LEGISLATIVE COUNCIL

Tuesday, 10 September 2024

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

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

Bills

HERITAGE PLACES (PROTECTION OF STATE HERITAGE PLACES) AMENDMENT BILL

Assent

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Assent

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Independent Commission Against Corruption—Report, 2023-24
[Ordered to be published]

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

Witness Protection Act 1996—Report, 2023-24
Regulations under Acts—
Single-use and Other Plastic Products (Waste Avoidance) Act 2020—
Waste Avoidance—Prescribed Food Container

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

Review under section 74A of the Police Act 1998 dated August 2024
Review under section 34 of the Serious and Organised Crime (Unexplained Wealth) Act 2009 dated August 2024

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

Vinehealth Australia—Report, 2023-24
By Laws under Acts—
City of Adelaide—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Waste Management
No. 6—Rundle Mall
No. 7—Dogs
No. 8—Cats
No. 9—Lodging Houses

Regulations under Acts—
Passenger Transport Act 1994—General

Ministerial Statement

BLUE, THE HON. M.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20): I rise today to pay tribute to former Supreme Court Justice, the Hon. Malcolm Blue KC, whose death this past weekend will no doubt be felt by many in the legal profession, not just in South Australia but around the country.

Renowned for his tireless work ethic and an almost encyclopaedic knowledge of the law, Justice Blue was well respected by his peers across the profession. Demonstrating his academic skills from an early age, Justice Blue matriculated in the honours list of the top 50 South Australian students and received a scholarship that enabled him to study at the University of Adelaide Law School.

He was admitted to legal practice in 1977, initially working for the commonwealth Deputy Crown Solicitor before moving into private practice where he worked primarily in commercial law. Early in his career he juniored a number of leading counsel at the time, including John von Doussa KC, Rod Matheson KC and Ted Mullighan KC. In 1996, he joined Bar Chambers and was subsequently appointed Queen's Counsel.

His innate sense of justice was highlighted by his work in a class action during his time with Fisher Jeffries, where he represented about 550 pensioners who had invested their money in a family security friendly society that subsequently failed. The fund was marketed primarily at retirees and all investors, one of whom was his aunt, lost their money. He worked tirelessly to secure a favourable settlement for his clients, recouping all of the money they had invested.

His commitment to the law was remarkable, both in and outside of office hours. As a member of the Law Society, he was one of the driving forces behind the capped liability insurance scheme for South Australian practitioners and the state's mandatory continuing professional development scheme. Justice Blue was appointed to the Supreme Court in August 2011, stepping down from the role exactly 13 years later on his 70th birthday.

When someone says they are leaving a job to spend more time with their family, or to pursue other interests, it is a statement that is often treated with cynicism; however, you would be hard pressed to find a single person who would question this in the case of Malcolm Blue. The work requirements for a Supreme Court judge are often challenging and all consuming. His work ethic was second to none. There is no doubt that Justice Blue, after serving the state of South Australia as a respected and tireless judicial officer, well and truly deserved some time amongst the vines at his Willunga vineyard and some well-earned rest. That he is now unable to do so is nothing short of a tragedy.

I extend my condolences to his partner, Angela, his daughters, Charlotte, Victoria and Alex, and so many other friends and loved ones. His memory will be cherished amongst those who knew him and were fortunate enough to work with him and alongside him during his time in the legal profession. Vale the Hon. Malcolm Blue KC.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): With your indulgence and that of the chamber, I seek leave to make some brief comments in relation to the ministerial statement.

Leave granted.

The Hon. N.J. CENTOFANTI: I rise today to make a brief statement on behalf of the Liberal opposition in this chamber acknowledging the life and passing of Justice Malcolm Blue. Justice Blue was born in North Adelaide in 1954 and served a rewarding career in the legal sector. He was admitted into the legal practice in 1977 at the age of 23. After decades in the courts, he was appointed a Queen's Counsel in 2001, later serving as a King's Counsel after Her Majesty's death.

In 2008, he became President of the South Australian Bar Association and in 2011 he was elevated to the South Australian Supreme Court, serving under Chief Justice Doyle. During his career, Justice Blue dealt with some of South Australia's most distressing cases. He also handled some of our state's biggest business cases, such as brokering an $80 million settlement after the sale of Adam Internet in 2016 and also overseeing the state government's $360 million claim of alleged defects on the then newly built Royal Adelaide Hospital.

Justice Blue passed away earlier this month, only weeks into his retirement, after a tragic farm accident on his property in Willunga. Our thoughts go out to his friends and family during this sad time. I acknowledge his dedication to law, to justice and to due process in South Australia; his years of service cannot be understated. I note that my colleague in the other place the member for Heysen has a fulsome statement on Justice Blue's life and his passing, given Mr Teague's personal relationship with the former justice.

I thank the Attorney-General for his ministerial statement today and the opportunity to add, on behalf of my peers, some comments from the Liberal opposition acknowledging Justice Malcolm Blue KC's contribution to the state of South Australia. Vale Justice Malcolm Blue KC.

ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE FINAL REPORT

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I table a ministerial statement made in the other place by the Minister for Veterans Affairs on the release of the Royal Commission into Defence and Veteran Suicide final report.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

CFMEU

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to give a brief explanation before asking a question of the Attorney-General on the topic of the CFMEU.

Leave granted.

The Hon. N.J. CENTOFANTI: In July, the Premier of this state requested the South Australian police commissioner investigate any links between the CFMEU and bikie gangs here in South Australia. It was reported that the Premier received that report on Tuesday 3 September and that the Premier is quoted as saying:

> Their—
>
> SAPOL's—
>
> advice on the back of that exercise to us is that there has been no evidence of criminal behaviour undertaken by South Australian elements of the CFMEU.

The CFMEU in South Australia was run by the Victorian division, the same division that is now accused of bikie links, intimidation, corruption and violence. In South Australia, the Master Builders Association has had its staff cars attacked and windscreen-wipers broken in a suspected warning to the peak body of the building and construction industry.

The federal government-appointed administrator of the CFMEU, Mr Mark Irving KC, has reportedly told the media that the corruption and coercion in the union ranks are worse than has been reported. Mr Irving also reportedly attacked state and federal police forces for their failure to adequately act on the alliance between underworld figures, including bikies, and certain union and company bosses as well as the culture of violence and corruption it had spawned within the unions. My questions are:

1. Has the Attorney seen the advice from South Australia Police provided to the Premier regarding the criminal activities of the CFMEU in South Australia?

2. Was any criminal wrongdoing found to have been undertaken by those Victorian elements in South Australia?

3. Does the Attorney see this as an end of any investigation into the CFMEU?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): In relation to the honourable member's questions, I am aware that there has been a response provided to the Premier in relation to requests the Premier has made of the police in relation to the CFMEU in South Australia. In relation to any wrongdoing, if anyone has any evidence of wrongdoing, evidence that rises to a criminal law, as I have said before I would encourage them to absolutely come forward.

As I said in the last sitting week of parliament, I think most people agree that the Victorian CFMEU's involvement in South Australia has been a failure. With what we have seen reported in national media in relation to the Victorian branch of the CFMEU, it is appropriate that action has been taken by the federal government and the administrator appointed.

CFMEU

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): A supplementary: will the Attorney-General table the advice the government received in relation to this matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): No.

CFMEU

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): A supplementary.

Members interjecting:

The PRESIDENT: Order! A supplementary question arising from the original answer.

An honourable member interjecting:

The PRESIDENT: Order! Are you going to ask your supplementary question?

The Hon. N.J. CENTOFANTI: Sorry, Mr President. Why not?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): It's got nothing to do with the original question.

Members interjecting:

The PRESIDENT: Order! Sit down. The Hon. Ms Franks was on her feet first, I think.

The Hon. T.A. FRANKS: Point of order: my point of order is that supplementaries must arise from the original answer and not be used by the opposition to extend question time to only being their question time and not other members' question time.

Members interjecting:

The PRESIDENT: Order!

CFMEU

The Hon. L.A. HENDERSON (14:36): A supplementary question.

The PRESIDENT: A supplementary question arising from the original answer.

The Hon. L.A. HENDERSON: Will the government release the advice that was provided to them? If they won't, why will they not release this advice?

The PRESIDENT: That was the same supplementary question.

CFMEU

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): I seek leave to make a brief explanation prior to asking a question of the Leader of the Government in this place regarding the CFMEU.

Leave granted.

The Hon. N.J. CENTOFANTI: It was reported in the media over the weekend that workplace relations minister, Murray Watt, had received serious threats by people connected to the CFMEU and that the threats were so serious police were stationed outside Minister Watt's home. My questions to the Leader of the Government in this place are:

1. Has the Premier or any government minister increased their security or been advised to increase their security in the last three months?

2. Has the war begun between the political wing and the industrial wing of the South Australian Labor Party?

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): In relation to the first question, not that I'm aware of. In relation to the second question, no, we are both parts of the broad labour movement.

INCOLINK

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding Incolink.

Leave granted.

The Hon. N.J. CENTOFANTI: In June last year, upon learning of the takeover of the South Australian construction entitlement scheme BIRST by the Victorian CFMEU-run scheme Incolink, the Premier stated, 'There are various acts and powers and functions that exist with the state that we are willing to deploy should that opportunity present itself and should the need arise.'

The CFMEU is currently in the control of a federal government-appointed administrator due to allegations of intimidation, corruption and links to outlaw motorcycle gangs. My question to the minister is: has the Premier delivered on his pledge to stop the incursion into South Australia by the CFMEU-run Incolink entitlement scheme?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): I think that there has been some investigation and advice into what the powers of South Australia might be in relation to our choices of these sorts of schemes for workers as parts of EBAs. I don't have that with me but I think it's very, very limited. In relation to Incolink, I am happy to check on this if it's wrong, but my understanding is there is no-one who was formerly with the CFMEU who is on that board anymore, but I am happy to double-check that.

INCOLINK

The Hon. C. BONAROS (14:39): A supplementary: can the Attorney also advise whether any other representatives from other stakeholder groups sought a seat on the Incolink board if it was to be established here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): I thank the honourable member for her question. I think that information is on the public record.

ROYAL ADELAIDE SHOW

The Hon. R.P. WORTLEY (14:40): My question is to the Minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Mr President, this is outrageous!

The PRESIDENT: It's okay, Hon. Mr Wortley, I will protect you.

The Hon. R.P. WORTLEY: My question is to the Minister for Primary—

Members interjecting:

The PRESIDENT: Order! Can we just hear the question before we start.

The Hon. R.P. WORTLEY: My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the recent successful Royal Adelaide Show?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): The Royal Adelaide Show has once again brought the country to the city and showcased the best of our primary industry sectors and regions. It's wonderful to see how the venue has changed, how the Show has grown over the years. The first Show was held in February 1844 when the aim was to bring people, produce and livestock together and to discuss each year, and debate and nurture, rural production. Much of that still remains as the goals today. That speaks to the enduring importance of our primary industries. However, the innovations and developments that progress our primary industries are constantly evolving.

It is events such as the Royal Adelaide Show where advances and achievements initiated by and for our regional communities, primary industries and agribusinesses can be showcased. It is where we see quite literally the fruits of so many people's labour. It is where we can showcase paddock to plate and educate on the origins and journey of our food and fibre. We can showcase the premium food, wine and agribusinesses that we are renowned for.

A highlight at this year's show was Aggie's Farm, an initiative supported by PIRSA sponsorship to teach young children where their food and fibre comes from. The children are provided with an apron and basket on entry, and work their way around the farm digging for carrots and potatoes, collecting eggs from the chicken coop, shearing wool from the sheep, catching a fish from the boats, picking strawberries, apples and oranges from the orchard and collecting grains, then, at the end of the experience, a quick trip to the farmers market where the children can exchange their produce for farm dollars—by all accounts, a wonderfully interactive experience.

I had the pleasure of visiting the Show on numerous occasions during last week, and I was privileged to meet with many of the next generation of South Australian farmers. There were over 7,000 junior entries in the Show this year. There were passionate young people who were bringing their agricultural skills and other talents to the centre stage. The future of our food, biosecurity, agriculture and regions is clearly in great hands.

Each year, the Show brings together the best of South Australia's agriculture, culinary and artistic talents in a celebration of community spirit and friendly competition. From prize-winning livestock and exquisite home-baked goods to crafts and innovative technology projects, the competitions highlight the remarkable skills and dedication of the participants. I would like to take the opportunity to congratulate all the competitors and the winners who have excelled in their respective categories.

I personally had the delight of joining the judging panel for the Nova 919 Jodie and Haysey frittata challenge. It was a very informative experience, I must say, and I was taught the things to look out for when judging the quality of a frittata. Though presentation was an element, it certainly was not the main thing to consider. More important was the flavour, the texture and that the frittata was cooked through to the bottom. We did not know which contestant had cooked each frittata, and in the end Haysey from Nova took away first prize.

I also had the pleasure of meeting with a number of students from various schools. I would like to congratulate Clare High School, who I was pleased to speak with about their agricultural program in the school and their experiences at the Show. Similarly, members might remember that the Ag Town of the Year was Wudinna, and I was over there visiting them earlier in the year and said

that I would catch up with them at the Show. I was delighted to be able to do that and, again, to hear from them about what the agricultural program at their school is bringing to them.

I congratulate all the competitors and I congratulate the Royal Agricultural and Horticultural Society for another successful Royal Adelaide Show which brought so much joy and showcased regional communities and primary industries, which are the backbone of our state.

ROYAL ADELAIDE SHOW

The Hon. R.A. SIMMS (14:44): Supplementary: is the minister concerned about media reports that stall owners struggled to make a profit this year, and what is the government doing to support low income families to ensure they are able to go to the Show in the future?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I thank the honourable member for his question. From what I understand, the numbers at the Show were quite similar to previous years, so clearly people are choosing to spend their money in slightly different ways once they are inside the Show.

I was very pleased to hear from Will Rayner, the CE of the Show, that there were over 100 activities that were free at the Royal Adelaide Show this year, which I think is particularly important. Also, at the lunch I attended on Friday, I discovered something that I wasn't previously aware of, which is how many free tickets the Show does provide, particularly in some disadvantaged categories.

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. S.L. GAME (14:45): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding South Australia's Independent Commission Against Corruption.

Leave granted.

The Hon. S.L. GAME: I refer to reports from the Independent Commissioner Against Corruption, Ann Vanstone, tabled by your government in both houses on Tuesday 27 August 2024. One of the reports states that some South Australian police officers prioritise protecting their fellow officers over upholding and enforcing the law.

Referencing failures to uphold or enforce the law, the report also speaks of what is known as the 'blue code' or 'blue wall of silence', which includes the refusal of SAPOL officers to provide affidavits to help carry out investigations into their colleagues. The ICAC has recommended the state government give it the power to direct a public officer who is a potential witness in an investigation to provide an affidavit to commission investigators or face penalties for refusing to do so.

In reports highlighted by *The Advertiser*, Ms Vanstone outlined one investigation when two police officers allegedly assaulted a community member during and shortly after an arrest:

> In that investigation, several SAPOL officers who were potential witnesses to the conduct…refused to provide affidavits to commission investigators.

When I met with Ms Vanstone recently, she expressed her concerns about ICAC being unable to refer evidence directly to the Director of Public Prosecutions and instead being compelled to use SAPOL in an intermediary capacity following revised legislation passed in 2021. My questions to the Attorney-General are:

1. Does the government admit that those 2021 changes were erroneous, have made it more likely for corruption to occur in our state and have resulted in South Australian police officers being put in a position where they potentially have divided loyalties?

2. Will the government now consider the ICAC legislation pieces put forward in this parliament that address the scenario along with other concerns about the ICAC legislation outlined by Ms Vanstone?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): In relation to the second part of the question, I am not sure it is appropriate to comment on legislation that is before our chamber but, like with any

suggestions that are put forward, we will consider them as we have considered suggestions that others have put forward in relation to our integrity agencies, how they operate and how they interact.

In relation to the first question about previous changes that have been made to the ICAC Act that were supported unanimously by both houses of parliament, I note that there are some parts of those that have been in operation for barely two years. We are, of course, as I said in relation to the answer to the second part of the question—which I did first—open to considering sensible reforms put forward. We are not contemplating wholesale changes, but certainly we are open to considering sensible reform that may be put forward.

SAFEWORK SA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:48): I seek leave to make a brief explanation before asking a question of the Attorney-General about SafeWork SA.

Leave granted.

The Hon. J.S. LEE: The Regional Voice 2024 report recently published by the South Australian Business Chamber highlighted that at the time of the survey only 26 per cent of regional South Australian businesses were aware of amendments to the Work Health and Safety Act concerning psychosocial hazards, which came into force in December 2023, and also knew how to comply with the new laws. Additionally, 27 per cent of respondents said they were aware of the changes but were unsure of their compliance obligations. Most concerning, 47 per cent were unaware of the changes when the survey was conducted. My questions to the Attorney-General are:

1. How have the new regulations concerning psychosocial hazards at work been communicated and promoted to businesses in regional South Australia?

2. What support has the government provided specifically to regional South Australian business owners and workers to ensure that they understand their responsibilities in regard to psychosocial risk in the workplace?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for her question. In relation to changes that are made from time to time to laws as they apply to the community more generally, but specifically to businesses that operate, including changes to work health and safety laws, there are a variety of ways that those changes are communicated.

