LEGISLATIVE COUNCIL

Thursday, 29 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.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report by Independent Commissioner Against Corruption—The room where it happens, lobbying and influence in South Australia [Ordered to be published]

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

Report to the Electricity Industry Superannuation Board—Actuarial Investigation of the Electricity Industry Superannuation Scheme
Report to the Police Superannuation Board—Actuarial Investigation of the Police Superannuation Scheme

ANSWERS TABLED

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

Question Time

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to provide a brief explanation before asking a question of the Minister for Primary Industries on the topic of marine scalefish fishing licence fees.

Leave granted.

The Hon. N.J. CENTOFANTI: Reforms to the South Australian marine scalefish fishery in 2018 enjoyed multipartisan support. The inception of fishing zones, setting quotas for priority species and other measures to manage the fishery were aimed at maintaining sustainable fish stocks into the future, but, importantly, the aim of the reforms was to ensure predictability for decision-making and the economic sustainability of the families and businesses in the commercial fishing industry.

Recently, the opposition has been approached by a large number of fishers who are absolutely beside themselves due to the licence fees that have been issued in July of this year. One fisher reported to me that his average licence fee increase was 270 per cent, with one licence increasing in price by 512 per cent. In some cases, they claim that they are being charged management fees for species that are off limits in their fishing zone. They also complain about an increase in red tape when they were promised the opposite by the government.

Confidence is so low in the industry that the asset value has tanked such that many fishers, even if they wanted to, are unable to sell their quota because it has now become a liability rather than the asset that so many of these fishers built up over their lives. The situation is dire and there are real concerns about the mental health aspects of this, with many fishers dealing with severe anxiety and uncertainty about their future. The minister, in her own correspondence, has said that

she will 'support the sustainability of both our marine resources and the businesses that make their living from them'. My questions to the minister are:

1. Has the minister formally met with the MSF Licence Fee Structure Working Group to discuss the issue of licence fees? If so, when? If not, why not?

2. What steps will she be taking in her role as minister to ensure the economic sustainability of these businesses, given industry confidence has hit rock bottom?

3. When did the MSF Licence Fee Structure Working Group last meet?

4. Has she provided the MSF Licence Fee Structure Working Group with a timeline and resolution?

5. Will the minister put a hold on current licence fee increases whilst this situation is sorted out and a fair and equitable alternative is found?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. I thank her also for the correspondence that she has sent to me in relation to the marine scalefish industry. I note that I did receive the exact same letter, word for word, from the member for Flinders. What the Leader of the Opposition's correspondence asks—or maybe it's the member for Flinders' correspondence, I am not quite sure who wrote it. They obviously couldn't be bothered to write specific letters of their own; they just had to cut and paste from each other, but that's up to them.

What it highlighted was a lack of understanding of the issue at hand and how the MSF is now in the position that it is requiring significant government support. The Leader of the Opposition might think it's not important in terms of how the MSF got here. It is extremely unfortunate that she seemingly has not taken the time to understand her former government's reform and how the decisions that were taken at that time have heavily impacted how the end of the reform is now playing out. If she did understand it, she would know that the end of the reform process and the expiry of the former government's subsidies in 2023-24 was going to lead to a new fee structure being required in 2024-25 to account for the new management arrangements and the fewer number of licences remaining in the fishery.

It is a simple fact that the reform started under those opposite. It was authored and designed by those opposite. There are aspects of that reform that, as they have played out, are very difficult to understand how the former government and minister came to the decisions they did, such as the former minister's decision to exclude the West Coast fishery from individual transferable quota (ITQ), instead imposing an Olympic quota many times above that ever caught in the zone. This, of course, now leads to a situation where West Coast fishers do not have ITQ and do not have to pay the same licence fees as fishers in other zones who do hold ITQ.

People have asked me if the former minister might have done this with a view to politics in the seat of Flinders, rather than anything to do with fisheries management. That is a question that only the former minister could answer. Indeed, the vast majority of decisions that led to where the fishery now finds itself are a direct result of how the former government structured the reform. It is appropriate to point that out, especially when the Leader of the Opposition tries to erase her former government's actions from industry—she is trying to erase her former government's actions from history.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: While I can see why she might like to do that, the reality is that it is important in how we move forward in recognising how we got here. The Leader of the Opposition made reference in her letter to me to the stated goals of the MSF reform and quotes the PIRSA website where it states, 'The reform is designed to strengthen the long-term financial and ecological sustainability of the industry.' She further goes on to make comment about the long-term viability of the sector, as she has today, in the letter: 'due to decisions made by your government and department', she said. That was the quote.

Unfortunately, Ms Centofanti is seeking to play shameless politics with this issue, given that the statement on the PIRSA website to which Ms Centofanti referred was a statement made by the former government, which authored and introduced this reform.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: So what we see now from the Leader of the Opposition is really more of the same as when her former government introduced the reform. Politics is all that those opposite are interested in and, as we have seen in the past few weeks, they even struggle to get that right. I note the Leader of the Opposition's social media post that was brought to my attention that she made last week where she infers that no action is being taken to address the issues—

Members interjecting:

The PRESIDENT: Order! Listen to the answer. How would I know whether she is answering the question or not?

The Hon. C.M. SCRIVEN: Where she infers that no action is being taken to address the issues that have been raised by the industry in relation to the fee structure. Unsurprisingly, she either doesn't understand or was being deliberately misleading. In my response to the Leader of the Opposition's letter, I very clearly stated that I had asked PIRSA to reconvene the MSF licence fee working group made up of all sectors with access to the MSF species to further discuss these issues.

The working group has since met, with options now being discussed about a way forward. Indeed, the conversation with industry since the fee structure was initially discussed and the 30:70 split was introduced has been continuous. We had ongoing discussions with the sector where I made it clear that I have been open to resolving issues that have been raised. That is one of the reasons why back in December I announced a further $1.55 million in fee subsidies for the MSF fishery.

Despite the differences in opinion that have occurred between the sectors with MSF access in how fees should be structured, I am confident that they will be able to continue to discuss possible alternatives to address the issues that have been raised. Discussions remain ongoing with industry about how fees are best structured, and I remain open to solutions that all impacted sectors can move forward with, and I will very gladly update the chamber when these discussions have concluded.

MARINE SCALEFISH FISHERY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: will the minister put a hold on current licence increases while this situation is sorted out?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, the question was not directed at you.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Minister, sit down. Do you want to listen to the answer to your supplementary question or not?

The Hon. N.J. Centofanti: She just answered it.

The PRESIDENT: Do you want to listen to the answer to your supplementary question?

The Hon. N.J. Centofanti: Yes, Mr President, I do.

The PRESIDENT: In silence.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): What is in place is the opportunity for licence holders to request financial circumstances assessment. Anyone who has written to me in regard to this has been offered the opportunity to do so.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I ask the honourable Leader of the Opposition to ask her second question, can I welcome, on your behalf, students from Pinnacle College who are in the gallery today. I hope you behave better than this in your classroom.

Question Time

WINE INDUSTRY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of the wine industry.

Leave granted.

The Hon. N.J. CENTOFANTI: In 2013, when there were concerns about the impending closure of the Elizabeth plant, the then Weatherill Labor government immediately committed $50 million towards the car manufacturing industry and their workers and cited that the then federal Coalition government's $100 million support package for workers at that time was pathetic and manifestly inadequate.

Fast-forward and this federal Labor government, in response to the wine industry and the Australian wine grapegrowers' plea for $80 million in support packages, has given an absolute pittance in $3.5 million to the industry—what an absolute joke—and the Malinauskas government even less so. My questions to the minister are: does she fundamentally believe that those workers in the highly unionised car manufacturing industry are worth more investment by a Labor government than those working in the wine grape industry and, if not, will she today, on behalf of her government, pledge—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley and the Government Whip (the Hon. Mr Hunter), who should know better, silence!

The Hon. N.J. CENTOFANTI: Hear, hear! And if not, will she today, on behalf of her government, pledge to commit the same $50 million of support packages to the South Australian wine industry, which is currently on its knees, and, if not, why not?

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, do you want to answer the question?

The Hon. L.A. Henderson: The minister is capable of answering her own question, is she not?

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Sit down.

The Hon. R.P. Wortley: I would sack your question writers.

The PRESIDENT: I am going to sack you if you keep it up. You will be having an early minute. Look, we were late this morning—I get it—but can we just get through question time. Minister, please.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I think it's quite fascinating that those opposite are referring

as an analogy to the car manufacturing industry, the industry that they chased out of Australia, and using that as an analogy with the wine industry. Are they acknowledging or are they indeed accusing their federal colleagues of chasing a lot of the wine industry out of Australia? Is there a reference to the behaviour that resulted in the wine tariffs from China? It is very interesting that they are taking responsibility for that, but I am sure that's a positive step forward for them. I have outlined in this chamber on a number of occasions the very many steps that I have undertaken and that our government has undertaken in terms of providing assistance.

WINE INDUSTRY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on wine industry research.

Leave granted.

The Hon. N.J. CENTOFANTI: There has been much public discussion about concerns with the reduction in funding to the Adelaide-based Australian Wine Research Institute (AWRI). Given the pain being felt across South Australia's grapegrowing and winemaking businesses at present and the declining demand for traditional commercial wines, the need for change and innovation across the wine sector is critical at present. The AWRI has been internationally recognised as an exemplary model of wine research development and extension and has a track record of groundbreaking research, while the national wine advocacy body Australian Grape and Wine is the prescribed industry representative body that advises wine research priorities to the federal government body Wine Australia.

However, there has been public concern raised that the level of funding support to the AWRI has now dropped below a critical sustainable level. The AWRI has seen a 38 per cent reduction in headcount and the management and board has expressed concerns that at this rate it is no longer viable. It is important to note that the reduction in funding to the AWRI has been much greater than the reduction in research levies coming from the reduction to the annual crush. My questions to the minister are:

1. Is she concerned about the viability of the AWRI being endangered by the current reduction in funding and of what that impact is likely to be on the research capabilities of the South Australian wine and grape industry?

2. Has she contacted her federal colleagues, Wine Australia and Australian Grape and Wine about this issue, and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): If I remember correctly, AWRI receives project funding, largely from Wine Australia, and it largely runs through the federal government. As such, it is a matter particularly for the federal sphere. I understand that those opposite are frequently confused about what is within the scope of the federal jurisdiction and what is within the scope of state jurisdictions, but on this side we will continue to try to assist them in their understanding.

However, it is worth noting that, as have I alluded to previously in this place, during the agriculture ministers meeting in March this year I was successful in having a national working group established to look at the issues facing the wine industry, in particular the red wine oversupply. The engagement with the working group was very wide and a lot of matters were raised through that. I would encourage the honourable member to perhaps read the reports that are now publicly available, and that may inform her further.

WINE INDUSTRY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Attorney-General! Supplementary question, the honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: Is the minister suggesting that federal cuts to the AWRI will not impact South Australian winegrowers, or is it that she is so junior a minister that she has zero influence on her federal colleagues?

The PRESIDENT: You can ignore the last part of the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I am suggesting that those opposite can't ask a suitable question.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms El Dannawi has the next question, and I am sure her cheer squad in the gallery are looking forward to this.

OFFICE OF THE PUBLIC ADVOCATE

The Hon. M. EL DANNAWI (14:36): My question is to the Attorney-General. Will the minister inform the council about his recent visit to the Office of the Public Advocate and the increased funding provided to the office?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): I thank the honourable member for her question and her very diligent work in representing the people of South Australia and her interest in the workings of the Office of the Public Advocate in particular. I am pleased to be able to update the council that, at the end of last month, I had the opportunity to visit once again the Office of the Public Advocate located in Victoria Square and meet with many of the remarkable staff of the OPA, the Office of the Public Advocate.

As many will be aware, the Office of the Public Advocate acts as what is known as guardian of last resort in cases where an individual does not have the capacity to make decisions for themselves and where there are no other appropriate people who can be appointed as guardian. The Office of the Public Advocate can also act as an advocate for people subject to guardianship orders.

This body can also provide information to the general public on advance care directives, consent to medical treatment and advocate on behalf of clients to government and other agencies for systemic, legislative and operational change. Many clients represented by the Office of the Public Advocate are highly vulnerable South Australians, and I am always struck by the great care and concern that officers within that office demonstrate in acting and advocating for their clients.

After having regular meetings with the Public Advocate, Anne Gale, it was a great chance to catch up, meet and hear from some of the staff who spend their days looking after the needs of their clients, which for some staff includes, on a rostered basis, being on the clock at all hours to ensure 24-hour support. The entire office kindly took the time in their busy work day to share some of the stories of what their daily work day looks like, including team leaders, guardians, guardian liaison officers, the aged-care team and the policy team.

Hearing from the staff demonstrated a resounding theme of sincere care and passion for the work that they do, and I would like to acknowledge and thank Anne Gale, as well as the assistant public advocates and each and every staff member, for their dedication to ensuring some of our community's most vulnerable people are afforded the highest quality of service and advocacy.

It was also a great opportunity to hear from the office how the recent additional funding, provided in the last budget, will impact on the pressures of the office. I am pleased to share that the recently announced allocation of $1.3 million a year in extra funding has enabled the employment of additional staff to assist with the office's integral work for the vulnerable client base, both in the guardianship and advocacy space. This funding was the result of a marked increase in the client group over a number of years and recognises the important role that the Office of the Public Advocate plays in supporting some of South Australia's most vulnerable people.

CORFLUTE SIGNS

The Hon. T.A. FRANKS (14:40): I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Planning on the topic of corflutes.

Leave granted.

The Hon. T.A. FRANKS: Residents of the West Torrens council, around the area of Kings Reserve, received a letter in their letterboxes from the West Torrens council, dated 8 August this year. That letter read:

> We write in regard to the display of a corflute sign on your land.
>
> We acknowledge the resident interest in the recent development application submitted by the Adelaide Football Club to the State Planning Commission and the display of signs coinciding with the assessment process.
>
> Now the planning consent process has been concluded, we are contacting residents still displaying corflute signs.
>
> It is our role to consider the impacts of development upon the residential character and amenity of the neighbourhood for all residents and visitors to the area.
>
> We take this opportunity to advise that the display of advertising material and signage is defined to be 'development' by the Planning, Development and Infrastructure (General) Regulations 2017, for which development approval is required.
>
> However, it is unlikely that a development application for a corflute sign of this nature in a residential area would be supported.
>
> Accordingly, the sign is required to be removed from display.
>
> Please ensure this work is undertaken by no later than 9 September 2024.

It then directs the resident to a phone number or an email address, should they have inquiries. My question to the minister is: is this a lawful request? Under what advice has the West Torrens city council advised its residents that a corflute sign about the Crows development would not comply or be given development approval? Would posters for, say, the yes campaign, Free Palestine, a home improvement project or, indeed, Port Power be compliant with such a request under the council's approach to development?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I thank the honourable member for her question. I will refer it to the minister in the other place and bring back a response.

FARMERS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:43): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development about South Australian farmers.

Leave granted.

The Hon. J.S. LEE: The National Farmers' Federation has recently published its annual priorities survey of 1,026 Australian farmers, including those from South Australia. The damning report shows that nearly three-quarters of Australian farmers believe that the Albanese government's policies are hurting the industry, and farmers felt they were being steamrolled by harmful policies. Federal climate change policies, biosecurity, supermarket power, transport infrastructure and the phase-out of live sheep exports topped the list of concerns. Asked whether the government had a positive plan to grow the farm sector, some 80.1 per cent disagreed.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I can't hear the honourable member. The honourable Deputy Leader of the Opposition, can you please finish your question?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: Nearly all respondents said increasing costs were negatively affecting the productivity of their operations. With 8.9 per cent of respondents being South Australian farmers, my questions to the minister are:

1. What is the minister's response to South Australian farmers who feel that they are being steamrolled by harmful policies?

2. What evidence can the minister provide to this chamber that she has done her job and stood up for farmers against the federal government's policy?

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter! Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I suppose I thank the honourable member for her question, which refers over and over to federal matters, given it was only a few minutes ago that I did refer to the fact that those opposite have constant difficulties in understanding what is covered under the scope of federal matters and what is covered under the scope of state matters.

In terms of specifics I would draw members' attention, for example, to the introduction later today of the new biosecurity bill, which is about streamlining acts: four acts are amalgamated into one and parts of other acts as well. Part of that is in response to the fact that a lot of farmers have said that it is quite difficult to manage many different legislative requirements from different acts and it was important that this was progressed.

Of course, it was not progressed under the former government. They did some consultation and then 18 months later, if I remember correctly, that consultation had not been released, even—it had not even been released. We are not quite sure why that was. Perhaps there was pushback from some of their constituencies and, as they did on so many things, they just threw in the towel—

The Hon. I.K. Hunter: They squibbed it, they just squibbed.

The Hon. C.M. SCRIVEN: —or, as the Hon. Mr Hunter said, they squibbed it. That is one example of what we have been doing. I would also point to the excellent relationships that we have with many of the bodies within the primary production sector. PPSA, Livestock SA, Grain Producers SA, among others, I meet with on a regular basis, and a number of those have spoken publicly about how useful they find the relationships. We of course don't always agree, and of course they don't always get everything that they would like.

But, again perhaps in contrast to the former government, we have a respectful relationship, we have regular dialogue, we are happy to consult, we are happy to debate and we are happy to find solutions. If those opposite would think about the specific issues in South Australia and would perhaps revise the attitude they had when they were in government, which was if someone disagreed then the government would cease to meet with them, perhaps they would be on these benches and not those opposite.

THRIVING WOMEN 2024 CONFERENCE

The Hon. R.P. WORTLEY (14:47): My question is to the Minister for Primary Industries and Regional Development regarding the Thriving Women 2024 Conference. Can the minister inform the chamber about the recent Thriving Women Conference hosted by Women Together Learning held in the Adelaide Hills Convention Centre in Hahndorf?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): I thank the honourable member for his question. It certainly was a pleasure to attend WoTL's Thriving Women Conference dinner recently in the beautiful Adelaide Hills. I am proud that my department, the Department of Primary Industries and Regions, sponsored this conference again in 2024. That is because the conference is a fantastic opportunity to pause, reflect on and celebrate the extensive contribution that women right around South Australia make to our agricultural sectors and to our regional communities.

The participation of women in regional businesses and communities is a critical force helping to grow our state's agribusiness sector, so I was pleased to see so many women taking advantage of the opportunity for capacity building and for development by attending the conference. The 2024 conference theme was 'Be the change'. The theme was an important call to action for women connected by agriculture to identify and harness our unique talents to influence matters that matter to us, from issues that affect the entire state through to those affecting individuals and families.

The conference program and presenters offered an array of useful tools for women to support efforts to continue to shape communities, businesses and industries. The first keynote speaker was Wendy McCarthy AO, who began her career as a secondary school teacher, moving out of the classroom and into public life in 1968 and has since become a trailblazer in women's leadership, championing for change across the public, private and community sectors.

The second keynote speaker was Olympia Yarger, ACT Australian of the Year in 2023, climate action pioneer and the founder of agtech startup Goterra. Olympia has pioneered a system that uses maggots as a waste management system to process food waste, reducing greenhouse emissions. Her system has saved more than 66,000 tonnes of carbon emissions. With such inspirational keynote speakers at the conference, I am excited to see how the women who attended put into action the knowledge and tools gained for the future evolution and growth of our state.

PIRSA also has a longstanding partnership with the conference organisers, WoTL (Women Together Learning). In collaboration, we have been able to provide leadership and development opportunities for women in agricultural and associated industries.

One of the key activities that has been supported by PIRSA for over a decade is WoTL's Stepping into Leadership Program, which offers leadership training, mentoring and coaching to emerging women leaders in agriculture in South Australia. The idea is to support them to step into leadership roles in their respective industry, community or business. It was encouraging to see so many of the current Stepping into Leadership Program cohort in attendance at the conference.

I commend WoTL and the conference team of volunteers for putting on an excellent 2024 conference to bring together women connected through agriculture. WoTL has curated a program tailored to the interests and desires of women in agriculture and regional communities and created a safe and welcoming environment for learning, sharing and growing.

The networking and connections developed through opportunities such as the Thriving Women Conference cannot be underestimated. To really thrive, it is important for women to have a good support network so that we can count on others for information and advice when we need it. I hope that by participating in the conference the attendees made some new connections or were able to deepen existing ones. I thank WoTL for their continued work in this important space and I thank all those who were involved in organising this important conference.

CONVERSION PRACTICES

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

Leave granted.

The Hon. R.A. SIMMS: After the 2021 Census, the Australian Bureau of Statistics issued a statement of regret for failing to ask meaningful questions to properly count members of the LGBTI community. The Albanese government this week announced that they will not be making any changes to the 2026 Census to ask about gender, sexual orientation or variations in sex characteristics. According to Equality Australia:

> The federal government has betrayed LGBTQI+ people around Australia who will again be rendered invisible in 2026 because the census won't ask appropriate questions about who they are and how they live.

This fortnight, federal Labor have also broken their promise to deal with discrimination in religious schools by deferring the issue once again to another session of parliament.

At the 2022 state election in South Australia, the Labor Party promised that, if elected, it would make sure conversion practices do not occur in this state. In June 2022, after the Malinauskas government was elected, the Attorney-General told the *Sunday Mail*:

Labor remains committed to ensuring this practice does not occur in South Australia and is working to deliver on another election promise.

My questions therefore to the Attorney-General are:

1. Given federal Labor has broken its promises to the LGBTI community, is the Malinauskas government's lack of action on conversion practices just another broken Labor promise?

2. When will the LGBTI community see action on this issue?

3. Will the Attorney-General follow this up with the Premier's Delivery Unit to make sure this reform is delivered during this term of parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for his question and his very strong advocacy in this area that has spanned all levels of government in Australia. I have previously informed parliament, and I can inform again, that this is an area, in terms of conversion practices, that spans a number of portfolio areas. I can assure the honourable member that work continues on this and I am more than happy that when there is something further to add I will inform the honourable member about the status of what this government is doing in relation to conversion practices.

CONVERSION PRACTICES

The Hon. R.A. SIMMS (14:54): Supplementary: when will we see legislation, and will the Attorney-General give a commitment that this will be done during this term of parliament? It's an election promise.

The PRESIDENT: Do you want to answer it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): As I have said, I will be more than happy at some stage, when there has been further consideration, to update the honourable member.

CHILD SEX OFFENDERS

The Hon. L.A. HENDERSON (14:54): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding sentencing.

Leave granted.

The Hon. L.A. HENDERSON: It's reported that, on 31 July this year, you met with Harrison James and Jarad Grice, who are the founders of the Your Reference Ain't Relevant campaign—a campaign the opposition has asked the minister about earlier this year. Harrison and Jarad are both survivors of child sexual abuse and are advocating for barring convicted child sexual abuse predators from accessing character references as a means of lessening their sentences. My questions to the minister are:

1. How many convicted child sex offenders in the last 12 months have submitted character references in mitigation of their sentences?

2. Has the government committed to amending section 11(4) of the Sentencing Act so that convicted perpetrators of child sexual abuse can no longer, as some put it, 'exploit the legal loopholes' that allow them to rely on good character references to mitigate their sentencing?

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. I did indeed have the very distinct privilege of meeting with Harrison and Jarad in recent months—two remarkable men who are using their experiences to try to make positive change to make navigating the system and what happens in the criminal justice system easier and better for those who come after them. I pay a great deal of tribute to the work that Harrison and Jarad are undertaking.

As I talked about with Jarad and Harrison, the proposition they are advocating for is something that is being considered right around Australia. It was considered last time all attorneys-general met at the Standing Council of Attorneys-General. It is something I would like to see, if we

are making change, as nationally consistent change. But, as I have let Harrison and Jarad know, if for any reason that progress is stalled at a federal level, we are happy to look at doing it in South Australia.

CHILD SEX OFFENDERS

The Hon. L.A. HENDERSON (14:57): Supplementary question: can the minister advise how many convicted child sex offenders have in the last 12 months submitted character references in mitigation of their sentences?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): Sorry, I thank the honourable member for that part of the question. I forgot to mention that when I talked about having met with Jarad and Harrison. I am happy to go away and see if there are statistics. My guess is there are probably not records kept of those statistics, but I am happy to go away and see if there are and bring it back if it's possible.

CHILD SEX OFFENDERS

The Hon. L.A. HENDERSON (14:57): Supplementary question: can the minister confirm whether he and his government are lobbying his interstate counterparts to adopt this change, as he has noted that he would like to see it consistently applied on a national platform?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): As I said, if we are seeing change in this area it's something I would like to see as a consistent change throughout Australia, but if that doesn't happen we are happy to look at doing it in South Australia ourselves.

NAIDOC WEEK

The Hon. R.B. MARTIN (14:58): My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council on his attendance at the NAIDOC event at the Living Kaurna Culture Centre?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for his question and his interest in Aboriginal affairs and particularly events that occur around the Marion area. It was a privilege to be invited to attend a NAIDOC event recently at the Living Kaurna Cultural Centre, hosted by the member for Boothby, Louise Miller-Frost.

It was heartening to see a large and diverse crowd which included the then Minister for Indigenous Australians, Linda Burney, come together to celebrate NAIDOC Week on what was quite a fresh Sunday morning. Importantly, the event provided a platform for Aboriginal and non-Aboriginal people to connect, learn and share experiences. This years' NAIDOC theme, Keep the Fire Burning! Blak, Loud and Proud, encapsulated the celebration of Aboriginal people, resilience and pride, which was a key point of discussion amongst the many in attendance.

I would like to give a special mention to Corey Turner, a Kaurna leader who, through his business Southern Cultural Immersion, plays a pivotal role in organising and facilitating events. Corey and his family have been managing the Living Kaurna Cultural Centre at Marion for the last few years and have done a tremendous job in utilising the grounds and the infrastructure.

Through Corey, the Living Kaurna Cultural Centre offers a variety of activities and events focused on Aboriginal and environmental education, including educational programs, cultural activities and performances that aim to celebrate and preserve the cultural heritage of the Kaurna people.

The site is a significant historical and cultural space serving as a traditional ceremonial meeting place for Kaurna people and a venue for ongoing cultural and spiritual practices. The centre also hosts meetings, training days, events and workshops, and is open to visitors who wish to learn more about Kaurna culture and history. I understand the Living Kaurna Cultural Centre also showcases emerging and established Aboriginal artists and creatives, as is reflected by the fact that the late Archie Roach held his very last Adelaide performance in front of hundreds at this venue.

I would particularly like to pay tribute to and thank Louise Miller-Frost for the invitation to attend this event, congratulate Corey and his team on the important work they do, and look forward to attending many more events at this important place.

DAVENPORT COMMUNITY

The Hon. F. PANGALLO (15:00): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the Davenport Community.

Leave granted.

The Hon. F. PANGALLO: The Davenport Community, a small Indigenous settlement on the northern fringe of Port Augusta, which is home to about 100 people, has been the centre of controversy in recent years after the council which managed the community was put into administration and an external manager appointed after serious allegations of financial mismanagement were raised.

Prior to being removed, the council was the housing and services provider for the Indigenous community for almost 40 years. In recent years, the community has fallen into a state of disrepair, with many of the common facilities, including the community centre, trashed by vandals. Crime is rife in the community, with allegations elderly members are being threatened with rocks being thrown at them and at their homes.

Earlier this year, I asked the minister a series of questions about Davenport, including if he was aware of why the council was placed into administration by the Aboriginal Lands Trust and whether any evidence of misappropriation and/or fraud emerged from the administration. I have since received further information that a leading Adelaide law firm was instructed under the previous Aboriginal Lands Trust CEO and that serious issues were identified as a result, including the theft of heavy vehicles and equipment worth tens of thousands of dollars. My questions to the minister are:

1. When can the minister provide a response to my initial question?

2. Can he provide the findings of the investigation conducted by the law firm?

3. Is there a current police investigation underway into the disappearance and presumed theft of the heavy vehicles and equipment?

4. What is the government doing to reduce the crime rate at Davenport and repair the common facilities that were damaged?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for his question. I am not aware of any current police investigation. Certainly, I am not aware of any findings of any criminal nature against anyone involved at the Davenport Community. I am aware of disputes that have occurred in recent years within the Davenport Community.

I am aware that the Aboriginal Lands Trust, under the relevant section of the Aboriginal Lands Trust Act, appointed an administrator for the Davenport Community, which lasted, from memory, some two or three years. My understanding is that administration has finished, and I understand that the Aboriginal Lands Trust is working with the Davenport Community Council Incorporated (DCCI) in relation to the administration of the lands at Davenport.

Davenport is one of a number of communities around South Australia whose land forms part of the Aboriginal Lands Trust estate. Many of the places that form part of the Aboriginal Lands Trust estate are former missions, and that is no different for Davenport, centred around the Umeewarra Mission that was set up on the outskirts of what is now known as Port Augusta.

In relation to investigations by a law firm, I think there was an Adelaide law firm that was engaged by the Aboriginal Lands Trust for matters that were connected with the administration of and disputes with the Davenport Community Council Incorporated. I am not aware that a law firm has conducted any investigation into the issues that the member alleges to do with fraud or vehicles, but I am happy to check on that and, if there has been one, to report back.

CASHLESS DEBIT CARD

The Hon. B.R. HOOD (15:04): My question is to the Minister for Aboriginal Affairs. Can the minister confirm if the federal government advised him or his office of the release of the report I asked him about yesterday, namely 'Review of the impact of the cessation of the cashless debit card', and if so, when was he or his office advised?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I will double-check, but I am not aware of any advice we have received from the federal government. Since the question yesterday, I printed out a copy of the report and I have had a chance to flick through it. It's quite a thick report—I am guessing a hundred or so pages—if I am remembering correctly from the cover page, conducted by the University of Adelaide.

I note that much of the report deals with issues that relate to stakeholder and participant interviews and talks about the opinions and thoughts of those in relation and comparison to the cashless debit card in a number of regions across Australia, including the Ceduna area. I certainly will be examining the report more closely to understand the opinions that people have expressed about their views about the cessation of the cashless debit card.

FRUIT FLY OUTBREAK

The Hon. T.T. NGO (15:06): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the chamber on the ongoing response to the Adelaide Qfly outbreak?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06): I thank the honourable member for his question. As members would be aware, six male Queensland fruit fly (Qfly) were detected in Salisbury North between 27 February 2024 and 4 March 2024, which triggered an outbreak of fruit fly in accordance with Australia's national fruit fly management protocol.

In response to the outbreak, a comprehensive suite of controls to eradicate fruit fly were applied to eradicate the pest, including applying bait and deploying devices to attract and kill fruit flies; regular checks of fruit for the presence of fruit fly larvae; picking up fallen fruit and taking unwanted fruit from trees; talking to residents and distributing information on activities they can support to assist the eradication; providing information to commercial growers and wholesalers on movement restrictions and how they can abide by market access requirements; and checking traps to detect fruit flies.

I am delighted to update members that the next stage of the response will start today. If you live in Salisbury North or the surrounding suburbs there is no need to be alarmed, should you see a low-flying plane in the area. The Department of Primary Industries and Regions will start the release of the first of more than 21 million sterile fruit flies using sterile insect technology (SIT) which will be released over the next three months as part of the state government's response to the Qfly outbreak in metropolitan Adelaide.

The metropolitan release will continue for 12 weeks around the Salisbury North area where the outbreak was detected. The first six weeks will see three million sterile flies released per week across the eradication site, and in the following six weeks a total of 600,000 will be released per week at a suppression rate. The last detection of any Qfly across the eradication site was on 6 May, so we know that the response is working and we are certainly heading in the right direction.

With the Qfly outbreak in Salisbury North essentially contained, this latest SIT release is, if you like, an insurance policy to ensure that any potential remaining wild flies are dealt with rapidly. Our world-leading SIT program utilising the national facility in Port Augusta is an effective weapon in the fight against fruit fly in South Australia, protecting our $1.15 billion worth of horticultural produce vulnerable to fruit fly infestation. The Qfly SIT facility is doing an excellent job in supplying both metropolitan Adelaide and the Riverland with a significant number of SIT flies every single week. This is playing a key role in the ongoing battle against Qfly in both the Riverland and metropolitan Adelaide.

I would also like to take this opportunity to thank the ongoing efforts of PIRSA staff and industry, in particular the CEO of AUSVEG SA, Jordan Brooke-Barnett, and the CEO of the South Australian Produce Markets, Angelo Demasi, for the leadership they have shown throughout the Adelaide outbreak. I look forward to once again being able to update this place once the SIT release is complete and, hopefully, full eradication can be declared.

FRUIT FLY OUTBREAK

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:09): Supplementary: is the government confident that the Port Augusta SIT facility will be able to supply both the metropolitan outbreaks and the Riverland outbreaks—touch wood, it doesn't—particularly if further outbreaks are detected?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I thank the honourable member for her supplementary question. We have doubled the capacity of the SIT fly facility at Port Augusta, which equips us well heading forward.

MEN'S HEALTH

The Hon. S.L. GAME (15:10): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health, regarding the absence of a targeted men's health policy in South Australia.

Leave granted.

The Hon. S.L. GAME: Western Australia, New South Wales and Victoria have all recognised the importance of addressing men's health through dedicated policies and frameworks. These policies are designed to tackle the unique health challenges faced by men and boys, ensuring their specific needs are met. For example, Western Australia released its Men's Health and Wellbeing Policy in 2019, which provides clear strategies to improve the physical, mental, social and emotional wellbeing of men and boys. Similarly, New South Wales has implemented the New South Wales Men's Health Framework and Victoria has developed the improving men's health and wellbeing strategic directions.

In contrast, South Australia, which once had men-specific health policies, no longer appears to maintain such targeted strategies. This is despite well-documented differences in health outcomes between men and women and the necessity for gender-specific approaches to health care. Men are at a high risk for certain health issues, including heart disease, mental health disorders and preventable injuries. There are concerns that a gender-neutral approach is currently being adopted in South Australia. My questions to the Minister for Health are:

1. Considering that states like Western Australia, New South Wales and Victoria have implemented targeted health policies for men, why does South Australia lack a specific men's health policy?

2. Given the federal government's national men's health strategy, which acknowledges the importance of gender-specific health approaches, why has the South Australian government not developed or maintained policies and strategies specifically for men's health and wellbeing?

3. Does the government recognise the longstanding need for a dedicated men's health policy in South Australia and, if so, what steps will be taken to address this gap?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question and I would be most pleased to pass that on to my colleague the member for Kaurna and Minister for Health, Chris Picton, in another place and bring back a reply.

COWARD PUNCH LAWS

The Hon. D.G.E. HOOD (15:12): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding South Australia's so-called coward punch laws.

Leave granted.

The Hon. D.G.E. HOOD: Some time ago, in November 2022, Mr Tyson Brady was unexpectedly hit twice by a stranger at a North Adelaide bar. Mr Brady was knocked unconscious and suffered a brain bleed from the impact, which now has the potential to erupt at any time in the future if he is ever struck again. Not surprisingly from this tragic event, Mr Brady suffers from post-traumatic stress disorder following this unprovoked violent attack.

