhanced 3D X-rays
- Expanded deployment of detector dogs to all major international airports and mail facilities
- Targeted communication and engagement activities to increase awareness of biosecurity risks and import requirements.

Additionally, Australia's long established border arrangements remain in place and have proven effective in managing the risk of FMD from countries where the disease is present.

The commonwealth constantly monitors risk management in the context of the global and regional animal health situation to continue to manage the risks to Australia's favourable health status. They retain the option to implement enhanced measures again in the future should the disease risk warrant such action. The state government will continue to work with the commonwealth government in response to any change in incursion threat.

### COORONG FISH DEATHS

In reply to **the Hon. T.A. FRANKS** (18 June 2024).

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

1. On 10 April 2024 the Department of Primary Industries and Regions (PIRSA) biosecurity division was made aware of a Facebook post by a member of the public to the 'SA Natureteers' group indicating that there had been a fish kill in the South Lagoon region of the Coorong. No report was made via the FishWatch hotline.

PIRSA Biosecurity coordinated with the Department for Environment and Water (DEW) for a district ranger to attend the site and carry out an investigation. A DEW district ranger attended the area indicated in the Facebook post on the morning of 11 April 2024 and could not locate any fish kill.

2. The public holiday did not affect the departmental response time to the June fish kill event as PIRSA did not receive fish kill location information until after the public holiday on Tuesday 11 June 2024.

The earliest confirmed fish kill in the South Lagoon region of the Coorong was reported to PIRSA via news media on 3 June. No location details were made available. No report was made to the FishWatch hotline.

The location of the incident was not available at the time of that first report and so a site visit could not be undertaken. Site location details were received on 11 June 2024 and a site visit was then undertaken within 24 hours to collect water samples and environmental measurements.

#### **CANCER VACCINE TRIALS**

In reply to **the Hon. S.L. GAME** (19 June 2024).

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

Southern Adelaide Local Health Network (SALHN) is dealing directly with Professor Petrovsky/Vaxine in relation to the matters raised. There are broader issues between SALHN, Vaxine and the Flinders University which are the subject of current court proceedings. I am therefore unable to provide any further comment in relation to these matters.

In relation to the current cancer trial participants, SALHN has agreed that Vaxine can continue to have access to the lab space where that work is undertaken in order to allow for the continuation of the cancer trial research while the court proceedings progress.

#### **AVIAN INFLUENZA**

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (27 June 2024).

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

I am advised one producer has approached my office.

#### **CHIEF JUSTICE**

In reply to **the Hon. F. PANGALLO** (27 June 2024).

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** Having conducted a review of correspondence received by my office, I am advised that I have received four emails from members of the public regarding the amendments which abolished the appointment of King's Counsel since the introduction of the Statutes Amendment (Attorney-General's Portfolio) Bill 2024. This is a significantly lower number than on other bills I have introduced.

#### **COORONG FISH DEATHS**

In reply to **the Hon. T.A. FRANKS** (27 June 2024).

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

On 10 April 2024 the Department of Primary Industries and Regions (PIRSA) biosecurity division was made aware of a Facebook post indicating that there had been a fish kill in the South Lagoon region of the Coorong. However, no evidence of a fish kill was detected when government officers attended the location on the following day.

The earliest confirmed fish kill in the South Lagoon region of the Coorong was reported to PIRSA via news media on 3 June.