I know SafeWork SA, through websites, through email letters and through advertisements, publicise changes that are made in a whole variety of ways, including changes that have recently been made to industrial manslaughter laws. I also know that business organisations, including SafeWork SA and other representative bodies, do a tremendous amount of work to inform their members of changes that have been made in various areas.

CRIMINAL LAW REFORM

The Hon. J.E. HANSON (14:51): My question is also to the Attorney-General. Will the minister inform the council about the current public consultation being undertaken on the proposed removal of the partial defence of excessive self-defence when a person is in a state of self-induced intoxication?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for his question, and I note that other members of this chamber have raised questions both in this place and more broadly in relation to this issue.

The recent killing of a young woman in our state's South-East, Ms Synamin Bell, and the subsequent trial of her killer has shone a light on a shortcoming in the criminal law as it stands today. On 12 March 2022, Cody Edwards was charged with the murder of Ms Synamin Bell. However, halfway through the trial for the offence of murder Mr Edwards was able to plead guilty to the lesser charge of manslaughter on the basis that he had killed Ms Bell in self-defence due to his belief that she intended to kill him after he experienced a paranoid psychosis brought upon by his consumption of psychoactive drugs.

This was a partial self-defence available for Mr Edwards under the current law. The principle of self-defence in our law requires two questions to be answered. First, did the accused genuinely believe their actions were necessary and reasonable for a defensive purpose? This is an entirely subjective test that must take into account the facts as the accused believed them to be. Secondly, was the conduct in those circumstances reasonably proportionate to the threat that the accused believed to exist?

The killing of Ms Synamin Bell has highlighted an issue where a person who has been charged with murder can in certain circumstances rely on the partial defence of excessive self-defence based on their belief that their conduct was necessary and reasonable to defend themselves, even if that belief was formed on the basis of hallucinations or delusions caused by self-induced intoxication.

I think the outcome of this particular matter is at odds with the existing provisions in the criminal law dealing more generally with self-induced intoxication, and it is certainly out of step with community expectations. I have announced draft legislation to address this issue and at the moment it is out for consultation seeking feedback. Under proposed legislative reform, section 15 of the Criminal Law Consolidation Act would be amended to remove the availability of this excessive self-defence where a person's genuine belief that their conduct was necessary and reasonable has arisen from self-induced intoxication.

This is a complex area of the law. It applies differently in different states around the country and any changes need to be carefully considered. I am particularly mindful that this defence has been raised in different areas in cases of victim survivors of domestic and family violence with excessive self-defence, and we are very keen to ensure that survivors of domestic and family violence are not adversely impacted by any proposed reforms. Consultation on the draft legislation closes on 7 October, with South Australians able to comment via the YourSAy website.

I want to conclude by saying that our thoughts are with the family and friends of Ms Synamin Bell. Our laws did not live up to their or the broader community's expectations and the court applied the laws as they stand at the moment. We recognise that there is a need for change and are taking action to address this issue.

CRIMINAL LAW REFORM

The Hon. D.G.E. HOOD (14:54): Supplementary: Attorney, do your deliberations on this matter include considerations of what substance has been consumed and how much of that substance may have been consumed?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I think the laws as they stand use the words 'substantially affected'. It would vary from case to case depending on what the substance was and how much was consumed, but as I say, it is a complex area of law, and that is why we have gone out to public consultation.

CRIMINAL LAW REFORM

The Hon. B.R. HOOD (14:55): Supplementary: when does the Attorney-General hope to table these amendments?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the honourable member for the further supplementary question. As I said in my answer, there is a four-week consultation period. That closes on 7 October. Once we have received responses—and often we will receive responses from organisations like the Law Society and the Bar Association and perhaps government areas like the police, the DPP or the courts, who handle the trials of these—we will consider that. As I mentioned, and as I think people understand, it is a complex area, so it will take some time, but I have said publicly I hope we will have laws into parliament this year.

FORENSIC EVIDENCE

The Hon. C. BONAROS (14:55): I seek leave to make a brief explanation before asking the Attorney a question about forensic evidence pertaining to sexual assault cases involving rape kits in our state.

Leave granted.

The Hon. C. BONAROS: Last week, *The Australian* published an article revealing extensive wait times for the handing of forensic evidence to police by Queensland Health Forensic and Scientific Services. The article reported that the Queensland government's DNA laboratory faces an enormous backlog as hundreds of sexual assault victims have been waiting for more than a year to have forensic evidence from their attacks tested.

Queensland police are currently waiting for results from 1,058 rape kits, 420 of which were submitted more than a year ago. Almost half of those cases have not yet even undergone initial biological examination, which includes screening for sperm and reporting those results to police. A 2022 inquiry found serious failures amounting to grave maladministration involving dishonesty at the Queensland state-run forensics DNA laboratory. My questions to the Attorney are:

1. What are the current wait times in our state to receive the results of testing from rape kits and other forensic evidence?

2. Are there any concerns about delays in South Australia?

3. What is the government doing to ensure that we do not end up in a situation like Queensland, which ultimately results in a delay of justice?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for her questions. In relation to wait times in the types of cases she has outlined that involve sexual assault or rape forensic samples, I am not aware of anything that has wait times in the way the honourable member says, but I am happy to ask to see if there are statistics that are kept that can be compared against Queensland.

We don't have some of the problems that we have seen with forensic science in Queensland. Certainly, I know in terms of DNA evidence there have been some substantial problems, and I think that stems from the handling of DNA evidence in Queensland historically. There have been very big reviews and necessarily a lot of changes in Queensland forensic science. I have spent some time at Forensic Science SA at Divett Place, Adelaide, with members of Forensic Science SA. Much of the work that Forensic Science does in South Australia is not just nationally but world regarded.

We are keen to try to ensure as much as we can that we don't see some of the problems that we have seen in other jurisdictions plague South Australia, and that is why in recent budgets there have been some hundreds of millions of dollars invested in Forensic Science SA. I think we are in the final stages of design before building a brand new Forensic Science SA facility in this state.

COLLINS CLASS SUBMARINES

The Hon. J.M.A. LENSINK (14:59): I seek leave to make a brief explanation before directing a question to the Attorney-General about Collins class submarines.

Leave granted.

The Hon. J.M.A. LENSINK: On 26 July, *The Advertiser* reported that the four-year sustainment contract for the Adelaide-built fleet of six Collins submarines confirms Osborne Naval Shipyard as the home of the lucrative full-cycle dockings, which take two years to complete. My question to the Attorney is: does the Attorney believe that industrial action taken by workers at ASC will have any impact on the $2.2 billion deal for the ASC to sustain the Collins class submarines?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her question. My answer is I think it's unlikely. We do see some level of industrial discussion, disputation and action here in South Australia but, as I have said in this chamber before, we have had a relatively

harmonious industrial relations field in South Australia for quite some time. Of course there will be disagreements and disputes that occur from time to time, but I'm not aware of anything that would suggest that any actions or any disputes that may be occurring at the moment will have any substantial effect on any defence project in South Australia.

While I am on my feet, I might just clarify an answer I gave to the honourable Leader of the Opposition in relation to Incolink. I have been informed that John Setka, who was formerly the Victorian secretary of the CFMEU, and formerly a board member of Incolink, has stepped down from that role in Victoria.

COLLINS CLASS SUBMARINES

The Hon. J.M.A. LENSINK (15:00): Supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Supplementary question, if you want to listen to it.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: I think you initiated this.

The PRESIDENT: The Hon. Ms Lensink, ask your supplementary question.

The Hon. J.M.A. LENSINK: Has the minister been briefed on this specific issue, and when was he last briefed about it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for her question. I have not been briefed on anything that would suggest that there is any risk to a defence project in relation to South Australia as a result of any industrial dispute or action.

COLLINS CLASS SUBMARINES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:01): Supplementary: can the Attorney categorically rule out cost blowouts in relation to the AUKUS project, or the Collins class submarines project, due to industrial action by the ASC?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I am happy to reiterate what I have said. We have been, I think, the envy of much of the country in terms of the relatively harmonious industrial landscape that we have had in South Australia. As I have said, there is no reason to believe that any industrial disputation as it may be would have any effect on defence projects.

COLLINS CLASS SUBMARINES

The Hon. J.M.A. LENSINK (15:02): Further supplementary: if the minister hasn't been briefed, how can he have doubts about that this is going to have any impact? Does he have a crystal ball somewhere in his office?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02): I am happy to say again: I have no information to suggest that there would be any impact on costs or delivering defence projects in South Australia.

AUSTRALIAN SEA LIONS

The Hon. M. EL DANNAWI (15:02): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about SARDI's important research into Australian sea lions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for her question. I often have the pleasure of outlining and highlighting the work of the South Australian Research and Development Institute (SARDI) that so often puts South Australia on the map in terms of our research and science capabilities, and I am very pleased to do so once again today.

No doubt some in this chamber have seen recent media about SARDI's work tracking Australian sea lions, with the story being picked up by multiple outlets locally and around the world. Australian sea lions are an endangered species, with a decline of more than 60 per cent over the past 40 years.

The study, which was contributed to by SARDI principal research scientist, Professor Simon Goldsworthy, and PhD student Nathan Angelakis, along with other SARDI researchers and colleagues from the University of Adelaide and the Department for Environment and Water, tracked eight Australian sea lions carrying underwater video cameras, and the footage collected is not only incredible but highly valuable in capturing sections of the ocean floor that have never been seen around Kangaroo Island and Olive Island. Around 90 hours of footage was captured, covering 560 kilometres of sea floor up to around 110 metres depth, enabling researchers to obtain new information on sea lion habitats and foraging strategies, as well as mapping 5,000 square kilometres of seafloor habitat.

The sea lions that were part of the project were approached by researchers while on land, and administered a light sedative. Researchers then attached patches of synthetic wetsuit material with a small camera and tracking device on the sea lions' backs. The same method was used to remove the cameras after the sea lions returned to shore following their foraging trips a couple of days later. Animal welfare was, of course, the first and foremost consideration throughout the process.

The footage captured some incredible images showing the diverse habitats the sea lions forage across, as well as their prey captures, which included fish, small sharks, stingrays and octopus and even showed a mother taking her pup on a foraging trip, showing how sea lion mothers pass on their skills to their pups.

I am advised that Australian sea lions are charismatic animals that are much loved by many South Australians and, after this research, that love may well be shared across the globe with the research getting media attention from *The New York Times*, *The Washington Post*, the BBC and *The Guardian* to name a few, with *The Guardian* even making a *First Dog on the Moon* cartoon from the story.

No doubt the impacts of this research will continue to inform knowledge about sea lions and importantly our knowledge of what lies on the ocean floor. I congratulate all involved in the project across DEW, SARDI, and the University of Adelaide and, in particular, Professor Simon Goldsworthy and Nathan Angelakis.

MINISTERIAL CODE OF CONDUCT

The Hon. R.A. SIMMS (15:05): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of conflicts of interest.

Leave granted.

The Hon. R.A. SIMMS: In 2022, the Premier, the Hon. Peter Malinauskas, ordered a review of the current Ministerial Code of Conduct, which was expected to be published last year. The outgoing ICAC commissioner, the Hon. Ann Vanstone KC, has noted that two years later the review is yet to be completed. In her paper released this month, the commissioner states that, and I quote from the report:

> It is essential that South Australia has a clear and effective framework for identifying and managing ministerial conflicts of interest.

My question, therefore, to the minister is: when will the public see the outcome of the review of the Ministerial Code of Conduct, and what is the Malinauskas government doing to improve transparency in managing conflict of interest amongst its ministers?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for his question. I will be happy to seek an update. I think the piece of work was being led by the Department of the Premier and Cabinet. I have had a look through the report. I think it was only on Monday that I saw the report that the honourable member is referring to.

I note that in that report, if my memory serves me correctly, the former commissioner noted that her views had changed over, I think, even the time in her role about the really complex question of how you define that conflict and perceived conflict of interest. I am certain that this will provide help and guidance in formulating any changed procedures within government.

AUSTRALIAN SUBMARINE CORPORATION

The Hon. H.M. GIROLAMO (15:07): I seek leave to provide a brief explanation before asking questions of the Attorney-General about ASC workers.

Leave granted.

The Hon. H.M. GIROLAMO: On 5 September, *The Advertiser* reported that ASC workers were protesting out the front of Parliament House, demanding an 18.5 per cent pay rise to match their WA counterparts. My questions to the Attorney are:

1. Has the Attorney met with ASC?

2. Has the Attorney met with or been approached by union leaders of the Australian Manufacturing Workers' Union, the Australian Workers' Union, or the Communications, Electrical, Energy and Plumbing Union regarding this action?

3. Can the Attorney provide an update on the industrial action taken by the workers at ASC recently and any potential impact on shipbuilding here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I don't recall having been approached in relation to this issue and I guess there is one pretty good reason for that: it is a federal matter. It is a company that operates in the private sector. It is entirely regulated by federal law and by the federal Fair Work Commission.

It is not a matter that the state has jurisdiction over, which I suspect is a reason I don't recall having any approaches about this whatsoever, as I have said in answer to questions that are almost identical. I am assuming people get told what sort of questions to ask but they don't talk to each other about exactly how they ask the questions, so I do have some sympathy for those more junior in the ranks of the opposition who come later in the day and end up accidentally repeating questions that have been asked before.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I don't think it is fair on them that they get treated like this; however, that is a matter entirely for the opposition.

Members interjecting:

The PRESIDENT: Order!

PREMIER'S NAIDOC AWARD

The Hon. T.T. NGO (15:09): My question is to the Minister for Aboriginal Affairs. Can the minister tell the house about the recently announced male winner of the Premier's NAIDOC Award?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his question, differing greatly from other questions that have been asked today. One of the great joys and honours of my role is celebrating the achievements of Aboriginal people in South Australia. As I have mentioned before in this chamber, both in relation to this year and to years gone by, there is no better week to do that than the annual NAIDOC Week.

This year's theme, Keep the Fire Burning! Blak, Loud and Proud, as I have mentioned in the chamber before, is a theme that encapsulates the spirit of Aboriginal communities and what it represents to celebrate Aboriginal achievement and encourage particularly up-and-coming leaders. As well as the national NAIDOC Awards, which were this year hosted in Adelaide, there were the South Australian NAIDOC Awards and the Premier's NAIDOC Award as well. The Premier's NAIDOC

Award is now—and has been for a number of years—presented to two individuals: one Aboriginal male and one outstanding Aboriginal female.

Today, I would like to inform the council of the winner of this year's male Premier's NAIDOC Award. As there is every year, there were many exceptional finalists, making the decision for the panel that looks at the winners very difficult. But, this year's very deserving male winner was Wayne Miller. Wayne is a Wirangu man who works as the CEO of the Ceduna Aboriginal Corporation. In his role Wayne provides strong leadership for Aboriginal communities on the Far West Coast, advocating for secure housing, the provision of culturally sensitive services and community safety, as well as being a leader in that part of the world during the height of the COVID-19 pandemic.

Wayne has an excellent reputation for working collaboratively with stakeholders at all levels of government to achieve positive outcomes, such as expanding the offerings of the Youth Hub in Ceduna from its humble beginnings. Wayne is leading work on the Ceduna Aboriginal Corporation's new arts precinct, scheduled to open on the town's foreshore, which will support in the order of 100 talented local artists.

Outside his day-to-day work Wayne has been a community leader and one of the coaches of the Kooniba Football Club's A-grade side, the longest continuous Aboriginal football club anywhere in the country. He advocates for the maintenance and growth of the club as a vessel for community engagement, including expanding to women's and girls' football programs.

I am proud to know and work closely with people like Wayne Miller, who give so much of themselves to improving the lives of our state's Aboriginal communities. I offer very, very sincere congratulations. My thanks go to Wayne and all nominees, and I look forward to informing the council about the excellent work of recipients of these NAIDOC awards in the future.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:12): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Energy and Mining in the other place, yet another question about the grave situation at the Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: In the past 48 hours I received further disturbing information about the financial woes plaguing the Whyalla Steelworks and local contractors. A major laboratory testing company, part of a global giant with an operation based in Whyalla that undertakes the quality control testing for the iron ore for SIMEC and onsite testing for GFG, hasn't been paid since March—that is six months. As a result, the company, which I have chosen not to name, has stopped all testing of SIMEC'S iron ore and GFG's onsite operations.

I am told that without these test results Liberty can't sell any of its steel as it is unable to qualify the purity of the steel. These test results are also vital for iron ore export, as they qualify the purity and grade being exported. The latest woe is on top of Golding contractors being owed more than $70 million and Veolia, the giant waste company, being owed around $11 million. Other contractors and suppliers are collectively owed millions more.

An FOI application my office submitted through FOI expert and 'Transparency Warrior' Rex Patrick, seeking all correspondence from the state government's Steel Task Force that relates to current and future steelmaking in Whyalla, was alarming. No documents exist, no minutes, no notes, nothing. The government cannot tell me what this task force has done.

While these companies are waiting to be paid back millions of dollars by steelworks owner Sanjeev Gupta, according to latest media reports he has been busy purchasing another multimillion dollar property on Sydney Harbour to go with another he owns, around the corner, at Potts Point. We may even bump into him if he is in residence in his corporate box at the Adelaide Oval on Friday when Port Power battle the Hawks.