After the offender pleaded guilty to causing harm he received a wholly suspended sentence of less than five months, which has now expired. The matter has been finalised and is no longer before the courts. Mr Brady has since called on the state government to toughen its penalties around the coward punch laws, to bring it into line with other states and jurisdictions such as New South Wales, Victoria, Queensland and Western Australia, which all have sentences which require actual jail time and, I understand, cannot be suspended in most circumstances.

In response to Mr Brady, I note a spokesperson for the Attorney-General stated, and I quote, 'The government is always open to exploring ways that legislation can be improved to make South Australians safer.' My questions to the Attorney-General are:

1. Is the Attorney-General satisfied that justice has been done and seen to be done in this case?

2. Will the state government commit to reviewing the South Australian legislation concerning coward punch laws to ensure that penalties are in line with community expectations, serve as a deterrence, and try to stop such events happening again in the future?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): I thank the honourable member for his question. Whenever we see incidents like this occur it is a tragedy for those involved and the families that are involved in these sorts of incidents. In relation to a part of the honourable member's questions about being satisfied about the sentence, I will repeat what I have said a number of times in here.

I have great faith in our judicial system and our criminal justice system. We as legislators set down the range of penalties to be imposed, given a particular set of circumstances and facts when they are found by a court. It is up to us as legislators to decide on the appropriateness. Certainly, over the last few years we have decided as legislators in certain areas—like the case I mentioned in the contribution on the bill on Tuesday with the death of Sophia Naismith—to increase penalties in relation to causing death with a vehicle in some circumstances.

Where a sentence that is imposed by a court is manifestly inadequate or manifestly excessive, it is open to both the defendant in the case and the prosecuting authority—often, for an indictable offence, the DPP—to lodge an appeal for that sentence if it falls outside the range that is generally given for those sorts of offences. We set the guidelines, the parameters down, and the courts use those and come up with a sentence and sometimes, when it's appealed by the prosecuting authority or a defendant, it is adjusted to take into account what we set down for the courts to look at.

In relation to one-punch laws, I note that the honourable member is correct in the quote that he reads out. It is something that we are happy to have a look at. I note that in some other jurisdictions there are laws in relation to causing someone's death. So that is something, as I said, we are happy to have a look at and, as we have done, if there is a need to change a law in South Australia we will absolutely consider doing that, as we have done on a number of occasions for a number of these matters.

COWARD PUNCH LAWS

The Hon. D.G.E. HOOD (15:16): Supplementary: I thank the Attorney for his answer. Does the Attorney acknowledge that our laws in this space, the specific space that I have outlined, appear to be somewhat out of sync with interstate jurisdictions?

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 supplementary question. As I have said, in other jurisdictions there are some laws that deal with such

as where it causes the death of the victim, and we are examining laws in other jurisdictions to see if they might have an application here in South Australia.

PRESIDENT'S NAIDOC AWARDS

The Hon. J.E. HANSON (15:16): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the recently announced female winner of the President's NAIDOC Award.

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. As I informed the chamber just earlier today, it was a great privilege to attend an event at the Marion Living Kaurna Cultural Centre during NAIDOC Week, and it's always a pleasure to attend events right around South Australia during NAIDOC Week as the Minister for Aboriginal Affairs currently and previously as the shadow minister for Aboriginal affairs.

I had the great privilege of attending events in a number of places during this year's NAIDOC Week, including in Port Augusta, including in the great City of Whyalla, and including Point Pearce on the Yorke Peninsula during this year's NAIDOC Week, as well as events throughout Adelaide. As I said, it was a very fitting theme for this year's NAIDOC Week: Keep the Fire Burning! Blak, Loud and Proud.

One of the centrepieces of each NAIDOC Week is the SA NAIDOC Awards luncheon. That incorporates a number of awards that are given in relation to outstanding achievement by Aboriginal and Torres Strait Islanders in South Australia. The Premier's NAIDOC Awards, as well as the Lord Mayor's NAIDOC Awards and other NAIDOC awards, in the last few years have been presented together in a very big ceremony that has typically happened and happened this year at Town Hall.

It was an honour this year to represent the Premier and present the Premier's NAIDOC Awards to the female and male winners. I am very pleased to be able to inform the chamber of the worthy winners of the NAIDOC Awards. I would like to share a little bit about this year's outstanding female winner of the Premier's NAIDOC Award, Ms Sandy Miller.

Ms Miller has dedicated her career to critical roles in the Public Service, in the spheres of Aboriginal health, child protection, social work and native title services, to mention just a few. After studying social work, Sandy worked for the department for community welfare for 20 years, first in the Ceduna office before moving to a policy and leadership role in Adelaide. She developed key programs that sought to support self-determination for Aboriginal children and families.

After a career with the department and leaving the public sector, Sandy's public service continued, serving on several boards and representing South Australia on the national Aboriginal and Torres Strait Islander Women's Alliance, as well as appearing at the United Nations. Sandy currently serves on the Women's and Children's Health Network governing board, as well as being an executive member of the Aboriginal Legal Rights Movement, the Indigenous People's Organisation, the Human Rights Commission and on the Community Leadership Reference Committee on Child Protection.

Most recently, Sandy has been pivotal in establishing the peak body for Aboriginal children and families. In recognition of her life's work, Sandy was South Australia's Senior Australian of the Year nominee in 2023. It was an honour to present Sandy with this year's Premier's NAIDOC Award, and I express my sincere thanks for her ongoing monumental contribution to the wellbeing of Aboriginal people, particularly Aboriginal children, in the state of South Australia.

Bills

BIOSECURITY BILL

Introduction and First Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): Obtained leave and introduced a bill for an act to protect and enhance South Australia's biosecurity for the benefit of South Australian industries, the environment and the community by providing for the prevention, detection and control of animal and

plant pathogens, pests and other biosecurity matter; to repeal the Dog Fence Act 1946, the Impounding Act 1920, the Livestock Act 1997 and the Plant Health Act 2009; to make related amendments to the Fisheries Management Act 2007 and the Phylloxera and Grape Industry Act 1995 and for other purposes. Read a first time.

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:23): I move:

That this bill be now read a second time.

I am very pleased to introduce the Biosecurity Bill 2024. South Australian primary industries generated a record $18.5 billion in revenue in 2022-23. This comes in a year where floods and global trade and geopolitical issues impacted the sector, including global recovery from the COVID-19 pandemic.

Strong results achieved over recent years, despite global challenges and extreme weather events, illustrate the importance of a robust and resilient primary industry sector, and this is no less the case when it comes to biosecurity. A strong biosecurity system is critical to underpinning the productivity and profitability of our primary industries.

Australia's biosecurity system has been valued at $314 billion by the Centre of Excellence for Biosecurity Risk Analysis at the University of Melbourne, reflecting a 30:1 return on investment. Australia and South Australia are world leaders in biosecurity, but significant changes, domestically and internationally, are leading to increased or changed biosecurity risks, and we need to keep pace with these.

Increased national and international movement of goods and people, climate change, changes in land use, the surge in e-commerce and changes in global pest and disease distribution are placing increased pressure on South Australia's biosecurity system and the nation as a whole. To effectively manage the increasing risks, there is a need for South Australia to introduce more contemporary, flexible biosecurity legislation.

The presence of foot-and-mouth disease and lumpy skin disease on Australia's doorstep (but not here), the recent incursion and establishment of varroa mite in New South Wales, our ongoing fight against fruit fly, and the recent emergency responses to the presence of abalone viral ganglioneuritis in the South-East of the state and tomato brown rugose fruit virus in the Northern Adelaide Plains are all significant challenges that underline the need for a strong and effective biosecurity system.

South Australia's current biosecurity legislation has served us well; however, there is the opportunity to strengthen the regulatory tools to respond to current and emerging risks effectively and consistently. Disparate provisions in acts covering plant health, animal health and aquatic-related biosecurity also impede efficient, flexible delivery and can be confusing for system participants. The commonwealth government and state and territory governments are progressively shifting to consolidated biosecurity acts.

As part of the national biosecurity system, a consolidated biosecurity act is needed for South Australia to enable a harmonised, flexible and risk and evidence-based approach to preventing, controlling and managing biosecurity risks and to ensure that South Australia remains a strong link in the national system.

This is a crucial bill for ensuring the future sustainability of our state's primary producers, environment and wider community. A thorough review of existing legislation and the opportunity for multiple rounds of stakeholder consultation culminated in an eight-week public consultation on the draft bill in August and September 2023. This has allowed us to make sure that the voices of system participants have been heard.

The bill brings consistency to the management of animal, plant and environmental biosecurity across industries by keeping and improving the best of what has worked in existing legislation and adding new tools and concepts to embed these in a single, modern, flexible legislative framework. It draws on the experience and lessons of other jurisdictions, such as Queensland, New

South Wales, Tasmania and Western Australia, in developing their biosecurity legislation to ensure that the bill is cutting edge and tailored to meet the needs of our state.

The Biosecurity Bill 2024 introduces new concepts to the way biosecurity is managed and regulated in South Australia. A fundamental concept in the bill is that of biosecurity matter, which includes any animal, plant or other organism, apart from a human being, and animal and plant pests and diseases, disease agents, prions (abnormal proteins) implicated in animal diseases, contaminants and animal and plant products. For example, bees, varroa mites and honey would all be kinds of biosecurity matter.

The bill also defines a carrier of biosecurity matter, which is any living or non-living thing that has, or is capable of having, biosecurity matter on it, attached to it or contained in it. For instance, a hive or a vehicle may be a carrier of bees. Bees are carriers of varroa mites, and varroa mites themselves may be carriers of serious viruses, such as deformed wing virus. Humans are not within the definition of 'carrier', but it does include things that are worn or carried by a person, such as clothing, footwear and personal baggage.

A third crucial concept is that of a dealing, which includes most human interactions with biosecurity matter or carriers. Common examples of dealings include growing plants, selling or moving produce, keeping animals and researching a pest or a disease. Additionally, there are concepts of biosecurity risk and impact. Biosecurity risks are the risks of biosecurity impacts arising from biosecurity matter, a carrier or a dealing. These detrimental impacts may be economic, environmental or social. Examples include livestock sickness or death, crop yield loss, products made unfit for market, harm to native animals or plants, damage to infrastructure and dangers to public safety.

The bill provides for certain biosecurity matter and carriers or classes of biosecurity matter and carriers to be declared prohibited. These are the biosecurity matter and carriers that pose a significant biosecurity risk to South Australia and for which regulation and controls are necessary to prevent, eliminate, minimise, control or manage that risk.

Similarly, the bill allows for prohibited and regulated dealings to be declared by regulation. Prohibited dealings pose biosecurity risks in the same manner as prohibited matter and require similar regulation and controls to prevent, eliminate, minimise, control or manage those risks. Regulated dealings require anyone undertaking them to be registered for that purpose and to carry them out subject to conditions of their registration that ensure the dealing does not pose an unacceptable biosecurity risk.

The bill aims to build a culture of shared responsibility among government, industry and the community for protecting our state from the impacts of pests, diseases and contaminants. To support this outcome it introduces the key new concept of general biosecurity duty, which is a duty everyone has to prevent, eliminate, minimise, control or manage biosecurity risks when dealing with biosecurity matter or a carrier.

The general biosecurity duty requires a person to take reasonably practicable measures in relation to a risk they know or reasonably ought to know exists. The standard for complying with the general biosecurity duty is set at that which can be expected for someone in their circumstances and with their knowledge and will be different, for example, for a professional researcher or agronomist than a member of the public. There is also guidance within the bill as to the meaning of 'reasonably practicable'.

In addition to the general biosecurity duty there is a biosecurity duty to notify a biosecurity event in the bill. If prohibited matter or an incursion of a new pest or disease is observed or suspected then there is a legal requirement to make a notification. This requirement is critical to facilitating an early response to a pest or disease incursion, providing the greatest likelihood of successful eradication.

The bill also contains a suite of tools for implementation of responses to biosecurity risks and impacts. This includes tools to establish areas subject to certain measures necessary to regulate a biosecurity risk. These range from a short-term emergency order through a medium-term control order to a long-term biosecurity zone.

Emergency orders have a wider range of measures available and are for use in emergencies that present a high risk and/or impact such as an outbreak of foot-and-mouth disease, while a control order might be used for a fruit fly outbreak and a zone established for ongoing measures to protect the pest or disease-free status of a particular area such as the Riverland or Kangaroo Island.

Authority to issue emergency and control orders resides with the minister, with zones established by regulation. Outside of emergency situations, if there would be adverse effects in relation to relevant acts there are requirements to consult with the appropriate minister. These tools are supported by individual and group directions.

The chief executive of PIRSA may give a general biosecurity direction to people that prohibits, regulates or controls particular dealings and specifies measures to be taken for the purpose of assessing, preventing or managing a biosecurity risk or impact. The chief executive, a chief officer or an officer authorised by the minister under the act may give an individual biosecurity direction to a person requiring them to undertake or cease specified actions to manage a biosecurity risk or prevent a contravention of the act; for example, directing them to take specified actions to destroy a pest on their property which is prohibited matter or cease a particular activity which is prohibited under a control order.

Authorised officers also have a range of powers they can exercise for authorised purposes in administering and enforcing the act, which includes the scope of powers in existing biosecurity related legislation. They strike the right balance between allowing officers to act in implementing the bill and ensuring appropriate checks and balances are in place. Importantly, the bill gives authorised officers authority to act if they believe or reasonably believe the situation requires action to prevent, eliminate, minimise, control or manage a biosecurity risk or impact. Provisions such as these are central to supporting the bill's aims of risk-based decision-making and acting early to achieve the best biosecurity outcomes.

The bill contains a number of provisions to support access to domestic and international markets for South Australia's produce, enabling it to be certified as pest and disease free and traced through the supply chain, meeting entry conditions of the receiving jurisdiction. These include registration of people engaging in regulated dealings and provisions to enable allocation of identification codes, such as the existing Property Identification Code for livestock producers. This can be extended under the new framework, for example, to property ID codes for producers of plants. Such identification schemes are increasingly important in supporting market access and are also critical in tracing the movement of pests and diseases in an emergency.

Another central theme of the bill is supporting shared responsibility. Examples of this include co-regulation with industry, provision for the establishment of biosecurity programs and the general biosecurity duty. Industry codes of practice, standards and market assurance schemes can be legally recognised under the bill. Further, both government and non-government organisations can be accreditation authorities. Such authorities accredit biosecurity certifiers who can certify that products meet required conditions for market access.

Biosecurity programs are an important new tool to prevent, eliminate, minimise, control or manage a particular biosecurity risk or impact. These can be proposed by an industry or community body or be led by government. They will foster partnerships, shared responsibility and co-investment in tackling issues of interest to specific industry or community groups. Shared responsibility is also supported by the general biosecurity duty, which will encourage and facilitate collective responsibility for biosecurity risks that affect us all. Everyone will need to meet the general biosecurity duty when dealing with a biosecurity matter.

The bill provides for a modern, flexible compliance framework and brings outdated penalties into line with the risk and impact of the offences involved. Of these, release of a prescribed agent with intent to harm or infect/infest animals or plants and cause substantial harm to an industry or the state economy is the most serious and carries a maximum penalty of $1 million, 10 years in prison, or both.

Another important provision in the bill relates to extraterritorial application of the act to ensure it may apply to the greatest extent it can. This could be used, for example, to take compliance action against online retailers sending prohibited matter into South Australia from interstate. The bill also

provides the required flexibility where a person or group of people need to undertake an activity that would otherwise be unlawful under the bill, and this can be done with certain prescribed conditions to manage this risk. This is managed through a system of individual and group permits which, for example, could be used to allow a grower or group of growers to move fruit out of a fruit fly affected area once suitably treated and certified.

The bill seeks to address significant risks to South Australia's economy, environment and people and, as such, contains necessary powers, many of which I have touched upon. It has been carefully crafted to ensure strategic decisions with potentially significant implications reside with the minister or chief executive and decisions relating to day to day and on-ground application reside with the Chief Plant Protection Officer, Chief Veterinary Officer, or an authorised officer. Scope exists for delegation where appropriate.

Furthermore, the bill provides for review of decisions through the minister or, where appropriate, externally through the South Australian Civil and Administrative Tribunal. The bill will also replace the Dog Fence Act 1946, continuing the Dog Fence Board in its important role managing the dog fence to ensure wild dogs are prevented from entering pastoral and agricultural areas of the state. The bill updates existing provisions, while maintaining the essential functions related to the board and the dog fence. Schedule 2 is necessary to the bill, but is provided in erased type as clauses 18 and 19 deal with money.

The Biosecurity Bill is the result of a significant body of work to ensure that South Australia has fit for purpose, modern legislation to manage biosecurity risks now and into the future. There has been significant consultation, which showed broad support for the proposed reforms and creation of a consolidated biosecurity bill. It also resulted in some substantial improvements to earlier drafts of the bill. I commend the Biosecurity Bill 2024 to the council and look forward to further debate. I seek leave to table the explanation of clauses and insert it in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Division 1—Formal

1—Short title

2—Commencement

These clauses are formal.

Division 2—Interpretation and key concepts

3—Interpretation

This clause defines terms used in the measure.

4—Meaning of biosecurity event

This clause sets out the meaning of a *biosecurity event* for the purposes of the measure.

5—Meaning of biosecurity impact

This clause sets out the meaning of a *biosecurity impact* for the purposes of the measure.

6—Meaning of biosecurity matter

This clause sets out the meaning of a *biosecurity matter* for the purposes of the measure.

7—Meaning of *carrier*

This clause sets out the meaning of a *carrier* for the purposes of the measure.

8—Meaning of *dealing*

This clause sets out the meaning of a *dealing* for the purposes of the measure.

9—Meaning of *emergency*

This clause sets out the meaning of an *emergency* for the purposes of the measure.

10—Meaning of *pest*

This clause sets out the meaning of a *pest* for the purposes of the measure.

11—Meaning of suitable person

This clause sets out the meaning of *suitable person* for the purposes of the measure.

12—Meaning of reasonably practicable

This clause sets out the meaning of *reasonably practicable* for the purposes of the measure.

Division 3—Classification of matter and dealings

13—Prohibited matter

This clause establishes what constitutes prohibited matter.

14—Prohibited and regulated dealings

This clause establishes what constitutes prohibited and regulated dealings.

Division 4—Principles that apply to biosecurity duties

15—Duty not transferable

This clause provides that a biosecurity duty cannot be transferred to another person.

16—Person may have more than one duty

This clause provides that a person can have more than 1 biosecurity duty.

17—More than one person can have a duty

This clause provides that more than 1 person can concurrently have the same biosecurity duty.

18—Duty to prevent, eliminate or minimise biosecurity risk

This clause provides that there is a duty imposed on a person to prevent, eliminate or minimise a biosecurity risk.

Division 5—Extraterritorial application

19—Extraterritorial application

This clause provides that the measure is to apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

Division 6—Status of Act

20—Interaction with other Acts

This clause sets out the interaction between the measure and other Acts or laws.

21—Act does not give rise to or affect civil causes of action

This clause provides that a provision of this Act does not confer a right of action in civil proceedings based on a contravention of the provision.

Part 2—Objects

22—Objects

This clause establishes the objects of the measure.

Part 3—Administration

Division 1—Chief Officers and deputies

23—Chief Officers

This clause establishes that there will be a *Chief Plant Protection Officer* and a *Chief Veterinary Officer* and provides for their appointments.

24—Deputy Chief Officers

This clause establishes that there will be a *Deputy Chief Plant Protection Officer* and a *Deputy Chief Veterinary Officer* and provides for their appointments.

25—Roles of Deputy Chief Officers

This clause establishes the roles, powers and functions of the deputy chief officer.

Division 2—Authorised officers

26—Appointment of authorised officers

This clause provides for the appointments of authorised officers.

27—Identity cards

This clause requires that an authorised officer is issued with an identity card.

28—Use of assistants

This clause provides that an authorised officer performing a function under this Act, may perform the function with the assistance of such other persons as the authorised officer considers necessary in the circumstances.

29—Use of animals

This clause provides that an authorised officer, performing a function under this Act, may perform the function with the assistance of an animal to detect the presence of, or to manage, biosecurity matter.

30—Provision of assistance

This clause provides that an authorised officer may require an owner or occupier of any premises, any person in or on any premises (other than a public place), or a person apparently in charge of any vehicle, plant, equipment or other thing, to provide any reasonable assistance and facilities that the authorised officer or a person assisting the authorised officer reasonably requires for the effective exercise of a power.

31—Performance and exercise of functions and powers in emergency

This clause states that the fact that a provision of the measure only authorises an authorised officer to perform or exercise specified functions or powers in an emergency (or in the case of an emergency) does not prevent the authorised officer from performing or exercising any other function or power under the measure in that emergency.

32—Extraterritorial performance and exercise of functions and powers

This clause provides that the Minister may enter into an agreement with a Minister of the Commonwealth or another State providing for the performance of powers or the exercise of functions on behalf of the Commonwealth in another State or under a corresponding law in South Australia by interstate officers.

33—Hindering etc persons engaged in the administration of Act

This clause provides for an offence of hindering authorised officers.

Division 3—Authorised analysts

34—Authorised analysts

This clause provides for the appointment of authorised analysts.

Division 4—Statutory corporations

35—Establishment of statutory corporations by regulation

This clause provides for the establishment of statutory corporations by regulation.

36—Dog Fence Board

This clause provides for the continuation of the *Dog Fence Board* as a statutory corporation.

Division 5—Quarantine stations

37—Quarantine stations

This clause provides for a designated authority that may, by notice published on the Department website, declare a place to be a quarantine station.

Division 6—Register

38—Register

This clause provides for a register of certain matters.

Division 7—Delegations

39—Delegations

This clause makes provision for a power of delegation by a statutory authority.

Part 4—Biosecurity duties, dealings and measures

Division 1—General biosecurity duty

40—General biosecurity duty

This clause provides for the general biosecurity duty.

41—Failure to comply with general biosecurity duty

This clause makes it an offence to fail to comply with a biosecurity duty.

42—Specified biosecurity requirements

This clause makes provision for specified biosecurity requirements.

Division 2—Dealings

43—Prohibited matter

This clause provides that a person who deals with any biosecurity matter that is prohibited matter throughout the State is guilty of an offence.

44—Prohibited dealings

This clause makes it an offence to engage in a prohibited dealing.

45—Regulated dealings

This clause makes it an offence to engage in a regulated dealing except in certain circumstances.

Division 3—Other requirements

46—Manifests

This clause creates offences relating to prescribed biosecurity matter.

47—Biosecurity matter sold for propagation

This clause makes it an offence to sell any prescribed biosecurity matter for propagation unless it is accompanied by a label or other notice in writing containing the information prescribed by the regulations.

48—Packaging and labelling for sale

This clause makes it an offence to pack for sale or sell prescribed biosecurity matter in packaging unless the packaging meets specified requirements.

Division 4—Duty to notify biosecurity event

49—Biosecurity duty to notify biosecurity event

This clause provides that a person who becomes aware of, or who reasonably suspects, the occurrence or likely occurrence of a biosecurity event has a biosecurity duty.

50—Failure to comply with biosecurity duty

This clause provides that a person must not fail to discharge the person's biosecurity duty.

51—Protection against self-incrimination

This clause provides a protection against self-incrimination, other than for certain offences under the measure.

Part 5—Registration scheme

Division 1—Preliminary

52—Nature of biosecurity registration

This clause sets out the nature of a biosecurity registration.

Division 2—Obtaining registration

53—Application for registration

This clause provides for the making of an application by a person for a biosecurity registration.

54—Grant or refusal of biosecurity registration

This clause provides for the grant or refusal of a biosecurity registration.

55—Duration of biosecurity registration

This clause provides that a biosecurity registration remains in force for a period, not exceeding 5 years and that the registration may be renewed.

56—Periodic fees and annual returns

This clause provides that a prescribed registered entity must in each year pay the prescribed fee and lodge a return.

57—Variation of biosecurity registration

This clause provides that the Chief Officer may, at any time, by written notice to the registered entity, vary the biosecurity registration.

Division 3—Renewal of biosecurity registration

58—Renewal of biosecurity registration

This clause provides that a registered entity may apply to the relevant Chief Officer for renewal of biosecurity registration.

59—Grant or refusal of renewal of biosecurity registration

This clause provides that the relevant Chief Officer may, after considering an application for renewal of biosecurity registration, renew the biosecurity registration with or without conditions, or refuse to renew the biosecurity registration.

Division 4—Conditions of biosecurity registration

60—Conditions of biosecurity registration

This clause provides that the relevant Chief Officer may impose conditions on a registered entity's biosecurity registration.

61—Compliance with standards

This clause provides that a condition imposed on a registered entity's biosecurity registration may require the registered entity to engage in a regulated dealing in accordance with all of, or part of, a specified standard, code, guideline, protocol, program or other similar instrument.

62—Conditions requiring specified works or measures

This clause provides that a condition imposed on a registered entity's biosecurity registration may require the registered entity to carry out specified works, or to put in place specified measures, to prevent, eliminate, minimise, control or manage the biosecurity risk of a biosecurity dealing.

63—Conditions imposing alternative arrangements

This clause provides that a condition imposed on a registered entity's biosecurity registration may require the registered entity to have in place an alternative arrangement that has been approved by the relevant Chief Officer.

64—Conditions for insurance cover

This clause provides that a condition imposed on a registered entity's biosecurity registration may require the registered entity to take out and maintain a policy of insurance that indemnifies the registered entity against any liability to which the registered entity may become subject in connection with the regulated dealing under the biosecurity registration.

65—Conditions requiring biosecurity audits

This clause provides that a condition imposed on a registered entity's biosecurity registration may require the registered entity to co-operate with, or arrange, mandatory biosecurity audits and may provide for the frequency of biosecurity audits.

66—Conditions requiring financial assurances

This clause provides that a condition imposed on a biosecurity registration may require certain financial assurances.

67—Conditions for record keeping and the provision of information

This clause provides that record keeping conditions and conditions in connection with the provision of information may be imposed on a biosecurity registration.

68—Conditions to take effect later

This clause provides that a condition on a biosecurity registration may take effect at the end of a specified period or on the happening of a particular event or on the occurrence of a specified state of affairs.

69—Failure to comply with condition

This clause imposes a penalty for a contravention of a condition of a biosecurity registration.

Division 5—Suspension, cancellation or surrender of biosecurity registration

70—Grounds for suspension or cancellation of biosecurity registration

This clause establishes grounds for the suspension or cancellation of a biosecurity registration.

71—Suspension of biosecurity registration

This clause makes provision for the suspension of a biosecurity registration.

72—Cancellation of biosecurity registration

This clause makes provision for the cancellation of a biosecurity registration.

73—Surrender of biosecurity registration

This clause makes provision for the surrender of a biosecurity registration by a registered entity.

74—Effect of suspension, cancellation or surrender

This clause provides that a biosecurity registration may be suspended, cancelled or surrendered under this Division unconditionally or subject to such conditions as the relevant Chief Officer may impose.

Division 6—Identification codes

75—Identification codes

This clause enables the provision of 1 or more schemes for the allocation of codes identifying certain issues relating to biosecurity matter.

Part 6—Biosecurity accreditation, auditing and certification—administration

Division 1—Preliminary

76—Interpretation

This clause defines terms for the Part.

77—Appointment policy for biosecurity auditors

This clause provides that an accreditation authority that is authorised to appoint biosecurity auditors under this Act must adopt a policy in relation to the appointment of biosecurity auditors.

78—Accreditation policy for biosecurity certifiers

This clause provides that an accreditation authority that is authorised to accredit biosecurity certifiers under this Act must adopt a policy in relation to the accreditation of biosecurity certifiers.

Division 2—Accreditation authorities

79—Accreditation authorities

This clause provides for accreditation authorities and sets out what an accreditation authority is authorised to do.

80—Responsible accreditation authority

This clause makes provision for a responsible accreditation authority.

Division 3—Applications

81—Applications

This clause provides for the making of applications for—

(a) approval as an accreditation authority; or

(b) appointment as a biosecurity auditor; or

(c) accreditation as a biosecurity certifier.

82—Grant or refusal of application

This clause provides for the grant or refusal of an application.

83—Scope of appointment or accreditation

This clause provides for certain matters in relation to the appointment of a person as a biosecurity auditor and the scope of that appointment. It also provides for certain matters in relation to the accreditation of a biosecurity certifier and the scope of that appointment.

84—Duration of relevant authorisation

This clause provides that a relevant authorisation remains in force for a period, not exceeding 5 years, specified by the relevant decision-maker, unless sooner cancelled or suspended.

85—Variation of relevant authorisation

This clause provides that a relevant decision-maker may, at any time, by written notice, vary a person's—

(a) approval as an accreditation authority; or

(b) appointment as a biosecurity auditor; or

(c) accreditation as a biosecurity certifier.

Division 4—Renewal of relevant authorisation

86—Applications to renew

This clause provides that the holder of a relevant authorisation may apply to the relevant decision-maker for renewal of the relevant authorisation.

87—Grant or refusal of renewal of relevant authorisation

This clause provides for the grant or refusal of a renewal of a relevant authorisation.

Division 5—Conditions of relevant authorisation

88—Conditions of relevant authorisation

This clause provides for the imposition of conditions on a person's relevant authorisation at the time of the grant, or renewal of the authorisation, or at any other time by variation to the relevant authorisation.

89—Conditions of approval as accreditation authority

This clause makes provision in relation to the conditions of approval as an accreditation authority.

90—Conditions of appointment as a biosecurity auditor

This clause sets out the conditions of, or that may be imposed on, an appointment as a biosecurity auditor.

91—Conditions of accreditation as a biosecurity certifier

This clause sets out the conditions that may be imposed on the accreditation of a biosecurity certifier.

92—Failure to comply with condition

This is an offence provision relating to breaches of conditions.

Division 6—Suspension, cancellation or surrender of relevant authorisation

93—Grounds for suspension or cancellation of relevant authorisation

This clause sets out the grounds for suspension or cancellation of a relevant authorisation.

94—Suspension of relevant authorisation

This clause makes provision in relation to the suspension of a relevant authorisation.

95—Cancellation of relevant authorisation

This clause makes provision in relation to the cancellation of a relevant authorisation.

96—Immediate suspension in certain circumstances

This clause makes provision in relation to the immediate suspension of a relevant authorisation in certain circumstances.

97—Surrender of relevant authorisation

This clause provides for the surrender of a relevant authorisation.

98—Effect of suspension, cancellation or surrender

This clause makes provision in relation to conditions that the cancellation, suspension or surrender of a relevant authorisation may be subject to.

Part 7—Biosecurity audits and certification

Division 1—Biosecurity audits

Subdivision 1—Preliminary

99—Interpretation

A definition of *designated authority* is set out for the Division.

Subdivision 2—Authority to act

100—Biosecurity auditors

Biosecurity auditors are provided for.

101—Approval of authorised officer to perform functions of biosecurity auditor

The Chief Executive may approve an authorised officer to perform the functions of a biosecurity auditor.

102—Entry to premises by biosecurity auditor

This clause provides for entry to premises by biosecurity auditors.

103—Use of assistants

This clause provides for use of assistants by biosecurity auditors.

Subdivision 3—Biosecurity audits generally

104—Biosecurity audits

This clause makes provision in relation to biosecurity audits.

105—Biosecurity audit mandatory in certain circumstances

Biosecurity audits will be mandatory in certain circumstances.

106—Reporting requirements

This clause makes provision in relation to reporting requirements for biosecurity audits.

107—Biosecurity auditor to provide immediate report in certain circumstances

This clause sets out certain circumstances where a biosecurity auditor must provide an immediate report.

Subdivision 4—Accreditation audits

108—Accreditation audits

This clause makes provision in relation to accreditation audits.

109—Imposition of requirement to perform accreditation audit

The Chief Executive, a Chief Officer or an authorised officer may require the performance of an accreditation audit in certain circumstances.

110—Engagement of auditor

This clause makes provision in relation to the engagement of an auditor.

111—Functions of biosecurity auditors—accreditation audits

This clause sets out the functions of biosecurity auditors in relation to accreditation audits.

112—Recovery of fee for accreditation audits

A fee is payable for an accreditation audit carried out by an accreditation auditor in accordance with the measure.

113—Use of biosecurity audits

This clause provides that a person who requires an accreditation audit must have regard to that accreditation audit in performing the person's functions under the Act in relation to the audit target under the measure.

Subdivision 5—Compliance audits

114—Compliance audits

This clause sets out the purposes for which a compliance audit may be performed.

115—Imposition of requirement to perform compliance audit

This clause sets out the requirement to perform compliance audits.

116—Decision to require compliance audits

This clause provides that in deciding whether to require a compliance audit or determining the frequency of compliance audit regard must be had to certain specified matters.

117—Audit frequency policy

This clause provides for an audit frequency policy to be adopted by a designated authority.

118—Engagement of auditor

This clause provides for the engagement of a biosecurity auditor to perform audits.

119—Functions of biosecurity auditor—compliance audits

This clause provides for the functions of a biosecurity auditor in connection with a compliance audit.

120—Recovery of fee for compliance audit

This clause provides for the payment of a fee in connection with a compliance audit carried out by a biosecurity auditor who is an authorised officer.

121—Use of compliance audits

This clause provides that a designated authority that requires a compliance audit must have regard to the compliance audit in performing the designated authority's functions under this Act in relation to the audit target.

Subdivision 6—Related matters

122—Audit agreements

This clause provides that the Chief Executive may enter into an audit agreement with another accreditation authority.

123—Hindering etc biosecurity auditors

This clause creates an offence of hindering a biosecurity auditor.

Division 2—Biosecurity certificates

124—Biosecurity certifier may issue biosecurity certificates

This clause provides for the issuing of a biosecurity certificate by a biosecurity certifier.

125—Content, form and duration of biosecurity certificates

This clause provides that a biosecurity certificate certifies certain matters in respect of a specified biosecurity matter or carrier, or any other specified thing or specified area, for the purposes of this Act.

126—Specific powers of biosecurity certifiers

This clause provides that a biosecurity certifier may take specified action before issuing a biosecurity certificate in relation to any biosecurity matter, carrier, thing or area.

127—Fees

This clause makes provision for the setting and payment of a fee for a biosecurity certificate.

128—Recognition of interstate biosecurity certificates

This clause provides for the recognition of a biosecurity certificate under a corresponding law.

129—Approval of authorised officers to perform functions of biosecurity certifiers

This clause provides for the appointment of any authorised officer to perform any specified function or power of a biosecurity certifier.

130—Use of assistance

This clause provides that a biosecurity certifier performing a function conferred by or under the measure may perform the function with the assistance of such other persons as the biosecurity certifier considers necessary in the circumstances (subject to any conditions of accreditation as a biosecurity certifier).

131—Offences

This clause makes provision for offences in relation to biosecurity certificates.

Part 8—Permits

Division 1—Preliminary

132—Interpretation

This clause defines *relevant decision-maker* for the purposes of the Part.

133—Types of permit

This clause provides for the different types of permit that may be granted under the Part.

134—Effect of permit

This clause makes provision for permits.

Division 2—Individual permits

135—Application for permit

This clause provides for applications by a person to a relevant decision-maker for an individual permit.