As this chamber is aware, I have asked a number of questions in this place over the past six years about the status of the steelworks. They are taken on notice and referred to the minister for

answering, and those answers arrive weeks later in their usual dismissive and scant manner. My questions to the minister are:

1. When is the government going to be up-front with all South Australians and reveal the true extent of the financial woes plaguing the steelworks?

2. Is the government aware of the latest revelation that contractors haven't been paid for six months?

3. Why doesn't the Steel Task Force have any correspondence that relates to current and future steelmaking in Whyalla?

4. Is the government in crisis talks with steelworks owner Sanjeev Gupta and/or others to ensure the steelworks doesn't collapse?

5. What is the latest update on the arc furnace at the steelworks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I will refer the honourable member's questions to the relevant minister in the other place and bring back a response.

LANDSCAPE SOUTH AUSTRALIA ACT

The Hon. B.R. HOOD (15:16): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding reasonable force.

Leave granted.

The Hon. B.R. HOOD: The Landscape South Australia Act 2019 enables an authorised officer to use reasonable force to break into or open any part of or anything in or on any place or vehicle but only if they are acting with the authority of a warrant issued by a magistrate. A report on the independent review of the act tabled in April recommends that authorised officers be given powers to seize, retain or act with force without the authority of a court warrant. As Naracoorte Lucindale Council Mayor Patrick Ross has suggested, this would give authorised officers stronger powers than that of ASIO officers when entering and seizing the property of suspected terrorists.

My question to the Attorney-General is: is the Attorney-General aware of this recommendation and, if so, what is his advice on the matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for his question. The landscape act is committed to the Minister for Environment. I am happy to go away and find some answers in relation to any proposed changes in relation to that act. Of course, if we were asked for legal construction advice that would be legal advice and legal professional privileged, so it's not something that would ordinarily be shared, but I'm happy to go away and ask the Minister for Environment to see if there is something I can add in relation to any potential changes to legislation that comes under her purview.

KANGAROO ISLAND BLOWFLY FACILITY

The Hon. R.B. MARTIN (15:17): My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the council about the recent opening of the world-first sterile sheep blowfly facility on Kangaroo Island?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for his question and hope that all of those here are very interested in the question, which is so relevant to our agricultural industries. Any member in this place who has been fortunate enough to visit Kangaroo Island should be aware of the significant sheep industry based on the island. I understand Kangaroo Island has over 500,000 sheep, bred for wool, food and even a sheep dairy, which produces sheep milk, yoghurt and cheese.

Lucilia cuprina, commonly known as the Australian sheep blowfly, presents a significant risk to sheep on the island. Sheep blowfly can cause a condition called sheep strike, whereby a female

fly locates a sheep with ideal conditions in the wool and lays her eggs. The emerging larvae cause large lesions on the sheep which often prove to be fatal.

Eradication of sheep blowfly will prevent fly strike from this species in the island's sheep, meaning there will be no need for mulesing or chemical management of sheep blowfly. This is expected to improve animal welfare and reduce management costs for local producers. It is for these reasons that the state government, in partnership with the commonwealth, has provided $3.45 million for the construction of a world-first demountable sterile blowfly breeding facility.

I am pleased to advise the facility is now open, and has started to produce sterile flies that will be released across the island in the coming weeks. I toured the completed facility a few weeks ago and met with staff who are currently running the program. Significant work has gone into ensuring their facilities are up and operational, and I thank the staff at the facility for their dedication to this project.

Sterile insect technology aims to provide an alternative solution to combat the often fatal condition and improve animal welfare while lowering these management costs. The SIT technology works by directly affecting the wild population through the release of sterile flies. When these sterile males mate with wild female flies, no fertile eggs are produced. The key to the system is to produce and release enough sterile flies to outnumber wild fertile males.

I understand the facility has the capacity to produce 50 million flies per week operating at full scale. This will allow for an island-wide release of sterile flies. During my visit to the facility I was told that the initial releases this spring will focus on an area within the Dudley Peninsula, where there is a significant sheep population. The sterile flies will be coated with a fluorescent dye; the first ones will likely be yellow and pink to ensure the staff at SARDI can distinguish sterile flies from the wild flies captured in traps.

Management costs and losses from fly strike in sheep across South Australia is estimated to be about $60 million per year. This facility is built from shipping containers, and it is hoped that once the efforts to eradicate sheep blowfly on Kangaroo Island are successful, the mobile facility can then be relocated to address sheep blowfly across other parts of our state.

Kangaroo Island is a unique environment that is free from many pests and diseases. This state government takes biosecurity extremely seriously, and is delighted to be supporting producers on the island by eradicating sheep blowfly—hopefully once and for all.

CHILD PROTECTION

The Hon. T.A. FRANKS (15:21): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of the implementation of coronial recommendations relating to child protection.

Leave granted.

The Hon. T.A. FRANKS: After the murder of Amber Rose Rigney and her brother Korey Lee Mitchell in 2016, a coronial inquest was undertaken. In the judgement the Coroner said:

> What this inquest has highlighted, however, is the folly of governments ignoring coronial and other recommendations. I speak again of course of the continuation of unlawful practices within the child protection authority despite coronial findings in the Valentine and Napier inquests that identified those practices.

The Coroner then went on to discuss the issue in this inquest, that issue being the death of those two children, which was quoted as the 'non-adherence to statutory obligations imposed on the child protection authority due to alleged resource deficiencies'.

The Trust in Culture report, led by Kate Alexander, was created as a result of that inquest, and looked into government's progress in implementing recommendations from previous child protection coronial inquests. This report found that the government needed to develop an 'urgent strategy' to ensure that the system functioned effectively.

My question is: what are the ongoing steps that have been taken to ensure that recommendations made in coronial inquests are implemented and maintained in child protection?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I thank the honourable member for her question. I note there are reports tabled to the parliament in relation to actions that have been taken by ministers in relation to coronial inquests. If there are specific areas of this inquest I would be more than happy to seek answers from the minister responsible in the child protection area and bring back a reply for the honourable member, whether by way of a supplementary question or outside the question time process.

CHILD PROTECTION

The Hon. C. BONAROS (15:23): Supplementary: in doing so, can the minister advise how many of the recommendations referred to in the cases referred to by the Hon. Tammy Franks have actually been implemented?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I will take that question on notice and bring back a reply from the minister responsible in another place.

CHILD SEX OFFENDERS, SUPERANNUATION LEGISLATION

The Hon. L.A. HENDERSON (15:23): I seek leave to make a brief explanation before asking the Attorney-General a question regarding child sexual abuse.

Leave granted.

The Hon. L.A. HENDERSON: Earlier this year, the Liberal opposition brought a motion to this parliament that ultimately passed, calling on the Malinauskas Labor government to urge their federal counterparts to adopt a policy addressing the legal loophole around superannuation for victims and survivors of child sexual abuse.

I note the discussion paper from 19 January 2023 and the close of the consultation period on 16 February 2023. It's my understanding from media reports that the government had intended to bring legislation to the parliament within the first half of 2023 but to my understanding has not yet done so. My question to the minister is: has the minister been provided with an indication from his federal counterparts as to when this legislation will be introduced, noting the government said they would bring it in the first half of 2023 and, of course, the motion that passed this parliament earlier this year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:25): I thank the honourable member for her question. I am very pleased that the federal government has announced that they will be taking action in relation to this—I note the former federal government didn't. I am also very pleased that we as a state Labor government have advocated directly to the federal government to take action on this. We haven't just put motions in a parliament in South Australia telling ourselves what we think should happen, we actually contacted the federal government.

Members interjecting:

The Hon. K.J. MAHER: We actually contacted the federal government—

The PRESIDENT: Order!

The Hon. K.J. MAHER: —numerous times ourselves. I would be really interested for the opposition—and perhaps this will be by way of a supplementary question—to explain the number of times that they actually directly advocated to the federal government, which is responsible for superannuation, to make these changes. How many times—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —they have done that.

CHILD SEX OFFENDERS, SUPERANNUATION LEGISLATION

The Hon. L.A. HENDERSON (15:25): A supplementary question: what was the last indication that the federal counterpart provided as to when this legislation would be introduced?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I don't recall what the timeframes are, but we have made numerous representations to the federal government on this issue.

CHILD SEX OFFENDERS, SUPERANNUATION LEGISLATION

The Hon. L.A. HENDERSON (15:26): A supplementary question: can the minister take that on notice; and a further supplementary question—

The PRESIDENT: Well, you have asked a supplementary question. Attorney.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I am happy to correspond with my federal counterparts to see where this is up to.

The PRESIDENT: The Hon. Mrs Henderson, you have a further supplementary question?

Members interjecting:

The PRESIDENT: Order! I want to be able to hear this.

CHILD SEX OFFENDERS, SUPERANNUATION LEGISLATION

The Hon. L.A. HENDERSON (15:26): Minister, perhaps if you would like to listen to the question.

The PRESIDENT: Order! What's your supplementary question, the Hon. Mrs Henderson?

The Hon. L.A. HENDERSON: What was the last timeline that was provided to the minister for the introduction of this legislation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): I answered that during the answer to the very first question. I don't recall what a timeline is; however, I am very pleased that the federal government have answered our calls that we have been making as a state Labor government to act on this.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

The Hon. R.P. WORTLEY (15:27): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about the performance of the South Australian Employment Tribunal?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): I thank the honourable member for his question and for his lifelong interest in industrial relations and his advocacy for working people over a very long period of time. The South Australian Employment Tribunal (SAET) is South Australia's work-related employment and industrial relations dispute tribunal. It's a specialist employment tribunal that operates in the interests of the entire South Australian community by ensuring that both workers and employers have access to a practical, efficient and low-cost forum for dispute resolution.

The consistent feedback this government has received from stakeholders on both sides of the industrial fence is that the SAET represents one of the best practice models that other states and territories look to in terms of how they conduct their own employment courts. I recently had the opportunity to meet with representatives from the SAET, including the President, the Hon. Justice Steven Dolphin, who shared with me some of the information about the SAET's performance over the past financial year.

Following a significant 22 per cent increase in workers compensation caseload between 2019-20 and 2022-23, the number of workers compensation disputes filed over the past financial year has returned to the historical average of just under 5,000 per year. This is supplemented by

around a further 1,000 non-workers compensation applications last financial year for matters such as industrial disputes, monetary claims for unpaid wages and work health and safety disputes.

In 2023-24, the SAET's clearance rate—that is, the number of applications resolved compared to the number of applications filed—was over 100 per cent for the second year in a row. This means that for two years running, the SAET has resolved more disputes than it has received, reducing its overall case load and delivering shorter timeframes for disputes to proceed to hearing.

In 2023-24, 85 per cent of cases filed in the SAET were resolved within 12 months of lodgement. The median timeframe from lodgement of a dispute to resolution was just under 12½ weeks, noting that 71 per cent of disputes were resolved through the SAET's compulsory conciliation process. For those disputes which could not be resolved at conciliation and needed to proceed before a judicial member, the median time between a dispute being filed and a decision being made was 34.4 weeks, an improvement of around 46 per cent over the last two years.

These figures represent a focused effort by the SAET on its case management process, including a particular focus on alternative dispute resolution by the tribunal's commissioners and the practice of judicial-led settlement conferences. Together with a number of reforms recently passed in this chamber, including the Statutes Amendment (South Australian Employment Tribunal) Act, to improve the efficiency and effectiveness of the SAET and the quality of the processes to its litigants, I hope these figures continue to improve and continue to give confidence to the community that work-related disputes will be resolved quickly and practically in this state.

ENERGY PRICES

The Hon. S.L. GAME (15:31): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, representing the Minister for Energy and Mining, about the effect of rising power prices on South Australian businesses.

Leave granted.

The Hon. S.L. GAME: The impact of our rush to renewable energy has been laid bare by some startling information from one of the state's most iconic and respected producers, Nippy's. The Riverland-based business has revealed its monthly power bills are doubling, from $51,600 to $109,580, even though Nippy's has installed a million dollars worth of solar panels and is using 6,200 fewer hours of power.

The state government recently released details of round 2 of its Economic Recovery Fund which offers grants of between $2,500 and $50,000, which must be matched by the applicant, for small businesses to reduce their energy costs. A total of 12 manufacturing businesses won funding in round 1, but when you consider that businesses like Nippy's are looking at an extra $684,000 per year for power and scores of businesses are feeling the pinch, the Economic Recovery Fund grants are a drop in the ocean.

Our office reached out to Nippy's and other Riverland growers recently and it is obvious that rising costs of business, including power, are leading to disastrous outcomes. One grower said their daily input charge has gone up by 27½ per cent, their peak charge is up by 25 per cent and their off-peak is up by 22½ per cent. Recently in *The Advertiser*, the Hon. Tom Koutsantonis was quoted as saying—

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

The PRESIDENT: The Hon. Mr Hunter has a point of order.

The Hon. I.K. HUNTER: Sir, brief explanations by leave of the council are meant to be brief.

The PRESIDENT: I know the Hon. Ms Game is about to ask her question.

The Hon. N.J. Centofanti: You're not listening to your minister's replies to Dorothy Dixers; they're not brief.

The PRESIDENT: Order!

The Hon. S.L. GAME: Thank you, Mr President. My questions to the minister are:

1. Will the government release data that show how much less South Australian business operators who don't win one of the Economic Recovery Fund grants can expect to pay on their power bills for the coming quarter?

2. Will the government acknowledge that state and federal Labor are driving up power prices via their policies and that, rather than addressing the cause of these increases, they are simply applying taxpayer-funded bandaid solutions like the $150 million Economic Recovery Fund?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:33): The Minister for Energy and Mining has provided me with the following information. We share the frustration of larger businesses in South Australia—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and appreciate that they are currently facing increased costs if they are exposed to the wholesale electricity market. Wholesale prices in the market can be extremely volatile. Recently, low wind speeds and reduced rainfall in the southern states of the National Electricity Market increased reliance on gas-fired generation. During periods of abundant generation and low demand conditions, prices to minus $1,000 per megawatt hour can be experienced, while during tight supply and demand conditions, prices can approach the market price cap of $17,500 per megawatt hour. Retailers serve as an interface between these volatile prices in the wholesale market and the more stable prices wanted by consumers.

To secure the most cost-effective retail contract, large businesses are recommended to sign on when wholesale prices are low rather than waiting to explore options later on before renewal of their contract. Larger customers that procure electricity directly from the wholesale market would expect to be exposed to increased volatility in electricity pricing. Additionally, electricity distribution network component prices of electricity bills have risen, reflected by rises in inflation, along with under-recovery of revenue due to milder weather conditions over the last year.

Energy prices are a national issue, not just a South Australian issue. The most recent report on quarterly wholesale prices, published by the Australian Energy Market Operator (AEMO), shows average prices in South Australia increased by $11 per megawatt in the second quarter of 2024 compared to the same quarter in 2023. However, prices increased in all regions of the NEM except Queensland. Prices in South Australia ($135 per megawatt hour) were cheaper than New South Wales at $173 per megawatt hour and comparable to Tasmania and Victoria.

The default market offer (DMO), which applies to small customers, is an illustration of the energy price trend for the state. They were cut by 8.5 per cent or $497. The government welcomed the cuts to electricity prices from the 2024-25 DMO which applied to both South Australian residential and small business customers from 1 July 2024.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. J.M.A. LENSINK (15:36): I rise to make some remarks on this piece of legislation in relation to the Crown and Anchor and a few other measures in and around the CBD, which is a much-loved venue on Grenfell Street that has existed for a very long time. It has been there for approximately 170 years, operating for much of that time as a licensed premises and as a live music venue for some 30 years.

One fun fact which I do not think has made its way into the parliamentary debate at this stage is that at some stage the Crown and Anchor was owned by ancestors of the member for Finniss, Mr David Basham MP. That was part of the origin of a skit that we did at the Mid Winter Ball, which

I will not go into any further because these things are Chatham House Rules, but honourable colleagues would know what I am talking about.

This property was listed as a local heritage site by the Adelaide City Council, which exists through the Planning, Development and Infrastructure Act (PDI Act), which protects the site's exterior and prevents its demolition. Our former leader, the Hon. David Speirs, provided a letter of support for the state heritage listing some time ago in April. The origins of the Save the Cranker campaign were triggered when an application was lodged by the current owners, Wee Hur Holdings, with the State Commission Assessment Panel (SCAP) to develop the site for student accommodation.

The proposal would have retained the heritage facade but not retained the current activities. I would like to again congratulate the Save the Canker group for their extraordinary work in highlighting this issue, the threat to the hotel and to live music generally, and for organising a groundswell of people to rise up and speak in favour of its retention. I would also like to thank them for the respectful way in which they have gone about doing this, which has been very respectful.

I followed all the debate in the House of Assembly and I cannot say that I have as extensive a list of anecdotes as some members, with my history of particular live music venues. I certainly do not get out much these days, but I can appreciate that there are many people who do and that the Crown and Anchor is a place that is much loved and much valued by many South Australians.

I also cannot compare with some of the members with their university tales. Some of us are nerds who had a combination of Dutch parents and so many contact hours that we did not get out much in those days either. My preferred genres fit better with all things camp, disco and drag, the former Mars Bar and the old Synagogue, which is now Marys Poppin, which I have actually had a chance to visit in the last 12 months—but I digress.