136—Grant or refusal of permit

This clause provides for the grant or refusal of a permit.

137—Duration of permit

This clause provides that an individual permit remains in force for a period, not exceeding 5 years, specified on the permit, unless sooner cancelled or suspended. It provides for the renewal of a permit also.

138—Variation of permit

This clause provides that a relevant decision-maker may, at any time, vary an individual permit by written notice to the permit holder.

139—Renewal of permit

This clause provides that a permit holder may apply to a relevant decision-maker for the renewal of an individual permit.

140—Grant or refusal of renewal of permit

This clause provides that a relevant decision-maker may, after considering an application for renewal of an individual permit, renew the permit with or without conditions, or refuse to renew the permit.

Division 3—Group permits

141—Grant of group permit

This clause provides that a relevant decision-maker may grant a group permit, with or without conditions, on the relevant decision-makers own initiative or at the written request of a person.

142—Form of permit

This clause provides that a group permit must be in the approved form and specify other matters.

143—Variation of permit

This clause provides that a relevant decision-maker may, at any time, vary a group permit by written notification.

144—Renewal of permit

This clause provides that a relevant decision-maker may renew a group permit, for such period not exceeding 5 years, and on such terms, as the relevant decision-maker thinks fit by written notification made in accordance with the regulations.

Division 4—Conditions of permits

145—Conditions of permit

This clause provides that a relevant decision-maker may impose conditions on a permit at the time of the grant, or renewal, of the permit and at any other time by variation to the permit.

146—Conditions relating to insurance

This clause provides that a condition imposed on a permit may require the permit holder to take out a policy of insurance.

147—Conditions requiring biosecurity audits

This clause provides that a condition imposed on a permit may require the permit holder to co-operate with, or arrange, mandatory biosecurity audits at specified intervals.

148—Conditions requiring financial assurances

This clause provides that a condition imposed on a permit may require the permit holder to provide certain financial assurances and evidence of such financial assurances.

149—Conditions to take effect later

This clause provides that a condition of a permit may provide that all or a part of the permit does not take effect until the end of a specified period or on the happening of a particular event or on the occurrence of a specified state of affairs.

150—Failure to comply with condition

This clause makes it an offence to contravene a condition of a permit.

Division 5—Suspension, cancellation or surrender of permit

151—Grounds for suspension or cancellation of permit

This clause sets out the grounds for suspension or cancellation of a permit.

152—Suspension of permit

This clause provides that a relevant decision-maker may, by written notice to the permit holder, suspend an individual permit if the relevant decision-maker is satisfied that there are grounds for the suspension of the permit.

153—Cancellation of permit

This clause provides that a relevant decision-maker may, by written notice to the permit holder, cancel an individual permit if the relevant decision-maker is satisfied that there are grounds for the cancellation of the permit.

154—Voluntary surrender of individual permit

This clause provides that a permit holder may surrender the permit holder's individual permit.

155—Effect of suspension, cancellation or surrender

This clause provides that a permit may be suspended, cancelled or surrendered under this Division unconditionally or subject to such conditions as a relevant decision-maker may impose.

Part 9—Biosecurity programs and agreements

Division 1—Approved biosecurity programs

156—Preparation of draft biosecurity program

This clause provides that an entity representing the interests of any industry, or any part of the community, may prepare a draft program relating to the prevention, elimination, minimisation, control or management of a biosecurity risk or biosecurity impact.

157—Approval of draft biosecurity program

This clause provides that an entity that has prepared a draft program may apply to the Minister for approval of the program.

158—Amendment of approved biosecurity program

This clause provides that the Minister may, on application from the entity that prepared an approved biosecurity program amend the approved biosecurity program or refuse to amend the approved biosecurity program.

159—Termination of approved biosecurity program

This clause provides that a Minister may terminate an approved biosecurity program on the Minister's own initiative or on the application of the entity that prepared the approved biosecurity program.

160—Cost of implementing approved biosecurity program

This clause provides that the Minister may, by written notice, agree that the Crown will reimburse the entity that prepared an approved biosecurity program for any specified costs incurred by the entity in implementing the program.

Division 2—Government biosecurity programs

161—Government biosecurity programs

This clause provides the Minister may direct the Chief Executive to implement a program relating to the prevention, elimination, minimisation, control or management of a biosecurity risk or biosecurity impact.

Division 3—Biosecurity control agreements

162—Biosecurity control agreements

This clause provides that the Chief Executive may make an agreement with the owner or occupier of any premises in relation to carrying out treatment, destruction or other activities on those premises for the purpose of preventing, eliminating, minimising, controlling or managing a biosecurity risk or biosecurity impact.

Part 10—Biosecurity zones

Division 1—General scheme

163—Biosecurity zones

This clause provides that the regulations may prescribe biosecurity zones.

164—Biosecurity zone measures

This clause provides for a *biosecurity zone measure* which is a measure to be implemented in respect of a biosecurity zone for the purpose of preventing, eliminating, minimising, controlling or managing a biosecurity risk, or biosecurity impact, in respect of which the biosecurity zone was established.

165—Failure to comply with a biosecurity zone measure

This clause makes it an offence to contravene a biosecurity measure.

166—Chief Officer may authorise required action and recover costs

This clause provides that in addition to any penalty imposed under the measure, if a person contravenes a biosecurity zone measure, the relevant Chief Officer may authorise a person to enter premises and take action necessary to ensure the biosecurity zone measure is complied with or otherwise to remedy the contravention.

Division 2—Accreditation of biosecurity zones

167—Accreditation of biosecurity zones

This clause provides that if the Minister is satisfied that through the exercise of good management by the producers or processors of animals or plants, or animal products or plant products, in a specified biosecurity zone, the biosecurity zone is free of a specified pest or disease, or specified pests or diseases, the Minister may, by notice in the Gazette, declare the biosecurity zone to be free of the pest or disease, or pests or diseases, specified in the notice and authorise the use of specified statements in respect of animals or plants, or animal products or plant products, produced or processed in the biosecurity zone when advertising, packaging or selling those animals or plants, or animal products or plant products.

Division 3—Limitations on regulation-making power

168—Interpretation

This clause defines the term *biosecurity zone regulation* for the purposes of the Division.

169—Detention or treatment of persons

This clause provides that a biosecurity zone regulation may not prohibit, regulate or control the movement of a person or require treatment measures to be carried out on a person.

170—Destruction requirements

This clause provides that a biosecurity zone regulation may not require or authorise the destruction of a thing except in certain specified cases.

171—Consultation requirements

This clause sets out the requirement for the Minister to consult before recommending to the Governor the making of a biosecurity zone regulation.

Division 4—Warrants

172—Warrants

This clause makes provision for the issuing of a warrant by a magistrate.

Part 11—Orders and directions

Division 1—Emergency orders

173—Emergency orders

This clause makes provision for the declaration of a biosecurity emergency.

174—Duration of emergency order

This clause provides that an emergency order remains in force for the period specified in the order, not exceeding 12 months from the date on which the order is published or served under this Division.

175—Notice of emergency order generally

This clause provides that the Minister must give notice of an emergency order by causing a copy of the order to be published.

176—Notice of emergency order relating to specific property

This clause provides that if the Minister makes an emergency order that is property-specific, the Minister may give notice of the order by causing a copy of the order to be served on the owner, occupier or person apparently in charge of the property.

177—Emergency zones

This clause provides for the specification of emergency zones.

178—Emergency measures

This clause authorises the Minister to specify in an emergency order any measures that the Minister considers are reasonably necessary to respond to a biosecurity emergency.

179—Additional emergency measures

This clause provides for additional emergency measures.

180—Measures which may not be emergency measures

Certain matters are not permitted to be emergency measures.

181—Inspection of persons

An emergency order may require that a person allow themselves to be inspected.

182—Emergency order prevails

This clause provides that an emergency order prevails over specified laws or instruments (including provisions of designated Acts (which are defined)).

183—Offences

This clause makes provision for offences relating to emergency orders.

184—Variation or revocation of emergency order

This clause makes provision in relation to the variation or revocation of emergency order.

185—SA Police

This clause confers a member of SA Police with all the powers of an authorised officer during the declaration of a biosecurity emergency in relation to the emergency.

Division 2—Control orders

186—Control orders

The Minister may make orders establishing control zones and control measures in relation to a zone.

187—Content of control orders

This clause provides for the content of control orders.

188—Duration of control orders

This clause provides for the duration of control orders.

189—Notice of control orders generally

This clause provides for how notice of control orders is to be given generally.

190—Notice of control orders relating to specific property

This clause provides for how notice of control orders is to be given in relation to specific property.

191—Control zones

Provision is made in relation to control zones.

192—Control measures

Provision is made in relation to control measures.

193—Measures which may not be control measures

Certain matters may not be included in control measures.

194—Destruction requirements

Requirements are set out in relation to the circumstances where a control order may not require or authorise the destruction of a thing.

195—Consultation requirements

Consultation requirements that must be followed before making a control order are set out.

196—Offences

This clause provides for offences relating to control orders.

197—Variation or revocation of control order

This clause makes provision in relation to the variation or revocation of control order.

Division 3—Biosecurity directions

Subdivision 1—Preliminary

198—Interpretation

This clause defines the term *designated entity* for the purposes of the Division.

199—Types of biosecurity direction

Biosecurity directions may be general or individual.

200—Period for which biosecurity direction has effect

This clause provides for the period for which a biosecurity direction has effect.

201—Related provision

This provision is interpretative.

Subdivision 2—General biosecurity directions

202—General biosecurity direction

The Chief Executive is authorised to give general biosecurity directions.

203—How general biosecurity direction is given

This clause provides for how general biosecurity directions are to be given.

Subdivision 3—Individual biosecurity directions

204—Individual biosecurity direction

A designated entity is authorised to give an individual biosecurity direction.

205—How individual biosecurity direction is given

This clause provides for how an individual biosecurity direction is to be given.

206—Special emergency powers—inspection and treatment measures

A special provision is made for giving an individual biosecurity direction in an emergency.

207—Recovery of costs

This clause provides for the recovery of costs from the person to whom an individual biosecurity direction.

Subdivision 4—Related provisions

208—Measures which may not be included in biosecurity direction

Certain matters may not be included in biosecurity directions.

209—Interaction with other Acts

This provision relates to the interaction between the exercise of powers under the Division with other Acts.

210—Variation or revocation of biosecurity direction

This clause provides for the variation or revocation of biosecurity directions.

211—Offences

This clause provides for offences relating to biosecurity directions.

Division 4—Action on default

212—Action on default

This clause provides for action to be taken for failure to comply with a designated instrument (an emergency order, control order or biosecurity direction).

Division 5—Warrants

213—Warrants

This clause provides for a magistrate to issue a warrant for the purposes of the Part.

Part 12—Reimbursement and compensation

Division 1—Reimbursement

214—Eligibility for reimbursements

This clause provides for the eligibility for reimbursements to owners for the death of an animal, plant or other property.

215—Claims for reimbursement

This clause provides for a claim for reimbursement.

216—Amount of reimbursement

This clause provides for the amount to be reimbursed.

217—Determination of value

This clause provides that the calculation of the value of any animal, plant or other property that may be the subject of a claim for reimbursement under this Division must be made in accordance with the regulations.

218—Reimbursement may be withheld

This clause provides that the Chief Executive may cause to be retained the whole or part of the reimbursement payable under this Division if a doubt or dispute arises as to the eligibility of a person for the reimbursement.

219—Payment of reimbursement

This clause provides for the reimbursement of an animal, plant or other property destroyed under an approved biosecurity program and in other cases.

220—Recovery of reimbursement

This clause provides that if the Crown has mistakenly paid an amount by way of reimbursement, or partial reimbursement, under this Division to a person who was not eligible for the reimbursement or partial reimbursement, that person is liable to repay that amount to the Chief Executive (on behalf of the Crown) withing 3 months after receiving a written demand for repayment from the Chief Executive, or such other period as may be agreed between the parties.

221—Offence to make false claim

This clause creates an offence for making a claim for reimbursement that is false or misleading or fraudulent.

Division 2—Compensation

222—Compensation for loss or damage as consequence of a biosecurity order or direction

This clause provides that a person who has suffered loss or damage as a direct result of an order or direction under Part 11 may apply to the Minister for compensation under this section.

Part 13—Review

Division 1—Preliminary

223—Interpretation

This clause defines terms for the purposes of the Part.

Division 2—Internal review

224—Application for internal review

This clause provides for applications to the Minister for internal reviews of reviewable decisions.

225—Consideration of application for internal review

This clause provides for the matters the Minister must consider in dealing with an application for review.

226—Operation and implementation of decision or direction subject to review

This clause provides that an application for review does not affect the operation of the decision or direction to which the application relates or prevent the taking of action to implement or enforce the decision or direction.

Division 3—External review

227—Application to Tribunal

This clause provides for applications to the Tribunal for a review of the Minister's decision in relation to a reviewable decision.

Part 14—Functions and powers of authorised officers

Division 1—Preliminary

228—Purposes for which functions and powers under Part may be exercised

This clause provides for the functions and powers of authorised officer under this Part.

Division 2—Information gathering

229—Exercise in conjunction with other powers

This clause provides that a power conferred by this Division may be exercised whether or not a power of entry is being exercised under another part of this Act.

230—Power to require information and records

This clause provides that an authorised officer may, by written notice, require a person to furnish to the authorised officer such information or records as the authorised officer may require for an authorised purpose.

231—Power to require answers to questions

This clause provides that an authorised officer may require a person to answer questions in relation to a matter if the authorised officer reasonably believes that the questions may assist in the performance of an authorised purpose.

232—Recording of evidence

This clause provides that an authorised officer may cause any questions and answers to questions given under this Division to be recorded if the authorised officer has informed the person who is to be questioned that the record is to be made.

233—Power of authorised officer to demand name and address

This clause provides that an authorised officer may require a person whom the authorised officer suspects on reasonable grounds to have committed, or to be committing, an offence under this Act or the regulations to state the person's full name and residential address.

234—Requiring information in case of an emergency

This clause provides that a person is not excused from a requirement made by an authorised officer to furnish information or records or to answer a question on the ground that the information, record or answer might incriminate the person or make the person liable to a penalty if the authorised officer makes the requirement in the case of an emergency and the authorised officer warns the person that the authorised officer is making the requirement in the case of an emergency.

Division 3—Power to enter

235—Power to enter

This clause provides that an authorised officer has the power to enter any premises or vehicle.

236—Entry to residential premises

This clause provides for the entry of authorised officers into dwellings.

Division 4—Investigation powers

237—Powers that can be exercised on premises or in relation to a vehicle

This clause provides for the powers of an authorised officer in relation to vehicles.

238—Recovery of fee for action taken

This clause provides for the payment of a fee by a person for any action taken by an authorised officer under a power conferred by this Division if, in the opinion of the Chief Executive, it is reasonable to do so.

Division 5—Provisions relating to seizure

239—Provisions relating to seizure

This clause provides for certain matters, including the seizure of a thing that is subject to the operation of clause 237.

Division 6—Warrants

240—Warrants

This clause provides for a warrant required for the purposes of this Part in relation to premises or a vehicle if a warrant issued by a magistrate.

Division 7—Related matters

241—Care to be taken

This clause provides that in the exercise of a power of entering or searching premises under this Part, or doing anything else on premises under the measure, an authorised officer must do as little damage as is reasonably possible.

242—Detention or treatment of persons

This clause provides for limits and prohibitions around the examination, control of movement and testing of a person by an authorised officer.

243—Destruction requirements

This clause provides for the destruction of a thing in limited circumstances.

244—Destruction proposal

This clause provides that before taking action to destroy any thing an authorised officer must give written notice.

245—Interaction with other Acts

This clause provides for prohibitions and limitations around the exercise of powers that would interact with protections conferred under other Acts.

246—Interference with device, trap or equipment

This clause creates an offence if a person without reasonable excuse, moves, damages or otherwise interferes with any device, bait, trap or other equipment, or any sign, placed on premises by, or under the direction of, an authorised officer for an authorised purpose.

Part 15—Specific biosecurity offences

247—Interpretation

This clause defines terms for the purposes of the Part.

248—Act to cause substantial or material harm or risk

This clause creates an offence provision that arises where a person releases a prescribed agent.

249—Act that may cause harm or risk

This clause creates an offence provision that arises where a person releases a prescribed agent.

250—Substantial harm and material harm

This clause creates establishes whether harm is (or would be) substantial or material for the purposes of the Part.

251—Alternative finding

This clause provides that if in proceedings for an offence against this Part the court is not satisfied that the defendant is guilty of the offence charged but is satisfied that the defendant is guilty of an offence against this Part that

carries an equal or lower maximum penalty (determined according to the relative maximum monetary penalties), the court may find the defendant guilty of the latter offence.

Part 16—Legal proceedings

Division 1—Offences generally

252—Classification of offence

All offences against the measure (except one clause) are classified as summary offences.

253—Proceedings for offences

This clause sets out who may commence proceedings for an offence under the proposed Act and time limits for matters to be pursued as breaches of the Act.

254—Offences by employers (vicarious liability)

This clause provides that if an employee or agent commits an offence under this Act, the employer or principal is taken to have committed the same offence, except as provided in the clause.

255—Offences by bodies corporate

These clauses are standard clauses.

256—Offences by employees and agents

This clause sets out where an act or omission of an employee or agent will be taken to be an act or omission of the employer or principal.

257—Continuing offences

A person convicted of an offence will be liable to a penalty with respect to any continuing act or omission.

258—General defence of due diligence

This clause provides for a general defence (relating to due diligence) to a charge of an offence under this measure.

259—Defence of lawful excuse

This clause provides for a defence of lawful excuse.

260—Actions done under direction of an authorised person

A person is not guilty of an offence under the measure for an act done, or omitted, by the person in good faith at the request of, or under the direction of certain specified officers.

261—Common carriers

This clause makes provision relating to criminal liability of common carriers.

262—Burden of proof in certain circumstances

This clause provides that certain matters must be proved by the defendant in criminal proceedings.

263—Expiation of offences

This clause makes provision in relation to the expiation of offences against the measure.

Division 2—Evidentiary provisions

264—Evidentiary certificates

This clause provides for certain things to be proven by certificate evidence.

265—Evidence of allegation

This clause provides for certain allegations to be taken to be proved.

266—Evidence of authorised analyst

This clause contains evidentiary provisions relating to evidence of an authorised analyst.

267—Evidence of state of mind of body corporate

This clause contains evidentiary provisions relating to evidence of the state of mind of a body corporate.

268—Evidence of publication of instruments on website

This clause contains evidentiary provisions relating to evidence of the publication of instruments on the Department website.

269—Evidence of part to be evidence of whole

This clause contains evidentiary provisions relating to evidence of the whole or part of a sample.

270—Evidence in relation to bees

This clause contains evidentiary provisions relating to bee hives.

Division 3—Court orders

271—Preliminary

This clause sets out the capacity for a court to make orders under this Division.

272—Orders for restoration and prevention

This clause provides that the court may order the offender to take such steps as are specified in the order, within such time as is so specified (or such further time as the court, on application, may allow in certain specified cases.

273—Orders for costs, expenses and compensation at time offence proved

This clause provides that the court may, if satisfied of specified matters, order the offender to pay to a government agency or person an amount fixed by the court for costs and expenses incurred or by way of compensation for loss or damage suffered.

274—Recovery of costs, expenses and compensation after offence proved

This clause provides that if, after the court finds an offence proved, a government agency or person may recover from the offender the costs and expenses incurred or the amount of the loss or damage in a court of competent jurisdiction.

275—Orders regarding costs and expenses of investigation

This clause makes provision in relation to orders that may be made regarding the costs and expenses of an investigation.

276—Orders regarding financial benefits

This clause enables the court to order an offender pay an amount which the court is satisfied, on the balance of probabilities, represents the amount of any financial benefits acquired by the offender or an associate of the offender, or accrued or accruing to the offender or an associate of the offender, as a result of the commission of an offence.

277—Prohibition orders

This clause enables the court to make certain prohibition-type orders.

278—Forfeiture

This clause enables the court to make forfeiture orders.

279—Publication order

This clause enables the court to make order requiring the publication of certain information.

280—Failure to comply with orders

An offence is provided for a failure to comply with an order.

Part 17—Miscellaneous

281—Reasonable suspicion of carrier

This clause sets out where an animal, plant or other thing may reasonably be suspected of being a carrier of biosecurity matter.

282—Reasonable suspicion of infection

This clause sets out where an animal, plant or other thing may reasonably be suspected of being infected with a disease.

283—Reasonable suspicion of infestation

This clause sets out where an animal, plant or other thing may reasonably be suspected of being infested with a pest.

284—Public warning statements

The Chief Officer may make public statements or erect public signs about certain matters.

285—Management of stray livestock

This clause provides for the detention and management of stray livestock.

286—Facilities for temporary detention of stray livestock

This clause provides for arrangements for facilities for the temporary detention of stray livestock.

287—Implied contractual terms and conditions

The regulations may provide for certain contractual terms and conditions relevant to the measure.

288—False or misleading information

This is a standard clause.

289—Self-incrimination

This clause makes provision in relation to the privilege against self-incrimination.

290—Vicarious liability

This clause sets out where an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal.

291—Service of orders, notices, directions and other instruments and documents

This clause provides for the service of a prescribed instrument.

292—Description of land in instruments

This clause provides for the description of land or premises in a prescribed instrument.

293—Statutory declarations

This clause provides for the requirement to verify information in the form of a statutory declaration.

294—Protection from liability

This clause provides that the disclosure of information by a person in good faith in certain cases does not incur any civil or criminal liability, is not to be taken to have breached any duty of confidentiality and is not to be taken to have breached any professional ethics or standards or any principles of conduct applicable to the person's employment or to have engaged in unprofessional conduct.

295—Collection, use and disclosure of information

This clause provides for the collection and use of information by a designated person.

296—Immunity

This clause provides a protection from civil or criminal liability to the Crown or a designated person.

297—Planning or other requirements for authorised actions excluded

This clause permits action taken on land despite the requirements for a consent, approval or other authorisation under a designated Act or any other Act.

298—Requirements may continue to have effect

This clause provides for the continuing effect of a requirement imposed by or under the measure.

299—Civil proceedings by the Crown

This clause provides that any civil right of action or recovery under the measure vested in the Minister, the Chief Executive, a government department, a public sector employee or other agency or instrumentality of the Crown may be instituted and exercised by the Crown in right of South Australia and in accordance with the *Crown Proceedings Act 1992*.

300—Application of *Personal Property Securities Act 2009* of the Commonwealth

This clause establishes exclusions for the *Personal Property Securities Act 2009* of the Commonwealth.

301—Establishment of biosecurity advisory groups

This clause provides that the Minister may establish 1 or more biosecurity advisory groups in relation to any sector of an industry that has an interest in the operation of the measure.

302—Charges on land

This clause provides that if a charge on land is created by another provision of the measure or under the regulations, the person in whose favour the charge is created may deliver to the Registrar-General a notice, in a form

determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.

303—Use of equipment or computers to make decisions

This clause provides for the use of equipment, computer, software or other mechanical or electronic device or process of a class or kind approved by the Minister may be use in certain cases.

304—Defence if act authorised under another Act

This clause establishes a defence for an offence against the measure, if the defendant proves that the act alleged to constitute the offence was authorised by or under the *Fisheries Management Act 2007* or an Act, or a provision of an Act, prescribed by the regulations.

305—Exemption from Act

This clause provides that the Minister may, by notice in the Gazette, confer exemptions from the measure or specified provisions of the measure Act.

306—Regulations, notices and instruments

This clause provides for the making of regulations, notices and other instruments.

Schedule 1—Statutory corporations

This Schedule makes provision for the establishment of statutory corporations.

Schedule 2—Dog Fence Board

This Schedule sets out provisions in relation to the Dog Fence Board and other provisions in relation to dog fences, such as arrangements relating to the collection of rates and maintenance of dog fences.

Schedule 3—Specific measures and provisions to deal with biosecurity risk or biosecurity impact

This Schedule sets out specific measures and provisions to deal with biosecurity risk or biosecurity impact.

Schedule 4—Biosecurity advisory groups

This Schedule makes provision for biosecurity advisory groups.

Schedule 5—Regulations

This Schedule makes provision for the power to make regulations.

Schedule 6—Related amendments, repeals and transitional provisions

This Schedule makes related amendments to other Acts, repeals other Acts and provides for transitional arrangements to support the measure.

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

Ministerial Statement

PETITION NO. 96 OF 2021

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:39): I table a copy of a ministerial statement made in the other place by the Hon. Blair Boyer today on the subject of the government response to petition No. 96 of 2021.

Bills

CHILD SEX OFFENDERS REGISTRATION (PUBLIC REGISTER) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40): Obtained leave and introduced a bill for an act to amend the Child Sex Offenders Registration Act 2006. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40): I move:

That this bill be now read a second time.

Today, I introduce the Child Sex Offenders Registration (Public Register) Amendment Bill 2024, fulfilling a commitment made by the government during the election campaign. The commitment was to create a three-tiered scheme for public access to information on the child sex offender register, based on the Western Australian disclosure model. The Western Australian model operates as a limited public disclosure scheme and has three tiers as follows:

- tier 1: a website providing photographs and personal details of reportable offenders who have either failed to comply with their reporting obligations or provided false or misleading information to police, and whose location or whereabouts is not known to police;
- tier 2: upon application, publication of photographs of dangerous and high-risk offenders in the applicant's locality; and
- tier 3: Community Protection Disclosure Scheme, allowing a parent or guardian of a child to inquire about a specific person who has regular contact with their child.

The South Australian disclosure scheme follows the Western Australian model and is established via amendments to the Child Sex Offenders Registration Act 2006. In relation to tier 1 of the model, the publication of the photos and information on registrable offenders who have not fulfilled their reporting requirements and whose location is unknown is already available under the Child Sex Offenders Registration Act.

Part 5B of the act provides that the commissioner may publish on a website maintained by the commissioner any or all personal details of the registrable offender (other than a registrable offender who is a child) if the commissioner is satisfied that the registrable offender has failed to comply with his or her reporting obligations, or has provided false or misleading information and the registrable offender's whereabouts are unknown.

The purpose of the publication of the information is to find the wanted registrable offender and to keep the community informed. As these existing provisions effectively replicate tier 1 of the WA model, it was determined that no further legislative amendments were required to implement tier 1.

The amendments to implement tier 2 will allow the South Australian police, subject to an approved application, to provide photographs of a dangerous and high-risk offender in an applicant's suburb or surrounding area. This is consistent with the operation of tier 2 of the Western Australian disclosure model and is primarily for the purposes of enhanced public awareness and safety.

Locality is defined in the same way as in the Western Australian legislation, meaning a description of the general locality, such as the town or suburb in which the person resides. Applicants are restricted to offenders located in the locality of the applicant's residential premises. An applicant cannot request searches for addresses (such as a workplace address).

The ability to request information on registrable offenders in tier 2 will be restricted to certain categories of offender. Information may be released where the registrable offender (other than an offender who is a child):

(a) after becoming a registrable offender the registrable offender commits and is found guilty of a further—

(i) class 1 offence; or

(ii) class 2 offence; or

(iii) other sexual offences committed against a child; or

(b) the registrable offender—

(i) has committed and been found guilty of a prescribed offence; and

(ii) is subject to an extended supervision order under the Criminal Law (High Risk Offenders) Act 2015, but does not apply to registrable offender if a court has ordered that the registrable offender's image not be distributed; or

(c) the commissioner is satisfied that the offender poses a risk to the lives or sexual safety of one or more person, or persons generally.

Tier 3 will establish a parental disclosure scheme whereby the commissioner may provide a parent or guardian of a child with information about a specific person who has regular unsupervised contact with their child. This information is provided to better place a parent or guardian in a position to take appropriate steps to safeguard their children if necessary. An equivalent tier exists in the Western Australian scheme.

For a tier 3 disclosure, a person may apply to the commissioner to be informed whether or not a person specified in an application, other than a person who is a child, is a registrable offender. If satisfied that the specific person has regular unsupervised contact with a child of whom the applicant is a parent or guardian, the commissioner may inform the applicant whether or not the person is a registrable offender.

The parent or guardian making the application must provide their full details, the child or children's details, the identity of the person of interest, and the level of contact that person has with the child or children in order for the commissioner to be satisfied that the specified person has regular unsupervised contact with a child. This is intended to operate in addition to the existing provisions in the CSOR Act that require registrable offenders to notify parents, guardians or responsible adults of their registrable offender status. Serious penalties apply for a breach of these provisions.

There are offences included in the bill to prohibit a person from publishing or otherwise distributing information they have obtained through an application for information under tier 2 or tier 3 of the register. It is important to discourage vigilantism or the targeting of registrable offenders by members of the public. Members of the public who have concerns about the safety of a child or children should contact police in the ordinary way and avoid taking the law into their own hands.

It is also important to note that there is an express provision which makes it clear that the commissioner is not required to provide any information if it would identify, directly or indirectly, a child who is under the care of the minister. The commissioner must, however, consider when assessing applications whether the provision of information would identify a victim of the offence. Offender photograph and locality information will also not be provided for a registrable offender who is a child or where the terms of a court order provide that the registrable offender's details are not to be published.

These provisions have been drafted to be consistent with the existing provisions of the CSOR Act providing for tier 1 of the scheme, where the commissioner currently exercises his discretion in determining whether information should be provided, considering the safety of a child victim. Beyond setting up this three-tiered publication scheme, the bill also makes some further changes to the CSOR Act to further protect against predator harms of children.

Existing section 66M of the CSOR Act contains a power for police to search the premises and electronic devices located at the premises of a serious registrable offender for the purposes of ensuring that the offenders are complying with their obligations under the CSOR Act. However, police do not currently have the ability to search the electronic devices of offenders away from their residences, nor do they have the ability to use search powers in relation to registrable offenders who do not fall within the definition of serious registrable offender.

To be clear, this is a significant gap in the ability of law enforcement to ensure registrable offenders are in compliance with the CSOR Act and, without this power, there may be risks to children that go undetected. We will amend the law to close this gap and ensure that SAPOL is able to search electronic devices away from the residential premises of the offender, and extend the existing search power to all registrable offenders. In addition, there is an amendment to clarify the way in which reporting requirements apply to foreign registrable offenders.

A foreign registrable offender is currently defined as an offender who was convicted in a foreign jurisdiction for an offence which entails reporting obligations in that foreign jurisdiction and is not the equivalent of a class 1 or class 2 offence under the CSOR Act. Where the offence is the equivalent of a class 1 or class 2 offence, the offender is a registrable offender under the CSOR Act and South Australian reporting periods apply. There are very few offences, if any, that are not

equivalent to class 1 or class 2 offences, and this means that the concept of a foreign registrable offender is rendered meaningless.

It is common across all other jurisdictions to apply the home jurisdiction's reporting period to offenders. The difference in these approaches causes confusion and difficulty in applying the correct reporting periods to offenders convicted outside South Australia and, therefore, the CSOR Act will be amended to correct this. The amendments correct the anomaly to make it clear that for offenders convicted in foreign jurisdictions, they should have the reporting requirements imposed by their home jurisdictions applied to them in the event that they are in South Australia.

This bill will continue the government's tough approach to child sex offenders and will help make sure we are doing all we can to have children kept safe from predators. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

3—Amendment of section 4—Interpretation

The definition of *foreign registrable offence* is amended such that any offence, committed against a child, which is specified in a corresponding law as an offence which results in the offender being required to report information about themself in the jurisdiction in which the corresponding law is in force will fall within its meaning. By removing the requirement that foreign registrable offences not be registrable offences under the Act, offenders who commit offences in foreign jurisdictions which have analogous offences in the State will now be considered foreign registrable offenders under the Act, rather than simply registrable offenders.

4—Amendment of section 7—Who is a foreign registrable offender?

In order for a person to be considered a foreign registrable offender under section 7 currently, a person has to have been sentenced in a foreign jurisdiction for a foreign registrable offence of a prescribed class, and would, if they were in that foreign jurisdiction, be subject to reporting requirements. This clause amends section 7 to remove the requirement that the foreign registrable offence be of a prescribed class, such that any person who has been sentenced in a foreign jurisdiction for any foreign registrable offence, and who would be subject to a reporting requirement in that jurisdiction were they to be presently in it, is considered a foreign registrable offender.

5—Insertion of sections 66EA to 66ED

New sections 66EA to 66ED are inserted.

66EA—Delegation by Commissioner

Provision is made limiting the power of the Commissioner to delegate certain functions or powers under the Act.

66EB—Commissioner not required to publish or provide information

Provision is made clarifying that nothing in the Part requires the Commissioner to publish or provide information about registrable offenders or any other person.

66EC—Restriction on publication or provision of information about protected witnesses

Provision is made such that the Commissioner is not required or authorised to publish or provide information about protected witnesses.

66ED—Restriction on publication or provision of information about children in care

Provision is made such that the Commissioner is not required to publish information that would identify certain children or young people.

6—Insertion of sections 66FA and 66FB

New sections 66FA and FB are inserted.

66FA—Commissioner may provide person with image of certain registrable offenders

Provision is made for the Commissioner to have the power to, on application by a person, provide the person with images of certain registrable offenders who live in the same general locality as the person, and in relation to the exercise of the power.

66FB—Commissioner may inform child's parent or guardian whether specified person is a registrable offender

Provision is made for the Commissioner to have the power to, on application by a person, inform the person whether a specified person, who has regular unsupervised contact with a child, is a registrable offender, and in relation to the exercise of the power.

7—Amendment of section 66I—Conduct intended to incite animosity towards or harassment of identified offenders and other people

This clause amends the definition of identified offender in section 66I to include persons who have been identified by the Commissioner under sections 66FA or 66FB.

8—Amendment of section 66J—Publication, display and distribution of identifying information

This clause amends section 66J to extend the definition of identifying information for the purposes of the section such that it includes information published or provided by the Commissioner under the new sections 66FA or 66FB.

9—Amendment of section 66M—Power to enter and search premises

This clause amends section 66M to give police officers power to stop and search serious registrable offenders in addition to their premises. The section heading is amended to reflect this addition.

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

CRIMINAL LAW CONSOLIDATION (SECTION 20A) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:51): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:52): I move:

That this bill be now read a second time.

I introduce the Criminal Law Consolidation (Section 20A) Amendment Bill 2024 to this chamber. The introduction of this bill follows a review into the effectiveness of the offence of strangulation in the Criminal Law Consolidation Act 1935 involving targeted consultation with numerous key stakeholders.

Domestic and family violence is an insidious part of our community. The government is committed to tackling domestic violence to the greatest extent that we can. There is increasing awareness that choking, strangulation or suffocation is a particularly dangerous form of family and domestic violence which may have serious consequences. Strangulation is often cited as a precursor to domestic homicide. Even applications of very little force can result in serious injury.

This bill will amend section 20A of the Criminal Law Consolidation Act 1935 to strengthen the laws related to choking, suffocation or strangulation in a domestic setting. Firstly, it introduces definitions for choking, strangulation and suffocation. This will clarify the elements of the offence of choking, strangulation or suffocation in a domestic setting so that they are not limited to proof of restriction of breath, which is the current application of those terms at common law in South Australia.

Secondly, the bill will introduce a new offence of choking, suffocation or strangulation in a domestic setting where harm is caused. Harm is defined as that which renders a person unconscious. The new offence is to have a maximum penalty of 10 years' imprisonment. There is a presumption against bail for those who are charged with this offence. The proposed top tier offence, which incorporates the element of harm, recognises the consequence of restriction of breath or blood flow and the inherent dangers of that conduct. The definition of 'harm' being that which renders a person

unconscious is consistent with medical literature that suggests strangulation can cause unconsciousness within seconds and with little force to the neck.

The new offence will complement the existing section 20A offence, which is to be retained in its current form, with a maximum penalty of seven years and with clarification of the elements through the introduction of definitions for choking, strangulation and suffocation.

Assault is a statutory alternative to both offences. The availability of a two-tier offence structure in this context and the retention of assault as an alternative allows for greater flexibility in the prosecution of these matters, consistent with the evidence in a particular case. I commend the bill to members, and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 20A—Choking, suffocation or strangulation in a domestic setting

This clause amends section 20A of the principal Act to create an additional offence relating to choking, suffocation or strangulation in a domestic setting. The clause also defines terms to support the measure. A scheme for alternative verdicts is also provided.

Schedule 1—Transitional provision

1—Transitional provision

This clause provides for transitional arrangements.

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

DEFAMATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:55): Obtained leave and introduced a bill for an act to amend the Defamation Act 2005. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:56): I move:

That this bill be now read a second time.

I am pleased to introduce the Defamation (Miscellaneous) Amendment Bill 2024. This bill makes various amendments to the Defamation Act 2005, based on the results of a national review of the uniform model defamation laws undertaken by state and territory attorneys-general. The most significant amendment in the bill will extend the defence of absolute privilege to reports made to police. This will provide victims of crime and witnesses of crime with stronger protection against lawsuits claiming that the report defamed a person involved in the alleged criminal offence.

There is a strong public interest in allowing the free flow of information to police; however, currently a person faces the possibility of being sued in defamation for the allegations they make to police as a victim or a witness to a crime. Whilst the defence of qualified privilege is available, this requires the person who made the report to prove that the report was reasonable.

Further, their motives for reporting may be put under a microscope, as the plaintiff may allege that they were motivated by malice. Even if ultimately unsuccessful in proving qualified privilege, a person may face years of legal proceedings and significant expenses simply to defend a reporting of

crime to law enforcement. There is no reason that members of the public should face such a risk for reporting to police, particularly when there is already a criminal offence of knowingly making a false report to police.

The risk of drawn-out defamation litigation may well silence some victims from coming forward, particularly for victims of crimes against a person such as sexual assault or domestic violence. Further, the threat of defamation proceedings for reporting to police may be used to further silence and entrap a victim of coercive control in a domestic abuse situation.

Under the Defamation Act statements made on occasions of absolute privilege have a complete defence to defamation lawsuits. It is not necessary to prove the statement was reasonable, and proving malice will not defeat the defence. Absolute privilege is applied to situations in which the free flow of information is in the public interest, such as courts or parliamentary proceedings. The government believes that members of the public reporting to the police should be another such occasion of absolute privilege.

Under the reforms in this bill, a person sued in defamation only need prove that they made the relevant communication to an official of the police force whilst they were acting in an official capacity, and they will have this complete defence to defamation. It should be noted, however, this only defends the report to the police. Communicating the allegations from the police report to any other party, such as the media, would not attract this absolute privilege.

Any defamation claim arising out of statements made to the media about a report made to the police would still have to be defended using other defences such as qualified privilege. This reform is intended to empower victims of crime, particularly sexual crimes or domestic violence, to come forward to police without fear of retribution through a defamation claim.

This bill also makes two amendments to support people who have been defamed by material posted on the internet. The bill would provide another avenue to have defamatory material removed from an online platform. Currently, a court can make an interim or final injunction requiring a publisher of defamatory material to cease publication; however, this order can only be made against a party to the defamation action. Therefore, if a person defamed wants a large online digital platform, such as Facebook or Google, to remove the defamatory material posted by the third party, they must bring an action for damages against the online platform. If they only sue the author or poster of the matter, they cannot get a takedown order against the digital platform.

This bill will allow courts to make injunctions against digital intermediaries and publishers who are not a party to the action. A digital intermediary is any person or organisation who provided an online service in relation to a digital publication but who was not the author, originator or poster of the matter. This includes search engines, email and messaging services, social networking websites, product review websites and video sharing platforms.

The proposed amendment to the Defamation Act provides that if a person has obtained an interim or final injunction preventing further publication by a defendant in defamation proceedings, the court may also make an order requiring a non-party digital intermediary to take steps to prevent access to the material or to prevent or limit the continued publication or republication of the material. This will not prevent a person also suing the digital intermediary if they so choose. However, they are not required to sue the digital intermediary in order to obtain an order for the digital intermediary to take action in relation to the defamatory material.

Finally, the bill will set down principles that a court must take into account in applications for pre-action discovery relating to a defamatory digital publication. Under the Uniform Civil Rules 2020, South Australian courts may order that a person disclose documents that will allow a potential plaintiff to decide whether or against whom to bring a civil action. This could be used to require a digital intermediary to provide the identifying or contact details of the person who authored or posted defamatory content online through the intermediary services.

If a pre-action discovery application is brought for this purpose before deciding whether to disclose the author or poster's details, the bill provides that a court must take into account the objects of the Defamation Act, which include freedom of expression, fair and effective remedies for persons whose reputations are harmed, speedy and effective dispute resolution, and privacy, safety or other

public interest considerations that may arise if the order is made. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Defamation Act 2005*

3—Amendment of section 4—Interpretation

This clause inserts new defined terms of *access prevention step*, *digital intermediary*, *digital matter*, *online service* and *poster* for the purposes of the measure.

4—Insertion of section 21A

Proposed section 21A is inserted into the principal Act.

21A—Orders for preliminary discovery about posters of digital matter

This clause provides that a court must, when making certain orders for, or in the nature of, preliminary discovery, take into account the objects of the principal Act and any privacy, safety or other public interest considerations that may arise if the order is made. This clause does not limit the matters the court may take into account in addition to these matters.

5—Amendment of section 25—Defence of absolute privilege

This clause amends section 25 of the principal Act to extend the defence of absolute privilege to publications of defamatory matter made to a person who, at the time of the publication, is an official of a police force or service of an Australian jurisdiction and it is published to the official while the official is acting in an official capacity.

6—Insertion of section 37A

Proposed section 37A is inserted into the principal Act.

37A—Orders against non-party digital intermediaries concerning defamatory digital matter

This clause provides that in defamation proceedings to which this clause applies, the court may order a non-party digital intermediary to take access prevention steps or other steps that the court considers necessary, to prevent or limit the continued publication or republication of digital matter the subject of the defamation proceedings. This clause provides that orders can be made in relation to a digital intermediary even if the intermediary is not liable for defamation because of a statutory exemption or defence.

Schedule 1—Transitional provisions

1—Absolute privilege amendments

The absolute privilege amendments will apply to publications made after the absolute privilege amendments commence while the existing law will continue to apply to publications made before that commencement.

2—Preliminary discovery or non-party digital intermediary order amendments

With 2 exceptions, the preliminary discovery or non-party digital intermediary order amendments will apply to orders made after the commencement of the amendments regardless of whether the proceedings in which the orders are made—

(a) involve causes of action accruing before or after the commencement; or

(b) were commenced before or after the commencement.

The exceptions, to which the existing law will continue to apply despite the amendments, are—

(a) an order made before the commencement of the amendments;

(b) the variation or revocation of an order made before the commencement of the amendments.

Debate adjourned on motion of Hon. B.R. Hood.

STATUTES AMENDMENT (CRIMINAL PROCEEDINGS) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:03): Obtained leave and introduced a bill for an act to amend the Courts Administration Act 1993, the Juries Act 1927 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:04): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Criminal Proceedings) Bill 2024 into this parliament. The bill contains two amendments to improve the safe and efficient operation of the criminal justice system. The bill will amend the Juries Act 1927 to allow a judge to excuse a person summonsed for jury service from further attendance if their attendance would pose a risk to the safety or welfare of another person.

Currently, there are various grounds on which a person may seek to be excused from attendance for a jury service, including recent service, ill health, conscientious objection or a matter of special urgency or importance. However, these all require an application from the juror themselves. The bill provides a limited ability for a person summonsed for jury service to be excused in the absence of an application from the juror where it is necessary to protect health or safety.

For example, during the COVID-19 pandemic various health and safety protocols were put in place in relation to persons attending for jury service. A potential risk was identified that, if a person had refused to comply with the protocols, they could only be invited to apply to be excused from jury service. There was no power to excuse them on the court's own initiative if they declined to make an application themselves. While the risks during the pandemic were well managed by the courts in the circumstances, the government feels that this is a gap in the legislation that is worth addressing to provide more options to address health and safety risks that may arise in the future.

The bill provides that, if the attendance of a prospective juror poses or would pose a risk to the safety or welfare of another person, a judge may issue a notice in writing excusing that person from further attendance. This will help to protect the health and safety of their fellow jurors and all other court users. This may occur on a judge's own initiative or on the application of a court sheriff. The sheriff is responsible for managing persons summonsed for jury service, so will be well placed to determine if a prospective juror poses a health or safety risk and to present this risk to a judge for consideration.

The bill also amends the Courts Administration Act 1993 to provide that the State Courts Administrator's annual report must set out the number of times a person was excused from jury service under this section, as well as the number of times sheriffs made an application for a person to be excused, regardless of the outcome of that application. This will provide for an additional layer of transparency and accountability in relation to the use of this power.

This bill will also amend the Sentencing Act 2017 to broaden the circumstances in which a defendant may attend sentencing for an indictable offence via audiovisual link (AVL). The default rule is, and will continue to be, that a defendant should be physically present in the courtroom during sentencing proceedings for an indictable offence. This is appropriate in the normal practice because the defendant's actual presence in the courtroom assists the judge to connect with them when delivering sentencing remarks, particularly in Youth Court proceedings.

However, the Sentencing Act contains exceptions to this rule, allowing attendance via audiovisual link in some circumstances. The broadest exception, in section 21(2)(b) of the Sentencing Act, provides that, if a defendant is in custody prior to sentence, the court may deal with the proceedings by way of audiovisual link without requiring the personal attendance of the defendant if the court is of the opinion that it is appropriate in the circumstances. However, there is no equivalent exception available to defendants in the community.

This bill would expand the existing exception such that any defendant may attend sentencing proceedings via audiovisual link if the court considers it appropriate in all the circumstances. However, defendants in the community must also consent to audiovisual link attendance. This will allow greater flexibility to defendants in the community to attend their sentencing proceedings remotely—for example, due to mobility concerns, illness or caring responsibilities. This will increase the accessibility of the justice system. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Courts Administration Act 1993*

3—Amendment of section 23A—Annual report

This clause amends section 23A of the Act to require the Courts Administration Authority to include in its annual report information setting out the number of people who have applied to be excused from jury service on safety and welfare grounds, and the number of people who have been so excused. This is consequential on the amendment to the *Juries Act 1927* proposed by this measure.

Part 3—Amendment of *Juries Act 1927*

4—Insertion of section 16A

This clause inserts a new section.

16A—Judge may excuse juror or prospective juror from attendance on safety or welfare grounds

Proposed section 16A provides that a judge may excuse a person from attending jury service if the person poses a safety or welfare risk. A person excused from jury service under this section may be summoned to attend jury service at a later date.

Part 4—Amendment of *Sentencing Act 2017*

5—Amendment of section 21—Presence of defendant during sentencing proceedings

This clause amends section 21 of the Act to allow a defendant who is not in custody to attend sentencing proceedings via audio visual or audio link, provided that the defendant consents.

Debate adjourned on motion of Hon. J.S. Lee.

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) (CHILD DEATH AND SERIOUS INJURY REVIEW COMMITTEE) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:09): Obtained leave and introduced a bill for an act to amend the Children and Young People (Oversight and Advocacy Bodies) Act 2016. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:10): I move:

That this bill be now read a second time.

I introduce the Children and Young People (Oversight and Advocacy Bodies) (Child Death and Serious Injury Review Committee) Amendment Bill 2024. Since its establishment in 2006, the Child Death and Serious Injury Review Committee has played a vital role in the state's efforts to prevent the death of children. For the families and friends of a child who has died, their death must be incomprehensible and will have a huge impact on the rest of their lives. For the community more broadly, we cannot fully know what the family has lost or what the children may have contributed to society had they survived and had more time.

The work of the committee, through the collection of data on child deaths and serious injuries and their circumstances and causes, enables it to analyse and gain an understanding of child deaths and serious injuries across the state and trends over time. This places it in a unique position to recommend legislative or administrative means to prevent similar deaths in the future.

The tragedy of a child's death is not lessened by the nature of its cause, whether that be by illness, disease or accident or, in more recent years, some shocking cases of child deaths through acts of violence and serious neglect. In light of such cases, timely reviews of such deaths are necessary for the protection of children in this state.

To this end, the bill seeks to provide the Child Death and Serious Injury Review Committee with more flexibility as to when it can commence a review into a particular child death or serious injury by enabling the committee, where appropriate, to commence a review earlier than is currently permissible.

Provisions of the Children and Young People (Oversight and Advocacy Bodies) Act 2016 currently place limitations on the circumstances in which a review by the committee of a child's death or serious injury can commence. Subsection 37(5), in particular, provides that the committee must not review a case of child death or serious injury unless a coronial inquiry has been completed, or the State Coroner requests the committee to carry out a review, or the State Coroner indicates that there is no present intention to carry out a coronial inquiry. The practical effect of the current provisions is that it can be a significant amount of time after a child's death or serious injury before the committee can start its review, which affects the potential impact the committee may have to improve child safety.

The bill provides that the committee may commence a review into a child death or serious injury that is the subject of an ongoing coronial inquest or inquiry or criminal investigation. However, the bill includes appropriate safeguards to protect against any compromise to an investigation, inquiry or inquest by, (1) requiring that, in such a case, the committee consult with the State Coroner or the Commissioner of Police, as the case requires; (2) providing that the committee must take all reasonable steps to avoid compromising the inquest, inquiry or investigation; and (3) enabling the Coroner or the commissioner to give directions to the committee as to the things they should or should not do in the course of the review if the Coroner or the commissioner is of the opinion that such a direction is necessary to avoid compromise to an inquest, inquiry or investigation.

To support these changes the bill includes express provision for the committee, the South Australia Police and the State Coroner to share information for the purposes of determining whether to commence a review or in the carrying out of a review.

The bill includes additional provisions for the protection of information held by the committee, including providing that a person cannot be compelled to, firstly, give evidence of matters becoming known to them as a member or staff of the committee; secondly, produce a document that was prepared or made in the course of or for the purposes of a review of a case of a child death or serious injury through the work of the committee; or, thirdly, provide information that became known to them in the course of a review.

While the committee is currently an exempt agency for the purposes of the Freedom of Information Act 1991, the bill further provides that a document prepared by the committee will be an exempt document for the purposes of the act, including where it was held by or in the possession of an agency other than the committee. The bill will also expand the circumstances in which the committee should commence a review to include where a case has been referred to the committee by the minister.

I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Children and Young People (Oversight and Advocacy Bodies) Act 2016*

3—Amendment of section 37—Functions of the Committee

This clause amends section 37 of the principal Act to allow the Minister to refer a case of child death or serious injury to the Committee. This clause also amends the section to allow the Committee to, in the specified circumstances, review a case of child death or serious injury that is the subject of an ongoing inquest or inquiry under the *Coroners Act 2003* or an ongoing criminal investigation. The State Coroner and the Commissioner of Police may direct that the Committee do, or refrain from doing, a particular thing in order to avoid compromise to an inquest, inquiry or investigation. If the Committee refuses or fails to comply with such a direction, that refusal or failure may be reported to the Minister.

4—Insertion of section 38A

This clause proposes to insert new section 38A:

38A—Provisions relating to information

This proposed section provides that the Committee, South Australia Police and the State Coroner may provide information to one another for the purposes of determining whether a review of a case of child death or serious injury should be carried out, or for the purposes of carrying out such a review. The regulations may prescribe requirements that apply to such information sharing. This proposed section also provides that a person cannot be compelled to give specified evidence, produce a specified document or provide specified information. This proposed section also provides that a document prepared by the Committee under the principal Act will be taken to be an exempt document for the purposes of the *Freedom of Information Act 1991*.

5—Amendment of section 63—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause is technical.

Debate adjourned on motion of Hon. B.R. Hood.

COAST PROTECTION (SIGNIFICANT WORKS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:16): Obtained leave and introduced a bill for an act to amend the Coast Protection Act 1972. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:17): I move:

That this bill be now read a second time.

I am pleased to introduce the Coast Protection (Significant Works) Amendment Bill 2024. One of this government's election commitments is to introduce legislation to require an environmental impact assessment (including social and economic impacts) for major sand movement projects.

The Coast Protection Board is empowered under the Coast Protection Act 1972 to execute works to implement an approved management plan and to remove sand and other material from one part of the coast to another part of the coast for the purpose of protecting, restoring and developing the coast or any part of the coast.

Sandy beaches are naturally dynamic systems and sometimes require active intervention to ensure public safety or maintain amenity. In particular, regular beach replenishment activities—that is, importing sand or moving sand from one part of a beach system to another—play a critically important role in maintaining beach amenity and addressing storm damage. However, in the past some of these activities have caused concern regarding the economic, environmental and social impacts of the works. To ensure these concerns can be properly considered and the potential impacts of sand management activities are transparent the government is introducing the Coast Protection (Significant Works) Amendment Bill 2024.

This bill will deliver on the government's election commitment to ensure that the assessment of the environmental, social and economic effects of significant sand works are identified, managed and mitigated in consultation with the community, councils and other stakeholders. The bill will enable discretion for the Minister for Climate, Environment and Water to:

- direct the Coast Protection Board to prepare an environmental impact assessment report (EIA report) to consider and address anticipated effects of works if the minister determines that the works are significant and that the anticipated effects of the works have not been adequately taken into account;
- direct the Coast Protection Board to take appropriate action in relation to the works to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the works on the environment or any matter that may be directly relevant to a specially protected area or resource.

An environmental impact assessment report relating to works must include:

- a detailed description of the works;
- a statement on the expected environmental, social and economic effects of the works;
- a statement on the means by which any real or potential adverse effects of the work may be avoided, mitigated or managed;
- if the works are within or relate to a specially protected area or resource, a statement on the extent to which the manner of undertaking the works and the expected effects of the works are consistent with the management and preservation of the specially protected area or resource;
- the board's commitment to meet conditions, if any, that should be observed in order to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the work on the environment or any matter that may be directly relevant to a specially protected area or resource; and
- any other particulars in relation to the works required by the minister.

After an EIA report is received, it must be referred to specified councils and stakeholders for consultation. The minister may also refer the EIA report to such other authorities or bodies as the minister thinks fit for comment within the consultation period. The minister must give the board copies of all submissions made to the minister under subsections (2), (3) and (4) and give the board an opportunity to respond to the minister about those submissions. The minister may then direct the board to take such action in respect of the works as the minister considers appropriate.

This bill is intended to address concerns about scheduled operational sand management activities. In circumstances of urgent necessity, the capacity of the Coast Protection Board to respond quickly to repair or restore damage to the coast from storm pollution remains unaffected by this bill.

A transitional provision will ensure that amendments to the Coast Protection Act 1972 made by this bill apply only to works commenced after the act comes into operation. The government commends the bill to the chamber and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Coast Protection Act 1972*

2—Amendment of section 4—Interpretation

This clause inserts a definition of *EIA report* for the purposes of the measure.

3—Insertion of Part 5

This clause inserts new Part 5 relating to significant works as follows:

Part 5—Significant Works

26—Application of Part

Proposed new section 26 provides that new Part 5 will apply in respect of works authorised to be undertaken by the Board under section 21(1) or 21A of the principal Act.

27—Assessment of works

Proposed new section 27 provides that the Minister may direct the Board to prepare an Environmental Impact Assessment report on works to which the new Part applies if the Minister is of the opinion that the works (or the effects of the works) are of significant social, economic or environmental importance and that the works or their effects (as the case requires) have not adequately been taken into account.

28—Environmental Impact Assessment process

Proposed new section 28 provides for the information that must be included in an EIA report and for consultation on the submitted report. The Minister must give the Board copies of all submissions made to the Minister as part of the consultation and give the Board opportunity to respond to the Minister about those submissions.

28A—Minister may take action in respect of works

Proposed new section 28A provides that the Minister may, on completion of the process under section 28 in respect of works and taking into account all submissions made to the Minister under that section, direct the Board to take such action in respect of the works as the Minister considers appropriate in the circumstances.

Schedule 1—Transitional provision

1—Transitional provision

This clause provides that the amendments to the *Coast Protection Act 1972* made by this Act apply only to works commenced after this Act comes into operation.

Debate adjourned on motion of Hon. B.R. Hood.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) REPEAL BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:23): Obtained leave and introduced a bill for an act to repeal the Plastic Shopping Bags (Waste Avoidance) Act 2008 and the Plastic Shopping Bags (Waste Avoidance) Regulations 2022. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:24): I move:

That this bill be now read a second time.

I am pleased to introduce on behalf of the government the Plastic Shopping Bags (Waste Avoidance) Repeal Bill 2024. The Plastic Shopping Bags (Waste Avoidance) Act 2008, or plastic bags act, bans lightweight, singlet-style plastic shopping bags that are less than 35 microns in thickness. South Australia led the nation on the phase-out of lightweight plastic shopping bags when the act came into force on 4 May 2009 under the former Rann Labor government.

The Malinauskas Labor government is extending prohibitions on single-use plastic shopping bags by utilising the more modern and more broadly scoped Single-use and Other Plastic Products (Waste Avoidance) Act 2020, or single-use plastics act. This strengthens efforts to remove plastic film shopping bags of any thickness from circulation in South Australia by broadening the scope of prohibited plastic shopping bags. This will include plastic shopping bags already banned under the plastic bags act, making the plastic bags act redundant and in need of repeal.

The Plastic Shopping Bags (Waste Avoidance) Repeal Bill 2024 seeks to repeal the plastic bags act and the Plastic Shopping Bags (Waste Avoidance) Regulations 2022. In summary, the plastic bags act bans retailers from providing a customer with a lightweight, checkout-style plastic bag, which is defined as a carry bag that includes handles and comprises (in whole or in part) polyethylene with a thickness of less than 35 microns. Biodegradable bags and heavyweight plastic bags are not banned under the plastic bags act.

The Plastic Shopping Bags (Waste Avoidance) Regulations 2022 set out signage requirements in relation to the banning of lightweight checkout-style plastic shopping bags from a prescribed day, being 4 May 2009. The prescribed day implemented a transitional period between commencement of the legislation on 1 January 2009 and the application of offence provisions.

The new Single-use and Other Plastic Products (Waste Avoidance) (Prohibited Plastic Products) Amendment Regulations 2024, under the single-use plastics act, include plastic shopping bags already banned under the plastic bags act as well as banning all plastic film bags, no matter the thickness, and plastic laminated paper shopping bags. The current plastic bags act includes an exemption for Australian Standard (AS) certified compostable shopping bags. This exemption has been included in the draft single-use plastics regulations, as well as additional exemptions for reusable shopping bags made from plastic materials such as nylon, polyester, woven polypropylene and non-woven polypropylene.

Penalties under the single-use plastics act are broader and higher than those under the plastic bags act. Under the plastic bags act, the offence is limited to a retailer providing a plastic shopping bag. However, the single-use plastics act contains an offence to sell, supply or distribute. The maximum penalty under the plastic bags act for providing a plastic shopping bag is $5,000 whereas the single-use plastics act contains a maximum penalty of $20,000 for a manufacturer, producer, wholesaler or distributor, and $5,000 in other cases, such as for a retailer.

Consultation on the draft single-use plastics regulations ran in accordance with section (6)(2) of the single-use plastics act, which requires the minister to publicly consult for a period of no less than eight weeks prior to adding a new prohibited plastic product to the single-use plastics act by regulation.

There were 19 business survey responses and 134 individual survey responses received during consultation. Overall, there was strong support from individuals to ban plastic shopping bags. A small number of respondents expressed their dissatisfaction with the ban, highlighting the reuse of plastic shopping bags for bin liners, holding wet items/clothing and poor performance of paper bags for some items. However, there was no evidence in the survey responses which suggested plastic film shopping bags are reused more than once or twice before they are discarded. In general, businesses agreed with the proposed ban, with one business highlighting the need to clear stock on hand.

The repeal bill commencement clause specifies that the repeal act comes into operation on a day to be fixed by proclamation. Prohibiting all plastic shopping bags under the single-use plastics act promotes consistent, contemporary offences and penalties. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Repeal of *Plastic Shopping Bags (Waste Avoidance) Act 2008*

3—Repeal of Act

This clause repeals the *Plastic Shopping Bags (Waste Avoidance) Act 2008* as the prohibition and restriction on the provision and use of plastic shopping bags is intended to be regulated under the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*.

Part 3—Repeal of *Plastic Shopping Bags (Waste Avoidance) Regulations 2022*

4—Repeal of regulations

This clause repeals the regulations made under the *Plastic Shopping Bags (Waste Avoidance) Act 2008*.

Debate adjourned on motion of Hon. B.R. Hood.

PORTABLE LONG SERVICE LEAVE BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:30): Obtained leave and introduced a bill for an act to establish a scheme for the portability of long service leave in the community services sector, to provide for the ability to extend the scheme to employees in other sectors, to make consequential amendments to the Construction Industry Long Service Leave Act 1987, and for other purposes. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:31): I move:

That this bill be now read a second time.

Today, I rise to introduce the Portable Long Service Leave Bill 2024. Long service leave is an essential workplace right, which recognises a worker's long service with their employer and gives them an opportunity to take a meaningful break during their career. In South Australia, the Long Service Leave Act 1987 gives workers a right to access 13 weeks of paid leave after 10 years of continuous service or pro rata leave if their employment ends after seven years; however, in some industries these arrangements have not kept pace with modern employment practices. The reality is more and more workers move between different employers during their career and never spend enough time with a single employer to access long service leave.

This has long been recognised as a feature in the construction industry, where workers are often employed on a short-term project-to-project basis. The Construction Industry Long Service Leave Act 1987 provides those workers with a portable leave scheme where leave entitlements can be carried between different employers in the industry. That scheme has now operated successfully for nearly 40 years.

This Labor government firmly believes it is not just construction workers who should have access to these benefits. Since the 2018 election, our party has been committed to expanding our portable long service leave scheme to include the community services sector. That commitment was reaffirmed at the 2022 state election, where the government committed to consult with workers, unions and businesses to expand our portable long service leave system.

Community services workers provide essential support to some of the most vulnerable people in our society, whether that be through disability support, family and domestic violence services, foster care, homelessness services, social housing, and other essential social services. This is physically and emotionally demanding work that is overwhelmingly made up of women; 84 per cent of employees in the sector in 2022 were women.

The sector is growing rapidly, growing by 65 per cent in the decade between 2012 and 2022. It is a sector which experiences significant staff turnover and, like many others, a tight and competitive labour market. Many of the workers in the community services sector have never had the opportunity to take long service leave. That includes workers like Rebecca, an ASU member and First Nations woman who has worked as a youth worker for over 20 years supporting Aboriginal young people. Despite decades of service, shifting funding arrangements have meant that Rebecca has had to work for at least four different employers over her career, largely performing the same job. Rebecca has never had the opportunity to stay with one employer long enough to access long service leave and to take a meaningful break from her work.

It is essential that community services workers like Rebecca are recognised and that they have access to the same portable long service leave entitlements that the construction industry has

now enjoyed for decades. This will give community services workers an incentive to stay in the sector, boost their skills, extend their careers and provide a better reward for work serving their community, and it will support employers in attracting and maintaining the workforce they need to meet future community demands.

In making this reform, we join the majority of jurisdictions across Australia that have expanded their portable long service leave schemes to include community sector workers. This includes legislated schemes in Queensland, New South Wales, the ACT, Victoria and the Northern Territory.

The government has undertaken extensive consultation over the last 18 months. Consultation has included round tables, the release of draft legislation for comment, participation in two sector forums hosted by the South Australian Council of Social Service and a sector update outlining significant changes to draft legislation based on stakeholder feedback. We have worked closely with both industry stakeholders and the Construction Industry Long Service Leave Board to ensure we take advantage of the expertise of the existing portable long service leave scheme and learn the lessons of the rollout of community services schemes in Queensland and Victoria in particular.

I want to recognise the longstanding and passionate campaign of the Australian Services Union—the union of which I have been a proud member for many years—on behalf of their community services members and particularly the leadership of the Australian Services Union South Australian state secretary, Ms Abbie Spencer. This reform would not have been possible without the work of the ASU and its committed members.

I thank the many other stakeholders who contributed to the development of this legislation, including the SA Council of Social Service, the SA Business Chamber and the Ai Group. I also want to recognise the exceptional work of the strategic policy and legislative services team at SafeWork SA, and particularly senior policy officer Cindy Arthur, in helping to deliver this legislation.

In terms of the operative provisions, this bill performs two main functions: first, to establish governance arrangements for the new community sector scheme, and second, to establish the legislative machinery for the operation of the scheme itself. In relation to governance, the bill establishes the Community Services Sector Long Service Leave Board as a representative industry board responsible for the administration of the portable long service leave scheme for the community services sector.

The composition of the board is modelled on the successful construction industry scheme and will include equal representation for business and worker representatives. This will ensure there is a strong incentive for the scheme to operate in an efficient and accessible way for both workers and employers. The board will be responsible for the administration of the scheme, including educating workers and employers, enforcing compliance, setting the levy rate, maintaining the register of entitlements and making payment of long service leave. The board will be supported by a chief executive officer, who will be the same person as the chief executive officer of the Construction Industry Long Service Leave Board. This will leverage the existing skills and expertise of the construction industry scheme and deliver economies of scale for both schemes.

In relation to the scheme's operation, portable long service leave operates differently to traditional long service leave entitlements where leave is accrued through service to a single employer. Instead, leave will be accrued through service to the community services sector as a whole. Employers in the community services sector will be required to register with the scheme and file a quarterly return confirming which employees performed work with them in that reporting period. The board will use these returns to maintain a register of workers' accrued industry service. If a worker works for multiple community services employers during a reporting period, they can only be credited once for that period; there will be no double dipping. This is consistent with the calculation of effective service under both the Queensland and Victorian schemes.

The long service leave entitlements under the bill closely reflect the Long Service Leave Act. Once a worker has accrued 120 months' effective service—the equivalent of 10 years—they will be entitled to 13 weeks' long service leave, with an additional 1.3 weeks for each subsequent 12 months of service in the community services sector.

The bill provides that a worker may take a break from the sector for a period of between two and three years, depending on their length of service, without forfeiting their accrued leave entitlements. This is particularly important in ensuring that workers, who in the overwhelming majority are women, who make up the community sector workforce are not disadvantaged by taking parental leave.

Schedule 2 of the bill defines the community service sector, consistent with the scope of the Queensland and Victorian schemes, to mirror the federal Social, Community, Home Care and Disability Services Award (the SCHADS Award). An employer will only be required to register a worker with this scheme if the worker is covered by either the SCHADS Award or another prescribed award or enterprise agreement based on those awards. This ensures that the coverage of the scheme aligns with the awards already applied by employers—for example, for payroll purposes. This will provide maximum clarity for both employers and workers.

The bill provides for regulations to be made modifying the applicable awards. This ensures that the scheme is adaptable to any changes in award coverage made by the Fair Work Commission from time to time. The bill will establish a fund to finance the scheme to be managed by the board. Instead of employers directly provisioning for the long service leave entitlements of their workers, employers will pay a levy, which replaces the existing requirements for employers to budget for long service leave for their staff. This levy is based on the remuneration of scheme-covered employees and is paid into this fund which will then be invested and used by the board to make payment of workers' leave entitlements when sufficient leave is accrued.

The levy rate will be determined by the board based on expert actuarial advice about the funding needed to meet the long-term liabilities under the scheme. Consistent with the construction industry scheme, the maximum rate will be capped at 3 per cent. However, in reality, it is expected that the levy will be much lower and, based on the experience interstate, the levy will likely be somewhere between 1.5 per cent and 2 per cent, with the potential to reduce further over time.

Many workers in the sector are employed by public benevolent institutions which have access to beneficial salary sacrifice arrangements. This bill includes provisions to ensure these workers and their employers are not negatively impacted by the scheme, providing a mechanism for employers to apply to the community sector board for an advance payment of a worker's entitlement so that any necessary salary sacrifice disbursements can be made prior to the worker being paid.

Some workers in this sector also have their entitlement to long service leave regulated by an enterprise agreement providing more generous long service leave entitlements than provided under the Long Service Leave Act 1987. To ensure these arrangements are not disadvantaged under the new scheme, the bill provides that where an enterprise agreement provides a person with a more generous long service leave entitlement, that entitlement will prevail over the entitlement provided under the portable long service leave scheme.

Finally, it is worth noting that while the bill only provides for the establishment of the community services sector scheme, it is designed in such a way that it can accommodate legislative change to establish other industry schemes in the future using the same foundation.

The bill includes detailed transitional provisions to deal with the transfer of entitlements from the Long Service Leave Act to the new portable scheme. These arrangements have been the subject of detailed stakeholder consultation to ensure there is maximum clarity and minimum disruption.

For workers, when the portable scheme comes into effect, existing long service leave entitlements accrued under the Long Service Leave Act will be preserved and if a worker reaches the required period of service, they will be able to access their leave. If a worker moves to a new community services employer after the commencement of the scheme, only the portion of their service after the commencement of the scheme will be preserved.

For employers, when the portable scheme comes into effect, they will need to maintain provisions for long service leave entitlements accrued prior to the portable leave scheme, but will no longer have to do so for the period after the commencement of the scheme when they will instead be paying a levy to the board.

In relation to implementation, it is useful at this juncture to outline the provisional timeline the government is working towards for the establishment of this scheme, which has been the subject of a great deal of discussion with stakeholders.

Once this legislation passes the parliament, the board will be appointed as soon as practicable. The board will then begin work setting up the administrative apparatus for the scheme, including by employing staff, procuring information technology systems, commencing an education campaign for the sector, determining appropriate forums and policies, and obtaining actuarial advice to inform the levy contribution rate.

There will be necessarily a significant lead-in time before the scheme becomes operational. The intention is that the community services scheme will be proclaimed to commence operation from 1 July 2025, with the first reporting period ending on 30 September 2025, and the first levy contribution to be made by employers in October 2025. However, I emphasise that this is a provisional timeline and ultimately the government will be heavily guided by the board in terms of its readiness to roll out the scheme in that timeframe. We will continue to consult closely with the board and the CEO on these matters.