The Save the Cranker organisers have told me that this live music venue provides the opportunity for local artists to perform when there are few, if any, other venues in Adelaide. Without the Crown and Anchor, local musicians will be disadvantaged by a lack of venues, with a number having closed in recent years due to redevelopment, and local festivals, including WOMAD, which are supported by direct funding from government, rarely include local artists. There is also an argument that the local activity as a meeting place in combination with the entertainment aspect is unique. I note that over 20,000 signatures have been received for the petition to protect the Cranker—it might be more than that by now—to allow it to continue its operation as a pub/live music venue.

There are also other venues that have already been lost, which is the subject of a motion tomorrow. I will let the cat out of the bag now: the Liberal Party will be supporting that motion to establish a select committee on this issue. It has been said to me, too, that the funding for live music venues from this government has not actually been directed to the areas where it is most needed. We have seen that in one case there was a venue that was provided grant funding that had to return it because it was actually going to be closed.

In relation to the planning aspects of this particular site, I would say that ground floor and street-level activities in our city are critical to a liveable city, but this is something that we all agree on in principle. We can all point to examples of buildings and towers around the city that allow no ground floor activity, have nothing attractive to passers-by and do not enhance security for people at ground level. These are easy concepts to support, harder to articulate in practice, so I think we have all been seeking a similar outcome but potentially disagree about how it is best likely to be achieved.

In relation to the planning system, depending on who you listen to, it is working very well or it is not working very well. I would say what I do support in terms of the changes is that the decisions are meant to be made as merit-based decisions by experts and removed from political decision-making. There are some who argue that the local decision-making authority is inconsistent, but I do not hear that many complaints about the SCAP process. Our current planning laws have been in place since 2016, so they are relatively new.

There is an inclusion in that system that I think is very important for people to be aware of, which is the utility of the Government Architect through the Office for Design and Architecture SA (ODASA), which I will talk to in relation to their submission to SCAP in a bit more detail. The office of the Government Architect adds a huge amount of value to the process. Anyone only needs to go

either on their website or that of the SCAP and look at the detailed submissions that they make, which are certainly very well thought out and very articulate in terms of all the aspects that they have looked at. I will be quoting from their submission to the SCAP a little bit later.

The Liberal Party's position has been consistent the entire way through, as follows, just for the record: firstly, to support live music in coexistence with student accommodation; secondly, to encourage people to make submissions through the relevant decision-making body, in this case SCAP—those submissions closed on 10 May; and to support state heritage listing of the Crown and Anchor Hotel. That has not changed throughout the process.

I note that the Minister for Planning has capacity through the PDI Act to direct SCAP to keep specific government policies in mind when making a decision and can seek to have items state heritage listed if they are already local heritage listed. We do know that the state heritage nomination process was underway with this site.

There are concerns about what other development proposals might now have some special legislation in the form that we find before us today, which is going to alter the current landscape and potentially interfere with the independence of the planning process. Developers will be very nervous about what this means going forward. What is to stop the emperor from getting involved next time? Perhaps developers will stop investing, in particular in marginal electorates where the risk of intervention from the emperor is now at an all-time high.

The Hon. E.S. Bourke: Emperor?

The Hon. J.M.A. LENSINK: Emperor Malinauskas. The Liberal Party has concerns about such precedents, which is why we took the position we did in relation to Mr Simms' motion in April, which we had intended amending ourselves, and agreed to the government's amendments, which I note lean in very heavily to heritage arguments, which are quite detailed—one, two, three, four, five of them—and also encouraging at that stage members to make submissions to SCAP. The other four have very strong references to heritage aspects.

Some time between May and August some members of the Labor Party did a U-turn—perhaps not telling all members of the Labor Party because some of them were quite upset that they had not been invited to the party. The feedback we received in regard to whether the member for Adelaide in particular was on board back in May with advocating for the Crown and Anchor was that it was noted the level of activity that she had engaged in in relation to the Citify proposal at Gilberton, which was knocked back by SCAP, with letter drops to local residents and meetings, etc., encouraging submissions to SCAP.

In this case there had not been the same level of activity. Indeed, I am not sure whether any Labor members engaged with SCAP or encouraged others to engage with SCAP. My advice to the Save the Cranker folk was certainly to engage with the SCAP process, which was the decision-making body that would look at it.

As we said, SCAP received a submission from Wee Hur Holdings in March, with submissions closing on 10 May. The submission was an application which was 19 storeys, which is five storeys over the applicable zoning, the applicable zoning for the Capital City Zone being a maximum of 53 metres or approximately 14 storeys. I note that because there will be times when SCAP will allow over height applications but usually require a level of things such as affordable housing to be included.

The Government Architect made a submission to SCAP, which is definitely worth a read. I am going to quote excerpts from it, firstly to demonstrate the value of the Government Architect process but also that ODASA had certainly looked at a range of matters in great detail with great consideration and decided that they could not support the proposal before SCAP in its current form. So if you just bear with me for a little bit. It is some six pages. On the first page it says:

> My support for development of this significant city site is contingent on achieving a high-quality design outcome, particularly in relation to the architectural response to the historic context and varying streetscape characters, public realm contribution, sustainability response and residential amenity. In my view, this has not yet been demonstrated. As such, I am unable to offer my support to the proposal in its current form.

The submission then goes into some detail talking about site context, in particular the Union Street small street/laneway, which is in proximity to the old East End Market and the former Adelaide Fruit and Produce Exchange buildings. At the end of that section, the Government Architect says the following:

> I recognise the unique site attributes, including the prominent corner site, fine grain streetscape character, and proximity to the vibrant and historic Rundle Street East precinct. In my view, this unique context demands a high-quality architectural and public realm response, informed by a rigorous context analysis and development of key design principles.

The next section talks about building height, built form composition and architectural expression. Some of this language I do not quite understand, but the key paragraph being the summary, which says:

> While I could support the proposed land use for the site as student accommodation and acknowledge the design intent to reflect the varying streetscape contexts, in my view, the proposed built form massing and composition is yet to demonstrate a convincing architectural response to the existing context or a positive contribution to the vibrancy of this part of the city.

The submission then talks about podium architectural expression and, interestingly, in relation to parts of the existing site on which Roxie's and Chateau Apollo are, the submission says:

> I acknowledge the existing buildings on site adjacent the Crown & Anchor Hotel are not heritage listed, however in my view, they contribute to the fine grain character of the streetscape and locality.

On page 4 there is a comment that 'retention of "pub" use to recognise the cultural and social significance and extend the public offer' deserves further resolution. There is some criticism about the configuration of the student accommodation, which I will not go into for the purposes of this. Overall, I think the Government Architect had a good look at this and on a range of matters decided that they could not support the application.

I note, too, that there were a record number of submissions. Some 800 were made to SCAP, mostly in favour of retaining the site. So it begs the question: why did the government not trust SCAP to do its job? Why did the emperor feel the need to ride in and strike a deal? Was it criticism from the arts community that the Premier only cares about sport, making his ears burn? Why did the Labor government not accept any of our heritage amendments for the Women's and Children's Hospital legislation to assist Thebarton barracks, which will exist in history and virtual reality only, while the Marshall government rebuilt the Waite gatehouse—so our proposal for that was rejected.

In relation to the bill, I would have to say that this has been a very rushed process. The minister described this bill as elegant. I strongly disagree. I would describe it as either not doing what it says it does or simply replicating what is able to be done by other means. The biggest failure as it is, is that in 'saving the Cranker' by only inserting certain heritage provisions, that is, that the pub cannot be demolished, it fails. It says the building cannot be demolished; I say big deal. The state heritage listing process was in train, other critical provisions about neglect and make good which exist in the state heritage legislation are missing.

The irony is that the debate on this bill took place on the same night as amendments to the Heritage Act. The member for Bragg, Jack Batty, was trying to make this point and yet no-one in Labor was paying any attention. I think that is because the Labor Party caravan has moved on. The emperor has had his headlines and his radio interviews, and the member for Adelaide has her social pictures, so as far as they are concerned, job done. They have left it to the Legislative Council to correct Labor's poor drafting. How many times has that happened?

The Hon. Mr Simms and I have spoken about reinserting some of these clauses into this bill. I am pleased to see them on file and we will be supporting them. If anyone is in any doubt that these amendments to this legislation are required, just consider this: Wee Hur Holdings is a company that builds student accommodation. They will, I have no doubt, comply with the requirements not to demolish the hotel. That is the deal that has been done. Given their core business is not owning hotels, it is a matter of time before they sell it, and what binds future owners to maintain the building? Nothing.

To suggest, as the minister did in debate in the other place, that the current owners will own this hotel in perpetuity is a nonsense, and that is why other parts of the heritage provisions must be

included in this legislation. I will talk a bit about the timing of the process as well. We kind of knew a bill was coming. We were prepared to make accommodation for the AUKUS legislation earlier this year, which essentially was to fast-track what would otherwise have been a very lengthy process for that site to go through the standard community land revocation process, in recognition that civil works were needed to get cracking for the whole project to meet its timeframes. But there is no justification for this bill being rushed. Secretive rushed bills can often lead to unintended consequences, and we have this in the bill before us today.

I heard the member for Unley referring to the Minister for Planning as a seagull. I would describe the process of getting details from the minister and the government as like dealing with the CIA. I received a text from the minister on Monday, letting me know that he was interested in talking to us about the bill. On Tuesday I was informed that they wanted to give me a briefing. I was a bit perplexed and asked, 'When's this happening?—'Oh, today.'

We got the bill at about lunch time—I am not sure whether all the other stakeholders had received it or not—so we had to move heaven and earth to make sure everyone was briefed or at least had some opportunity to understand what on earth was going on. I think that was all completely unnecessary, and I will have some similar questions in the committee stage in relation to that process. I hope it is not something that will be repeated in the future, because we all have other things that we are doing and we do try to do the right thing. Whether it was to try to meet some other obligations or not, none of that was properly explained. With those comments, I indicate we will support the legislation, albeit I think it is setting a precedent that the Premier may live to regret.

The Hon. C. BONAROS (15:57): I rise to speak on the Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill 2024. First and foremost, this is clearly an amazing demonstration of what people power can result in and what that looks like, what grassroots campaigning can achieve, and that is something to be admired. On that note, I commend the Hon. Rob Simms, the Greens and you, Madam Acting Chair, for your advocacy on this issue.

There is absolutely no question that this has been a passionate campaign to save the iconic Crown and Anchor Hotel, affectionately known as the Cranker, and that has been loud and clear. The hotel, while a piece of local heritage, is not state listed, as we know, due to likely the unsympathetic additions made in the fifties, yet for everyone who knows about the Cranker—I am not one of those people; I always walked past and saw the crowds, but I was not one of those patrons—it is, nevertheless, a reflection of the importance of a live music venue that clearly cannot be underestimated or understated, based on that public response. Everyone agrees that the venue deserves to be preserved.

The proposal at hand, as we have heard, will see the development increase from 19 to 29 storeys and, while there are concerns about scale, I understand there are additional storeys to be added to it to ensure that it ends up in more spacious accommodation. The $150 million investment by the Chinese developer includes necessary noise treatment, which is essential for the venue's continued operation as a live music hotspot. I understand that has pricked up the ears of many of the commentators on this issue in terms of the need for that particular measure in terms of prescribing the requirement for any new development within a 60-metre radius of a designated live music venue to be properly insulated against noise, and no doubt in the future we will hear more about that as the cost of that insulation becomes an issue. It is important to note, of course, though, that this applies only to future developments, not existing ones.

To echo the sentiments just expressed by the Hon. Michelle Lensink, overall it is a great example of people power at its best, but I do think we need to be cautious about the precedent we are setting as legislators. In essence we are fast-tracking a commercial agreement through bespoke legislation to address a single site and a unique set of circumstances.

We have seen with the Tea Tree Gully parking the ongoing ripple effect that can have on existing commercial arrangements across the state. We saw that, because as a result of the one bespoke piece of legislation at Tea Tree Gully, Marion shopping centre has been impacted and Westfield shopping centre has been impacted and, ultimately, that has impacted the commercial

revenue of those private arrangements—because of a private arrangement entered into legislation via a bespoke bill debated in this place.

If this had not been the case, I think we would have seen about a six to nine-month process, probably, before this issue would have been resolved, if it was resolved, so I guess it is a win this time. By all accounts everyone might be satisfied, including the international developer and especially including the live music enthusiasts, but I do, again, remind everybody of the concerns that were just raised by the Hon. Michelle Lensink in terms of the long-term impacts of this arrangement, and I also have concerns about what happens next time, because whilst I support the protection of that particular venue we do have to remain cautious that this does not become the norm for future developments.

It is a great headline: 'We're saving the Cranker.' It was a genius move on the part of the Premier, but it was politicking at best. I do not think the Premier actually probably knew how he was going to save the Cranker when he made that announcement. He has worked his way, but I do not think he has done so with the support of private development, necessarily, in this state. I think if you asked any of the peak bodies who represent private business in this state they would have a very different take on saving the Cranker.

It is a legitimate concern because we know precedents could lead us down a slippery slope where developers and businesses expect legislative solutions for their specific needs, and there is nothing preventing this exact same scenario playing out the next time a developer comes in and buys up an equivalent to the Cranker somewhere else, in Rundle Street, Hindley Street or wherever it may be, and we are faced with the exact same situation again.

I guess the point I am trying to make is that we either need to address the flaws in the system comprehensively or let the private sector navigate within the existing planning framework without relying on bespoke legislation to fast-track what is in effect a contractual arrangement and a deal.

I do note that the Property Council certainly were quite vocal about this when it was proposed. The executive director is on the record as having noted their concerns about the dangerous precedent that could result from political interference and stating that government must not entertain the idea of undermining the state's independent assessment process and, more broadly, the entire planning system. He went on to say that it is not the job of politicians or advocacy bodies to decide what is or is not a good development; to do so would set a dangerous precedent and completely undermine a fundamental reason the planning system exists.

That remains a genuine concern, and whilst we might all be happy about the Cranker being saved, at least for now—and hopefully long into the future—the process that we have followed in relation to this is one that I am concerned about and leaves much to be desired. The concerns about that precedent-setting—which is, in effect, what is happening today, setting that precedent and paving the way for other future developments to go down the same path—is extraordinarily complicated and dangerous, and really does undermine the system we have in place.

I think the minister responsible for this portfolio would say, 'Well, there are no necessary changes to the planning system because nothing could have anticipated this particular instance.' I do not buy that for a second, I absolutely do not buy that for a second, because you have identified an issue here that you have wanted to involve yourself in, insert yourself in politically and legislatively.

I guess the response to that is that, again, if this is a genuine issue that affects venues, we cannot pick and choose between venues, noting as well that another venue might not have anywhere near the public support the Cranker has had or be able to mount that sort of campaign—especially without the help of the Hon. Roberts Simms on that front.

The point is that it is a dangerous precedent, and it does undermine that system and the independence of that system. If we have a problem with the way that system works, then our job here as legislators is to review that system, not to introduce a bespoke piece of legislation like the one we are seeing today—or like the Tea Tree Gully car park scenario, which has had detrimental commercial impacts for other shopping centres.

I make those points not because I am not happy that all the music enthusiasts at the Crown and Anchor have managed to secure this arrangement with the government and with the developer but simply because I do not think this is what we are meant to be doing here as legislators.

The Hon. R.A. SIMMS (16:06): I rise to speak in favour of this bill, and it is worth briefly visiting how we found ourselves here.

Back in May it was reported that Wee Hur Holdings Ltd had applied for planning consent for the partial demolition of the Crown and Anchor Hotel to make way for the construction of multilevel student accommodation. At that time the Greens were one of the first groups to come out in opposing this redevelopment, not because we did not want to see more student accommodation in the city—of course we want to see more student accommodation—but because our view was that we did not need to bulldoze or radically alter one of our iconic pubs in order to accommodate that kind of development.

There are already a lot of vacant sites in the CBD that could be activated to make way for more student accommodation, so we never accepted the argument that a private developer should be able to acquire that site and, in effect, get rid of the pub. It does not make sense. Cities are, after all, all about balance, and we need to have live music venues, we need to have iconic pubs in our city, as well as more student accommodation.

What followed from that time was a huge community grassroots campaign that has saved that South Australian icon from destruction. Over the course of several months over 15,000 people signed a petition calling on the state government to save the Cranker, and a record 1,328 submissions were made to the State Commission Assessment Panel—that is more than double those that have been received in any previous public consultation for development.

At two rallies, on 28 April and 18 August, thousands of South Australians took to the streets to demand that the state government save their pub. I want to take this opportunity to praise all of those have been campaigning on this issue, and to recognise their great work in activating the community. In particular, I acknowledge the work of Evan Morony, Patrick Maher and all the other members of the Save the Cranker committee for their tireless work. It has been a privilege to engage with them over the last few months.

This is an example of what we can do when the parliament works in unity with the community. The Greens are very proud to have stood with the community every step of the way, raising this issue at every level of government. We raised it in Town Hall, we raised it here in the state parliament, and this was also discussed on the floor of the federal Senate.

So the Greens are very proud of the work that we have done to fight to save this iconic pub. I also want to acknowledge the work of other members of parliament. In particular, I acknowledge the work of the Hon. Michelle Lensink, who has done a lot of work on this issue, engaging around this one—as she does on many important issues. We share our love of camp.