In conclusion, the scheme established by this bill will bring South Australia into line with the majority of Australian jurisdictions, which have now recognised the need for workers in the community services sector to have access to portable long service leave entitlements.

This will reward those dedicated workers who provide essential support to the most vulnerable communities in our state and provide considerable benefits to the sector by assisting with the attraction and retention of skilled workers in a challenging labour market. I take this opportunity again to thank the Australian Services Union and all other stakeholders that contributed to this important reform. I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms to be used in the measure.

The first area of work that the measure will apply in relation to is the *community services sector*. This will be the area of work within the community that involves the provision of community services. *Community services* are services that qualify under Schedule 2, or that are prescribed by the regulations.

Other sectors will be able to be included under the measure by amendment, and the generic term for any sector under the measure (including the community services sector) will be *designated sector*.

The term *designated worker* will be the term used for a person to whose employment the measure applies (and the term will include a former designated worker).

An *industry board* is a board established under Schedule 1 in relation to a designated sector. The measure only provides for the establishment of 1 industry board at this time, being the Community Services Sector Long Service Leave Board in relation to the community services sector.

4—Determination of ordinary weekly pay in certain circumstances

This clause allows an industry board to determine that a designated worker's ordinary weekly pay will be an amount that is different to the amount that would otherwise apply under the measure. The board will be able to do this if it considers that the amount that would otherwise apply is excessive or insufficient. The board will give the designated worker (or their personal representative), and the relevant employer, an opportunity to make submissions to the board before the board makes a determination under this provision.

This clause is modelled on section 4A of the Construction Industry Long Service Leave Act 1987.

5—Application of Act

This clause provides that the measure will apply to a person's employment if the person is engaged under a contract of service in the community services sector to perform community services or to support the provision of community services, or if the person is engaged in a designated sector to perform services prescribed as being part of that sector or to support the provision of services prescribed as being part of that sector.

However, Parts 3, 4 and 6 of the measure will not apply if a person's employer is a body corporate and the person is a director of the body corporate.

The measure will not apply to employment where the employer is a public sector agency, a local government council, or a prescribed employer or an employer of a prescribed class, although relevant employment by a public sector agency may be brought under the measure if the Minister acts under clause 6.

6—Extension of Act to government employees

This clause allows the Minister to, by notice in the Gazette, apply the measure to employment in a specified public sector agency that constitutes work in a particular designated sector.

7—Delayed participation in scheme

This clause allows an industry board to delay the requirement that an employer, or an employer of a specified class, be registered under the measure, until a date specified by the board, the occurrence of an event specified by the board, or the employer falls within a category of employer specified by the board. If an employer makes an application under this clause, an industry board may, pending making a decision on the application, exempt the employer from the requirement to be registered.

8—Act applies according to particular sector

This clause clarifies that, insofar as a designated worker may work in more than 1 designated sector, the measure will apply to the employment of the worker in 1 designated sector in a separate and distinct manner to the employment of the worker in another designated sector.

Part 2—Industry boards

Division 1—Corporate provisions and governance

9—Key features of industry boards

This clause provides that an industry board is a body corporate with the usual features of a board established by statute. An industry board will be subject to direction by the Minister (and any such direction is to be published in the annual report of the board).

10—Constitution of industry boards

This clause provides for the membership of an industry board.

11—Terms and conditions of membership

This clause establishes that a member of an industry board will be appointed on conditions determined by the Minister and for a term not exceeding 5 years, and will be eligible for reappointment at the expiration of a term of office.

12—Remuneration

A member of an industry board will be entitled to remuneration, allowances and expenses determined or approved by the Governor. These amounts will be payable out of the industry fund established by the industry board in relation to its designated sector.

13—Proceedings at meetings

This clause sets out the proceedings and procedures to be followed and adopted at meetings of an industry board. An industry board will be able to conduct meetings by telephone or other electronic means and will be able to make a decision by circular resolution.

14—Conflict of interest

This clause provides that a member of an industry board will not be taken to have an direct or indirect interest in a matter by reason only of the fact that the member has an interest that is shared in common with other people engaged in the designated sector in relation to which the board is constituted.

15—Validity of acts and decisions

This clause provides that an act or decision of an industry board is not invalidated by reason of a vacancy in its membership or a defect in the appointment of a member.

Division 2—Functions

16—Functions

This clause sets out the functions of an industry board.

Division 3—Staff and facilities

17—Chief executive officer

The chief executive officer of the Construction Industry Long Service Leave Board (the *CEO*) will be the chief executive officer of any industry board. The CEO will be responsible to an industry board for managing the board's business efficiently and effectively, and supervising the staff engaged in the work of the board.

18—Staff

The staffing arrangements for an industry board will be determined by the board. It will be possible for an industry board to make use of the staff of the Construction Industry Long Service Leave Board or of a public sector agency.

19—Facilities

An industry board will, by arrangement with the relevant entity, be able to use the services or facilities of the Construction Industry Long Service Leave Board or a public sector agency.

Division 4—Related matters

20—Delegation

This clause sets out a scheme for delegations by an industry board.

21—Accounts and audit

An industry board will be required to cause proper accounts to be kept of its financial affairs and will prepare annual financial statements. The accounts will be audited by the Auditor-General.

22—Annual report

An industry board will be required to prepare an annual report which will be provided to the Minister and tabled in both Houses of Parliament.

23—Common seal

An industry board will have a common seal, which will only be affixed to a document pursuant to a resolution of the board.

Part 3—Registration

Division 1—Registration of employers

24—Industry board to register employers

An industry board is to establish a register of employers in its designated sector.

25—Application for registration as registered employer

An employer who employs 1 or more designated workers will be required to apply to the industry board for the designated sector to be registered. This clause sets out the manner in which an application must be made.

26—Information to be entered in register

An industry board will record on the register the day on which an employer becomes registered in relation to the relevant designated sector.

27—Employer to give notice of change to information

A registered employer will be required to notify the industry board for the relevant designated sector if there is a change in any information that is relevant to its registration.

28—Industry board may require information or documents from employer

If an industry board believes that a person is or was an employer in its designated sector but is not registered, the industry board will be able to require the person to give it specified information or documents to enable the board to decide whether the person is or was an employer in its designated sector. If the industry board decides that the person is an employer in its designated sector, it can register the person on its register of employers.

29—Cancellation of registration

A registered employer will be able to apply for the cancellation of its registration if it stops employing workers in the board's designated sector.

Division 2—Registration of workers

30—Industry board to register workers

An industry board is to establish a register of designated workers in its designated sector. The industry board will register a designated worker on the register on account of information provided by an employer to the board under the measure, or on application made to the board by the worker.

31—Information to be entered in register

An industry board will record on the register the day on which a person becomes a designated worker in relation to the relevant designated sector.

32—Worker may give notice of change to information

A registered designated worker may notify an industry board about any change to the information on the board's register that relates to the designated worker.

Division 3—Related provisions

33—Related provisions

An industry board will be able to amend a register at any time in order to ensure that the register is kept up to date. A register will be kept in such form as the board thinks fit, including in electronic form. A register of employers will be available for inspection. A designated worker will be able to inspect an entry on a register that relates to the designated worker.

Part 4—Long service leave entitlements

34—Effective service entitlement

A designated worker's entitlement to long service leave, or payment on account of or in lieu of long service leave, will be determined according to the worker's aggregate effective service entitlement.

A person will be credited with 3 months of effective service as a designated worker if they have worked as a designated worker in the relevant designated sector for 1 or more days in a return period, or if they have 1 or more days of allowable absence from work in the relevant designated sector in a return period.

The total of months credited under this clause to a person is the person's aggregate effective service entitlement.

An effective service entitlement will be cancelled in specified cases.

If a person takes long service leave, or receives a payment on account of or in lieu of long service leave, the person's effective service entitlement is reduced accordingly.

35—Crediting effective service under this Act and the *Long Service Leave Act 1987*

This clause sets out a scheme to preserve continuity of service if a person changes the capacity in which they work with a particular employer from employment covered by the measure to employment covered by the *Long Service Leave Act 1987* or vice versa.

36—Crediting effective service between different designated sectors

This clause sets out a scheme to preserve continuity of service if a person moves from employment in one designated sector to employment in another designated sector with the same employer.

37—Long service leave entitlement

This clause sets out the long service leave entitlements under the measure. A designated worker who has an effective service entitlement of 120 months or more will be entitled to 13 weeks of long service leave in respect of the first 120 months, and 1.3 weeks of long service leave in respect of each subsequent 12 months of effective service entitlement.

The clause also includes provision about when long service leave may be taken.

The industry board for the relevant designated sector will be responsible to pay any amount in respect of an entitlement to long service leave. The payment will be calculated by multiplying the relevant period of leave by the person's ordinary weekly pay.

38—Leave allowed before entitlement accrues

An employer and a designated worker may agree on the worker taking long service leave in anticipation of the entitlement to leave accruing if an enterprise agreement expressly provides for such an agreement. The industry board for the relevant designated sector will be responsible to pay the amount required for leave that is taken as a result of an agreement under this clause.

39—Cessation of employment

This clause provides for the payment of an amount for *pro rata* leave if a designated worker who has attained an effective service entitlement of at least 84 months has died, has ceased to work as a designated worker in the relevant designated sector because of a physical or mental disability that will prevent the person from working as a designated worker in the sector for a continuous period of 12 months or more, or has ceased to work in the sector and will not be working in the sector for 12 months or more.

40—Entitlement if payment already made

A designated worker is not entitled to take leave or to be paid for an entitlement under the measure if a payment has already been made in respect of a period of service that corresponds to an effective service entitlement under the measure.

Part 5—Funds

Division 1—Industry funds

41—Industry board to establish industry fund

This clause provides that an industry board must establish an *industry fund* for its designated sector. The clause further sets out the purposes for which money in the industry fund may be applied.

42—Exemption from taxes and charges

An industry fund, and all transactions relating to an industry fund, will be exempt from all taxes and other charges imposed under a law of the State.

This clause corresponds to section 20C of the Construction Industry Long Service Leave Act 1987.

43—Investment of industry fund

This clause allows an industry board to invest money that is not immediately required for the purposes of its industry fund. In doing so, the industry board will be required to take into account any policies or guidelines determined by the Treasurer after consultation with the Minister.

This clause corresponds to section 21 of the Construction Industry Long Service Leave Act 1987.

44—Loans for training purposes

This clause allows an industry board to, with the approval of the Minister and the Treasurer, lend money from its industry fund to an industrial association or organisation for the purpose of establishing or operating a group training scheme for its designated sector.

This clause corresponds to section 22 of the Construction Industry Long Service Leave Act 1987.

45—Borrowing by industry board

This clause allows an industry board to borrow money from the Treasurer or, with the approval of the Treasurer, from any other person.

This clause corresponds to section 23 of the Construction Industry Long Service Leave Act 1987.

46—Investigation of industry fund

This clause requires an industry board to ensure that an investigation into the state and efficiency of its industry fund is carried out by an actuary on a yearly basis. The actuary will report on the outcome of the investigation and whether any reduction or increase is necessary in the rates of contribution to the industry fund. The industry board must then provide a copy of the report to the Minister, and include with the report an indication as to whether the board intends to vary, or leave unaltered, the rates of contribution to the industry fund under the measure. The Minister will be required to cause a copy of the report of the industry board to be tabled in Parliament.

This clause corresponds to section 24 of the Construction Industry Long Service Leave Act 1987.

Division 2—Common funds

47—Treasurer may authorise investment common funds

The Treasurer will be able to, after consultation with the Minister, authorise the establishment of 1 or more investment common funds for the collective investment of 2 or more industry funds (in whole or in part). A common fund will operate subject to any policies or guidelines determined by the Treasurer after consultation with the Minister.

Part 6—Levies

48—Imposition of levy

This clause requires each employer in a designated sector to pay a levy to the relevant industry board. The levy will be a percentage of the total remuneration paid to each of the employer's designated workers in the designated

sector during the period to which the levy relates. The percentage will be fixed by the industry board and will be less than or equal to 3%.

No levy will be payable by an employer under this clause in respect of a designated worker who is employed by the employer for less than 3 days in a month or, subject to an exception prescribed by the regulations, in respect of an apprentice.

The regulations will be able to prescribe payments made to or for the benefit of a designated worker that will, or will not, be taken as constituting remuneration for the purposes of this provision.

This clause corresponds to section 26 of the Construction Industry Long Service Leave Act 1987.

49—Returns by employers

This clause requires each employer in a designated sector to furnish a return to the relevant industry board within 21 days after the end of each quarter. The return will need to be accompanied by the levy in respect of the period to which the return relates (a *return period*).

50—Recovery on default

An industry board will be able to make an assessment of the levy payable for a return period if an employer fails to furnish a return, or furnishes a return that the board has reasonable grounds to believe to be defective in any respect.

51—Penalty for late payment

This clause establishes that, if an employer fails to furnish a return or to pay a levy as required under the measure, penalty interest will be payable on any amount in arrears and the relevant industry board will be able to impose a fine on the employer (not exceeding an amount prescribed by the regulations).

This clause corresponds to section 29 of the *Construction Industry Long Service Leave Act 1987*.

52—Recovery of levies

A levy, and any penalty interest or fine imposed by an industry board, is recoverable by the board as a debt in a court of competent jurisdiction.

This clause corresponds to section 31 of the *Construction Industry Long Service Leave Act 1987*.

53—Refund of overpayments

If a levy is overpaid, the industry board that received the payment will be required to refund the amount of the overpayment within the period prescribed by the regulations.

Part 7—Review

54—Review by SAET

This clause empowers a person who is dissatisfied with a decision of an industry board under the measure to apply to SAET for review of the decision.

This clause corresponds to section 34 of the *Construction Industry Long Service Leave Act 1987*.

55—Effect of pending review by SAET

This clause provides that an obligation to pay a levy or a right of recovery in respect of a levy is not suspended by the commencement of proceedings for a review by SAET. If an assessment of levy is altered on a review, a due adjustment will be made and any increase in levy will be payable to the relevant industry board and any decrease in levy will be refunded by the relevant industry board.

This clause corresponds to section 37 of the *Construction Industry Long Service Leave Act 1987*.

Part 8—Civil penalties

56—Civil penalties

This clause establishes a civil penalty regime.

Part 9—Miscellaneous

57—Self-employed contractors and working directors

This clause establishes a scheme that will allow a self-employed contractor in a designated sector, or a person who is employed under a contract of service in a designated sector by a body corporate of which the person is a director, to apply to be registered by the relevant industry board so as to receive benefits under the measure.

58—Salary sacrifice arrangements

This clause enables a registered employer to apply to the relevant industry board to be paid an amount that would otherwise be payable by the board in relation to leave so that the amount can be applied for the benefit of a designated worker under a salary sacrifice arrangement.

59—Reciprocal arrangements with other States and Territories

This clause provides for arrangements to be made with authorities in other States or a Territory in connection with corresponding schemes in those other jurisdictions.

60—Exemptions for certain interstate employers

This clause provides that certain interstate employers may apply to the relevant industry board for an exemption from the requirement to be registered and pay a levy under the measure on the basis that the relevant work is to be covered by an appropriate long service leave scheme under a corresponding law.

This clause corresponds to section 38A of the *Construction Industry Long Service Leave Act 1987*.

61—General exemptions

This clause will allow the Minister to grant exemptions from the operation of the measure.

62—Power to require information

This clause sets out various powers of an industry board in relation to obtaining or gathering information in connection with the operation of the measure.

63—Authorised officers

This clause empowers the Minister to appoint authorised officers for the purposes of the measure.

64—Powers of inspection

This clause provides specific inspection powers that may be exercised by an authorised officers for the purposes of the measure.

65—Records

This clause requires an employer under the measure to keep (or to cause to be kept) sufficient records to enable the employer's liability in respect of the payment of levies or other contributions under the measure to be accurately assessed. These records will be required to be kept for at least 7 years after the completion of the period to which the records relate.

66—Recovery of amounts and crediting entitlements

The period for the recovery of an amount payable under the measure (including an amount of unpaid levy) will be 7 years. The period for retrospectively crediting an effective service entitlement will be 7 years (calculated from the date on which the work to which the entitlement relates was carried out).

67—False or misleading information

This clause makes it an offence for a person to make a statement that is false or misleading in a material particular in any information provided under the measure.

68—Confidentiality and provision of information

This clause provides for the confidentiality of information provided in connection with the administration of the measure.

69—Service of documents

This clause sets out the options for service of documents.

70—No contracting out

The provisions of the measure will have effect despite any provision to the contrary in a contract. A provision in an agreement under which the measure is, or is purported to be, excluded, modified or restricted, or to have the effect of excluding, modifying or restricting the operation of the measure, will be void.

71—Adverse action against designated worker

This clause prohibits an employer from dismissing or threatening to dismiss a designated worker from, or to prejudice or threaten to prejudice a designated worker in, employment because the worker is entitled to long service leave or a payment in respect of long service leave.

72—Offences

This clause sets out the persons who are entitled to commence criminal proceedings under the measure and sets out the timeframe within which a prosecution for an offence must be commenced. The clause further provides that, if a person is found in any criminal proceedings to have contravened the measure, the court may, in addition to any penalty that it may impose, order the defendant to take specified action to make good the contravention in a manner, and within a period, specified by the court, or to provide information or records to an industry board.

73—Evidentiary provision

This clause deals with various evidentiary matters to assist in the conduct of proceedings under the measure.

74—Regulations

The Governor will be able to make such regulations as are contemplated by the measure or as are necessary or expedient for the purposes of the measure.

75—Review of Act

This clause provides for a review of the operation of the measure to be undertaken after the measure has been in operation for a period of 3 years.

Schedule 1—Establishment of industry boards

1—Community Services Sector Long Service Leave Board

This clause establishes the Community Services Sector Long Service Leave Board.

Schedule 2—Community services

1—Preliminary

This clause provides that services qualify as *community services* under this Schedule if they are specified in clause 2 of the Schedule, and involve the performance of work covered under clause 3 of the Schedule.

2—Services

This clause lists services that are specified as being community services (subject to the operation of clause 3).

3—Coverage

Work will be covered under this clause if the work has a rate of pay prescribed by a *qualifying award*. This will apply even if the person is being paid under an enterprise agreement or an individual contract at a different rate of pay.

Schedule 3—Related amendments and transitional provisions

Part 1—Amendment of *Construction Industry Long Service Leave Act 1987*

1—Amendment of section 4—Interpretation

This clause inserts definitions of CEO and public sector agency into the *Construction Industry Long Service Leave Act 1987*.

2—Insertion of heading

This is a consequential amendment.

3—Substitution of section 13

A series of revised provisions are to be inserted into the *Construction Industry Long Service Leave Act 1987* as follows:

Division 2—Staff and facilities

13—Chief executive officer

This clause makes express provision for the appointment of a chief executive officer of the Construction Industry Long Service Leave Board.

13A—Staff

This clause makes express provision in relation to the staff of the board.

13B—Facilities

This is a consequential amendment.

Part 2—Transitional provisions

4—Interpretation

This clause defines terms used in the Part.

5—Extension of term for registration as employer

This clause provides that an employer in the community services sector must apply for registration under the measure within 28 days after the designated day (being a day declared by the Governor by proclamation).

6—Current workers

This clause provides for the preservation of continuity of service for a person employed by an employer in the community services sector immediately before the designated day, and for a period of service up to the designated day to be credited as effective service for the purposes of the measure. However, if a person changes employer after the designated day and before the person reaches an entitlement to long service leave, or a payment on account of long service leave, under the measure, then the person's service up to the designated day will no longer be taken into account (and this reflects the way that the *Long Service Leave Act 1987* operates if a person breaks their continuity of service before they have reached an entitlement to long service leave or a payment in lieu of long service leave).

7—Employers

This clause provides for transitional arrangements in relation to the liability of an employer in the community services sector with respect to the accrual of leave under the *Long Service Leave Act 1987*.

The clause provides that, if an employee has an entitlement to long service leave, or to a payment in respect of long service leave, that has accrued under the *Long Service Leave Act 1987* immediately before the designated day (and a person who has completed at least 7 years of service under that Act will be taken to have an accrued entitlement), their employer will be required to pay to the Board an amount equal to the amount that would have been payable by the employer if the employee had been paid immediately before the designated day. The payment will be made when the employee (a *designated worker* under the proposed *Portable Long Service Leave Act 2024*) takes the relevant leave or receives a relevant payment. The amount to be paid to the designated worker will be determined under the regulations (to take into account the amount payable by the employer as it relates to the *Long Service Leave Act 1987* and to allow for an appropriate method to calculate the designated worker's ordinary weekly pay (which may need to be different to the method that would otherwise apply under the measure)).

The clause further provides that, if an employee has service that has been credited under clause 6 but is yet to have an accrued entitlement under the *Long Service Leave Act 1987*, their employer's liability will be determined when the employee, as a designated worker, becomes entitled to long service leave, or a payment in respect of long service leave, which has a component that is attributable to service that has been credited under clause 6. The amount to be paid by the employer will be determined under the regulations, and the amount to be paid to the designated worker will also be determined under the regulations (to take into account the amount payable by the employer as it relates to the *Long Service Leave Act 1987* and to allow for an appropriate method to calculate the designated worker's ordinary weekly pay (which may need to be different to the method that would otherwise apply under the measure)).

This clause will apply subject to an agreement between an employer and an employee to extinguish a liability under the *Long Service Leave Act 1987* (as long as the agreement is entered into during the period of 3 months after the designated day).

This clause provides power for regulations to be made in connection with the operation of the clause so as to provide for alternative arrangements that relate to the interaction between the measure and the *Long Service Leave Act 1987* (and any such arrangements will be able operate in place of any provision made by this clause so as to provide greater flexibility in a potentially complex set of circumstances).

8—Regulations

This clause provides power for regulations of a saving or transitional nature to be made for the purposes of the measure.

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

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:45): I rise today to speak in support of the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2024. This bill represents a crucial step in enhancing the framework that governs the conduct and accountability of our judicial officers in South Australia. As you are aware, the Judicial Conduct Commissioner Act 2015 established the office of the Judicial Conduct Commissioner, providing an independent and

transparent process for handling complaints about judicial officers. This act was a significant milestone in ensuring that our judiciary remains accountable to the public while maintaining the high standards of fairness and justice we expect.

In 2021, we witnessed the first judicial conduct panel convened under this act to investigate complaints against a magistrate. The outcome of that inquiry, which led to the magistrate's removal from office, underscored the importance of having a robust and clear legislative framework to guide these processes. However, the experience also highlighted areas where the act could be strengthened to better serve all participants involved in such inquiries.

The Attorney-General's review of that inquiry process, including feedback from complainants and witnesses, has led to the introduction of this bill, which aims to provide greater clarity and consistency in how future judicial conduct inquiries are conducted. This bill introduces several important amendments to the existing act. It broadens the definition of a complainant, forms guidelines for judicial conduct panels, grants discretion for the postponement of complainant hearings, outlines appointment processes for legal representation and counsel, and extends immunity counsel-assisting inquiries.

I would like to go through each of these items in slightly more detail. In regard to broadening the definition of 'complainant', clause 3 expands the definition of a complainant to include individuals directly affected by a judicial officer's misconduct, even if they did not file the original complaint. This ensures that all those impacted by such misconduct are kept informed of the complaint's progress and have access to the protections afforded by the act.

In regard to guidelines for judicial conduct panels, clause 4 mandates the commissioner to publish comprehensive guidelines on how panels should conduct their meetings, inquiries and examinations. These guidelines will be developed in consultation with the Chief Justice of the Supreme Court and will be publicly accessible, ensuring transparency and consistency in the panel's operations.

In regard to postponement of complaint hearings, clause 5 grants the commissioner the discretion to postpone the consideration of complaints made during an ongoing judicial proceeding. This provision ensures the integrity of the judicial process while also allowing for the timely and appropriate handling of complaints.

In regard to legal representation and counsel appointment, clauses 7 and 8 introduce new sections to the act which outline the process for appointing counsel to assist in inquiries and guarantee the right to legal representation for judicial officers, complainants and witnesses. These sections also establish protections for witnesses, such as the ability to attend hearings electronically or be accompanied by a support person, as outlined in the Evidence Act 1929.

In regard to immunity for counsel assisting inquiries, clause 9 extends immunity from liability to include counsel appointed to assist in these inquiries, ensuring they can perform their duties without fear of legal repercussions.

The Liberal Party supports this bill. These amendments will enhance the clarity and consistency of judicial conduct inquiries and provide much-needed protections for those involved. The amendments reflect thoughtful consideration of past experiences and feedback from those directly impacted by the process.

I want to express our party's gratitude to the individuals who provided the feedback that has shaped this legislation. We hope this bill will positively impact future judicial conduct panels, ensuring the process is fair, transparent and respectful for all participants. The Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2024 is an important piece of legislation that strengthens the integrity and accountability of our judicial system. I am proud to support it and commend it to the chamber.

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

APPROPRIATION BILL 2024

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:50): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President

It gives me great pleasure to present to the House the 2024-25 State Budget, the third budget delivered by the Malinauskas Labor government.

Over the past year, our state's economy has been rated the best performing in the nation, our unemployment rate has fallen to a record low of 3.3 percent, and even as it moderates, we still record the highest number of job vacancies in the state's history.

We have recorded the best economic growth rate of all states in two out of the last three years, and we have seen strong performance in dwelling starts and construction work done.

Our exports have reached record levels and our tourism figures show more and more visitors are choosing our state as a destination, and many of them are coming with capital looking to invest.

In its recent Defence Strategic Review, the Commonwealth has confirmed our state's central role in defending our nation, as the home to decades of continuous ship building at Osborne.

Our state will be home to the construction of the nuclear-powered submarines and the Hunter class future frigates, and undertake the life-of-type extension to the existing Collins class submarines and refurbishment of the Hobart class destroyers. This is decades of complex manufacturing worth tens of billions of dollars and thousands of jobs to our economy.

Our global leadership in the clean energy transition offers the prospect for our state to again be at the forefront of renewables technology with hydrogen.

Our established industries in the Upper Spencer Gulf and their proximity to magnetite resources, and abundant renewable energy provide extraordinary opportunities in green iron and steel.

And as global industry races to decarbonise and electrify, our state's copper resources will play a pivotal role in meeting soaring global demand, meaning huge opportunities in our mining and extractive industries.

As much as we celebrate the performance of our economy and the transformative developments that lie ahead of us, we must also recognise the challenges we must confront.

Our nation's economy is cooling: the Reserve Bank's 13 cash rate increases in only 18 months have seen mortgage costs and rents soar, and while inflation has moderated, the cost of groceries, fuel, insurance and other staples remains high.

Many South Australian households and small businesses are facing unprecedented cost of living pressures.

Our housing market remains extremely challenging for those looking for a safe, secure and affordable home.

We continue to see increasing demand in our hospitals during both the national GP shortage, and the lack of aged care and disability care places is stranding over 100 South Australians in hospital beds every day when they should be in more appropriate accommodation.

And to secure the full benefits that our future economy offers us, we need to rapidly improve the education and skills of our workforce.

I'm pleased to report to the Council this year's budget invests to secure our state's future, and also meets the challenges that confront us today.

Once again, the Malinauskas Labor government will support those most in need in our community.

The budget provides $266.2 million in cost of living relief to families, to those on low and fixed incomes, and in support for small businesses.

The budget provides $51.5 million in 2023-24 for an additional once-off Cost of Living Concession payment of $243.90 to all recipients who received the concession payment this financial year.

This will provide extra support to more than 210,000 households at the beginning of winter, right when the cost of heating homes increases.

Further to this, $36.6 million over four years is provided to double the Cost of Living Concession for around 73,000 tenants and Commonwealth Seniors Health Card holders so that it is the same value as the concession is for homeowners.

These tenants and Commonwealth Seniors Health Card holders currently receive only half the concession of homeowners; the doubling of the concession and the additional once-off payment together will see them receive $371.70 in extra support over the next three months.

For families with children, the budget provides $54.6 million over four years to expand the sports vouchers program by doubling the number of vouchers from 1 to 2 per child each year, and for the first time, vouchers can be used for music lessons. This measure will reduce the cost of eligible activities for around 100,000 children each year.

The budget also provides $24 million in 2024-25 to deliver a $200 reduction to the school materials and services charge for the 2025 school year, a significant saving on the fees for parents of up to 120,000 public school students.

A family with two school-age children will benefit by $600 from these changes.

The budget provides $14.1 million over four years to improve access to a range of concessions for those vulnerable South Australians restricted from accessing the concessions available to many others.

These measures will benefit tenants in share houses, including those in disability accommodation, will expand access to subsidised eye glasses, emergency electricity payments and also to funeral concessions. In addition, companion card holders will be provided improved access to Changing Places facilities, and there have been improvements in the Home Dialysis Concession and in access to concessions for asylum seekers.

The government is also extending public transport concessions to all Health Care Card holders at a cost of $10.6 million over four years.

These changes will see increased financial support for approximately 36,000 people and follows an extensive review of the state's concession system by the Department of Human Services and the South Australian Council of Social Services.

In partnership with the Commonwealth, the government is providing $35.8 million over three years for a social housing energy upgrade initiative to replace power-hungry appliances and improve the energy efficiency of homes to deliver cost savings to tenants in both public and community housing sectors, upgrading approximately 3,500 homes.

This government is not only looking after individuals needing cost of living relief but also our small business operators.

The budget allocates $20 million for the second round of the Economic Recovery Fund to support up to 8,000 eligible small businesses and not-for-profit organisations to invest in energy efficient equipment or other improvements to reduce and manage their energy bills.

Grants ranging from $2,500 to a maximum of $50,000, with a matching contribution by the applicant, will be available on a first-come, first-served basis until the funding allocation has been exhausted. Applications for Round 2 will open in August 2024 with further details on key eligibility criteria to be released shortly.

While last year's budget supported small businesses with time-limited support, this year's budget will help thousands of businesses lock in cost savings for years to come.

The government will also exempt from payroll tax general practitioner wages related to bulk billed services from 1 July 2024. The exemption provides an incentive for general practitioners to bulk bill patients and complements the Commonwealth's tripling of the bulk-billing incentive and significant reductions in the costs of medicines under the pharmaceutical benefits scheme.

The budget again has no new government taxes, with the indexation rate for government fees and charges limited to 3 per cent in 2024-25, below the rate of inflation, and vehicle owners will continue to benefit from the former Labor government's reforms to the competitive Compulsory Third Party insurance scheme, lowering average CTP premiums.

Our state's housing market continues to make it difficult for many South Australians to access safe and affordable housing, with both house prices and rents continuing to increase as supply fails to keep pace with demand.

The government remains committed to doing everything it can to ensure South Australians don't have to give up on the dream of homeownership.

This year's budget allocates a further $843.6 million to boost supply and improve affordability.

Last year the Malinauskas government abolished stamp duty for first homebuyers buying land to build a new home up to a property value cap of $400,000 or buying a newly built home, up to a property value cap of $650,000. In

the space of a year, the median house price has continued to soar, reaching $745,000 in Adelaide and $665,000 across the state.

From today, the government has removed the value caps on new home and vacant land contracts for stamp duty relief as well as the value cap for the First Home Owner Grant.

Importantly, targeting our relief to new homes incentivises more being built, contributing to much-needed supply: while some believe stamp duty relief and the First Home Owner Grant should go to purchases of existing homes, we know that in practice this drives up prices to benefit vendors, not first homebuyers, and does nothing to boost supply.

Over the next 12 years $576 million will be used to redevelop South Australian Housing Authority land at Seaton estimated to deliver 1315 dwellings, including rebuilding 388 public housing dwellings and delivering an additional 197 affordable homes.

The funding will also be used to redevelop government sites at Noarlunga Downs estimated to deliver an additional 626 dwellings including 80 social and 90 affordable homes.

In addition to this funding, the budget provides $135.8 million over five years to build around 442 additional social housing dwellings by 30 June 2028 funded from the Commonwealth Government's Social Housing Accelerator Payment.

A further $30 million over three years will support the Office for Regional Housing in Renewal SA develop more regional housing in partnership with regional communities and their local governments.

The budget also provides an extra $5 million over four years to extend the Aspire homelessness program for a further three years to 30 June 2027, in partnership with the Hutt Street Centre.

Last year the government received the final report from the Royal Commission into Early Childhood Education and Care, led by former prime minister the Hon Julia Gillard, setting out the recommended pathway for the government to deliver its election commitment to introduce 15 hours per week of preschool for 3-year-olds across our state.

Make no mistake, this endeavour is the greatest reform to our education system in the state's history, getting our kids into formal education in their formative years, and tackling the developmental challenges experienced by one quarter of all preschool children.

This budget is the start of a $1.9 billion investment in early childhood education between now and 2032-33, with $715 million provided over the forward estimates to begin the phased introduction of universal 3-year-old preschool across both government and non-government providers.

The funding includes $339.7 million over five years to start the delivery of preschool for 3-year-olds from 2026 as promised, with both government and non-government providers, including long day care centres commencing a staged roll out in selected regional and metropolitan locations.

This staged roll out will continue until all 3-year-olds across the state can access the minimum entitlement of 15 hours of preschool by 2032.

A further $127.3 million over four years is provided for more hours of preschool and supports for children most in need, $96.6 million over four years to grow and support the early childhood workforce, and $30.6 million over four years to align the supports offered to 4-year-olds in preschool with the enhanced support being developed for 3-year-olds.

A staged roll out of this generational reform over seven years is required in order to build the workforce and infrastructure needed to expand high quality early years educational services across the state in a similar approach to how the reform has been staged in other jurisdictions.

This budget also builds greater capacity in our existing school system, with $155.3 million over five years to construct a new secondary school in the northern suburbs, adding 1,300 places for students, and $62.7 million over four years for the construction of a new preschool and primary school in Mount Barker, adding 100 preschool places and 350 primary school places.

As I outlined earlier, our state has a prosperous future ahead.

To ensure our state reaps the full rewards from the generational developments in our economy in naval shipbuilding, clean energy, green manufacturing and mining, we must ensure we have a far more highly skilled workforce.

The budget delivers a record $2.3 billion investment over five years in partnership with the Commonwealth to meet this skills challenge.

This represents a $692.6 million—or 43 per cent—increase in skills and training funding, to support TAFE SA, not-for-profits and non-government training providers meet the challenge of skilling our workforce.

This will deliver over 160,000 training places in the areas of defence, health, building and construction, early childhood education, clean energy transition and ICT. This includes a 20 per cent increase in TAFE SA places in regional SA.

The funding importantly also provides $56.2 million to support students in their training and increase completion rates. This includes additional wellbeing and financial support, and greater access to career and course information and foundation skills programs.

Our state's reputation for holding major events and the records being set in our tourism and hospitality industries have contributed to the strong performance of our economy.

To build on this momentum, $20.8 million is provided to increase marketing of our state both interstate and overseas, and $14 million over four years to expand the Business Events Fund specifically to boost visitation in the winter months.

To build our state's presence internationally, $6.8 million over four years is allocated to increase Defence SA's presence at major national and international exhibitions, and to increase supply-chain involvement of South Australian businesses in defence and AUKUS projects.

A further $6 million over four years to expand investment attraction activities and trade programs is allocated along with $4.3 million over four years for Brand SA to promote South Australian products and businesses.

The South Australian Business Chamber's South Australian Young Entrepreneur Scheme is supported with $380,000 over two years.

The budget continues our record investment in our health system providing an additional $2.5 billion over five years, bringing our additional investment in health to $7.1 billion over our three budgets.

We are ensuring our health system has the resources it needs to deliver the health services our community relies on.

The budget allocates $1.6 billion over five years to meet higher costs of service delivery across SA Health, in part due to new higher national efficient price levels, and to support SA Health as it strives to improve the effectiveness and efficiency of its services.

A further $742.3 million is allocated over five years to meet higher activity demand pressures in the public health system, and the budget also includes $30.2 million to deliver 20 additional general inpatient beds at the Lyell McEwin Hospital and 36 additional surgical and general inpatient beds at the Queen Elizabeth Hospital.

This will bring the total number of beds commissioned by this government to more than 600, and by the end of next year, over 300 of these will have been delivered—the equivalent of an entire Queen Elizabeth Hospital.

In mental health, new funding of $5 million is allocated over four years to fund a range of programs to support youth mental health services, while the government continues delivering mental health support services, including 108 additional mental health beds, funded in its first two budgets at a cost of $214 million.

Keeping the community safe is a fundamental responsibility for any government and it remains a priority to ours. I'm pleased to report to the House the budget contains the largest investment in prison capacity in our state's history.

$205.7 million is allocated over four years to construct 312 high security beds at Yatala Labour Prison, and a further $21 million over two years to construct 40 additional residential beds at Adelaide Women's Prison.

The budget also starts the work of investing in post-release accommodation for prisoners preparing to re-enter the community, with $3.4 million over four years to repurpose the former juvenile detention centre at Cavan to provide accommodation support services for 36 people.

The budget also continues the work of investing more in our police force.

Last year, the government funded the recruitment of 189 police security officers to take on roles to free up sworn officers for frontline duties.

This year, $36.7 million is allocated over the next four years for a suite of initiatives to continue this work, and allow the equivalent of a further 102 officers and staff to be reallocated from administrative and back office roles onto the frontline.

$19 million over four years will fund a digital police station initiative, a new online system which will provide a range of services to the public currently only available by visiting a police station.

$9.3 million over four years is allocated to recruit civilian staff to various administrative and back-office positions to release sworn officers into priority operational policing duties.

A further $8.5 million over four years will accelerate the delivery of a new telephone resolution desk employing 31 administrative call takers to reduce SA Police attendance at non-emergency incidents, without compromising public safety or service delivery standards.

This year's budget sees the largest ever infrastructure program, with $25.6 billion invested over the next four years. This includes $7.0 billion towards the River Torrens to Darlington section of the North-South Corridor, and $1.7 billion towards the new Women's and Children's Hospital.

Road projects supported in the budget include $200 million over three years to improve safety and traffic management between the Tollgate and Crafers on the South Eastern Freeway, and a further $150 million over four years to upgrade two interchanges with the South Eastern Freeway at Mount Barker and Verdun.

An $80.1 million road safety package over four years includes an extra $35 million for key road maintenance upgrades, $38.7 million for further road safety cameras including at key push-button pedestrian crossings, and $2.6 million to reduce speed limits at priority locations on arterial roads adjacent to schools.

In the Arts the budget provides $20.7 million over five years to establish an arts investment fund to drive targeted investment in strategic initiatives across South Australia's arts, culture and creative industries, as well as $19 million over three years for new accommodation for the State Theatre Company, State Opera and Country Arts South Australia.

In sport and recreation facilities $83.1 million over four years will be invested to redevelop the Netball SA stadium at Mile End, $20 million will be contributed towards the redevelopment of the Lyndoch Recreation Park, and $5 million will be provided from 2027-28 to continue partnering with councils to maintain and repair the state's jetties.

To support our primary industries, there is a further $43 million over two years to respond to fruit fly outbreaks across the Riverland and metropolitan Adelaide, and $24.4 million over five years to reduce agricultural emissions through supporting the upskilling of the sector in the take up of low emission intensity farming systems.

To continue to support communities across our regions, $4.4 million over four years is provided to support the rural financial counselling and family and business support mentors programs.

More broadly across our regions the budget provides a range of new measures across portfolios, including:

- $31.8 million for the construction of three overtaking lanes on Main South Road between Normanville and Cape Jervis
- $20 million towards planning transport network improvements to support the Riverland following the River Murray flood event
- $18 million to construct a new purpose-built police station in Naracoorte
- $11.5 million to support the Port Pirie emergency department upgrade, and
- $4.3 million to build a new integrated cancer consult suite at Mount Gambier Hospital.

The budget provides a significant boost to environment and conservation funding, including a further $20.6 million in 2024-25 to protect our beaches, including $14.3 million to commence restoring West Beach and evaluate long-term sand recycling options, and $6.4 million to enable the continued replenishment of sand at West Beach and other Adelaide coastal areas.

$30 million is allocated to protect and conserve our iconic natural places and enhance visitor experiences. The government is also providing $16.4 million over four years in additional support to the RSPCA to provide compliance activities, welfare assessments and assist in the enforcement of animal welfare provisions.

Our state's strong economy has seen state taxation revenues revised up by $357 million in 2023-24 since the mid-year budget review and by a further $1.1 billion over the period 2024-25 to 2026-27, mainly due to higher forecast collections from payroll tax, conveyance duty and land taxes.

Further, stronger national GST collections in 2023-24 and changes to South Australia's share of GST revenue since the mid-year budget review means GST grant revenues have been revised up by $162 million in 2023-24 and by $635 million over the period 2024-25 to 2026-27.

While the government has benefited from strong revenue collections from robust economic performance, those revenues have allowed us to get the budget back into surplus, reduce taxes, increase funding in key areas, and invest in more infrastructure.

The 2024-25 Budget outlines the government's second surplus, and projects surpluses across the forward estimates. As I have advised the House previously, these surpluses are important to provide a buffer in case of lower economic growth or to provide greater support to the community.

At the end of the current financial year, non-financial public sector net debt is projected to be $3.6 billion lower than what had been forecast by the previous government, and the key debt affordability metric, the net debt to revenue ratio, is more than 28 percentage points lower than what had been forecast.

As a result of the budget's record $25.6 billion infrastructure program, non-financial public sector net debt is forecast to increase by $16.3 billion over the forward estimates, reaching $44.2 billion as at 30 June 2028, however with a net debt to revenue ratio of 131.8 per cent, only 2.2 percentage points higher than what had been forecast by the previous government.

It takes an enormous effort to put a state budget together, and I'd like to thank those who have contributed so much and been an enormous support over recent months.

I commend the Bill to the Council and seek leave to have the explanation of clauses inserted into *Hansard* without my reading them.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2024. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subclause (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This clause sets a limit of $150 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2025

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

LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) (REVIEW) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:51): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I rise to introduce the *Late Payment of Government Debts (Interest) (Review) Amendment Bill 2024*. This Bill supports implementation of the Government's procurement reform election commitment to pay contractor invoices in 15 calendar days.

The SA Government processes approximately 3.2 million invoices each year, worth roughly $17.2 billion. As I am sure you would all agree, the timely payment of these invoices is vital to supporting positive cash flow for businesses trading with public authorities, particularly small to medium local businesses.

In 2018, this House took a positive step forward by introducing automatic interest on overdue invoices to incentivise prompt payments by public authorities. This Bill will strengthen the Government's commitment to prompt payments, by reducing the current standard 30 calendar day trading terms to 15 calendar days.

Members will note that it is intended to prescribe the payment timeframes by Regulation, which will occur following passage of the Bill.

A number of supplementary changes are also proposed to modernise the Act, provide greater flexibility and expand coverage. These changes include:

Inclusion of Not-for-Profit Entities: The definition of 'qualifying bodies' will be expanded to encompass all not-for-profit entities.

Interest Calculation: The method for calculating interest will be moved from the Act to the Regulations, providing greater flexibility for any future changes that may be considered appropriate. It is important to note that the Bill makes clear that any prescribed formula must provide for interest payments that are equal to or greater than the amount determined in accordance with the current calculation method.

The timeframe for public authorities to make interest payments on overdue invoices will be changed from 48 hours to 2 business days.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Late Payment of Government Debts (Interest) Act 2013*

3—Amendment of section 3—Preliminary

This clause amends a number of definitions in the Act.

Currently, the definition of *designated contract* excludes contracts that make specific provision for payment terms that are greater than 30 days. It is proposed to amend the definition so that the relevant number of days is prescribed in the regulations rather than specified in the Act. A related amendment is to be made to the definition of *designated payment period*.

This clause also substitutes a new definition of *qualifying body*. Under the new definition the term includes not-for-profit entities. A not-for-profit entity is—

- an entity that is registered, or entitled to be registered, under the *Australian Charities and Not-for-profits Commission Act 2012* (a Commonwealth Act); or
- any other entity (other than a government entity) that is not carried on for the purposes of profit or gain or for the benefit of particular people.

4—Amendment of section 5—Occurrence of default event

Section 5 of the Act sets out the circumstances in which a default event occurs. Currently, those circumstances include payment made by or on behalf of a public authority to a supplier that is made more than 30 days after the day on which the invoice or claim is received by the public authority. As amended by this clause, the relevant number of days for the purposes of the section will be prescribed in the regulations instead of being specified in the Act.

5—Amendment of section 6—Interest payable if default occurs

This clause amends section 6 so that the minimum amount of interest is determined in accordance with the regulations rather than by reference to a formula set out in the Act. It will be a requirement of the Act that the regulations provide for a minimum amount of interest that is not less than the amount payable under the Act prior to the commencement of the amendment.

A supplier is not entitled to interest if the minimum amount of interest calculated under the section is $10 or, if another amount is prescribed, that amount.

Schedule 1—Transitional provision

1—Transitional provisions

The transitional provision makes it clear that the Act as amended applies to invoices or claims rendered after the commencement of the amendments.

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

STATUTES AMENDMENT (BUDGET MEASURES) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:52): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The 2024-25 Budget continues the government's investment towards a world class health system, implementing education sector reforms, increasing the supply of affordable housing, reducing cost of living pressures, and maintaining efficient public services.

The Bill contains amendments to relevant legislation to implement measures announced in the 2024-25 Budget and other administrative amendments, including:

- Removing the property value stamp duty thresholds for eligible first home buyers on the purchase of a new home or vacant land for contracts entered into on or after 6 June 2024;
- Removing the property value cap of $650,000 for the First Home Owner Grant for eligible contracts entered into on or after 6 June 2024; and
- An exemption from payroll tax on the wages of general practitioners related to bulk billed services.

I turn now to a more specific discussion of the detail of these important amendments.

First Home and Housing Construction Grants Act 2000

- The Bill amends the First Home and Housing Construction Grants Act 2000 to remove the property value cap of $650,000 for eligibility for the $15,000 First Home Owner Grant for contracts entered into on or after 6 June 2024.
- Eligibility for the First Home Owner Grant is also being removed for individuals who own, or have owned, a residential investment property, ensuring access to the grant is limited to those who are genuinely purchasing their first property.

Mining Act 1971

- The Bill amends section 17 of the Mining Act 1971 to enable the Treasurer to determine the market value of minerals sold pursuant to a contract with a genuine purchaser at arm's length, for the purposes of determining royalty, in circumstances where the Treasurer is not satisfied that the contract price reflects the market price of the minerals. Section 17(6) provides for the market value of the minerals to be determined according to a market index price in a relevant industry market recognised by the Treasurer, a price obtained for comparable sales or other prescribed methods.
- The Bill also amends section 56M of the Mining Act 1971 to gradually restrict future eligibility for landowner rental distributions, consistent with practices adopted in other jurisdictions. Where an application for a mining lease, retention lease or miscellaneous purposes licence is made on or after 1 July 2025, a freehold landowner with an interest in land over which the mineral tenement is granted will not be eligible to receive a rental distribution in relation to that parcel of land.
- Further to this, where a freehold landowner's interest in land over which a mineral tenement is granted is transferred on or after 1 July 2026, the new freehold landowner will be eligible to receive 50% of their original rental distribution entitlement in relation to that parcel of land. Land subject to transmissions associated with deceased estates and transfers where a familial relationship exists will continue to be eligible to receive 100% of the original rental entitlement. The entitlement of freehold landowners under section 56M in respect to existing mineral tenements will not otherwise be impacted by the amendments.

National Electricity (South Australia) Act 1996

- The Bill amends the National Electricity (South Australia) Act 1996 to enable the Governor to establish a scheme by regulation for the purposes of providing adequate long duration dispatchable electricity capacity to ensure secure, reliable and affordable electricity supply for the State.
- The scheme is intended to incentivise the availability of new and existing long duration dispatchable capacity to support reliability during reliability events, such as maximum demand periods, periods of low variable renewable energy resource availability and disruptions to interconnector flows from other jurisdictions in the National Electricity Market. The required amount of capacity to manage risks to

energy reliability in South Australia will be determined under the new electricity planning and forecast functions of the Office of the Technical Regulator.

- Regulations made pursuant to section 15B may make provision for (without limitation), the establishment of bodies and appointment of persons to perform functions in respect of the scheme, the imposition of duties and obligations on market participants, including to provide or procure capacity, and the making of financial contributions and the recovery of costs in respect of the scheme.

Payroll Tax Act 2009

- This Bill amends the Payroll Tax Act 2009 to allow for an exemption from payroll tax on the wages of general practitioners related to bulk billed services from 1 July 2024. The exemption is designed as an incentive for general practitioners to bulk bill patients.
- The exemption only applies to the relevant wages of a general practitioner, it does not apply to the wages of any other employees within a medical practice.
- Subject to the passage of the Bill, the Government will introduce regulations under the Payroll Tax Act 2009 providing for the exemption to be calculated based on the proportion of bulk billed items relative to the total number of billed items provided by those general practitioners engaged in a medical practice as an employee or contractor. This percentage deduction will then be applied against the medical practices' total annual general practitioners' wages bill. The regulation will apply from 1 July 2024.
- In addition, the Bill makes amendments to allow for an existing amnesty on certain wages paid to general practitioners and other health service providers, which expires on 30 June 2024, to be included in regulations.
- This will provide greater certainty to taxpayers and remove the requirement to provide a range of historic wage information to determine the level of ex gratia relief to be provided through the amnesty if it is not legislated. This will deliver administrative benefits for the parties that took part in the amnesty.

Stamp Duties Act 1923

- This Bill expands stamp duty relief for eligible first home buyers who enter into a contract to purchase a new home or vacant land to build a new home, on or after 6 June 2024.
- Stamp duty property value thresholds for eligible first home buyers will be removed for the purchase of an eligible new home or vacant land to build a new home.
- Eligibility for stamp duty relief will also be removed for individuals who own, or have owned, a residential investment property, to target relief to those who are genuinely purchasing their first property. This is consistent with the proposed eligibility criteria for the First Home Owner Grant.
- When combined with the First Home Owner Grant, an eligible first home buyer could now receive total relief of over $50,000 on the purchase of a new property valued at $750,000 (broadly in line with the current median house value).

Mining Regulations 2020

- This Bill amends references in the Mining Regulations 2020 which are consequential to amendments made above to the *Mining Act 1971*.

The 2024-25 Budget seeks to support the immediate challenges facing many South Australians by providing targeted cost of living relief to families, those on low incomes and to small business, continues to invest in important social services and infrastructure, and importantly looks to the future by commencing generational reform in early childhood education while doing so in a fiscally sustainable manner, with no new taxes, tax increases or savings imposed on agencies. The measures contained in this Bill support the key priorities of this government.

I commend this Bill to the Council and seek leave to have the explanation of clauses inserted into *Hansard* without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

3—Amendment of section 7—Entitlement to grants

This clause amends section 7 of the *First Home and Housing Construction Grants Act 2000* so that the first home owner grant is payable regardless of the market value of the home to which the eligible transaction relates if the commencement date of the transaction is on or after 6 June 2024. Currently, the grant is not payable if the market value exceeds $650,000.

It also clarifies that the regulations may prescribe a cap on market value in respect of an eligible transaction with a commencement date within a prescribed period or otherwise which would mean no first home owner grant would be payable in relation to such a transaction if the value of the home exceeds that cap.

4—Amendment of section 11—Criterion 4—Applicant (or applicant's spouse etc) must not have had relevant interest in residential property

This clause amends section 11 of the *First Home and Housing Construction Grants Act 2000* to provide that, if the commencement date of the eligible transaction is on or after the day on which this section comes into operation, any interest held or previously held in residential property in the State or another State or Territory by the applicant or the applicant's spouse or domestic partner precludes the applicant from receiving the first home owner grant irrespective of whether the person who held the interest resided in the property continuously for at least 6 months.

Part 3—Amendment of *Mining Act 1971*

5—Amendment of section 17—Royalty

This clause substitutes subsections (5) and (6) and recasts them to clarify the manner in which the value of minerals for the purposes of determining royalty in the section is to be determined. Proposed subsection (5) provides that the value of minerals, for the purposes of determining royalty, will be the value that represents the market value (excluding GST) of the minerals on—

- in the case of minerals sold pursuant to a contract with a genuine purchaser at arms length—the day on which ownership of the minerals is transferred to the purchaser; and
- in any other case—the day on which—
  - the minerals leave the mineral tenement from which the minerals were recovered or are used on the tenement; or
  - if the minerals have been transported to mineral land the subject of a miscellaneous purposes licence—the minerals leave that mineral land or are used on that mineral land,
- whichever occurs later.

The market value of the minerals for the purposes of proposed subsection (5), if the minerals are sold pursuant to a contract with a genuine purchaser at arms length, will be the contract price for the minerals. In circumstances where there is no contract price for the minerals, proposed subsection (6) sets out the manner in which the market value of minerals is to be determined in various circumstances.

6—Amendment of section 17B—Assessments by Treasurer

This clause makes a consequential amendment.

7—Amendment of section 56M—Rental

Subclauses (1) and (2) make consequential amendments. Subclause (3) inserts new provisions limiting the distribution of rental to a registered proprietor of land over which a tenement is held as is currently provided for in the section as follows:

- proposed subsection (9a) prevents any distribution of rental in accordance with subsections (4) to (8) if the tenement to which the section applies was made on or after 1 July 2025;
- proposed subsection (9b) provides that for the purposes of subsection (4), if a relevant interest in a parcel of land over which a mineral tenement is granted has been transferred (other than by reason of the registered proprietor being deceased or where the Minster is satisfied that a familial relationship exists between the transferor and transferee) on or after 1 July 2026, the net amount available for distribution under that subsection in respect of that parcel of land will be taken to be 50% of the amount remaining after deduction of 5% of the amount payable to the Minister;
- proposed subsection (9c) defines the circumstances in which a familial relationship will exist between a transferor and a transferee for the purposes of proposed subsection (9b);
- proposed subsection (9d) provides the Minister with the power to require, by written notice, that a person provide such information or evidence as the Minister may require for the purposes of considering whether a familial relationship exists, including a requirement that information or evidence be given on oath or verified by statutory declaration.

Subclause (4) inserts a new subsection (11) that defines certain terms used in proposed subsections (9a) to (9d).

8—Transitional provisions

This clause contains transitional provisions consequent on the amendments in clauses 5 and 6.

Part 4—Amendment of *National Electricity (South Australia) Act 1996*

9—Insertion of section 15B

This clause inserts new section 15B into the *National Electricity (South Australia) Act 1996* as follows:

15B—Regulation-making power for purposes of scheme and fund in relation to electricity capacity

This section enables regulations to be made to establish a scheme or a fund (or both) for the purposes of providing long duration dispatchable electricity capacity to ensure secure, reliable and affordable electricity supply for the State.

Part 5—Amendment of *Payroll Tax Act 2009*

10—Amendment of Schedule 2—South Australia specific provisions

This clause inserts new clauses 17B and 17C into Schedule 2 of the *Payroll Tax Act 2009* as follows:

17B—General practitioners—bulk billed services

This clause allows the regulations to, in relation to bulk billed services, declare a percentage of wages paid or payable to general practitioners engaged by a medical practice that provides bulk billed services to be exempt wages.

The clause allows the regulations to modify or exclude the application of the Act in relation to such exempt wages.

Regulations made for the purposes of the clause may operate in respect of the financial year commencing on 1 July 2024 or any subsequent financial year.

17C—Other exemptions for previous financial years

This clause allows the regulations to declare wages, or a percentage of wages, paid or payable in circumstances prescribed by the regulations to be exempt wages.

The clause allows the regulations to modify or exclude the application of the Act in relation to such exempt wages.

Regulations made for the purposes of the clause may operate in respect of 1 or more financial years that commenced before the commencement of the regulations.

Part 6—Amendment of *Stamp Duties Act 1923*

11—Amendment of section 71DD—Relief from duty in respect of certain purchases of new homes and land

This clause amends section 71DD of the *Stamp Duties Act 1923* as follows:

- by providing that no duty is payable if the contract for the conveyance or transfer of a new home or vacant land on which a home is to be built was entered into on or after 6 June 2024;
- by providing that, if the commencement date of the relevant contract is on or after the day on which this Act is assented to by the Governor, a purchaser does not qualify for relief under the section if a purchaser under the contract, or a spouse or domestic partner of a purchaser under the contract, held an interest in residential property in the State or another State irrespective of whether the person who held the interest resided in the property continuously for at least 6 months;
- by providing that a person is eligible for relief under the section regardless of the market value of the new home or vacant land if the contract for the conveyance or transfer was entered into on or after 6 June 2024;
- by stating that the section does not apply to a contract entered into on or after 6 June 2024 that replaces a contract entered into before that date for the same new home or vacant land;
- by allowing the Commissioner to determine that a contract for a conveyance or transfer entered into on or after 6 June 2024 that replaces a contract entered into before that date for the same new home or vacant land is eligible for the relief under the section that would have applied if the original contract had not been replaced;
- by providing that the section does not operate to provide relief from the foreign ownership surcharge (within the meaning of section 72) payable on a contract for the conveyance or transfer of a new home or vacant land on which a home is to be built that is entered into on or after the day on which this Act is assented to by the Governor.

Part 7—Amendment of *Mining Regulations 2020*

12—Amendment of regulation 10—Prescribed information to accompany tenement holder's estimate of value of minerals

This clause amends references in this regulation consequential on the amendments in clauses 5 and 6.

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

CONSTRUCTION INDUSTRY TRAINING FUND (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:52): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Today, I rise to introduce the Construction Industry Training Fund (Miscellaneous) Amendment Bill 2024.

This Bill implements recommendations from a comprehensive, independent review of the Construction Industry Training Fund Act 1993 conducted on the third anniversary of amendments to that Act in 2019.

As the Act had not been comprehensively reviewed in nearly two decades, the Government considered it appropriate to expand the scope of the Review to matters beyond those introduced by the 2019 amendments.

The Review considered the view of the Board and received 45 submissions from stakeholders in response to an Issues Paper released for public comment in December 2022.

I accepted 30 of the Review's 31 recommendations for immediate implementation.

The remaining recommendation, to investigate an alternative, more robust collection mechanism, will be delayed three years, pending evaluation of the other reforms this Bill introduces.

A further round of consultation was undertaken on an early draft Bill with key government and non-government stakeholders to identify possible financial impacts and implementation issues.

The Bill introduces an objects section to the Act that provides focus to the Board's purposes and functions, including to promote high quality training, innovative training options and access to training for underrepresented groups.

LEVY PAYMENT

Objects of the Bill also include that the Board must ensure the Fund is appropriately administered and compliance with levy payment is maintained. The Bill reinforces the Board's responsibility in this regard, by adding to the Board's functions oversight of revenue collection.

The Review supported improving accountability for levy payment by project owners and the Bill amends the definition of 'project owner' to provide greater clarity that, when government delivers a project, the government authority responsible for a project's delivery is liable to pay the levy.

Outside of government projects, the Bill retains the current definition of a project owner to include the person engaged to deliver all, or substantially all of the project; or in any other case, the person who directly benefits from the building and construction work.

The Bill will support, through regulations, an increase of the project value threshold at which the levy is payable from $40,000 to $100,000. The Review found that this increase had a small impact on the Board's income and would result in a substantial reduction in the number of low value projects subject to the levy; around 3,500.

The Board must review this threshold at least once every three years and may recommend its adjustment.

The Bill does not change the current 0.25 per cent levy rate, consistent with the Review's recommendation.

Stakeholders viewed the application of the GST to the calculation of a project's value as a tax on a tax. Accordingly, the Bill removes GST from the calculation of a project's cost, resulting in a reduction in the amount of levy payable for all project owners.

Consistent with the findings of the Review and a previous independent review of the Act, the requirement that the Board allocate monies from the Fund in proportion to each sector's contribution is removed.

This will not alter the Board's overriding duty to consult with the sectors in the allocation of the Fund and, importantly, will enable the Board to allocate monies from the fund based on the best evidence, and industry intelligence.

This reform also brings the Act in line with similar legislation in other jurisdictions.

BOARD COMPOSITION

The Bill responds to feedback that changes to the Board appointment process and composition introduced in 2019 resulted in a lack of balance of representation by members at Board level.

This is not a criticism of the work of the Board or Board members.

It simply states that a Board that has the benefit of representative members to voice the interests, needs and concerns of employers and employees, is better informed and makes better decisions about how to allocate funding for training across the industry.

The Board will comprise 4 members to represent the interests of employers and 4 members to represent the interests of employees.

The Bill will require the Minister to consult with prescribed employer and employee associations to identify nominees in this category.

An additional 4 members will be independent of the industry, and selected through an expression of interest process.

Deputy members can continue to be appointed to the Board, as required.

The Bill will authorise the Minister to appoint a person to attend a meeting of the Board.

This will replace the current provision permitting attendance by a Commonwealth Ministerial appointee.

The Bill confirms that the Minister's appointed person cannot vote or compromise the independence of the Board.

COMMITTEE STRUCTURE

The current three-committee structure comprising housing, commercial and civil is preserved and their functions expanded to include oversight of revenue collection.

The Bill also requires the establishment of a cross-sector planning committee to advise the Board on issues that impact the industry as a whole.

The Review heard from stakeholders that professional and small businesses views were an important input into planning by the Board and the cross-sector planning committee can be a conduit for these views.

Attracting Committee members with requisite expertise in an area essential for administration of the Fund can be difficult.

Accordingly, the Bill permits Ministerial approval of allowances and expenses incurred by committee members; and requires their publication in the Board Annual report and on its website.

BOARD ADMINISTRATION

The Bill responds to the Board's request to change its financial and operational reporting from a financial to a calendar year.

This facilitates planning by stakeholders who deliver training subsidised by the Fund.

The Bill streamlines reimbursement of expenses reasonably incurred by Board members; and formalises the ability of the Board to engage staff or services of the public service under an arrangement agreed with the relevant Minister.

A new section allows the Minister to present the Board with an annual statement of the government's priorities for the application of the Fund, to inform the Board and assist with its planning.

The Board is not compelled to adopt the government's priorities and the Bill will ensure the Board's independence in this regard.

The Review concluded that the current annual training plan development cycle constrains the Board's outlook and planning.

Accordingly, the Bill introduces a three yearly training plan cycle, with annual reviews.

This encourages medium and long-term planning without loss of the flexibility of annual adjustments and ad hoc variations.

Based on feedback to the Review, the Bill permits allocation of monies from the Fund for the purposes of workforce attraction and retention activities.

REVIEW EXEMPTIONS

The Review considered the exemptions in the Act and whether they remained relevant and appropriate.

Applying this test, it concluded that the exemptions for power generation and works performed by a self-employed people in industries outside of building and construction, did not meet the test of relevance or appropriateness and should be removed.

The Government accepts this approach and will proceed with these reforms.

The Review also recommended the exemption for mining and petroleum works be reviewed. Having considered the efficacy of removing this exemption, the Government has decided not to proceed with this course of action at this stage.

The Bill will mandate a review of the operation of the Act following its fifth anniversary.

Finally, the Bill introduces a number of housekeeping amendments that update provisions or remove obsolete provisions, as required.

For example, the Bill will replace the reference to a 'local council' with a 'relevant authority' to reflect the various approval pathways through which building and construction projects progress.

I acknowledge the collaborative and consultative approach of the Board, the Department and the Reviewers resulting in the sensible and contemporary reforms introduced by this Bill.

I commend the Bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Construction Industry Training Fund Act 1993*

3—Amendment of section 3—Interpretation

Amendments are made to various definitions for the purposes of the measure.

4—Insertion of section 3A

This clause inserts a new section 3A into the principal Act:

3A—Objects

Proposed section 3A sets out the objects of the principal Act.

5—Amendment of section 4—Constitution of the Board

This clause notes that the Board continues in existence, and directs attention to the new section 32A which provides for the Board to potentially operate under a different name.

6—Amendment of section 5—Composition of the Board

This clause makes several amendments around the composition of the Board, and makes provision for how the Board members are to be selected. It provides that the Board will consist of 12 members appointed by the Governor on the nomination of the Minister and that, of those 12, 4 are appointed to represent the interests of employers and 4 are appointed to represent the interests of employees. It provides for the appointment of a presiding member and for the appointment of deputies of members.

7—Amendment of section 7—Procedures of the Board

This clause provides for the Minister to nominate a person to attend at a meeting of the Board but notes that such a person is not a member of the Board and can't vote or compromise the independence of the Board.

8—Amendment of section 8—Disclosure of interest

This clause replaces a reference to a private interest with a reference to a personal or pecuniary interest, and makes amendments modernising language.

9—Amendment of section 9—Member's duties of honesty, care and diligence etc

This clause makes amendments modernising language.

10—Amendment of section 10—Allowances and expenses

This clause makes amendments allowing for Board members to be reimbursed for expenses reasonably incurred in the performance of their functions under the Act and allows for other remuneration and allowances as approved by the Minister.

11—Amendment of section 11—Functions and powers

This clause adds a new function of the Board, being the overseeing of revenue collection for the fund, and makes a consequential amendment stemming from the amendments relating to the Training Plan.

12—Amendment of section 13—Committees

This clause adds a new function to the committees of the Board in addition to requiring the Board to establish a new committee and providing for the remuneration and reimbursement of committee members in circumstances approved by the Minister.

13—Amendment of section 14—Delegations

This amendment is consequential.

14—Amendment of section 17—Annual report

This clause changes the annual report of the Board from being on a financial year basis to being on a calendar year basis.

15—Substitution of section 18

Section 18 is substituted:

18—Staff and resources

Proposed section 18 establishes that the staff of the Board are not public service employees, and that the Board may enter into agreements to make use of the staff or services of an administrative unit of the Public Service.

16—Amendment of section 20—Imposition of levy

This clause removes an obsolete reference.

17—Amendment of section 23—Exemptions

This clause makes it clear that the threshold amount for the exemption can be found in the regulations and requires the Board to conduct a review of the threshold amount once every 3 years and, if necessary, recommend to the Minister an adjustment.

18—Amendment of section 24—Liability of project owner to pay levy

This clause establishes that where building or construction work requires approval from a relevant authority (within the meaning of the *Planning, Development and Infrastructure Act 2016*), those authorities are not to issue that approval unless the levy has been paid or the authority is satisfied that no levy is payable.

19—Amendment of section 26—Notice of variation

This clause makes clear that the amount which triggers the requirement of a project owner to notify the Board is set by the regulations.

20—Amendment of section 31—Construction Industry Training Fund

This clause amends section 31(4) by allowing to be paid from the fund any amount the Board considers appropriate for workforce attraction and retention purposes, and makes a minor amendment to a reference to training plans consequent on changes to section 32.

21—Insertion of section 31A

This clause inserts a new section 31A:

31A—Minister may present Board with statement of priorities

Proposed section 31A gives the Minister the power to give the Board a statement of the government's priorities each year, however it is made clear that nothing requires the Board to do anything to give effect to such a statement.

22—Substitution of heading to Part 6

This clause amends the heading to Part 6, consequent to changes to section 32.

23—Substitution of section 32

Section 32 is substituted:

32—Training Plan

Proposed section 32 provides for the development and implementation of training plans, on a 3 yearly cycle, for the purposes of improving training quality and skill levels across the Building and Construction industry. Provision is also made for variation of a training plan within the life cycle of the plan, and for yearly reviews of the plan.

24—Insertion of section 32A

This clause inserts a new section 32A:

32A—Board may conduct activities under other name

Proposed section 32A allows the Board to conduct its activities under a name prescribed by regulation.

25—Amendment of section 37—Regulations

This clause makes a minor amendment modernising language.

26—Substitution of section 38

Section 38 is substituted:

38—Review of Act

Proposed section 38 requires the Minister to cause a review of the Act to be completed as soon as is practicable after the fifth anniversary of the commencement of the section.

27—Amendment of Schedule 1—Building or construction work under the Act

This clause amends clause 2 of Schedule 1 by removing certain maintenance or repair work from the list of things which do not constitute building or construction work for the purposes of the principal Act.

28—Amendment of Schedule 1A—Value of building or construction work

This clause makes various changes to the manner in which the value of building or construction work is to be determined for the purposes of the principal Act.

29—Amendment of Schedule 4—Public accountability of Board

This clause makes minor amendments consequential on the change to section 32, as well as for the purposes of modernising language.

Schedule 1—Transitional provisions

1—Composition of Board

This clause provides that, on the commencement of section 6 of the measure, all the offices of the Board will be vacated.

2—Annual report during transitional period

This clause provides for the transition from financial year reporting to calendar year reporting.

3—Training plan

This clause provides that the training plan in force immediately prior to the commencement of the measure will be taken to be the Training Plan.

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

CASINO (PENALTIES) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:52): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

This Bill proposes to amend the *Casino Act 1997* and make related amendments to the *Gambling Administration Act 2019* following unprecedented national scrutiny into casino governance and integrity.

To this end, the Bill includes a range of new and significantly increased penalties for contraventions of the *Casino Act 1997* and *Gambling Administration Act 2019,* whether imposed for criminal offending, as expiation fees or as a fine imposed by taking disciplinary action. The changes apply solely to casino operations and not to other gambling providers.

The Bill also establishes new causes for the Liquor and Gambling Commissioner (Commissioner) to take disciplinary action against the holder of the casino licence if:

- circumstances come to light that show that the casino licensee, a close associate of the licensee or a designated person is found to have engaged in conduct that constitutes serious misconduct, or
- if a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth has imposed a penalty (whether civil or criminal) on the casino licensee, a close associate or a designated person.

Furthermore, transitional provisions contained within the Bill clarify that the changes being made to the maximum fine that can be imposed by taking disciplinary action, as well as the new causes for taking disciplinary action, will apply retrospectively. This will address conduct which has occurred prior to commencement of the provisions (should such circumstances come to light), as well as to disciplinary action which has commenced but has not yet reached the stage of determining the penalty.

While the increased penalties set out in the Bill are certainly significant, being the first substantial increase to many of the provisions since the *Casino Act* was enacted in 1997, they are being sought to ensure that a penalty if imposed on the casino licensee is not simply treated as an acceptable cost of doing business in South Australia. The ability for the Commissioner and the courts to impose a significant monetary penalty is not unreasonable or inconsistent with the way that casinos across Australia are now regulated.