From the start, the Greens and the community were told by the state government that there was simply nothing that could be done. The government came out of the start and said, 'There's nothing we can do on this. It's not possible. We have a rules-based system.' Well, there is an old saying we have in the Greens: 'If you don't like the rules, you change them.' That is what we are doing today.

Indeed, when I brought a motion to this place calling on the Malinauskas government to oppose any partial demolition or adaptive reuse of the Crown and Anchor, the reply of the government was clear: they have no ability to intervene in the decision-making process. Hey presto, less than three months later we now have a bill before us that will save the Cranker and give other live music venues the protection they deserve. This is precisely what the Greens were calling for.

At that time we were told it could not be done: 'We have a rules-based system. We can't do anything, we can't intervene.' Well, thanks to people power, finally we have seen a change in position of the government. The power of community activism is on display here in the parliament today. I have always believed that it is the parliament that makes the law but it is the community that drives change. That is what we have seen here, and we do welcome the fact that the government has finally listened to the community.

It is important to note that the Cranker is just the latest in a string of iconic buildings and live music venues that have been targeted by developers. Over the last decades, we have seen the Producers on Grenfell Street and Pirie Street's Tivoli close their doors, and other venues like the Austral no longer host live music. Their loss has dealt a heavy blow to Adelaide's proud music history and tradition, and this bill will finally give the Cranker and the city's most iconic remaining live music venues the improved protections that they deserve. Acting President, I acknowledge your work in advocating for a committee on live music, which we look forward to seeing getting off the ground in due course because that is an important next step.

This bill provides that the Crown and Anchor 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 a community consultation process of not less than four weeks. It also enhances protections for other live music venues in the Adelaide CBD by designating it as a live music venue area and specifying that new residential developments within 60 metres of a venue must include noise attenuation measures to reduce the potential for complaints. We welcome those provisions. This is precisely the kind of intervention that the Greens have been calling for, and so we welcome that.

We will also be moving to amend the bill so that the provisions of the Heritage Places (Protection of State Heritage Places) Amendment Bill that passed the other place several weeks ago will apply to the Crown and Anchor. This was a Greens private members' bill, which was to increase the penalties that applied for demolition by neglect. That is the practice where you see an owner of a property allowing it to fall into disrepair. Because the penalties were previously so low, there was really nothing to compel the developer to take action to ensure that these properties were being held to an appropriate standard, and they could therefore be bulldozed.

The Greens worked with the Malinauskas government to close that loophole. We passed a private members' bill in the parliament during the last sitting. This suite of amendments that I will be moving will insert those provisions into the way in which the Cranker is managed in the future. That will ensure of course that, if there is any change of ownership or if the developer decides in the future that they are not going to take action to keep that building up to an appropriate standard, the heritage minister can intervene, slap them with fines and take action. I do acknowledge, as the Hon. Michelle Lensink has mentioned in her comments, her and I have spoken about this and I welcome the Liberals' support for that and appreciate that.

The Cranker has been saved, but without further reforms to our planning and heritage laws South Australia's iconic places will remain at risk of being lost forever. I agree with my colleagues that this demonstrates the flaws in our planning system. If the planning system was actually working and meeting community expectations, you would not need to see legislative intervention like this. This really is the tip of the iceberg when it comes to the flaws in our state's planning laws and heritage laws. It is clear that our heritage protection laws, which are focused on built form aesthetics, do not extend protections to ongoing use or the broader cultural and social value of these buildings. The result is that heritage places which are of huge social and cultural significance to our community could be bought by developers and gutted, with only the facade remaining.

What this debate has exposed is that heritage is about much more than just bricks and mortar, it is about the heart and soul of our state, our city and our community. The government must now move to amend our heritage laws to reflect this. It must also strengthen the role of people in our planning system and give communities more of a say in planning the cities that they want to live in. I do not agree with the views of the Property Council that it is not for advocates, politicians and local councillors to be involved in these decisions and that these decisions should simply be made by unelected officials. It is the role of parliament and council, as the people's representatives, to actually give effect to the views of the people and ensure that we have a planning system that suits their needs.

We really need to revise the thresholds in the planning, development and infrastructure regulations that push planning assessments of medium-size developments from council assessment plans to the State Commission Assessment Panel. At present, the threshold is just $10 million for developments in the City of Adelaide, which means that the council is stripped of its role in most

development proposals. That is why I think there is such a discomfort with so many of the decisions that are being made, because the community is not having an appropriate say.

The Greens have also proposed a community right to buy, which is modelled on similar legislation that has worked well in the United Kingdom. This would enable local councils, community organisations and charities to be able to nominate land or buildings that are of community value for inclusion on a register which would be managed by the Minister for Planning. Once listed, a building or a piece of land would become an asset of community value and remain on the register for five years. During that time, the owner would have to apply to the minister should they wish to change its use or to sell the building, and the community would have a right to express interest as a potential buyer during an eight-week period.

The minister would consider applications from councils, community organisations and charities and if an expression of interest is approved, a 12-month moratorium is put on the asset to enable the community group or council to raise funds for the offer. This would provide a lifeline to our iconic pubs and stop the endless decline of live music venues and SA's cherished places. The Greens are going to continue to push for that, as well as other changes to our planning laws.

I agree with the comments made by the Hon. Michelle Lensink and the Hon. Connie Bonaros that this bill does set a precedent. If the state government has the power to save the Cranker, then it has the power to fix our state's heritage and planning laws, too, and the Greens will continue to stand with the community in fighting for a heritage and planning regime that serves the interests of the community rather than developers. I certainly put the government on notice that next time there is a development proposal that totally offends community sentiment, the Greens will come back knocking once again for this parliament to intervene because we now know that when there is a will, there is a way.

I think this should actually send a shiver down the spine of all those developers in our state who are seeking to impose inappropriate development on our city, because with people power we can intervene and we can strike a better balance in our state's planning laws. I welcome the government's intervention in this instance, and I will have a bit more to say in the committee stage and a few questions of the government.

The Hon. E.S. BOURKE (16:18): For close to a decade I have lived within the North, East, South and West terraces that surround our CBD. What makes this my home is the strong and vibrant community lining the streets of our city. These homes are as diverse as the residents. The mix of heritage and new dwellings and environments is home to a multicultural community. The early mornings are quiet but there is always coffee close by, the commute to work is short and hassle free, and the evenings are vibrant with the sounds of music and fun coming from the pubs and restaurants.

It is this balance between protecting the liveability, the heritage and the vibrancy of our city that makes this bill so important. That is why I am pleased to rise to speak in support of this bill. South Australians have strong feelings about heritage, and so they should, because our heritage is a very significant part of our shared identity. The care that we have taken to preserve and to protect our heritage, and our built heritage in particular, is something that contributes to our identity as a state and is something that helps us to build community.

However, it is not only the historic bricks and mortar that make our city so unique. There is a substance to the life and the soul of some places that helps to create and strengthen community and culture and that fundamentally underpins our identity. As a hospitality venue, the Cranker is a place of character and grit. It is also a place with a remarkably long life span, with its history stretching back some 170 years.

The Crown and Anchor's story is interwoven into that of modern South Australia and celebrates our heritage, our past and our contemporary culture and community, but of course it is not only this long history and its longstanding place in the built landscape of our CBD that makes the Crown and Anchor so special. Its modern identity as a popular venue where a vibrant live music scene has flourished for three decades plays a very significant part in giving the Cranker its unique and important place in the cultural landscape.

The Cranker has a raw and effortless authenticity that cannot be manufactured. It is welcoming and inclusive to all, and it can be enjoyed equally by all. In keeping with its long and colourful life, it seems that just about anyone who has spent time at the Cranker has a Cranker story, and what remarkable stories there have been from the young and the not so young alike. Its particular blend of history and contemporary cultural vibrancy is why the Cranker is cherished by so many people, and it is why it is so important to the life and soul of our city.

When you have an opportunity to preserve and respect the continued operation of such an institution, whilst also facilitating much-needed development, it is very sensible to pursue that opportunity. That is why this piece of legislation seeks to achieve that balance. The Malinauskas Labor government is eager to support development in our CBD, particularly where it contributes to housing supply amid a very challenging set of circumstances for South Australia's housing market.

We are also determined to support the culture, the vibrancy and the soul of our city through ensuring that important live music spaces are maintained and protected. That is why this bill aims to find the best way forward, with a balance for a culturally significant live music venue and new developments that will make a meaningful contribution to housing availability to coexist successfully, because of course both are important: culture and development.

This government does not believe that one must come at the expense of the other. Our community deserves both, and through our legislative and regulatory efforts we are working to ensure that can be achieved. This bill aims to preserve the Crown and Anchor Hotel as a venue where live music can continue to thrive into the future. It provides that the hotel cannot be demolished, its height cannot be increased through the addition of more storeys of development, and a change in use of the land cannot occur without the agreement of the Minister for Planning after the minister has consulted with the community for a period of no fewer than four weeks.

Significantly, it increases the supply of student accommodation in the Adelaide CBD, which will help to alleviate the significant pressure affecting the private housing rental market by supporting housing diversity and adding to the city's diversity and vibrancy. This bill represents a compromise that has been thoughtfully laid out and will serve the interests and the needs of our community from multiple perspectives.

Alongside a number of passionate and dedicated members of the community—in particular the Save the Cranker group, which has done an incredible job in bringing their community together and other communities into this space to advocate for the Crown and Anchor—the Malinauskas government has secured a future for an important cultural institution while also providing opportunity for the development to proceed, which will help to address one of our community's greatest needs at this time. The bill before us represents a considered solution that delivers a strong outcome for our community.

The Hon. T.A. FRANKS (16:24): It gives me great pleasure to rise as the second speaker for the Greens to support this bill. It is described as the Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill on our *Notice Paper*. For many people, it will be known as the 'save the Cranker bill'.

I certainly echo the other members who have congratulated the community of the Crown and Anchor Hotel, affectionately known as the Cranker to all who have enjoyed going there. If they could overcome the generational difference in how to spell 'the Cranker'—either with an 'er' or an 'a', which I discovered very quickly gave away my generation as much older than some of the other supporters of the Cranker—they can overcome anything. Indeed, they have absolutely moved mountains. I believe that this is a piece of legislation that shows the power of community and of that particular community to stand up and fight and win.

As someone who turned 18 at the Tivoli Hotel, not far from the Cranker, and used to enjoy the Producers, I am really glad to see that this bill also protects those live music pubs, particularly, and venues that we have come to love. Of course, we will see the loss of Chateau Apollo and Roxie's, much loved, as part of this deal. We also know that South Australia is the second highest state and third highest jurisdiction for losing live music venues since COVID. Some 27 per cent have been lost. The names of those venues, most recently places like My Lover Cindi and others, just show that we have a lot to protect when it comes to live music culture.

One of the areas of this debate that was overlooked, though, was that the Cranker was never at risk of going under and shutting because people were not there as punters, as live music lovers, as comedy enjoyers or, indeed, just frequenting the front bar. The Crown and Anchor was a roaring success. It was only the proposed development that put it under threat; it was not that it had no patrons. It was something that many in the Save the Cranker campaign were at great pains to point out.

Since COVID, we have lost a lot of our live music culture, and it does need to be nurtured. I am glad to see the Malinauskas government and the Liberal opposition pledge their support for a motion that I put before this place to investigate those live music venues, those creative venues, such as the Rhino Room and Confession down at Port Adelaide, which is currently ostensibly closed, only operating for one-off shows or private functions. Those sorts of venues that give creative life for not just artists but also audiences, that foot in the door, are so important.

I am really pleased to have seen this past weekend that the Crown and Anchor was inducted into the Hall of Fame—well overdue, I might say. Unfortunately, I was not able to attend that event, but I note that Deputy Lord Mayor Keiran Snape gave a nice short speech. Short speeches seem to be the order of the day. For those who were unable to attend that Hall of Fame induction, I am really pleased to see that there is not only going to be a future for the Crown and Anchor well beyond these next few years but, while it will have to be closed for part of the development, it is enshrined in law that that not be over that particular two-year point and that a pop-up venue will be identified.

As the rally chant went—and these were some of the best rallies I have ever attended—'music, arts and culture is more than bricks and mortar', but it does also need bricks and mortar. That is why I am really pleased that we have this piece of legislation that the Greens are very happy to support with amendment today. I commend the work of the Hon. Rob Simms, who has really led the charge here, and I really congratulate the Save the Cranker team for working over generations, across differences of opinion, to really unite, to stay the course and to absolutely see something quite historic in this parliament as recognition of not just their efforts but the importance of the Cranker to the community.

I hope in the future that we are going to see more live music and live creative venues, those places that provide comedy or theatre—the Holden Street Theatres, for example, or the Cue Bar that has people dancing near pool tables, which has incurred the wrath of local licensing enforcement at times and seen them before the courts. I hope that we see creative culture, and that bricks and mortar that supports creative culture, supported to flourish into the future. Post-COVID we should be building back better, and building back better means ensuring that live music and the creative scenes, and the communities such as those of Save the Cranker, are supported with that bricks and mortar. With that I commend the bill.

The Hon. F. PANGALLO (16:30): I rise to support the bill and also the amendments of the Hon. Robert Simms. Congratulations to the Premier for pulling off another populist piece of politics. He has set a precedent here where the government can override SCAP decisions and development approvals. The Property Council's Bruce Djite was in two minds over that decision. He thinks political interference of this type could set a dangerous precedent, and one driven by emotion and populist decision-making, which could undermine the independent planning system. 'Where could it stop?' he asks, but at the same time I think he welcomed the fact a politician would step in and be able to do something in the face of mounting opposition from the community.

Everyone is a winner here: heritage lovers; the hotel, which will be shut for two years; the developer gets an extra few storeys for student accommodation; live music venues are in the spotlight, which is a good thing; and, of course, the Premier, who made the captain's call. That has been applauded. I would like to congratulate a couple of members in this room: the Hon. Robert Simms for his advocacy, and recognising it is an important cultural relic that needed to be preserved in a city that is starting to look like Legoland, with slim towers stretching to the sky; and the Hon. Michelle Lensink, who went out on a limb to throw her support behind the activists.

The Hon. J.M.A. Lensink: I got criticised.

The Hon. F. PANGALLO: You did, and that was wrong. You have emerged as getting it right. Also, of course, the patrons of the Crown and Anchor came out in force and in numbers to support the move to save the affectionately known Cranker.

We do now have laws in the CBD that allow for skyscrapers. The land on which buildings like the Crown and Anchor stand is considered far more valuable than the buildings themselves because of the value in the airspace. We need to protect the old character of the city, and I think that is epitomised by old churches and old pubs, including the Crown and Anchor. When we talk about old pubs, just think of the South Australian Hotel. I am not sure how many members in this place would actually remember what it looked like.

The Hon. T.A. Franks: I have seen pictures.

The Hon. F. PANGALLO: You have seen pictures, but I remember it because I would pass it every day on my way to work at *The News*. I often marvelled at the elegance of that place. They allowed it to be demolished, and you can see what is in its place across the road—a pretty ugly building in itself that has little character—but we have moved on.

The bill adds an extra layer of protecting places with some kind of cultural significance as well and, again, compliments to the Hon. Robert Simms for pushing for that to happen. With that, I commend the bill and look forward to the debate.

The Hon. S.L. GAME (16:34): I rise briefly to support the government amendment bill that will preserve the long-term future of the Crown and Anchor Hotel as a live music venue and commend the individuals who came together to fight for something they were passionate about. It is a testament to the community spirit here in Adelaide and a determination from some to preserve our unique history and culture, and I am happy it has been a win-win outcome in this case.

I also put on the record concerns about the precedent set by this case, though, and effectively the state's planning laws being sidestepped. The way forward is to adopt a fair and consistent approach to these types of issues and not to hand-pick or give preferential treatment for some over others. I also note the Property Council's concerns about the rushed nature of this legislation and possible outcomes connected to that.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:35): I would like to thank those who have made a contribution to this in their second reading speeches: the Hon. Michelle Lensink, the Hon. Sarah Game, the Hon. Connie Bonaros, the Hon. Rob Simms, the Hon. Tammy Franks, the Hon. Frank Pangallo and the Hon. Emily Bourke.

Both Mr Simms and Ms Bourke made some very relevant points about the balance that this achieves. This is a balance between preserving the hotel, it provides for noise attenuation, and it increases the supply of student accommodation, which in turn reduces the pressure on private rental markets. All of these things are very much designed to provide a balance to some very worthy outcomes. I thank members for their indications of support and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: The only question I have is in relation to the application of the new noise attenuation requirements to hotels and motels. Can the minister explain why these new noise attenuation requirements are not being applied to the construction of motels and hotels, and what standing people residing in hotels and motels have in relation to noise complaints?

The Hon. C.M. SCRIVEN: I am advised that relevant residential development, for the purposes of applying the minister's noise attenuation requirements within 60 metres of a designated live music venue, does not include development primarily for the purposes of a hotel or motel or to provide any other form of temporary accommodation.

Section 106 of the Liquor Licensing Act 1997 only allows a person who resides, works or worships in the vicinity of a licensed premises to make a complaint and, therefore, not visitors to a hotel or motel. So, in this light, if there were to be an amendment proposed to apply the noise attenuation requirements to hotels and motels, that would add to construction costs but not reduce complaints on live music venues.

The Hon. J.M.A. LENSINK: I have some questions. I think I have divided them up into each of the relevant clauses. At clause 1, I wanted to get a response from the government about the timeliness of jamming this legislation through the parliament in the timeframe that they did. It has not really been embellished as to why it needed to go through the House of Assembly in one day and why it needed to be through the entire parliament within two weeks' time. I do not feel that we have been provided with an adequate explanation.

The Hon. C.M. SCRIVEN: I am advised that the student accommodation is really required to be up and running in time for the 2027 academic year; therefore, it was important that this be progressed as soon as possible. Perhaps anticipating other questions that may come, that is also the reason this has been done as a separate piece of legislation rather than a code amendment process.

The minister in the other place indicated that, if we had an unlimited amount of time, we could have done it through a code amendment, we could have done that through appropriate interactions with other acts, but that would have affected the timelines for the provision of student accommodation and potentially damaged investor confidence as well. Therefore, it seemed most appropriate to give that confidence and assurance that it was appropriate to progress this bill as soon as possible.

The Hon. J.M.A. LENSINK: Following that argument then, if that is relevant for this particular development—and I note there is a proposal for student accommodation closer to the West End—how is that consistent with that particular proposal? Will that also have its own special purpose legislation and, if not, will that not damage investor confidence in student accommodation because it is not being done under the same set of rules?

The Hon. C.M. SCRIVEN: I am advised that the difference is that there is a current application in terms of this development and the developer agreed to put on hold the process, including in terms of the fact that there was an interim listing as state heritage. That is why it is different from the other one referred to by the honourable member.

The Hon. C. BONAROS: Can the minister confirm—and I have noted what she has said about the timing—whether the timetable for the bill passing through this place is in any way tied to the contractual agreements reached and any deadlines that have been agreed to between the relevant parties?

The Hon. C.M. SCRIVEN: The question is a little unclear, but this may answer it: if this bill is passed then the developer will be able to lodge an application and that will be determined within 10 business days.

The Hon. C. BONAROS: Perhaps I can try to be a little more clear. Were any agreements reached between parties in terms of the time that it would take for this bill to pass this parliament? Were any agreements reached in the discussions that have taken place about when that can happen, based on the passage through parliament?

The Hon. C.M. SCRIVEN: We are not aware of any such agreements.

The Hon. C. BONAROS: Aside from what has been made publicly available by the government, are any other elements of the agreement that has been reached between all parties involved publicly available?

The Hon. C.M. SCRIVEN: We are not aware of any other separate agreements. The agreement is what is contained within the bill and therefore is 100 per cent publicly available.

Clause passed.

Clause 2.

The Hon. J.M.A. LENSINK: This is one of the specific clauses which I think is relevant to the noise attenuation issue. If I can just reflect on the debate in the House of Assembly, there is a bit of inconsistency about whether it is going to cost subsequent developments in the city more money to install the appropriate noise attenuation.

I note that the minister in his second reading explanation made some comments that 'the requirement for noise attenuation will be the same as currently exists in the Planning and Design Code', to which the moot point is, 'Well, what do you need it in a statute for?' Then there are some other comments in the committee stage where he says there are costs associated with noise attenuation. So I am a bit confused about whether there is or there is not. I think the concern that has been raised by industry is a very legitimate concern that this is going to potentially add costs in the middle of a housing crisis in the CBD. So I would like some comments from the minister in relation to that.

The Hon. C.M. SCRIVEN: I am advised, first of all, that it is anticipated that the minister's noise attenuation requirements will reflect the existing requirements in the Planning and Design Code. The code currently requires, in certain circumstances, that buildings must be designed and constructed such that bedrooms are exposed to music noise less than eight decibels above the level of background noise in any octave band of the sound spectrum and five decibels above the level of background noise for the overall A-weighted levels.

I think the overall consideration needs to be that we want to have fewer complaints about noise when it is associated with live music venues. Therefore, by implementing this it means that hopefully complaints will be less, liveability for residents will be improved and amenity will be improved. That is the underlying principle, which I think is a worthy one.

The Hon. J.M.A. LENSINK: I have some more questions on this issue which I will put at clause 3, but if there are changes to the Planning and Design Code do they automatically flow on through this piece of legislation and therefore apply to any of those buildings that are within 60 metres of a designated live music venue?

The Hon. C.M. SCRIVEN: Could I please clarify that the honourable member is only asking about changes in the design code that relate to noise attenuation?

The Hon. J.M.A. LENSINK: Correct.

The Hon. C.M. SCRIVEN: I am advised that if the Planning and Design Code were to be changed in the future, then that would impact on residential development within 60 metres of the Crown and Anchor.

Clause passed.

Clause 3.

The Hon. J.M.A. LENSINK: Still on the noise and noise attenuation issues, can the minister in this house advise whether the government considered declaring noise from a live music venue that existed before a particular date to not constitute a nuisance under the Environment Protection Act and the Local Nuisance and Litter Control Act? If not, why not?

The Hon. C.M. SCRIVEN: I am advised that the answer is no.

The Hon. J.M.A. LENSINK: Rushing legislation—I will just say that for the record. My next question is: is there a list of designated live music venues available yet?

The Hon. C.M. SCRIVEN: I am advised the answer is no. The criterion for designating a venue under this act has already been accorded in the other place. The minister will consider those and make decisions from there.

The Hon. J.M.A. LENSINK: I thank the minister for that reply. Does the minister have a timeframe for when the list is likely to be available? Just a ballpark figure: weeks, months?

The Hon. C.M. SCRIVEN: I am advised that a timeframe has not yet been indicated. The minister has simply advised that the powers are there and that he intends to use them as outlined.

The Hon. J.M.A. LENSINK: I thank the minister for that answer. In terms of the operation in practice—and this is a fairly important issue for hotels and live music venues, etc.—I note that in the other place I think the member for Unley asked the minister whether venues could nominate themselves, to which the answer was that they would be considered if they nominated. However, is the list fluid? That is, can venues be added or deleted, which I think is important, or will it be fixed, which I think would be problematic?

The Hon. C.M. SCRIVEN: I am advised the answer is yes; venues will be able to be added or deleted. In the latter case the likely reason for that might be something like that it had ceased to be used as a live music venue for a significant period of time.

The Hon. R.A. SIMMS: On this topic of the list of live music venues, is this something that the community will have direct input into? Is there any way the community could potentially propose alterations to the criterion that the minister is developing, for instance, down the track?

The Hon. C.M. SCRIVEN: I am advised that, as the criteria is not legislated, certainly changes could be made. If someone was to feel very strongly that the criteria should be changed then that could occur. They should write to the minister, etc., in the normal way that they might advocate for a particular position.

The Hon. J.M.A. LENSINK: In relation to the map, which is effectively the CBD, this was canvassed in the lower house but I would like to get on the record in this house as well that one of the live music venues that has been the most subject of complaints of noise from neighbours is The Gov. I note that the map is just in relation to the CBD and I would have thought that people who move into the city and live in the city would probably have more tolerance for noise than people in suburbia. Why did the government not make provision for The Gov and consider other venues that might be subject to complaints from neighbours?

The Hon. C.M. SCRIVEN: I am advised that the rationale was that it is in the city that one is more likely to expect significant residential development adjacent to or nearby a live music venue.

Clause passed.

Clause 4.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 4, line 18 [clause 4, inserted section 135A(5)]—Delete ‘The’ and substitute 'Subject to subsection (5a), the'

Amendment No 2 [Simms–1]—

Page 4, after line 25 [clause 4, inserted section 135A]—After subsection (5) insert:

(5a) The following provisions of the *Heritage Places Act 1993* apply in relation to the Crown and Anchor Hotel building as if that building were a State Heritage Place:

(a) section 36;

(b) section 38A;

(c) section 39A;

(d) section 39B.

I do not need to say much about this because I detailed the rationale in the second reading speech. Suffice to say this simply inserts the protections that apply to heritage places with respect to giving the minister the power to issue repair orders and also applies penalties for neglect of properties, to prevent demolition by neglect.

This was a potential omission from the original bill. The Greens were concerned that this did put the Crown and Anchor building under some threat. Were the ownership of the building to change hands down the track, this would give the heritage minister the opportunity to step in and really incentivise the owner of that building to ensure that it is being kept up to scratch.

The Hon. C.M. SCRIVEN: The government is happy to accept these two amendments.

The Hon. J.M.A. LENSINK: I commend the Hon. Mr Simms on these amendments. These are the Save the Cranker part B amendments. In the debate in the lower house, the minister was not following that this site is unlikely to be in the same hands in perpetuity and therefore it protects the site from future owners who may indeed cause demolition by neglect. It also applies ERD Court rules and protection orders and is a glaring omission from the government's legislation, so I commend the member for bringing these to the house.

Amendments carried; clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PORTABLE LONG SERVICE LEAVE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. H.M. GIROLAMO (17:01): Today, I rise in complete dismay over this government's handling of this bill. I will make my stance clear from the get-go: if this government is serious about helping the struggling disability and NGO sector, they will delay the rollout of this bill. With this, I will move an amendment standing in my name to insert that the provisions cannot be implemented before 1 July 2026.

The draft bill was released in December 2023, giving organisations just two months over the holiday season to provide feedback by 9 February 2024. A mountain of concerns was raised, including clarity of industry awards, the timing of the legislation during the NDIS review, the lack of consultation, the financial burden on already struggling organisations and more. In June this year, an update was released with no invitation for further feedback or consultation. Last week, a bill briefing was provided with no indication that this bill would be rushed through today, and then on Thursday afternoon the government's priorities were circulated, with portable long service leave top of the list.

In just two business days we have conducted our consultation. Organisations have been caught completely off guard with no time to fully understand this complex updated bill. Their responses were telling. Government consultation was reported as lacklustre and rushed, with some feeling that there was not much point providing feedback because they were told it was just going to pass anyway.

If this government was listening they would know that organisations across the state, small and large, are struggling. In a recent pulse survey conducted by National Disability Services (NDS) following the Annual Pricing Review, 84 per cent of more than 1,200 respondents were actively reconsidering their future, and 75 per cent of respondents were considering stopping some or all of their disability services. The disability sector is at breaking point. Amidst their uncertainty and immense pressure, last Thursday the federal Minister for the NDIS announced his retirement, all whilst the NDIS undergoes a series of extensive legislative reforms.

The state government's response is to rush through their own box-ticking election commitment legislation that, again, is causing further uncertainty and pressure across the sector—legislation that would require these organisations to potentially maintain dual long service leave systems, endure greater costs, greater compliance and confusion around entitlements, and struggle with staff retention. Looking at the contents of the bill, it reeks of big government. Remunerated

boards for each industry fund, ministerial intervention, ministerial appointments, levies, registration, powers of inspection—you name it, it is in this bill.

Numerous organisations have raised their enormous concerns to both Minister Cook and the Attorney-General, but clearly they have not been heard. What they are calling for is very simple: to delay this legislation, to give them time, time to set up systems and to get through this uncertain period. Hordes of NGOs are currently running on cash reserves and with an operational loss. They are losing money and closing at a rapid rate, and this legislation could be the deciding factor.

Thank you to the South Australian State Manager of National Disability Services, Janine Lenigas, for the last-minute consultation she helped us conduct. Your work is invaluable and I hope that it brings light to some of the concerns you and your members have raised and that you have put forward on behalf of the sector. I would like to read some of the concerns raised by the sector, and I will quote CEO Liz Forsyth of Brain Injury SA:

> This for us, is about the constant unfunded increases of cost of labour…For two years running, we have had an operational loss, which takes from reserves, that until price reviews, it cannot be seen how we can replenish.
>
> We are not comparable to the building sector. They deliver projects for short term periods, and require a very mobile staff to meet the labour demand.
>
> The money taken from the sector will fund a bureaucracy and hold onto unclaimed money for government benefit, not for the benefit of people with disabilities…

The CEO of Community Living Options, Mel Kubisa, did the maths and is very concerned that the NDIS funding of long service leave is the equivalent of 4.3 days per year, when the actual cost under this scheme will be 7.5 days, resulting in a potential extra $704,000 for her organisation. I will be asking some of Mel's questions in the committee stage, including:

> a. does the state government intend to fund providers for the shortfall between NDIS funding and the state based legislative requirements?
>
> b. Is the state government also paying into the scheme, noting that the state government is a large provider in the NDIS market, and if it does not, it creates an unlevel playing field?
>
> c. Given the NDIS funding model is fixed, has the government considered the negative impact on jobs the portable long service leave scheme will have?

CEO Tim Baker from Enhanced Lifestyles raised the following points:

> The NDIA DSW cost model is broken and won't cover the cost of the introduction of this scheme, once again leaving NFP's paying the gap. Provider viability is on a knife's edge at the moment, and the new cost burden of this scheme may be enough to tip some well run, longstanding providers over the edge.
>
> Its incredibly disappointing that there is such widespread challenges in the sector that is simply being pedalled by this government through bills like this.

I foreshadow that my amendment speaks to calls directly from the sector. We implore the crossbench and those opposite to support our amendment that would see the implementation of the Portable Long Service Leave Bill and its impact on the community services sector delayed until July 2026. Please consider this during a time of uncertainty for this industry. Do not ignore their pleas. Without them our most vital community services could be lost.

The Hon. F. PANGALLO (17:08): I rise to speak on the Portable Long Service Leave Bill, which is an election promise by the Labor government. The intent is to enable workers in the not-for-profit community services sector to be able to move their entitlements from one job to another, mirroring the same scheme that is operating in the construction industry.

In my day, long service was a reward for loyalty to one employer after seven years and then fully qualifying by the time you hit 10 years. This bill changes that. The reason is that these workers are essentially doing the same kind of work and can move on within that sector—for instance, the disability sector, the aged-care sector. Many of these workers are casually employed or are on fixed-term contracts.

The SA Business Chamber rightly have concerns that it could be damaging to the sector. Firstly, they are critical that there has not been proper consultation on it. They say that there has

been no data to support claims that it will alleviate high turnover of staff, and they cite evidence from Victoria and Queensland, where employee retention has not improved.

They have concerns about the cost, particularly that almost half the providers in the disability sector reported financial losses, with 9 per cent breaking even, and also that the sector is already under extreme financial pressure. Seventy per cent of providers in the disability sector are not-for-profit, and the cost of portability could well be the final nail in the coffin for them. They may not have the financial resources to manage the introduction of the scheme, which is why I would urge members in this place to strongly support it beginning a year later, in 2026, as the Liberals are calling for.

It also calls for a two-year moratorium on making payments into the scheme. Employers will be required to pay a levy for each worker into a fund that would then be used to distribute long service pay entitlements when they are claimed, and it is anticipated that this pot of gold will grow to be able to afford those payments. As we have seen with the superannuation scheme, there are always problems in trying to ensure that employers, particularly smaller operators, comply with their requirements of paying superannuation benefits to their workers or paying them into a fund. It is a problem that the ATO has tried to address in recent years.

I think compliance and policing that requirement has been difficult at the commonwealth level, and I would anticipate it could well be difficult at this level as well once this bill is introduced to ensure that those levies are being paid. It certainly would be difficult for companies and small businesses that are struggling financially to be able to find the resources to pay a levy that could be up to 3 per cent on a regular basis for workers who may not be full-time workers but on contracts.

The other concern I have here is that this labour union-infused government has opened the door for portability to be expanded into other industries and business somewhere down the track. This bill is coming at a time of crises in our communities, and these crises are not being fixed: cost-of-living pressures, power bills, groceries. Families and businesses—a lot of these businesses are also family owned—are struggling.

The last thing these businesses, particularly the family-run ones, need is the extra burden of complying with this type of legislation that serves to drain money from them, particularly from the struggling community services sector. In saying that, as I said, I will be supporting both amendments, one from the Liberals and also one from the Hon. Tammy Franks. I look forward to the debate.

The Hon. C. BONAROS (17:13): I rise to speak in support of the Portable Long Service Leave Bill 2024, which I note, as other members have, was a key election commitment of the Malinauskas Labor government. As has already been canvassed, SACOSS in particular has been advocating for this change for a number of years, and it is great to see the community services sector is finally getting the recognition it deserves.

Most Australian states, and I think this is really worthy of noting, already have portable long service leave schemes for the community services sector. This year alone, New South Wales and the Northern Territory introduced similar schemes, so South Australia is catching up in this respect. The bill explicitly lists 29 different community services in schedule 2, including services which offer accommodation, alcohol and drug, disability, youth, and financial counselling supports.

I would like, at this point, to acknowledge and indicate my support for the amendment of, and the work of, the Hon. Tammy Franks to explicitly include sexual assault and sexual violence services in that schedule. The community services sector employs, as we know, over 35,000 people working in South Australia, most of whom are women. A lot of these jobs are on a short-term contract basis, as they rely heavily on fluctuating funding. The scheme also allows workers to move between employers without losing their long service leave entitlements, making it easier to retain skilled workers in the broader industry and attract new ones.

We know this model works. It has worked elsewhere, and portable long service leave has been in place in the construction industry now for decades. The bill shares the expertise of that current system by utilising the schemes of the same chief executive officer and administrative staff for both schemes.

I do note, of course, there was an amendment filed earlier today by the Hon. Ms Girolamo on behalf of the Liberal opposition that seeks to amend the designated day of the scheme to

commence on a day not earlier than 1 January 2026, rather than by proclamation, to give employers time to prepare. I also note the concerns that have been raised, particularly by the disability sector and by the South Australian Business Chamber, in relation to the costs of the scheme and the potential financial impacts on the sector given the current state of the economy.