The measures contained in this Bill are intended to be proactive and not only designed to reflect the nature of the risks identified in the national casino environment, but also to address concerns about the efficacy of our state laws to regulate the Adelaide Casino now and into the future.

Over the last three years, we have witnessed a series of independent inquiries across New South Wales, Victoria, Queensland and Western Australia exposing widespread and serious integrity, compliance, governance and risk management issues at casinos operated by subsidiaries of Australia's two largest casino operators, Crown Resorts Limited and The Star Entertainment Group Limited, leading to community calls for the wider casino sector to be subject to stronger regulatory scrutiny.

Findings of unsuitability, threat of licence suspension and other forms of disciplinary action taken by regulators in each of these States subsequently prompted extensive and willing remediation action by these casino operators accompanied by significant legislative reform to strengthen and enhance casino regulation, with fines of up to $100 million now being able to be imposed by regulators in Victoria, Queensland, New South Wales and Western Australia.

In comparison, the maximum fine currently able to be imposed on the casino licensee as a result of disciplinary action in South Australia is currently $100,000. Furthermore, in most cases, the maximum penalty for an offence if prosecuted before the courts is less than $50,000.

SkyCity Adelaide Pty Ltd (SkyCity) which holds the licence for the Adelaide Casino was not the focus of any of the interstate inquires. However it is currently the subject of multiple regulatory interventions, including—

- action taken by AUSTRAC in the Federal Court of Australia for alleged serious and systemic non-compliance with anti-money laundering and counter-terrorism financing (AML/CTF) laws (which SkyCity has since indicated it will make admissions),
- an investigation by the Hon Brian Martin AO KC (which the Commissioner has currently placed on hold) inquiring into the suitability of SkyCity to hold the casino licence and for its parent company SkyCity Entertainment Group Ltd (NZ) to be a close associate, and
- monitoring by Kroll Australia Pty Ltd (Kroll) which has been appointed in response to a direction issued by the Commissioner. Kroll is to review SkyCity's program of work focusing on its AML/CTF obligations and gambling related harm minimisation, to monitor implementation of that program of work and to monitor the operations of the Adelaide Casino for SkyCity's compliance with its regulatory obligations relating to AML/CTF and addressing gambling related harm.

Furthermore, SkyCity's counterpart in New Zealand, SkyCity Management Ltd which operates casinos in Auckland, Queenstown and Hamilton, is also the subject of proceedings before—

- the New Zealand High Court for non-compliance with the Anti-Money Laundering and Countering Financing Terrorism Act 2009 (NZ), the equivalent to the Australian Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth), and

- the New Zealand Gambling Commission, in relation to allegations that it had failed to comply with host responsibility requirements relating to the detection of incidences of continuous play.

This Bill reflects that the ability to conduct casino gaming in South Australia is a lucrative privilege bestowed only through the grant of a single licence issued by the state. Further, considering the scale of casino operations at the Adelaide Casino and the systemic risks identified in the national casino environment, the Bill provides a proactive response to calls particularly from within the South Australian community, for the Adelaide Casino to be subject to stronger regulatory scrutiny and accountability. It does this through a number of reforms.

First, the Bill addresses the currently limited options available to the Commissioner if cause for disciplinary action to be taken against the casino licensee arises. The current forms of disciplinary action available to the Commissioner (or the Licensing Court on review) include reprimanding the casino licensee, varying conditions of the casino licence, issuing directions as to the winding up of operations under the casino licence, imposing a maximum fine of $100,000, suspending the licence or cancelling the licence. The law also currently permits the issuing of a default notice requiring payment of up to $10,000. Short of suspending or cancelling the casino licence, there are currently limited repercussions for the casino licensee if found to have committed an act that is serious and fundamental in terms of the integrity of operating the Adelaide Casino.

To ensure there are meaningful consequences, the Bill provides that the Commissioner can impose a financial penalty on the casino licensee, either in the form of a default notice requiring payment of up to $1 million or by taking disciplinary action and issuing a fine not exceeding $75 million.

If the casino licensee is subsequently found guilty by a court of not complying with a requirement, order or direction of the Commissioner imposed as disciplinary action, the maximum penalty will also increase from $100,000 to $2.5 million.

Despite the Bill increasing the maximum fine for disciplinary action, the Bill does not change the power of the Commissioner to issue a reprimand, vary the licence conditions, give directions as to the winding up of operations, or suspend or cancel the licence.

The Bill also increases the maximum penalties which may be imposed by the courts if the casino licensee is found guilty of a range of critical offences to ensure they are an appropriate deterrent for the operator of a casino the size of the Adelaide Casino.

The Bill includes an increase to the maximum penalty arising from a contravention of the *Casino Act 1997*—

- for failing to inform the Commissioner of certain transactions entered into by the casino licensee which as a result allow an outsider to acquire control or influence over the casino business from $60,000 to $500,000
- for failing to get the Commissioner's approval for a person to be a designated person under the casino licence (including a director of the licensee or a person who is employed or working in an executive capacity who exercises discretion, influence, or control in respect of business operations under the casino licence) from $20,000 to $250,000
- for failing to notify the Commissioner of a person employed as a casino special employee or arising from the employment of a minor, from $20,000 to $250,000
- if a designated person accepts a gift or gratuity from a person, from $20,000 to $250,000
- if a person is found to have interfered with the proper operation of an approved system, equipment, machine or game to gain a benefit, from $50,000 or 4 years imprisonment to $500,000 or 4 years imprisonment
- if a person manufactures, sells, supplies or has in their possession a device adapted to interfere with the proper operation of an approved system, equipment, machine or game to gain a benefit, from $50,000 or 4 years imprisonment to $500,000 or 4 years imprisonment
- if a person is found using a computer, calculator or other device for the purpose of projecting the outcome of an authorised game to gain a benefit, from $50,000 or 4 years imprisonment to $500,000 or 4 years imprisonment
- if a person, other than a special employee, removes cash or gambling chips from gaming equipment, from $5,000 to $50,000
- if a child is permitted to enter or remain on the casino premises, from $10,000 to $500,000
- if the casino licensee knowingly assists a child to enter or remain on the casino premises, from $10,000 to $500,000
- if a person fails without reasonable excuse to comply with a requirement to produce evidence of age when requested by an authorised person, from $2,500 to $7,500
- if a person subject to a barring order is permitted to enter the gaming area of the casino premises—

- in the case of the barred person, from $2,500 to $7,500
- in respect to the casino licensee, from $10,000 to $500,000

- if the casino licensee is found guilty of the evasion and underpayment of casino duty required to be remitted to the Treasurer, from $100,000 to $50 million
- if a person is found guilty of hindering or obstructing an authorised officer exercising powers under the *Taxation Administration Act 1996* in relation to the calculation and reconciliation of casino duty, from $10,000 to $1 million.

The Bill also includes related amendments which will increase the maximum penalty arising from a contravention of the *Gambling Administration Act 2019*—

- if the casino licensee fails to provide information at the request of the Commissioner, from $10,000 to $250,000
- if the casino licensee fails to comply with a direction given by the Commissioner, from $100,000 to $500,000
- if the casino licensee fails to comply with a mandatory provision of a responsible gambling or advertising code of practice—
  - for a category A offence from $20,000 to $75,000
  - for a category B offence from $10,000 to $50,000
  - for a category C offence from $5,000 to $35,000
  - for a category D offence from $2,500 to $20,000
- if the casino licensee makes a false or misleading statement to the Commissioner, from $10,000 or imprisonment for 2 years, to $500,000 or imprisonment for 2 years.

Furthermore, the transitional provisions in the Bill make it clear that it is Parliament's intention that disciplinary action may be pursued against the casino licensee not only in respect of future conduct, but also in respect of past conduct (including the conduct currently before the Federal Court irrespective of if the proceedings are finalised and a penalty imposed before or after the Amendment Act is enacted).

However, the Bill expressly requires that the Commissioner, in imposing a penalty, must take into account any penalty already imposed in proceedings taken in relation to matters the subject of the disciplinary action, and preserves the Commissioner's discretion not to take any disciplinary action whatsoever.

I commend this Bill to the House and I seek leave to insert the Explanation of Clauses in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Casino Act 1997*

3—Amendment of section 3—Interpretation

This clause provides for definitions of *designated person* and *staff member* for the purposes of the Act. These definitions were previously located in other sections of the Act.

4—Amendment of section 14—Other transactions under which outsiders may acquire control or influence

This clause increases the maximum penalty applying for an offence against section 14(2) of the Act from $60,000 to $500,000.

5—Amendment of section 14B—Approval of designated persons

Subclause (1) increases the maximum penalty applying for an offence against section 14B(1) of the Act from $20,000 to $250,000.

Subclause (2) increases the maximum penalty applying for an offence against section 14B(2) of the Act from $5,000 to $50,000.

Subclause (3) increases the maximum penalty applying for an offence against section 14B(6) of the Act from $10,000 to $75,000.

Subclause (4) deletes the definition of *designated person*, now proposed to be located in section 3.

6—Amendment of section 20—Applications

This clause increases the maximum penalty applying for an offence against section 20(3) of the Act from $10,000 to $75,000.

7—Amendment of section 23—Investigative powers

This clause increases the maximum penalty applying for an offence against section 23(3) of the Act from $10,000 to $100,000.

8—Amendment of section 28—Interpretation

This clause deletes the definitions of *designated person* and *staff member*, now proposed to be located in section 3.

9—Amendment of section 32—Offences in relation to special employees

This clause increases the maximum penalties applying for an offence against section 32(1) and (2) of the Act from $20,000 to $250,000.

10—Amendment of section 35—Special employees and designated persons not to accept gratuities

This clause increases the maximum penalty applying in relation to an offence against section 35(1) of the Act as it applies to a designated person from $20,000 to $250,000.

11—Amendment of section 41—Interference with approved systems, equipment etc

Subclauses (1), (2) and (3) increase the maximum penalty applying in relation to an offence against section 41(1), (2) and (3) from $50,000 to $500,000 respectively. Subclause (4) increases the maximum penalty applying in relation to an offence against section 41(4) from $5,000 to $50,000.

12—Amendment of section 43—Exclusion of children

Subclauses (1) and (3) increase the maximum penalty applying in relation to an offence against section 43(3) and (4a) from $10,000 to $500,000.

Subclauses (2) and (4) increases the maximum expiation fee applying in relation to an alleged offence against section 43(3) and (4a) from $1,200 to $5,000.

Subclause (5) increases the maximum penalty applying in relation to an offence against section 43(6) of the Act from $2,500 to $7,500. Subclause (6) increases the expiation fee applying for an alleged offence against section 43(6) of the Act from $210 to $425.

13—Amendment of section 44—Licensee's power to bar

Subclause (1) increases the maximum penalty applying in relation to an offence against section 44(6) of the Act from $2,500 to $7,500. Subclause (2) increases the expiation fee applying for an alleged offence against section 44(6) of the Act from $210 to $425.

Subclause (3) increases the maximum penalty applying in relation to an offence against section 44(7) from $10,000 to $500,000. Subclause (4) increases the expiation fee applying for an alleged offence against section 44(7) of the Act from $1,200 to $5,000.

14—Amendment of section 45—Commissioner's power to bar

Subclause (1) increases the maximum penalty applying in relation to an offence against section 45(5) of the Act from $2,500 to $7,500. Subclause (2) increases the expiation fee applying for an alleged offence against section 45(5) of the Act from $210 to $425.

Subclause (3) increases the maximum penalty applying in relation to an offence against section 45(6) from $10,000 to $500,000. Subclause (4) increases the expiation fee applying for an alleged offence against section 45(6) of the Act from $1,200 to $5,000.

15—Amendment of section 45A—Commissioner of Police's power to bar

Subclause (1) increases the maximum penalty applying in relation to an offence against section 45A(5) of the Act from $2,500 to $7,500. Subclause (2) increases the expiation fee applying for an alleged offence against section 45A(5) of the Act from $210 to $425.

Subclause (3) increases the maximum penalty applying in relation to an offence against section 45A(6) from $10,000 to $500,000. Subclause (4) increases the expiation fee applying for an alleged offence against section 45A(6) of the Act from $1,200 to $5,000.

16—Amendment of section 48—Accounts and audit

This clause increases the maximum penalty applying in relation to an offence against section 48(1) of the Act from $50,000 to $500,000.

17—Amendment of section 50—Duty of auditor

This clause increases the maximum penalty applying in relation to an offence against section 50(1) of the Act from $10,000 to $250,000.

18—Amendment of section 52—Evasion and underpayment of casino duty

This clause increases the maximum penalty applying in relation to an offence against section 52(1) of the Act from $100,000 to $50 million.

19—Amendment of section 52AA—Investigatory powers relating to casino duty

This clause increases the maximum penalty applying in relation to an offence against section 52AA(5) of the Act from $10,000 to $1 million.

20—Amendment of section 72—Regulations

This clause increases the maximum penalty able to be imposed for a contravention of a regulation from $2,000 to $15,000.

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendment of *Gambling Administration Act 2019*

1—Amendment of section 8—General power to obtain information

This clause increases the maximum penalty applying to the holder of the casino licence for an offence against section 8(2) of the Act from $10,000 to $250,000.

2—Amendment of section 10—Commissioner may give directions

This clause increases the maximum penalty applying to the holder of the casino licence for an offence against section 10(3) of the Act from $100,000 to $500,000.

3—Amendment of section 16—Offence of breach of mandatory provisions of codes

Subclause (1) increases the maximum penalties applying to the holder of the casino licence or a person involved in an activity to which the *Casino Act 1997* applies from those applying to other gambling providers as follows:

- for a category A offence—$75,000;
- for a category B offence—$50,000;
- for a category C offence—$35,000;
- for a category D offence—$20,000.

Subclause (2) increases the maximum expiation fees applying to the holder of the casino licence or a person involved in an activity to which the *Casino Act 1997* applies from those applying to other gambling providers as follows:

- for a category A expiable offence—$5,000;
- for a category B expiable offence—$2,500;
- for a category C expiable offence—$1,200;
- for a category D expiable offence—$425.

4—Amendment of section 36—Cause for disciplinary action

The amendments in subclause (1) extend the circumstances in which the Commissioner may determine there are proper grounds for disciplinary action against the holder of the casino licence to include the following:

- an event occurs, or circumstances come to light, that show the licensee, a close associate of the licensee or a designated person has engaged in serious misconduct;
- a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth has imposed a penalty (whether civil or criminal) on the licensee, a close associate of the licensee or a designated person.

The amendments in subclause (2) defines the terms *close associate*, *designated person* and *serious misconduct* for the purposes of the amendments in subclause (1).

5—Amendment of section 37—Compliance notice

This clause increases the maximum penalty applying to the holder of the casino licence in relation to an offence against section 37(2) of the Act from $100,000 to $1 million.

6—Amendment of section 38—Default notice

This clause increases the maximum sum able to be set out in a default notice given to the holder of the casino licence under section 38 of the Act from $10,000 to $1 million.

7—Amendment of section 39—Disciplinary action

Subclause (1) increases the maximum penalty able to be imposed by the Commissioner if the Commissioner takes disciplinary action against the holder of the casino licence from $100,000 to $75 million.

Subclause (2) increases the maximum penalty applying to the holder of the casino licence for an offence of failing to comply with a requirement, order or direction of the Commissioner under section 39 from $100,000 to $2.5 million.

8—Substitution of section 42

This clause substitutes the section as follows:

42—Other proceedings to be taken into account

The proposed section reenacts the current provisions of section 42, with the addition of a provision in paragraph (a) which provides that the Commissioner may take disciplinary action against the holder of the casino licence—

- whether or not civil or criminal proceedings have been, or are to be, taken in a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth in relation to the matters the subject of the disciplinary action; and
- whether or not a penalty (whether civil or criminal) has already been imposed as a result of those proceedings in relation to those matters,

however, the Commissioner must, in imposing a penalty under Part 5 of the Act, take into account any penalty (whether civil or criminal) that has already been imposed in such proceedings.

9—Amendment of section 63—False or misleading statements

This clause increases the penalty applying to the holder of the casino licence for an offence against section 63 of the Act from $10,000 or imprisonment for 2 years to $500,000 or imprisonment for 2 years.

Part 2—Transitional provisions

10—Transitional provisions

This clause contains transitional provisions consequential on amendments in Part 1 of the Schedule.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:53): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill 2024 (the Bill) has been drafted to provide for the preservation of the Crown and Anchor Hotel (the Hotel) at 196 Grenfell Street, Adelaide as a live music venue.

The Hotel has significant importance to Adelaide for public interest reasons, and the State Government has been working closely with its owner to ensure it is retained as a live music venue into the future. In order to achieve this though, there needs to be an ability to increase the maximum height limit of development on the site adjacent to the Hotel to ensure the same yield can be achieved as if the Hotel is not retained.

The Bill achieves three purposes:

1. It preserves the Hotel so that generations to come will be able to use it as a place to congregate;

2. It provides that the Minister can prescribe, in a notice, other live music venues so that residential development within 60 metres must be developed with noise attenuation measures; and

3. It significantly increases the supply of student accommodation in the Adelaide CBD, which will assist to alleviate the pressure on the private housing rental market by supporting housing diversity as set out in the Housing Roadmap.

The current planning rules specify that the site of the Hotel has a maximum building height of 53m (incentive policies, such as provision of affordable housing, enable over height development) and the development application before the State Commission Assessment Panel proposes a height of 64m. The Bill will allow the site adjacent to the Hotel to be developed to height not exceeding 29 storeys or 101 metres.

The Bill provides that:

- The Hotel cannot be demolished, its height cannot be increased through the addition of more storeys and a change in use of the land cannot occur without the concurrence of the Minister for Planning (after he has consulted with the community for not less than four weeks).
- Demolition of the gutters and parapet of the Hotel that encroach on the adjacent allotment may occur without the concurrence of the Minister for Planning.
- Noise attenuation or acoustic treatment works in relation to the Hotel building will be taken to be classified by the Code as deemed-to-satisfy development and any partial demolition associated with these works does not require the concurrence of the Minister for Planning.
- The proposed student accommodation on the site adjacent to the Hotel is not subject to referrals to State agencies or the City of Adelaide, and will also be taken to be classified by the Code as deemed-to-satisfy if it meets the following criteria:
- In the opinion of the State Planning Commission (the Commission), the development, through high quality design, positively contributes to the liveability, durability, and sustainability of the student accommodation and the surrounding built environment.
- has a maximum building height not exceeding 101 metres,
- consists of no more than 29-storeys; and
- meets other criteria published by the Minister for Planning on the SA planning portal.
- Provides that the Minister for Planning can prescribe, in a notice, other live music venues within the Adelaide CBD, where any future residential development within 60 metres of the venue must be developed with noise attenuation measures to reduce the potential for complaints.
- Makes a technical change to section 76 of the Act to allow the Code to be amended without the need for a formal Code amendment process.
- Where the proposed student accommodation development meets the above criteria and is assessed as deemed-to-satisfy, a Statement of Site Suitability confirming that the necessary and appropriate remediation works in response to any site contamination have been undertaken will be required before a certificate of occupancy is issued (i.e. before the building may be occupied).
- Where the proposed development does not meet the additional criteria published on the SA planning portal, the development will be assessed on its merits against the Code, but the Code is amended in such a way that student accommodation is a desirable use of the land and the maximum building height for the site is 101 metres and 29-storeys.
- The State Commission Assessment Panel (as delegate of the Commission) is the relevant authority for the purposes of giving planning consent for the development of student accommodation on the site adjacent to the Hotel, as well as for the purposes of the noise attenuation or acoustic treatment works in relation to the Hotel building.
- The Heritage Places Act 1993 does not apply to the Hotel site or the site adjacent to the Hotel.

It should be noted that the Bill, as proposed, will still allow development applications to be lodged in keeping with the ongoing use and maintenance of the Hotel. For example, an application to convert part of the Hotel to a function room would be assessed as a conventional development application against the existing planning system.

The student accommodation will need to comply with the following additional criteria that will be published on the SA planning portal to be considered as deemed-to-satisfy:

- In relation to the primary and secondary street boundaries:
- There must be 0m setbacks;

- there must be a clearly defined podium with a maximum height of two storeys and there must be one or more levels above the podium with a setback of 1.5m; and
- 75% of the ground floor frontages must be active.
- The ground floor of the building must have a floor to ceiling height of at least 3.5m.
- Any habitable areas of the building must have a ceiling height of at least 2.7m.
- Communal open space must be provided at a minimum rate of 100m² for every 300 beds and must be at least 5m wide on one direction.
- Communal space inside the building must be provided at a minimum rate of 2m² for every bed.
- There must be storage or parking for bicycles at a rate of one storage or parking area for every six beds.
- Noise to bedrooms must be reduced to specified levels.
- The finished floor level of the building must be at least 300mm above the kerb.

The criteria are considered necessary to ensure that a high quality building is developed. If the prescribed criteria are met, the student accommodation must be approved by the State Commission Assessment Panel within 10 business days of the development application being lodged.

With regard to the potential for other live music venues to be prescribed in a notice, the requirement for noise attenuation will be the same as currently exists in the Planning and Design Code. The designation of other live music venues in a notice will allow a more responsive and timely process to ensure live music venues are not unduly impacted, through noise complaints, from new adjoining residential development.

A consequential change to section 76 of the Act will ensure that the places identified in the notice can be reflected in the Code without needing to undergo a lengthy Code amendment process. This change will ensure that applicants are provided all assessment requirements, through the online development application process, where residential development is within 60 metres of a designated venue. This gives immediate 'visibility' to applicants or prospective developers that these noise attenuation measure apply to any potential residential development.

The proposed Bill is a sign that the Government is prepared to use innovative solutions to achieve outcomes that benefit both the live music and student accommodation industries, as well as the community in general.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause sets out the short title.

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

2—Amendment of section 76—Minor or operational amendments

Currently, under section 76 of the Act the Minister may amend a designated instrument (which is defined in the Act) in order to provide consistency between the designated instrument and the regulations. This clause amends section 76 so that such amendments may be made for consistency with the Act or a prescribed Act, or the regulations or any other instrument made under the Act.

3—Amendment of section 127—Conditions

This clause amends section 127 of the Act so that a relevant authority must, in granting development authorisation for a relevant residential development within 60 m of a boundary of a designated live music venue (being a venue or place within the designated live music venue area that is designated by the Minister in the Minister's noise attenuation requirements), impose a condition that the development include noise attenuation measures in accordance with the Minister's noise attenuation requirements.

Certain definitions are inserted.

4—Insertion of Part 10 Division 2A

This clause inserts Division 2A into Part 10 of the Act:

Division 2A—Protection of Crown and Anchor Hotel as live music venue and development of surrounding land

135A—Protection of Crown and Anchor Hotel as live music venue and development of surrounding land

The concurrence of the Minister is required before granting development authorisation for a proposed development involving:

- the whole or partial demolition of the Crown and Anchor Hotel building; or
- development involving the addition of 1 or more storeys above the Crown and Anchor Hotel building; or
- a change in the use of the Crown and Anchor Hotel land.

Public consultation is required before a concurrence of the Minister may be given.

Demolition of certain parts of the Crown and Anchor Hotel building does not require concurrence.

Provision is made in relation to development authorisation of noise attenuation or acoustic treatment in respect of the Crown and Anchor Hotel building.

The *Heritage Places Act 1993* does not apply in relation to any place on the Crown and Anchor Hotel land and any State Heritage Place on that land is taken to cease being such a place and to be removed from the South Australian Heritage Register.

Provision is also made to facilitate significant student accommodation development on the surrounding land of the Crown and Anchor Hotel land. The Minister is authorised to publish the Minister's section 135A criteria for the purposes of such development.

5—Insertion of Schedule 4A

This clause inserts Schedule 4A into the Act:

Schedule 4A—Designated live music venue area

This Schedule sets out a map that identifies the designated live music venue area for the purposes of section 127 of the Act.

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Final Stages

Consideration in committee of message No. 152 from the House of Assembly.

The Hon. K.J. MAHER: I move:

That the House of Assembly's amendment be agreed to.

This is an administrative amendment that seeks to insert the Magistrates Court alongside the Supreme Court and the District Court so that they may transfer appropriate employment matters to the South Australian Employment Tribunal. This amendment was unanimously agreed to in the lower house, and I believe it has been distributed to all members in the upper house earlier today.

Motion carried.

LOCAL NUISANCE AND LITTER CONTROL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:55): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Local Nuisance and Litter Control Act passed Parliament in 2016 and commenced in full on 1 July 2017. The Act modernised nuisance and litter laws in South Australia and removed confusion within the community about state and local government roles and responsibilities regarding local nuisance and littering issues. It determined that the local council is the principal authority for these matters.

Following a full year of operation, a review of the legislation commenced. On behalf of the South Australian Government, the Environment Protection Authority identified opportunities to improve the legislation and to ensure the legislation allowed councils to deliver on its objectives. A discussion paper, completed in liaison with the Local Government Association, was released in July 2019 for a three-month consultation period. A total of 47 submissions were received.

Following the consideration of all submissions, a consultation report was published on the Environment Protection Authority website in February 2021, and included several recommendations to improve the legislation. Key recommendations included:

- The need to clearly delineate that the regulation of nuisance under the Liquor Licensing Act 1997 on licensed premises is limited to nuisances associated with the service of alcohol, including patron and entertainment noise, and that all other nuisances from these premises, such as noisy air conditioners, are regulated by the Local Nuisance and Litter Control Act;
- Ensure that the Act applies to the construction stage of developments approved under the Planning, Development and Infrastructure Act 2016;
- Include light as an agent of local nuisance;
- Add shopping trolleys to the definition of 'general litter' and provide councils with further powers to reduce excessive trolley abandonment, whether through improvements to litter abatement notices or by other means; and
- Clarify the application of the Act to tenanted properties.

Between October 2022 and February 2023, a draft amendment Bill and two sets of draft regulations that would implement the recommended reforms were released, with an explanatory report, for a four-month consultation. The consultation program was extensive and included a public meeting, with previously engaged stakeholders directly invited to attend, and a meeting with local government representatives hosted by the Local Government Association. Consultation was advertised in The Advertiser, the EPA website, on EPA social media and through coverage on talkback radio. There was also coverage in community newspapers. All Parliamentarians were provided with consultation materials directly. Following the consultation program, a total of 38 submissions were received.

Consideration of the submissions is now complete and the responses to the submissions made during the consultation on the draft amendment Bill and draft regulations have been compiled into a report that is listed on the EPA website. Only minor changes to the amendment Bill resulted from the consultation process.

The Environment Protection Authority worked closely with the Local Government Association throughout the review to ensure the needs and views of councils were heard given their primary role in its administration. A Local Government Association working group was engaged throughout the process and reviewed the consultation report including the recommendations for minor changes to the Bill prior to it being published. The CEO of the Local Government Association, Clinton Jury, publicly commended the engagement of the South Australian Government with local government during the review of the legislation and the development of the proposed reforms.

The amendment Bill includes reforms across numerous aspects of the Act. These include:

- more efficient processes for the assessment and issuing of exemptions;
- increased expiation fees to improve deterrence;
- the inclusion of an offence to install an air conditioner or a light in a place where it causes local nuisance;
- the addition of a general duty for business owners to prevent or minimise litter resulting from their business, including from stormwater management systems;
- improved cost recovery mechanisms for local government;
- improved delineation of responsibility between councils and the Liquor and Gambling Commissioner for the regulation of different types of nuisance occurring on premises licensed under the Liquor Licensing Act 1997; and
- provisions to improve the management and collection of abandoned shopping trolleys.

The inclusion of light as an agent of local nuisance and ensuring the application of the Act to the construction stage of developments and to tenanted properties will be implemented by regulation.

The amendment Bill will provide for the streamlining of the exemption application process under the Act by building in greater flexibility such as:

- allowing councils to waive the need for an applicant to submit a site nuisance management plan, which is currently mandated, where the nuisance is of a limited nature or unavoidable;
- allowing councils to determine an appropriate length of an exemption; and
- allowing councils to extend an exemption without the need for a further application.

Differing expiation amounts for body corporates and individuals are proposed to achieve greater deterrence for businesses that may otherwise absorb expiation fees into the cost of doing business. This reform was proposed by the Small Business Commissioner.

The Bill also includes the ability to register nuisance abatement notices to land so that issues with nuisance causing equipment, such as air conditioners, are linked to a premises and can be managed regardless of changes to the ownership of the premises.

A new offence is proposed for the installation of an air conditioner or light source in a location where it causes local nuisance, to ensure that installers give due consideration to siting of equipment. Often local nuisance associated with these devices is a result of poor location and there is a cost to the owner to relocate the equipment that could be avoided if due consideration was given at the time of installation. Implementation of this reform will include communication with trade associations and it is expected that word of mouth will also help with educating installers.

The amendment Bill introduces a general duty for businesses to prevent litter caused by or related to their business, including obligations upon relevant businesses to maintain existing stormwater management systems so that these systems remain functional. Currently, the installation of stormwater management systems, such as gross pollutant traps and oil plate separators, is often a requirement of development approvals, however, there is no obligation upon businesses to maintain them. As a result, liquid pollutants and litter from these businesses often bypass these systems and pollute the environment a short time after the development is operational.

Greater clarity will be provided for councils on the clean-up and disposal of illegally dumped items providing the power for immediate clean up where there is an environmental, health or physical hazard created.

Currently, there is confusion among council staff as to the extent that councils are required to seek out the owner of items that have clearly been illegally dumped prior to the council disposing of the dumped items. The reforms will also clarify the relationship between the Unclaimed Goods Act 1987 and illegally dumped items collected by a council. This Bill proposes a sensible approach to disposal of dumped items.

Consequential amendments are also proposed to the Liquor Licensing Act 1997 to provide greater delineation between nuisance matters covered by each Act, limiting the Liquor Licensing Act 1997 to noise from patrons and entertainment. This amendment has been sought by councils and the Liquor and Gambling Commissioner.

The dumping of shopping trolleys is a considerable issue for a number of councils and this amendment Bill proposes a number of provisions intended to reduce the prevalence of abandoned shopping trolleys in our communities. The main concerns of councils is that dumped shopping trolleys may block footpaths, create a traffic hazard, end up in waterways and have a negative impact on visual amenity. These reforms are the most substantive of those within the amendment Bill and I will take some time in outlining the case for their inclusion.

In 2018, the City of Marion reported collecting more than 230 shopping trolleys around the Westfield Marion and Castle Plaza shopping centres over a four-day period. In Port Augusta, again in 2018, the local council in association with major retailers in the town, employed divers to survey an accumulation of shopping trolleys that had been dumped at the town wharf over a number of years making it unsafe for swimming in the area. More than 500 trolleys were discovered and then later removed at a cost of $15,000.

There is significant interest from councils in South Australia to improve the tools they have to reduce the dumping of shopping trolleys in their respective areas. The City of Marion developed a by-law on shopping trolleys that was disallowed shortly after it commenced in the Legislative Council, on the recommendation of the Legislative Review Committee in February 2021. The key issue that the disallowance was based on was that the by-law allowed fines to be issued to a retailer when their trolley was dumped by someone else. Importantly, contributions to the debate indicated a general willingness to contribute to, and support, balanced solutions that might assist councils with addressing this problem in their communities.

The Malinauskas Government has listened to the concerns of local government and considered the views of retailers and is proposing reforms that are balanced and do not penalise retailers for the actions of their customers. The reforms seek to establish a cooperative approach between local government and retailers to reduce the abandonment of shopping trolleys in communities; and where they are abandoned, hasten their return.

A number of councils have held back from developing their own by-laws in the hope that the South Australian Government, and the Parliament, will deliver sensible reforms on this issue. It should be expected that if these reforms are not passed in some form that individual councils will embark on disparate by-law making journeys creating a patchwork of different requirements across the state, which would be a poor outcome. It is incumbent upon us to find a balanced solution for the community.

South Australia is not unique in experiencing issues with shopping trolley abandonment. All other states and territories across the nation experience this issue and most have laws in place to assist. In Victoria, Western Australia and Queensland, local laws, similar to South Australian by-laws, are used to regulate abandoned shopping trolleys. Local laws in these jurisdictions include:

- offences for a retailer to allow shopping trolleys outside of designated precincts unless they have a trolley containment system in place such as a coin lock or geo-fencing;
- powers to impound shopping trolleys and charge a fee to retailers for their release; and
- an offence for failing to recover an abandoned shopping trolley within 24 hours of being notified.

The Australian Capital Territory (ACT) has a scheme in place to manage shopping trolleys dumped in the community. It should be noted however that the ACT Government provides all local government services as there are no councils in the ACT.

In any other state or territory, the programs established to manage shopping trolleys in the ACT would be administered by local government. The ACT scheme includes:

- offences for the removal of trolleys from shopping centres;
- requirements for signage;
- requirements for the identification on shopping trolleys;
- requirements that retailers keep shopping trolleys on their premises with an exemption from this requirement where a trolley containment system is in place such as a coin lock or geofencing; and
- the impoundment of abandoned shopping trolleys with payment of a fee for their release.

In New South Wales the Public Spaces (Unattended Property) Act 2021*:*

- contains an offence for the abandonment of shopping trolleys;
- allows councils to impound shopping trolleys found in public places with a fee to be paid by retailers for their release; and
- councils may require shopping trolleys to be collected by retailers within a period of no less than 14 days and failure to do so is an offence.

Local Government New South Wales estimates that, prior to laws being introduced in late 2021, the collection of abandoned shopping trolleys was costing councils $17 million per year. This cost is passed on to ratepayers via increased rates or reduced services in other areas. Whilst this number is likely to be considerably lower in South Australia for some of the larger metropolitan councils, there is a considerable cost to those councils that is passed onto ratepayers in the same way.

The amendment Bill that is before us provides consistent obligations regarding the identification and collection of shopping trolleys. It also aims to provide councils with sensible tools that can only be applied to retailers on a case-by-case basis where there is an issue, as opposed to a blanket requirement for all retailers.

The provisions will enable councils to work with retailers in problematic areas to reduce the issue through improved management practices rather than provide a direct punitive approach whereby retailers are fined for the actions of their customers, which was the key reason for the disallowance of the City of Marion by-law in the Legislative Council.

The Environment Protection Authority engaged with major retailers during consultation on the draft Bill including Foodland, Woolworths, Coles and the National Retailers Association. Only Coles provided a written submission, which indicates the proposed laws have likely found a reasonable middle ground for the regulation of this issue.

Following consultation with the Small Business Commissioner, a threshold of 20 shopping trolleys has been added to the Bill. This will mean that councils will not be able to require the development of a management plan from smaller retailers.

The provision of shopping trolleys as a service is done so voluntarily by retailers in support of their business and customers and there is rarely advice provided to customers regarding limits to removing trolleys from stores or the shopping precinct.