The chamber has, I think, quite rightly noted—and this is something that we should not be doing—the mention of regulations 43 times in this bill and its concern about the practical operation of the scheme, particularly should it commence hastily. Most of us in this place have been on the record many times and, indeed, I think in practically every briefing I had this week with government I raised the concerns that I have around leaving things to regulatory regimes. It is not a good way of making laws. Unfortunately, we continue to see the majority of important legislation being inserted into regulations, which simply do not, and cannot, withstand the same scrutiny as legislation in this place. The chamber has suggested a two-year lag before commencement, but given the financial year calendar the amendment filed today is in keeping with this ask, I think it is fair to say.

I think it is also though, on the flip side, worth noting that these entitlements at the moment ought to be quarantined by employers. We are not talking about something new. If I am an employee then I have every right to expect that my employer is already putting this money aside in anticipation of me reaching the seven-year or 10-year mark, and so it should not come as some sort of surprise to employers that they may be liable for long service leave. We all know that is a fact, and it falls on the employer doing the wrong thing if this is catching them by surprise, because they are not quarantining those funds for that particular employee.

If someone chooses to leave before that period, that is a win for the employer, who gets to use that money elsewhere or however they intend to put it back into their business. The notion that this is a new levy and a new cost impost I think is unfair and unfounded based purely on that fact alone. We know it has been an ongoing issue, with super and leave entitlements, and we have seen plenty of cases where businesses fold and they have not done the right thing and parked those entitlements aside, leaving employees in the lurch. Nothing in this bill takes away from the entitlements that employees already have. If anything, it is securing those funds in another way and ensuring that workers do have access to the entitlements they are rightfully entitled to at the moment if they reach those threshold years in terms of their employment time.

I also note, and I wonder, and I will ask the Attorney to answer this, how much appetite this government has in terms of expanding portable long service to other sectors such as critical health at some stage in the future. It is an issue which has been raised on many occasions in discussions I have had with stakeholders. It is an issue which the RACGP has raised both with the health committee here at a state level and also in submissions to a Senate inquiry. In 2021, the GP workforce Senate inquiry touched on this issue in relation to GP registrars, and I quote:

> GP registrars do not retain their employment benefits during training as they move to a new employer each rotation. Moreover, junior doctors lose accrued entitlements from their time in the hospital setting when transitioning to community-based practice. Junior doctors make crucial decisions about their careers based on a range of factors, including remuneration, available entitlements, and their family and personal circumstances.

The same can also be said for nurses and midwives and allied health professionals such as psychotherapists, occupational therapists, speech pathologists and psychologists, all essential to the delivery of care in our healthcare system. I note that in Queensland, the Queensland Nurses and Midwives' Union has an ongoing campaign in this respect. Other sectors, tertiary education for one, are pushing for portable long service leave federally.

In Victoria, following an announcement last March, the scheme is extended to industries such as contract cleaning and security services. I guess the importance of that shows that this is something that is now widely accepted as being not just something that ought to be limited to the construction industry. For the reasons I outlined earlier, particularly given the fluctuating funding, the sorts of work that people are likely to be involved in, the fragility around the work they undertake, and that it impacts women overwhelmingly, these are really important in terms of providing certainty and financial stability for the workers who are likely to end up impacted by these measures.

The one point of contention raised by the Law Society, I think, and the Attorney can again confirm this, has been addressed in the final version of the bill, with clarification that proceedings

may be brought in the SAET, with jurisdiction conferred on the South Australian Employment Court. I think overall, though, this bill is a good indication of moving with the times.

We have all been there and worked and had to earn our seven years previously—or 10, whatever it is—in terms of long service, or perhaps stopped just shy of those entitlements, and I guess many of us have sort of sat and thought about how this is not how it worked historically. It was your commitment to one employer as opposed to many, but that really does not reflect the modern-day working world, the sorts of jobs that people are doing and the areas they are working in, and this bill certainly intends to address that.

In terms of the GPs and the nurses that I raised earlier, I will note, and I will ask the Attorney to elaborate if he has any information, in terms of the health crisis itself this is something that again the AMA and the RACGP have seriously raised in South Australia as a means of retaining GPs in the state. We have a GP specialty which has dropped from about 40 per cent to about 13 per cent in this state, so people are not choosing a GP specialty.

These sorts of entitlements and the remuneration attached are actually having a bearing on the number of people who choose that as a specialty. The peak bodies are certainly of the view that having portable long service leave would go a long way to addressing doctor shortages, GP shortages, so I am keen to hear what the government has in relation to that.

With those words, I indicate my support for this bill and commend those individuals, and particularly SACOSS, who have worked hard to get here. That is not to dismiss the concerns that have been raised by others, but I go back to the point that I made earlier: these are workers' entitlements, they ought to be sitting in a bank account somewhere quarantined now, and it should hardly come as a surprise that you may be liable to pay that employee their rights and entitlements after seven or 10 years of service.

The Hon. T.A. FRANKS (17:24): I rise to speak in support of this bill. I am pleased to see steps being taken here in this parliament to ensure that South Australians will have pathways to more secure working conditions if they work in the community sector. The expansion of portable long service leave recognises that increasingly people are more likely to work for multiple employers during their working lives. The Greens are really pleased to see the community sector workers being included, finally, along with construction workers in such a scheme.

Community sector workers carry out critical frontline work for our community every day. This includes support and service workers in areas including disability, domestic and family violence, community development services, mental health services, Aboriginal and Torres Strait Islander community services, to name just a few. We are very pleased to see that the definition of 'community services' is quite broad. We want to see as many workers as possible captured in the scheme.

While members have seen amendments filed in my name that seek to add sexual assault and sexual violence services to the list of services included in this bill, I note in a briefing from the minister's office that I was assured that that is already covered by the definition. I will seek an assurance of that in the second reading conclusion or first clause of the committee stage so that I need not progress with that.

Sexual assault and sexual violence services of course are part of this sector and must be included when we talk about community service jobs. It is important to note that these services are not the same as family and domestic violence services and they do provide specialist dedicated frontline trauma-informed support and services to victims and survivors of sexual assault and sexual violence, and they are an important inclusion in this scheme.

The introduction of portable long service leave for community sector workers will see tens of thousands of workers better off. They will be able to access this vital industrial right. I have a child who is now 16. Before her birth I worked in the community sector. I have just done the sums: I worked for two years for Amnesty International, five years for the YWCA and two years for the Mental Health Coalition of South Australia. If I had had this scheme around I possibly could have taken long service leave just before the birth of my child, which would have been very handy. I remember wearing a little pale green ribbon as part of the ASU campaign, back in possibly around 2006 or so, so this change is a long time coming and should come as a surprise to no-one in this place.

Not only was it a Malinauskas political promise in opposition to do this should they come to government, it is a long-fought and now hard-won campaign. Schemes like this already exist. One was established in the ACT in 2010, it has existed in Victoria since 2018, in Queensland since 2021 and in both the Northern Territory and New South Wales since 2024. It is high time South Australia caught up. A number of those jurisdictions have since gone further, with the inclusion of other workers such as cleaners, teachers and nurses in portable long service leave schemes.

Back in 2006 or so, I remember also that this was the sector that had to fight for wage equity. Being a heavily feminised sector, we have been paid less for the same work for a very damn long time. That changed and this can too. Ultimately, the Greens would like to see portable long service leave extended to all workers. There are industries that have high rates of casualisation. Contract workers and those who work within the gig economy seem to be those who I think would greatly benefit from being included in portable long service leave schemes.

I note the words of Connie Bonaros: this is already an entitlement the employer is required to accrue on behalf of the employee. It is just that quite often these employees—in jobs where they support those in the community at that coalface and are often literally paid not much more or even sometimes less than those they are supporting—are on very short-term contracts. Often that is entirely within the remit of the government to have controlled, and they are often left between jobs, waiting to see if their contract will be renewed, waiting for the government, in particular, to make up their mind and certainly subject to far too short-term arrangements and precarious employment.

It is no wonder that this industry sees a high turnover of workers and many within the sector not only struggling just to get by but struggling with that uncertainty of those short-term contracts. This is the least we can do to support them. There are workers who have contributed to this industry well in excess of the required seven years and yet, due to the nature of their employment, have no entitlement to long service leave although their employer has been required to accrue it across the various jobs they have held.

I am pleased that this legislation will change that and we will see further support for those who support vulnerable and marginalised people in our community, those who do very valuable work and who deserve better not just from this parliament but from their employers. With that, I commend the bill.

The Hon. S.L. GAME (17:30): I rise briefly to support the government's proposal to secure long service leave benefits for workers in the community services sector in South Australia via the Portable Long Service Leave Bill 2024. I will also be supporting the amendments that will be put forward by the Hon. Heidi Girolamo .

Long service leave is a minimum entitlement under the National Employment Standards and is regarded as a benefit that recognises an employee's service and commitment. I acknowledge our valuable community services workers, who support the most vulnerable in our community. They carry out demanding work and are often required to shift between employers to maintain their employment.

I also acknowledge and appreciate feedback provided to us by industry stakeholders that outlines some of the concerns regarding the Portable Long Service Bill 2024. The spectre of increased labour costs was notable among these concerns, particularly at a time when providers say they are waiting on much-needed price reviews. Providers are anxious about what this change and the additional long service leave provisions could mean to their sustainability and viability amid an environment that saw 49 per cent of South Australian providers record a financial loss in the past financial year, according to a recent survey.

In addition, stakeholders note that a transient workforce is an undesirable feature of the system from the point of view of NDIS participants, given that accrued knowledge of clients is regarded as essential to providing the best care. Giving providers additional time to sort through these challenges is desirable in that it will ultimately lead to better outcomes, and it is for that reason that I stated I will be supporting the Liberal amendments that are being put forward.

The Hon. R.B. MARTIN (17:32): It is a pleasure to rise in support of the Portable Long Service Leave Bill 2024, which will create a scheme for workers employed in the community services

sector to have the opportunity to access this important entitlement on the basis of their length of service to the sector rather than their length of service to one particular employer in the sector.

For the benefit of anyone who is unconvinced that long service leave should be given the opportunity to evolve as an institution, I hope the chamber will indulge me in briefly examining its history. Long service leave is understood to be unique to Australia and New Zealand, and in debating its reform it is worth considering why that is the case.

Long service leave in Australia began during the colonial era. In fact, I understand from my research that it began in South Australia and Victoria when those two colonies passed legislation in 1862 to create it. The legislation initially provided between six and 12 months of paid leave to some public servants after they had completed a decade of service to the colonies.

Its specific purpose was to provide public service employees in South Australia and Victoria with a furlough that was long enough to enable them to make the long journey to visit the United Kingdom. The scheme was intended to offer respite for those relatively high in the colonial administration hierarchy who suffered a great separation of distance between the place they considered to be their home, the UK, and the place that was unequivocally their workplace, the colonies. This was, of course, during an era when it could take months to take the journey by sea from Australia or New Zealand to the United Kingdom and vice versa.

So long service leave during its earliest iteration was essentially a painfully protracted version of fly-in fly-out to the tune of 10 years on, one year off. Of course, we no longer have these arrangements, because we recognised that long service leave provisions needed to change.

In 1911 the first amendments were made to commonwealth long service leave benefits. They enabled access for a broadened range of purposes, including as an additional form of retirement savings by enabling those who had completed 20 years of service to take a lump sum payment on retirement in lieu of taking the leave, and as a death benefit for dependents of public sector employees. It is worth noting that this occurred before the nation's retirement incomes policy had blossomed and well before the introduction of the compulsory superannuation guarantee in 1992. It is also worth noting that after the advent of those institutions, long service leave stuck around.

Long service leave as an entitlement was limited to the public sector until the 1940s, from which time it began a gradual extension into the private sector. This occurred through its inclusion in private sector awards. Entitlements under these provisions were based on continuous service with one employer. State-based entitlements to long service leave emerged in legislation during the 1950s, a time when the Australian economy was experiencing a postwar boom. It is evident that the thinking was to offer benefits that might assist employers to attract and retain workers.

New South Wales, as the first state to introduce legislation to mandate long service leave entitlements, made this purpose fairly apparent when the then Minister for Labour and Industry identified that the reduction of labour turnover was amongst the aims of long service leave. The minister also identified that the entitlement would reward long and faithful service with a single employer.

So from not later than the 1950s there is form in respect of government taking action in recognition that, as an institution, long service leave must adapt to changing circumstances, not just because it is beneficial for workers but because it promotes staff retention, which is beneficial to employers—and, we can presume, to productivity.

Further evolution in long service leave arrangements has continued, including the introduction of the Construction Industry Long Service Leave Act 1987, which was brought in to create a portable long service leave scheme whereby workers' long service leave entitlements could be carried between employees in the construction industry. It was recognised as necessary and important, and has been operating successfully for nearly 40 years.

Can we take inspiration from those who have come before and again make changes to long service leave such that our provisions better reflect the circumstances of our time and the needs of certain cohorts of our workforce? We can, and we should, because across our industrial landscape things have changed, and they continue to change. As the Attorney-General has observed, 'The days of working for one employer for your entire career are gone.' This is a phenomenon we can

observe right across our sectors of industry, not just here in South Australia but around the world. Our industrial laws must be supported to adapt in recognition of the evolving requirements of the workforce.

It is worth mentioning that it can be a good thing for workers to have mobility within and across workplaces and sectors of industry; to have the opportunity to try something else if you are not sure if what you are doing is the right fit, to have the freedom to seek a better offer if you feel that the value you bring to your current workplace outperforms your level of remuneration. However, these are opportunities and freedoms that are not afforded equally to all workers across our economy.

Not all mobility of work happens by choice. There are significant cohorts of workers who, through no choice of their own, have no option but to move from employer to employer over the years. One sector wherein we see this happening commonly, in part due to the way funding arrangements tend to shift, is the community services sector.

This is a crucially important sector to the collective wellbeing of South Australians. From social housing and homelessness services to disability support services, to family and domestic violence services, to mental health support services, to Aboriginal and Torres Strait Islander community services, our community fundamentally relies upon the work done by the good people who are employed across the community services sector.

Workers employed within the community services sector often have challenging and demanding jobs, both physically and mentally. They give their all to those the services support, often the most vulnerable amongst us who are in the greatest need of support. Community services sector workers are often underappreciated or unsung, but their work is crucial to our society.

It is in our community's clear interest to look after these essential workers. We need dedicated, skilled people working in our community services sector and this means that the sector must be able to attract and must also be able to retain them. Equally importantly, it is unjust for workers within one sector of industry, such as construction, to have the benefit of portable long service leave while others, whose sector of work features similar involuntary mobility of employment, cannot access that same benefit. It is unjust for any worker to lose out on entitlements just because the industrial landscape shifts around them.

The South Australian Labor Party announced its intention to extend portable long service leave beyond construction to the community services sector a number of years ago. This bill represents the fulfilment of that intention, extending the entitlement of portable long service leave to workers who might otherwise never be able to access it. Despite pioneering long service leave over 160 years ago, we now follow the great majority of other Australian jurisdictions in taking this particular step to extend it.

I recognise and thank those who have contributed to the extensive process and consultation that has informed this legislation's development, in particular the Australian Services Union, along with the South Australian Council of Social Service, SA Business Chamber, the Ai Group and the Law Society of South Australia. I commend the bill to the council.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:40): I want to thank all the members who have contributed on the second reading stage of this bill. I will just address a couple of issues that have been raised in the second reading stage that might answer some questions, but I recognise there will be many more questions during the committee stage. I suspect that, depending on the level of detail, there may be some questions we do not have answers to. I will say now that, and I am happy to place on the record again, if we cannot answer anything now we are happy to take that on notice and provide a written response to questions we cannot answer at the moment.

In relation to a couple of contributions from those who have raised concerns about finances and the businesses or non-government organisations that these obligations will apply to, other members on the other side of the debate have rightly pointed out there is an obligation to provide for long service leave entitlements already. It is something that businesses already account for. I accept

that there is a rate of people who do not get up to seven years, so businesses in working out their entitlements factor that in, but it is something that is an obligation on businesses as it already stands.

Certainly, for funding decisions in relation to NDIS providers in particular, that will be something that is considered if there is a need for extra funding in budgetary processes outside this bill. To the extent that the state government funds community service organisations, if there are representations made that is something we will no doubt take into account. The state government itself also runs an NDIS provider, so it is something that as a state government we all have to take into account as well.

Schemes very similar to this have operated in other jurisdictions, including the ACT, Victoria and Queensland, as contributors in the second reading debate have pointed out, and they still have a community service sector. Catastrophising that this is going to destroy the community services sector has not come to fruition in all those other jurisdictions that have run similar schemes. Even within the sector in South Australia, there have been representations made that this may well help keep people working in the area of the community services sector by creating the incentive to stay in this area even though you might switch between employers—in fact, people who work for numerous employers at the same time.

In relation to amendments that have been filed, we will not be supporting the opposition's amendments to delay the implementation of this scheme. This is something that has been, I think for two election cycles, a commitment of this Labor government. We are keen to get on with this. We think it is an important step forward, so we will not be supporting an amendment that seeks to delay its implementation.