Retailers generally do not prevent shopping trolleys from leaving the premises and the service is provided for the purpose of transporting purchased goods away from the retailer so a comparison between trolley abandonment and theft is misguided. Some people probably do steal shopping trolleys and keep them but abandonment of a trolley is not the same. The provision of a shopping trolley service by retailers should be done in a way that minimises the potential for abandonment and, where abandonment takes place, facilitates the prompt collection of trolleys to reduce the impacts of the service on neighbouring communities.

The majority of amendments proposed in the Bill will provide clarity on the application of the Act to shopping trolleys rather than create new powers. Specifically, whereas shopping trolleys fall within the current definition of general litter under the Act, the Bill will add shopping trolleys specifically under the definition to avoid doubt. Additionally, the litter abatement notice provisions of the legislation, which may already be applied to retailers regarding shopping trolley abandonment, include better guidance on how they can be applied to trolleys.

New provisions are proposed that require the identification of shopping trolleys and their timely collection once retailers are notified. Many retailers, including the major retailers already meet the identification requirement with current branding of their trolleys. For those that don't, this can be achieved by updating the branding element in the handle of each shopping trolley. Alternatively, this obligation could be achieved by a simple weatherproof sticker on each trolley. Contact details can be for the company rather than individual stores which will further reduce costs. This

is expected to be a minimal cost to business. Such cost would be recouped by the business if it resulted in one or more shopping trolleys not needing to be replaced due to loss. Trolleys, depending on their style, cost between $200 and $500 each, so there is benefit to retailers, through reduced replacement costs, in reducing the incidence of abandonment.

The Local Nuisance and Litter Control Act is ultimately an act for local government. It is important that the South Australian Government and the Parliament listen to their views on the administration of state laws that they are responsible for and provide modern legislation that supports them to undertake their statutory functions in an efficient and effective manner and continue to provide valued services to their communities.

These reforms address the needs identified by the community and local government through a rigorous consultation process and I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Local Nuisance and Litter Control Act 2016*

3—Amendment of section 3—Interpretation

This clause inserts definitions of *business premises*, *shopping centre* and *stormwater management system* into section 3 of the Act. In addition, a number of definitions are moved from section 22 to section 3 to make it clear that they apply for the purposes of the whole Act.

4—Amendment of section 5—Interaction with other Acts

Section 5 is amended by this clause to make it clear that the Act applies in relation to—

- the use of a vehicle for the purposes of, or in connection with, the conduct of a waste transport business (category A) and a waste transport business (category B) (subject to certain exceptions set out in the provision); and
- the use of a road or road related area by a vehicle for the purposes of, or in connection with, dredging or earthworks drainage, as authorised by an environmental authorisation under the *Environment Protection Act 1993*.

5—Amendment of section 18—Causing local nuisance

This clause substitutes new expiation fees for the offence of carrying on an activity that results in local nuisance. In addition, wherever a penalty provision refers to a 'natural person' , the reference is changed to 'individual' for consistency with the *Legislation Interpretation Act 2021*.

6—Amendment of section 19—Exemptions from application of section 18

Section 19 authorises a council to declare that a person is exempt from the application of section 18 in respect of a specified activity. A person applying for a declaration is required to provide the council with a site nuisance management plan. Under the section as amended by this clause, a council will be able to waive this requirement if satisfied that the adverse effects from the specified activity on the amenity value of the area concerned are not reasonably able to be avoided and are of a limited nature.

If a site nuisance management plan is required, the section as amended will only require the council to be satisfied, before making a declaration, that the applicant's plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned. This removes the requirement that the council be satisfied there are exceptional circumstances before making a declaration.

Further amendments made by this clause authorise a council to extend the period for which a declaration under the section operates.

7—Insertion of section 19A

This clause inserts a new section.

19A—Installation of designated device that results in local nuisance

Under proposed section 19A, it is an offence for a person to install an air conditioning unit or an external light, or to cause such a device to be installed, on premises in a fixed position where the operation of the device results in local nuisance.

8—Amendment of section 20—Person must cease local nuisance if asked

Under section 20 as amended by this clause, the expiation fee payable by a body corporate will be higher than the fee that applies to an individual. The section currently includes one fee that applies to both bodies corporate and individuals.

9—Insertion of section 21A

This clause inserts a new section.

21A—General duty to prevent or minimise litter—person carrying on business

Proposed section 21A requires a person who carries on a business to take all reasonable and practicable measures to prevent or minimise litter that is caused by, or related to, the carrying on of the business. Failure to comply with this duty is not an offence. However—

- compliance with the duty may be enforced by the issuing of a litter abatement notice; and
- failure to comply with the duty will be taken to be a contravention of the Act for the purposes of section 48 (Recovery of administrative and technical costs associated with contraventions).

10—Amendment of section 22—Disposing of litter

This clause substitutes new expiation fees in section 22. In addition, wherever a penalty provision refers to a 'natural person' , the reference is changed to 'individual' for consistency with the *Legislation Interpretation Act 2021*. Definitions that have been moved to section 3 are deleted from section 22.

11—Insertion of section 22A

This clause inserts a new section.

22A—Recovery of costs of urgent clean up of litter from public place

Proposed section 22A provides that a council that takes urgent action to clean up litter from a public place in circumstances where the litter is a hazard and the identity of the person who disposed of the litter is unknown may, if the litterer is later identified, require the person to pay the reasonable costs and expenses incurred by the council.

12—Amendment of section 23—Bill posting

It is an offence under section 23 for a person to post a bill on property without the consent of the owner or occupier of the property. This clause inserts an expiation fee into section 23(2) and updates a reference to 'natural person' to 'individual' for consistency with the *Legislation Interpretation Act 2021*. In addition, a definition of *property* is inserted to clarify that the term includes, in the case of a vehicle (other than a vessel), the land on which the vehicle is located.

13—Amendment of section 24—Litterer must remove litter if asked

This clause substitutes a new expiation fee so that a higher fee applies where the offence of failing to remove litter on request of an authorised officer is committed by a body corporate.

14—Insertion of sections 24A and 24B

This clause inserts two new sections.

24A—Identification of shopping trolleys

Proposed section 24A requires a person who provides shopping trolleys for the use of customers in the course of a business carried on by the person to ensure that the shopping trolleys are marked with, or have securely attached to them, the following information:

- the trading name of the business carried on by the person;
- a contact telephone number, email address or QR code that may be used for the reporting of trolleys left in a place outside the business premises of the business;
- any other information prescribed by regulation.

24B—Collection of shopping trolleys

Proposed section 24B applies to a person who provides shopping trolleys for the use of customers in the course of a business carried on by the person. If the person is notified by the Minister or a council, or they otherwise become aware, that a trolley they have provided is located at a place outside the business premises in circumstances where the trolley is, or may cause, a hazard, they are required to ensure that the trolley is immediately collected following that notification or after the person otherwise becoming aware. It is also an offence if the person is notified or otherwise becomes aware that a trolley they have provided has been left at a place outside their business premises (where there is no hazard) and it is not collected within 3 days of that notification or becoming aware of the location of the trolley.

15—Amendment of section 30—Nuisance and litter abatement notices

Section 30(2) sets out the requirements that may be imposed under a nuisance abatement notice or litter abatement notice. A litter abatement notice may impose a requirement that a person prepare a plan of action for the purposes of preventing the escape of litter or keeping a specified area around business premises free from litter. The section as amended by this clause will provide—

- that a specified area must not exceed 1 km in the case of shopping trolleys or 100 metres in the case of any other litter; and
- that a plan of action may require a person to address the management of shopping trolleys in relation to business premises.

Section 30 as amended will also specify matters that may be required to be included in a plan of action. For example, if a business provides more than 20 shopping trolleys at its business premises, there may be a requirement for the plan of action to include certain requirements in relation to management of the trolleys. These requirements are referred to as the *shopping trolley management requirements*.

16—Insertion of section 30A

This clause inserts a new section.

30A—Registration of nuisance abatement notice in relation to land

Proposed section 30A applies where a nuisance abatement notice has been issued in relation to an activity carried out on land or requiring a person to take action on or in relation to land. Under the proposed section, the authority that issued the notice may apply to the Registrar-General for registration of the notice in relation to the land. A notice registered under the section is binding on each owner and occupier from time to time of the land.

17—Amendment of section 31—Action on non-compliance with notice

Section 31 sets out action that can be taken if the requirements of a nuisance abatement notice or litter abatement notice are not complied with. The section as amended by this clause will provide that if litter or a substance, material or thing is removed from premises in taking action under this section, the Minister or the council may sell or dispose of it as the Minister or council thinks appropriate. The section as amended will also specify how proceeds of any sale of litter, a substance, material or a thing are to be applied.

18—Amendment of Schedule 1—Meaning of local nuisance (section 17)

This clause makes some adjustments to the interpretation provision of Schedule 1. These adjustments are consequential on the movement of some definitions to section 3 of the Act.

This clause also deletes clause 4(f), relating to the installation of fixed machines on domestic premises. This provision is no longer required in Schedule 1 because of the insertion of section 19A (see clause 7).

Part 3 of the Schedule is also amended by this clause so that noise or behaviour in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of the *Liquor Licensing Act 1997* will not constitute local nuisance for the purposes of section 17 of the *Local Nuisance and Litter Control Act 2016*.

Schedule 1—Related amendments

Part 1—Amendment of *Liquor Licensing Act 1997*

1—Amendment of section 106—Complaint about noise etc emanating from licensed premises

This clause amends section 106 of the *Liquor Licensing Act 1997* so that the section applies to noise or behaviour emanating from persons at licensed premises, or behaviour of persons making their way to or from licensed premises, but no longer applies to other activities on licensed premises that are not directly related to the licence. This is related to the amendment made to Part 3 of Schedule 1 of the *Local Nuisance and Litter Control Act 2016* by clause 18, the effect of which is that noise or behaviour in respect of which a complaint may be lodged with the Liquor Licensing Commissioner under section 106 of the *Liquor Licensing Act 1997* does not constitute local nuisance for the purposes of section 17 of the *Local Nuisance and Litter Control Act 2016*.

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (DATA ACCESS) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:56): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

In June 2017 the Independent Review into the Future Security of the National Electricity Market (the Finkel Review) recommended that the Energy Security Board (ESB), in collaboration with the Australian Energy Regulator (AER), should develop a data strategy for the National Electricity Market. It regarded a data strategy as a critical governance requirement in the context of rapid change and digitalisation in the market.

The ESB commenced work on the data strategy in 2019. It used a range of key inputs, including an in-depth legal review of data regulation within Australian energy frameworks and a review of case studies in international data reforms.

In July 2021 the ESB released its Final Recommendations on the Data Strategy with a proposed reform pathway comprising two stages.

The first stage includes initial incremental legislative improvements (Initial Reforms), implemented immediately, to remove key barriers in accessing existing Australian Energy Market Operator (AEMO) data.

The second stage involves a more significant overhaul of the energy data framework, supporting agreed new Energy Data Policy Principles, aligned with wider national data reforms and fit-for-purpose in a digitalised future.

On 10 January 2024 the Commonwealth Government advised that Energy Ministers agreed to an Initial Reforms legislative package and progressing it to the South Australian Parliament. This package includes amendments to the National Electricity Law (NEL) and National Gas Law (NGL) and associated amendments to the regulations under these pieces of legislation.

The *Statutes Amendment (National Energy Laws) (Data Access) Bill 2024* proposes to amend the NEL and NGL to allow AEMO to share protected data safely with trusted 'prescribed[11] bodies.

The NEL and the NGL currently provides that the disclosure of protected information by AEMO to certain bodies, including market bodies and jurisdictional regulators is authorised. These bodies have prescribed statutory functions either specific to the energy industry or work with energy data for public purposes. There is a high level of confidence in the recipient as to the security and protection of the data.

In line with that criterion, the Bill amends the NEL and NGL, to expands this list of prescribed bodies to each department responsible for the administration of the application Act of a participating jurisdiction; the Ministers of the participating jurisdiction; the Australian Bureau of Statistics; and the Clean Energy Regulator.

The Bill also adds new provisions to the NEL and the NGL, allowing AEMO to disclose protected information to relevant entities for a data sharing purpose—including the delivery of government services; .informing government planning, policy, or programs; and research in relation to energy. The Bill defines various relevant entities, including Australian university researchers who are conducting research in relation to energy, and Energy Consumers Australia. Bodies that have been defined as relevant entities have been included as they are public bodies and researchers who can create clear benefits for energy consumers through greater access to data but require clear data protection obligations to ensure security.

The Bill will ensure that policy makers, planners, and researchers have better access to protected data that AEMO already holds. It will facilitate their effective decision making in a timely manner.

This protected data has significant value, particularly as it includes data from consumer meters and distributed energy resources (DER). DER are renewable energy units or systems that are located at houses or businesses to provide them with power. An example of DER is rooftop solar PV units. The data is critical to better understanding how different consumer behaviours and needs are changing and being impacted by the energy transition. This informs forecasting, investments, new services, and consumer protections.

AEMO has indicated to jurisdictional energy departments that this data could support jurisdictional bodies and their programs. For example, AEMO's metering and DER data sets could be linked to jurisdiction-specific program data for quantitative evaluation of program and policy impacts. This is a frequent request from jurisdictions which is usually delayed or not achieved due to competing priorities and lack of standard arrangements within AEMO.

AEMO has also indicated that this data could support research or public benefit. For example, energy accounting, de-identified key datasets, net zero aspirations, energy reporting.

Data security is a clear risk that the Bill needs to manage, to support confidence in data sharing for AEMO and wider stakeholders.

Those bodies that the Bill allows AEMO to disclose protected information to for a data sharing purpose have only limited existing data protection requirements. Thus, the Bill sets out explicit and transparent data protection conditions for them. These protections include restricted data sharing purposes and AEMO imposed conditions, with proposed civil penalties for breaches. The AER will be the enforcement body for these protections.

Existing protection obligations will constrain those bodies that the Bill adds to the list of those that AEMO can already disclose protected information to.

These obligations align with AEMO's protection capabilities. Bodies on this list have strong incentives to manage data conservatively and effectively. The existing list of bodies already access protected data from AEMO.

Additionally, there are a range of complementary non-legislative controls which AEMO will need to implement. These are aimed at reducing uncertainty for users, improving transparency and trust in data sharing, and increasing efficient in implementation. They include publishing common data sharing terms and guidelines; a public register of data sharing agreements; and potentially accreditation requirements.

Finally, the Bill will also create a power for the South Australian Minister to make rules for or with respect to the data access amendments; and that revoke or amend a Rule because of the enactment of the data access amendments. The South Australian Minister will have the power to make those rules once only. The Australian Energy Market Commission may make later amendments.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 49—AEMO's statutory functions

Certain functions are conferred on AEMO.

5—Amendment of section 53D—Use of information

Provision is made in relation to the use of information by AEMO.

6—Amendment of section 54—Protected information

Certain matters relating to protected information are provided for.

7—Amendment of section 54C—Disclosure required or permitted by law etc

Provision is made in relation to the disclosure of information in accordance with the *National Electricity Law*.

8—Insertion of sections 54CA and 54CB

New sections 54CA and 54CB are inserted:

54CA—Authorised disclosure to particular entities for data sharing purposes

This section authorises AEMO to disclose protected information to certain entities if the disclosure is for a data sharing purpose.

54CB—Disclosure of protected information by officer or employee of, or consultant to, AEMO

This section authorises the disclosure of protected information by a person in the ordinary course of carrying out functions as an officer or employee of, or consultant to, AEMO.

9—Insertion of section 90EE

New section 90EE is inserted

90EE—South Australian Minister to make initial Rules relating to data access

The South Australian Minister is authorised to make initial Rules relating to data access.

Part 3—Amendment of *National Gas Law*

10—Amendment of section 91A—AEMO’s statutory functions

Amendments that are substantially similar to the amendments made by the measure to the *National Electricity Law* are made to the *National Gas Law*.

11—Amendment of section 91FD—Use of information

12—Amendment of section 91G—Protected information

13—Amendment of section 91GC—Disclosure required or permitted by law etc

14—Insertion of sections 91GCA and 91GCB

91GCA—Authorised disclosure to particular entities for data sharing purposes

91GCB—Disclosure of protected information by officer or employee of, or consultant to, AEMO

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:56): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I rise to introduce the Statutes Amendment (Transport Portfolio) Bill 2024. The Bill contains two significant transport reforms and several minor technical amendments, namely:

- Transport reform one–amendment to the *Highways Act 1926* (Highways Act) to permit the Commissioner of Highways (Commissioner) to consent to a Roadside Service Centre accessing a controlled-access road and enter into a written agreement with the relevant party that includes payments and arrangements in relation to the access; and
- Transport reform two–amendment to the *Road Traffic Act 1961* to provide for a reduced speed limit of 25 kilometres per hour (km/h) limit when passing a breakdown services vehicle that is stopped on the road and is displaying amber flashing lights.

Roadside Service Centre Access Fees

Roadside Service Centres are situated alongside freeways or a motorways and provide useful services to motorists that can improve road safety outcomes by providing fuel, food, sanitary amenities, and, importantly, rest opportunities.

A Roadside Service Centre is different to an ordinary petrol station, in that it provides additional facilities including designated heavy vehicle parking areas, trailer marshalling or break-up facilities, public amenities such as showers, change rooms or play areas, and restaurant or fast food options.

A controlled access road is a road that is under the care, control, and management of the Commissioner (but does not necessarily have to be vested in the Commissioner) and operates to limit general access to the road corridor. Under the Highways Act, a person must not, without the consent of the Commissioner, construct, form or pave a means of access to a controlled-access road.

The Highways Act currently allows the Commissioner to issue a permit for access to a controlled-access road. However, there is no power under the Highways Act for the Commissioner to enter into a commercial agreement with a Roadside Service Centre Operator where the Roadside Service Centre Operator pays money in exchange for access to the controlled access road network. These amendments are contained in this Bill.

There is significant commercial value in granting access to a controlled access road because it enables a roadside service centre operator to become the sole and exclusive operator on that portion of road – although not necessarily along the complete section of that road.

This proposal will allow the Government to maximise the economic and community benefits from the Government's investment in roads and infrastructure. The revenue generated will assist in offsetting the State's costs of maintaining and operating its freeways and motorways.

Roadside Service Centres will deliver vital road safety benefits through the provision of attractive rest and refreshment opportunities for road users, which can contribute to road safety targets by reducing the number of crashes attributable to fatigue.

The Bill defines a Roadside Service Centre as a building, place or premises where fuel is offered or supplied for retail sale or charging facilities for vehicles powered by electricity are available.

This is a broad definition that will capture petrol stations, and other facilities that offer electric vehicle charging services. However, buildings, places or premise can be excluded from the definition with the Regulations. This will enable for any buildings, places or premises not intended on being included to be excluded.

Following the Bill's successful passage through Parliament, it is intended that regulations be drafted that will include additional criteria defining a Roadside Service Centre under the Highways Act. For example, it may state that the premises must contain a truck marshalling area, a minimum of five truck rest bays, a trailer marshalling/break up facility in addition to selling fuel. It is intended that the small and medium sized centres that are more accurately described as petrol stations will be excluded from the legislative definition of a Roadside Service Centre under the Regulations.

Additional powers are inserted to allow the Commissioner to require a roadside service centre operator to carry out specified works or actions in connection with the means of access and impose monetary penalties on the person for the failure to do so. In the event of such a failure, the Commissioner can carry out the actions or work specified themself, and recover the costs of doing so, as a debt, from the Roadside Service Centre operator.

There are a number of existing petrol station sites on controlled-access roads that will be captured by the new definition of a Roadside Service Centre. However, the new provision will not apply to existing sites, and they will remain under the existing permit regime.

The existing power for the Commissioner to issue an access permit to a non-Roadside Service Centre applicant will remain in the Highways Act and continue to facilitate the process by which non-Roadside Service Centre Operator applicants apply for access to a controlled-access road. No written agreement with the Commissioner containing payments and other arrangements will apply in these circumstances.

Reduced speed past Breakdown Services Vehicles

The Bill contains an amendment to the Road Traffic Act to provide a new offence that requires motorists to drive at a reduced speed limit of 25 km/h when passing breakdown services vehicles that have stopped on a road and are displaying a flashing amber light.

Breakdown services vehicles within the Bill will include vehicles used for the purposes of providing breakdown services and includes tow trucks, RAA vehicles, and any other vehicle, or vehicles, of a class prescribed by the regulations.

The Bill provides an offence, with a maximum monetary penalty of $2,500. It is intended that the offence will also have an expiation fee which will be inserted within a regulations package which will be prepared after the successful passage of the Bill to support the operation of the Bill's amendments.

This amendment will expand the current protection offered to emergency workers via the reduced speed limit of 25km/h within the emergency service speed zones in section 83 of the Road Traffic Act. South Australian Police officers with vehicles that are stopped on the road and displaying flashing blue or red lights are included within this category of currently protected emergency workers.

The Bill also contains various minor technical amendments to the *Road Traffic Act 1961*, the *Motor Vehicles Act 1959* and the *Heavy Vehicle National Law (South Australia) Act 2013* to improve the operation of transport legislation and ensure intended policy outcomes are achieved, in particular with respect to the operation of police issued notices of immediate loss of licence.

Standards for Camera Testing

The Bill amends the Road Traffic Act to align the testing requirements for mobile speed cameras to radar speed cameras. This will ensure both processes are consistent with advancements in modern technology. This will provide efficiencies as it removes the need for testing of cameras by physically driving through the mobile speed camera site and will allow for a more scientific testing regime. It will eliminate human error and is consistent with the approach taken in other jurisdictions. The Bill also contains an amendment to the requirement for the current 27-day testing period for fixed housing cameras to instead be undertaken annually.

Offensive Advertising

Additionally, the Transport Portfolio Act 2021 introduced a power for the Registrar of Motor Vehicles to refuse to transact with the owner or to cancel the registration of a vehicle displaying offensive advertising. The Motor Vehicles Act has been amended to update the definition of the relevant body which determines whether certain advertising is considered offensive. This was necessary because the body referred to in the Transport Portfolio Act 2021 was de-registered shortly after the Transport Portfolio Act 2021 passage through Parliament.

Fitness to Drive

The MVA allows the Registrar to direct an applicant for a driver's licence to undergo an assessment of their fitness to drive. Minor amendments were made to the relevant provision of the MVA to clarify minor anomalies that have been identified by the Crown Solicitor's Office.

Heavy Vehicle National Law

The Heavy Vehicle National Law (South Australia) Act 2013 (the HVNL SA Act) contains provisions which apply and assist the operation of the Heavy Vehicle National Law (HVNL) in South Australia. The Bill amends the HVNL SA Act due to subsequent changes made to the HVNL over the past few years. These amendments include

deleting redundant provisions, clarifying definitions and consequential amendments regarding heavy vehicle registration arrangements.

Immediate Loss of Licence

The Bill makes several technical amendments to the provisions which allow SA Police to issue a notice of an Immediate Loss of Licence (ILOL) at the roadside for the offences of drug driving and reckless and dangerous driving including:

- Providing excessive speed offending drivers, who receive an immediate loss of licence notice, a right of appeal to the court to lift their licence disqualification or suspension. This is to ensure consistency with a vehicle owner's right of appeal to do so that currently exists in the RTA.
- Inserting a specific power for SA Police to withdraw an ILOL when a determination is made that a driver should not be charged with the excessive speed offence. This is to ensure consistency with equivalent traffic offences under the *Criminal Law Consolidation Act 1935*.
- Allowing allow SA Police to take into account time already served on the reissue of an ILOL. On occasion ILOLs must be withdrawn by SA Police and reissued to the same person to correct minor errors (such as incorrect date of birth recorded).
- However, there is no ability for SA Police to take into account time already served on that person's previously issued ILOL.
- Ensures that a police officer is able to issue an ILOL to a vehicle owner who they reasonably believe has committed a camera detected excessive speed offence against the RTA, in circumstances where the vehicle owner has not been given an expiation notice for that offence (but will likely be prosecuted in court for the offence instead).
- Additional technical amendments to clarify matters associated with the issuing of an ILOL for an excessive speed offence.

I seek the support of Members to progress the Bill through the House as expeditiously as possible in order to realise the benefits of the transport reforms and technical amendments. I also seek leave to have the Explanation of Clauses inserted into Hansard without my reading it.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Heavy Vehicle National Law (South Australia) Act 2013*

4—Amendment of section 8—Definition of generic terms and terms having meaning provided by this Act

This clause inserts two definitions into section 8 of the principal Act.

5—Repeal of section 11

Section 11 of the principal Act is repealed.

6—Amendment of section 16—Modification of Law for certain purposes

Section 16(a) of the principal Act is deleted. Paragraph (ea) is inserted into section 16 of the principal Act, which modifies section 711 of the Heavy Vehicle National Law for the purposes of the South Australian jurisdiction.

7—Amendment of section 24—Proof of lawful authority or lawful or reasonable excuse

Section 24 of the principal Act sets out on whom the onus of proof lies in regards to certain matters, as well as an evidentiary presumption. This clause amends section 24 of the principal Act to provide that the section applies unless the Heavy Vehicle National Law (South Australia) provides otherwise.

8—Repeal of Part 4 Division 1

Part 4 Division 1 is repealed.

Part 3—Amendment of *Highways Act 1926*

9—Amendment of section 7—Interpretation

The definition of *roadside service centre*, and other definitions required for the purposes of that definition, is inserted into section 7 of the principal Act for the purposes of amendments made to the principal Act by the measure.

10—Amendment of section 30DA—Access to property

Section 30DA(4) of the principal Act is amended because permission for the construction and use of a means of access to a controlled-access road from land abutting the road if a roadside service centre is, or is to be, located on that land will be governed by proposed section 30DB inserted by clause 11 of the measure. The other amendment in this clause is technical.

11—Insertion of sections 30DB and 30DC

New sections 30DB and 30DC are proposed:

30DB—Roadside service centre means of access

The Commissioner of Highways may give consent to the construction and use of a means of access to a controlled-access road from land on which a roadside service centre is, or is to be, located on the basis that an agreement between the Commissioner and the person benefitting from the means of access is entered into.

30DC—Required works for roadside service centre means of access

The Commissioner of Highways may require by notice that certain works or actions occur within a certain period in respect of a means of access to a controlled-access road from land on which a roadside service centre is, or is to be, located. A failure by a person to comply with such a notice may result in certain penalties or outcomes.

Part 4—Amendment of *Motor Vehicles Act 1959*

12—Amendment of section 28—Payments into National Heavy Vehicle Regulator Fund

The definition of *road use component* is substituted by this clause, and a definition of *regulatory component* is inserted for the purposes of section 28 of the principal Act.

13—Amendment of section 71C—Powers of Registrar in relation to offensive material displayed on motor vehicles

The definition of *advertising code breach determination* in section 71C(6) of the principal Act is amended such that the determination is of Ad Standards, rather than the Board that is appointed by Ad Standards. The definition of *Ad Standards* is substituted. The other amendment is consequential.

14—Amendment of section 80—Ability or fitness to be granted or hold licence or permit

Subsection (1b) is proposed to be inserted into section 80 of the principal Act and requires that an assessment required by the Registrar under that section be undertaken by a person or at a location determined by the Registrar. The other amendments are technical.

Part 5—Amendment of *Road Traffic Act 1961*

15—Amendment of section 45B—Power of police to impose licence disqualification or suspension

Section 45B of the principal Act is amended such that a person may be given a notice of licence disqualification or suspension if the person has been given an expiation notice for, or a police officer reasonably believes the person has committed, an offence to which the section applies. The other amendments made by this clause are either technical or are made such that section 45B is consistent with section 45D of the principal Act.

16—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

Section 47IAA of the principal Act is amended to be consistent with section 45D of the principal Act.

17—Amendment of section 47IAB—Application to Court to have disqualification or suspension lifted

The amendments made by this clause are technical.

18—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

The amendment made by this clause is technical.

19—Insertion of section 82A

New section 82A is proposed:

82A—Speed limit while passing breakdown services vehicle

Speed limits are imposed on persons driving a vehicle past a breakdown services vehicle in certain circumstances.

20—Amendment of section 175—Evidence

Section 175(3)(ba) of the principal Act is replaced by paragraphs (ba) and (baaa). Proposed paragraph (ba) sets out an evidentiary provision relating to the accuracy of a photographic detection device that is mounted in a fixed housing and stipulates that such a device will be taken to be accurate for a period of 1 year following a test (as opposed to a period of 27 days as provided by current section 175(3)(ba) of the principal Act). Proposed paragraph (baaa) sets out an evidentiary provision relating to the accuracy of a photographic detection device that is not mounted in a fixed housing and, unlike the current section 175(3)(ba), requires that testing of such a device occurs in accordance with certain standards. The period of deemed accuracy of such a device remains the same as the current provision.

Schedule 1—Transition provision

1—Transitional provision—continuation of permits under *Highways Act 1926*

This clause sets out a transitional provision for the purpose of the measure relating to permits granted under section 30DA of the *Highways Act 1926* in operation before the amendments made by the measure.

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

STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

Introduction and First Reading

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

At 16:58 the council adjourned until Tuesday 10 September 2024 at 14:15.

Answers to Questions

MISOGYNISTIC BEHAVIOUR IN SCHOOLS

In reply to **the Hon. R.A. SIMMS** (2 May 2024).

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

The Minister for Education, Training and Skills has advised:

Misogynistic language and behaviour has no place in our society and is particularly concerning when occurring amongst young people in schools. All staff and students have the right to feel safe and respected in schools – and addressing this behaviour is a priority of our government.

What occurs in schools is often a reflection of our broader society which is why this government has established the Royal Commission into Domestic, Family and Sexual Violence and the legal examination into banning children's access to social media where misogynistic content, harassment and cyberbullying are a significant concern.

Increased reports of misogynistic language and behaviour in schools, and the rise of influencers such as Andrew Tate is of concern to the government, and that is why we're taking strong action to end this toxic behaviour and challenge the impact of influencers who target young people.

Within schools a focus is being taken on explicitly teaching students about consent and respectful relationships through curriculum, initiatives for building safe and supportive learning environments, managing the risks of online safety and emerging technologies, as well as responding appropriately where behaviours of concern have occurred.

The Australian government Consent and Respectful Relationships Education (CRRE) election commitment is providing $77.6 million over five years from 2023-24 to 2027-28 to states, territories and the non-government school sector.

Funding has been committed to the SA Department for Education for the five-year period of $4 million to support the delivery of age-appropriate, evidence-informed CRRE across government primary and secondary schools in 2024-28.

The Minister for Education, Training and Skills has directed that this funding be used to address the scourge of misogyny and sexism. Schools will be supported to implement a whole-school approach to gender equality and tackling misogyny and sexism. Professional development and resources will be provided to support schools.

This measure will build on current respectful relationships education in schools through the Australian curriculum and the department's Keeping Safe: Child Protection Curriculum (KS:CPC). The KS:CPC is currently being updated to strengthen child safety and respectful relationships content that address issues such as gender-based violence, gender inequality, misogyny, coercive control, deepfakes and online abuse. The KS:CPC is mandated in all department sites for children and young people from age 3 to year 12 and requires teachers to complete a full day training before delivering to children.

The recent release of the Safe and Supportive Learning Environments Plan of Action is focused on 15 actions for building school cultures that are inclusive and respectful for all, supported by strong leadership and enhanced by school, family and community partnerships. This includes investment of up to $3.1 million over two years to research a new school based approach to support the mental health and wellbeing of primary school students.

Preschools and schools are also involved in whole-of-school strategies to embed practices that focus on building respectful relationships, setting behaviour expectations and self-regulation. This includes a Positive Behaviour for Learning framework being rolled out in 40 schools and 161 preschools and schools currently undertaking whole-of-school training and implementation on universal trauma-informed practice strategies.

In terms of risks associated with online environments the rollout of a ban of mobile phones in schools that became compulsory from term 3, 2023 has already shown a decrease in incidents involving students. A review of the department's guidelines on Responding to Online Safety Incidents in South Australian Schools will also include consideration of the impact of artificial intelligence such as the emergence of 'deepfake' images.

Where misogynistic behaviours of concern do occur in school or online environments these are addressed through a range of departmental policy and guidance, including:

- a behaviour support policy on how staff support safe and positive behaviour in children and young people at department sites. It requires staff to:
- explicitly teach children and young people about safe and inclusive behaviours and behaviour expectations
- model and promote behaviour that values diversity, demonstrates respect for and inclusion of all children and young people, and promotes a positive school climate; and
- report behaviours of a criminal nature to police.

- a sexual behaviour in children and young people procedure that assists school staff to identify and respond to concerning and harmful sexual behaviour, including misogynistic behaviour. Examples provided in the procedure include:
- degrading or humiliating others using sexual themes
- sexually intimidating behaviour
- bullying involving sexual aggression; and
- simulation of sexual activities.
- the aforementioned responding to online safety incidents in South Australian schools guideline, which includes advice on how schools may respond, including engagement with the eSafety commissioner and potentially referring matters to the police.

In addition to managing incidents and behaviours of concern, a focus on restorative practices is also taken where appropriate to prevent repeated behaviour and seek to ensure a deeper understanding and repair relationships. This has included the funding of face-to-face training for schools and a soon to be released online learning module for educators.

The department's generative AI chatbot, EdChat, currently undergoing a targeted trial in 16 South Australian public schools, recently introduced an image generation feature. This feature, designed with robust safeguards, converts text to visuals for educational use while preventing and monitoring the creation of inappropriate or offensive content, including misogynistic imagery. It aligns with the department's commitment to safe and supportive educational environments, with ongoing oversight to ensure its proper use. This new feature has created a new opportunity for teachers to educate their students about the harm of malicious deepfakes, in the context of using EdChat's image generation for teaching and learning.

The government takes this issue incredibly seriously, and will continue to make the investments needed to end sexism, misogyny and violence in schools and preschools.

PROCEEDS OF CRIME LEGISLATION

In reply to **the Hon. H.M. GIROLAMO** (5 June 2024).

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

As the matter of DPP v Dansie that the honourable member is referring to is currently before the Supreme Court, it would not be appropriate to comment on the individual circumstances of this case nor to presume an outcome.

The Director of Public Prosecutions does possess a discretion to proceed or not proceed in a criminal assets confiscations proceeding. This depends on the individual circumstances of a confiscations matter, whether or not the respondent or offender in such a matter is a prescribed drug offender, and whether or not there is a public interest in the director proceeding to making a forfeiture application in the particular facts of a criminal assets confiscations proceeding.

APY LANDS

In reply to **the Hon. D.G.E. HOOD** (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:

SAPOL's Far North Local Service Area provides nine sworn full-time equivalent (FTE) positions that are permanently stationed on the Anangu Pitjantjatjara Yankunytjatjara Lands (APY Lands).

One sergeant is allocated to each of the four communities of Amata, Ernabella, Mimili and Murputja. The vacant sergeant positions in Mimili and Ernabella have recently been subject to a selection process to fill, and the outcome of that process was published in the South Australia Police Gazette on 24 July 2024.

Five specialist staff are located at the multi-agency hub at Umuwa and all positions are currently filled. These five positions comprise of the Senior Sergeant First Class (Officer in Charge, APY), a Detective Brevet Sergeant Investigator and three Family Violence Investigators.