In relation to the amendment that has been foreshadowed by the Hon. Tammy Franks, it is our advice that almost all the people who work as sexual assault and sexual violence services workers would be covered within family and domestic violence services. However, there may be a very small cohort of people who are not covered, so if the honourable member did move her amendment we would gladly support that just as an assurance that, if there were some that fell outside, they would be covered.

Having said that, I commend this bill to the chamber and I look forward to the committee stage. As I said, for almost half a century largely men in the construction industry have had the benefit of a portable long service leave scheme, and we think it is high time that largely women who work in the community services sector have that same benefit.

Finally, there have been some members who during the second reading stage have made suggestions about how this could further be expanded. I note that in other jurisdictions that have a portable long service leave scheme it has generally started with the community services sector. There has been expansion in other areas and it is something that we are absolutely open to.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: Following on from the Attorney's comments, have there been any discussions that he is aware of with the allied health professions that I referred to, specifically GPs, nurses and midwives, in relation to potentially expanding long service leave in the future?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am not aware, off the top of my head, of any discussions with those sectors. As I have said, other jurisdictions that have started with the community services sector have expanded into other sectors, often lower paid sectors, and that is something that we are not closely looking at.

The Hon. H.M. GIROLAMO: What is the expected rate or administration cost that will be levied against employers for the purpose of the scheme?

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is that in the legislation it is a maximum rate of 3 per cent. It is lower than that generally in the construction

industry sector that has a very similar scheme. There is good reason to believe it would be similar to what the rate is in the construction industry, but in any event it is a maximum legislated rate of 3 per cent.

The Hon. H.M. GIROLAMO: How many organisations in South Australia do you expect this will cover?

The Hon. K.J. MAHER: I thank the honourable member for her question. We do not know for certain. We do not have a definitive list of employers in this sector. As a rough guess, my advice is it might be somewhere around 4,000 employers, but as I said we do not have a definitive list.

The Hon. H.M. GIROLAMO: Is it the same in regard to the number of employees this is likely to cover?

The Hon. K.J. MAHER: Yes. My advice is that is a very rough approximate number of employers. Of course, some employers will employ multiple employees, so it would cover more than the number of employers in terms of employees.

The Hon. H.M. GIROLAMO: Who has the government consulted with on this bill and how many of those consulted were employers or representing employers within the community services sector?

The Hon. K.J. MAHER: I thank the honourable member for her question. This has been, certainly since my involvement as the Minister for Industrial Relations since March 2022, one of the most consulted about pieces of policy and then legislation. There have been many rounds of consultation, including preliminary consultation about the policy and how it would work, stakeholder consultations hosted by SACOSS, sector updates published by the government, second sector updates by the government and legislation briefings. I have personally been involved in quite a number of briefings that have involved a range of people from employer and employee groups. There would be dozens and dozens when you take the number of different consultations that have occurred and the number of individual organisations or businesses that have been consulted with.

The Hon. H.M. GIROLAMO: Are you able to take on notice to provide a list of organisations that were consulted during the process?

The Hon. K.J. MAHER: I am advised it is over 100 people, representing employer and employee groups. It is not something that we typically do, to provide a list. I am happy to take that on notice but I foreshadow it is not something that we typically do. I am advised it is over 100 people representing employers and employees in the community services sector.

The Hon. H.M. GIROLAMO: Can the Attorney outline the views expressed by those organisations during the consultation process?

The Hon. K.J. MAHER: To outline the views of more than 100 different people representing various organisations I suspect would take an exceptionally long time.

The Hon. H.M. Girolamo: I am happy for you to consolidate.

The Hon. K.J. MAHER: I think it is fair to say there are a range of views. There are views that probably represent the range of views that have been expressed in this chamber today already. Certainly, in the consultations I have been involved with, I would say there was broad support but with some expressions of concern about the cost this may have on individual businesses. However, in the consultations I have been involved in, there is broad support for what we are putting forward, including some of those particularly in the not-for-profit and the for-profit sectors.

The Hon. H.M. GIROLAMO: Does the Attorney think the changes outlined in the June 2024 update paper resolved the concerns raised by stakeholders during the consultation? Are you able to outline what consultation has been done specifically on the revised paper? So not the original consultation but on the revised paper?

The Hon. K.J. MAHER: My advice is that one of the main concerns that was provided in the more recent sector update was in relation to eligibility: who was covered and who was not covered. Some of the additional things we took into account in relation to that feedback was making

sure that it was someone who was covered by an eligible award, which in large part resolved who was covered and who was not covered.

The Hon. H.M. GIROLAMO: When does the government propose this scheme would come into effect and employers would begin paying this levy?

The Hon. K.J. MAHER: My advice is, should this bill pass both chambers of parliament, to have a scheme come into effect what we are working towards is 1 July 2025.

The Hon. C. BONAROS: To get some clarity around that timeframe, we have had an indication that the board is likely to be appointed and commence its work in the fourth quarter of this year, that on 1 July 2025 community sector schemes come into operation, on 30 September the first reporting period ends and in late October 2025 the first payments of levies become payable. Is that the timeframe that the government is expecting to see if this bill should pass?

The Hon. K.J. MAHER: Yes, that is the timeframe that we are working towards and that we are hopeful of. Of course, it is a provisional timeframe that will ultimately be heavily guided by the board in terms of the readiness to implement that. Quite understandably, particularly for the sector, we have outlined indicative timelines of what we would like to work towards but, as I said, they are provisional and we will be guided by the board in terms of the ability to roll out those timeframes.

The Hon. H.M. GIROLAMO: Has the government addressed the concerns about the pressures and the potential low margins that some of these providers are facing? Has that been raised with the federal government in regard to the gap between the NDIS, what they are providing, and what additional cost may be required to be paid under this scheme?

The Hon. K.J. MAHER: I thank the honourable member for her question. As I outlined in my second reading sum-up, this already applies in a number of jurisdictions around Australia. We have not seen the collapse in Queensland, Victoria and the ACT of this sector. My advice is that there is dialogue with the federal government and the NDIS, and that will continue.

The Hon. H.M. GIROLAMO: Does the government anticipate scenarios in which service providers will need to have two systems operating—one where employees may be under a disability award and one where they are under aged care—so having to operate two different systems for long service leave?

The Hon. K.J. MAHER: Potentially, yes, but one of the other things that has been raised, certainly in the consultations that I have been involved in, is that many employers who operate across state borders already do that and have to cover two different provisions. Particularly as most states seem to be moving towards this, for those who operate across jurisdictions, having some consistency, and particularly as we look to be consistent with Queensland in particular, has some benefit.

The Hon. H.M. GIROLAMO: Will the government provide any initial funding or support to industry to allow them to establish systems and set up?

The Hon. K.J. MAHER: My advice is it is not the intention to provide funding directly to industry for their administrative purposes.

The Hon. H.M. GIROLAMO: What support will the government be providing to help industry, who are going to have to make significant changes to the system and processes involved here?

The Hon. K.J. MAHER: My advice is it is anticipated that, particularly through the board, materials, information and education will be provided to industry.

The Hon. H.M. GIROLAMO: Will employers in the community services sector be any worse off under this scheme?

The Hon. K.J. MAHER: My advice is, given that this is operating in jurisdictions around Australia and that employers already need to make provision for long service leave, we do not anticipate there will be significant adverse consequences.

The Hon. C. BONAROS: Just bearing in mind that there is an amendment that deals with the timing and the Attorney's contribution around the consultation that has taken place already, is it

fair from the Attorney's perspective to say that there are no surprises here in terms of the timeframe or, indeed, the ability to set up for this given that it has been on the cards now for two years as something that is coming, so stakeholders have been made aware of the relevant timeframes that we have spoken of?

The Hon. K.J. MAHER: I thank the honourable member for her question. We have been quite open about our intended timeframes, if we can get there, as we traversed a couple of questions ago. I do not think this is a surprise given this has gone over two election cycles as a commitment by a Labor government and a Labor opposition.

The Hon. N.J. CENTOFANTI: Is the Attorney concerned at all about any potential perverse outcomes of the bill when it comes to the practicalities of the scheme? For example, is there a concern that employers, when faced with a decision to employ someone who has worked for, say, two years within the sector or someone who has worked in the sector for five to six years, may be far less inclined to employ the latter due to the potential added costs of backfilling that person's portable long service leave?

The Hon. K.J. MAHER: Just to be clear on the question, is the question: are we concerned someone who is getting close to getting to seven years across various employers in the sector might be discriminated against or not employed in favour of someone who has worked fewer years?

The Hon. N.J. Centofanti: Yes, disadvantaged because of the backfilling.

The Hon. K.J. MAHER: I think the answer is—and, again, I am happy to come back if there is any further information I can provide—employers pay into that central fund like they do in the construction industry. So whether you have worked for five or six years and are getting closer or one or two years, it is in a central fund. Once someone clicks over the seven years, even if it is for three or four employers, it is not that current employer who then has to pay the whole lot, because it has been paid into a central fund as they have accrued it over the years.

The Hon. N.J. CENTOFANTI: Perhaps a better question is: who is responsible then for funding the additional employment that is required to backfill the portable long service leave in the designated sector? If someone goes on long service leave, and you have a business, who then pays for the employment of someone else?

The Hon. K.J. MAHER: I think I understand, and I think the answer to the question is: the person who is taking the long service leave has that entitlement paid out of what has been accrued into that central fund, so if there is an employer paying for someone else, they are not paying the long service leave while the person is away. They will be paying the ordinary wage to someone else that they would ordinarily be paying to them if it is a new person who has been brought in.

It is not the employer at the time who is paying the long service leave while they are away, that comes from the central fund that has accrued the whole time. The employer that the honourable member is talking about, as I am advised, is only paying that one wage. They are not paying the long service leave while the person is away because that comes from the central fund. They are only paying that one wage for the person who is being backfilled.

The Hon. N.J. CENTOFANTI: Going back to my original question: if you have someone who has been in the sector for two years versus someone who has been in the sector for five to six years, do you not see that there might be a discrimination to employ the person who has been there for two years because you are not going to have to pay for that backfilling when they go on long service leave?

The Hon. K.J. MAHER: I understand the honourable member's question. I do not think that is the case because, as I have said, the payment for that person while they are taking long service comes from the central fund. It does not come from the employer at the time. That employer at the time is either going to be paying for the person who has been there for the seven years if they are not taking long service leave or, if they do, they are going to be paying for the one person who is backfilling them. There is no-one being discriminated against in the example that has been given because the employer is only paying once for that person, whether that person is taking money from the central fund or—

The Hon. N.J. Centofanti: But they will not be paying for that person for five years as opposed to, say, one year?

The Hon. K.J. MAHER: I am not quite sure I understand.

An honourable member interjecting:

The Hon. K.J. MAHER: No-one is being double charged.

The Hon. N.J. CENTOFANTI: From a cash flow point of view—

The Hon. I.K. Hunter: It is just one wage.

The Hon. N.J. CENTOFANTI: I am talking about the backfilling of that wage.

The Hon. I.K. Hunter: It is the same wage.

The Hon. K.J. MAHER: Maybe if I can explain. Someone has worked for five or six different employers over a seven-year period. They come up to their entitlement for long service leave. That long service leave entitlement is not paid by the employer who has the last parcel that they are opening, it comes from the money that has been put in by those five or six employers over those seven years. If that person who is working takes long service leave, is being paid for long service leave, that payment is coming from what has been accrued centrally in the scheme.

That is not coming from that one individual employer. While that person is taking long service leave, that one individual employer is not paying them their long service leave. That is coming from the central scheme. They are only paying one wage to whoever is backfilling them, and they are not paying that long service leave.

The Hon. N.J. Centofanti: They are still paying the one wage.

The Hon. K.J. MAHER: Yes, but if the person did not take long service leave, you would be paying that wage anyway. If this scheme was not in effect, and the person was not taking long service leave, you would be paying that wage anyway. You are still paying that one wage.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. H.M. GIROLAMO: On what grounds can an employer apply for delayed participation in the scheme?

The Hon. K.J. MAHER: It does not specify grounds. It leaves that discretion to the board. But an example, and certainly this has come up during consultations, is if there is a particular employer who is towards the end of a contract funding cycle from wherever they get their funding and there is one year to go, they can make an application to the board to ask, 'Can we delay it for that one year so we can include that in negotiations for a new funding cycle?' That is the sort of example that during consultation has been suggested, which is why we have given discretion in that clause for the board to do that. There is no set criteria but that is certainly an example that has come up and why that clause is in there.

Clause passed.

Clauses 8 to 33 passed.

Clause 34.

The Hon. H.M. GIROLAMO: What power does the board have to effect a refund to an employer if an employee is mistakenly registered as a designated worker?

The Hon. K.J. MAHER: My advice is if a board is satisfied that a person has been incorrectly registered as a designated worker, the board may, in accordance with the policy that the board adopts, cancel that service and take such action as the board considers appropriate. That could include, for example, refunding anything that has been paid.

The Hon. H.M. GIROLAMO: In regard to the board, how is the board appointed and how much will they be paid?

The Hon. K.J. MAHER: The board is appointed by the minister responsible for the scheme, which is myself as industrial relations minister. Regarding remuneration for the board, I am advised that there is a cabinet circular used in determining remuneration that will be used in determining this remuneration.

Clause passed.

Clauses 35 to 40 passed.

The CHAIR: I advise the committee that clauses 41 to 45 being money clauses are in erased type. Standing order 298 provides that no questions shall be put in committee upon any such clause. A message transmitting the bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the bill. These clauses are money clauses, so I will not put the question on those clauses.

Clauses 46 and 47 passed.

The CHAIR: Clauses 48 to 53 are money clauses, so no question will be put on those clauses.

Clauses 54 to 56 passed.

Clause 57.

The Hon. H.M. GIROLAMO: In regard to self-employed contractors and working directors, how will the scheme work from that perspective, and does the government foresee this applying within the community services sector? If you are self-employed or a contractor, how will this scheme work for the purpose of the community services sector?

The Hon. K.J. MAHER: My advice is that, similar to the scheme that applies in the construction industry, it allows for such people to register for the scheme, although they do not have to be, but provides that ability to do so.

Clause passed.

Clauses 58 to 63 passed.

Clause 64.

The Hon. H.M. GIROLAMO: In what circumstances will the powers of inspection be used? Are there any requirements for early request for information prior to the powers of the inspector coming through into an organisation?

The Hon. K.J. MAHER: I am advised that these are very similar to the powers that apply already for the ability under the construction industry scheme. I am advised that this is in relation to records that are to do with the scheme, not beyond the scheme, so they are the powers confined to things that are to do with the scheme.

Clause passed.

Clauses 65 to 75 passed.

Schedule 1 passed.

Schedule 2.

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

Amendment No 1 [Franks–1]—

Page 43, after line 18 [Schedule 2, clause 2]—After paragraph (x) insert:

(xa) sexual assault and sexual violence services;

This simply ensures that those workers who are employed in sexual assault and sexual violence services are indeed covered under this portable long service scheme.

The Hon. C. BONAROS: For the record, I indicate my support for the amendment.

The Hon. K.J. MAHER: As I indicated in my second reading summing-up, the government will be supporting this amendment.

The Hon. H.M. GIROLAMO: The opposition are also supportive.

Amendment carried; schedule as amended passed.

Schedule 3.

The Hon. H.M. GIROLAMO: I move:

Amendment No 1 [Girolamo–1]—

Page 45, line 14 [Schedule 3, clause 4]—After 'a day' insert:

(not being a day earlier than 1 July 2026)

This amendment is simply to allow organisations to have more time to be able to prepare by indicating that the commencement of this bill would be no earlier than 1 July 2026. It is fairly clear from the majority of organisations that they are gravely concerned about the timing of this and would like additional time to be able to set up systems and to ensure they are set up for success going forward.

The Hon. K.J. MAHER: I can indicate the government will be opposing this. As indicated before, we have been very clear for quite some time about our proposed timelines pending the recommendations from the board—that they are achievable. This already applies in a number of other jurisdictions: Queensland, Victoria and the ACT. Many organisations span some of those jurisdictions as well. As has been pointed out, this has been an election commitment over two electoral cycles for the Labor Party, when previously in government and when in opposition. I do not think this comes as any surprise to people in the sector.

The committee divided on the amendment:

Ayes 8
Noes.....12
Majority 4

AYES

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

NOES

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

Amendment thus negatived; schedule passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (18:23): 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 (Personal Mobility Devices) Bill 2024. The Bill amends the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* to provide a framework for allowing privately-owned personal mobility devices to be used on roads and paths.

The Bill also moves the definition of *bicycle* from the Road Traffic Act itself into regulations, to allow for changes to the definition over time as new types of bicycles come onto the market.

Mobility choices have expanded in recent years due to improvements in battery and motor technologies. Consumers can now purchase a wide range of devices that complement and compete with established private and public passenger modes. Greater choice promotes transport equity and convenience, and can, help reduce congestion and emissions. However, most of these devices are not currently legally recognised for use on our road network.

A personal mobility device is a small-wheeled motorised vehicle designed to be used by a single person over short to medium distances. There are a number of personal mobility devices currently available on the market, including e-scooters, e-skateboards and unicycles or 'solo wheels'.

Personal mobility devices retail from around $500. They are popular because they promote transport equity and fill a gap in the budget mobility market. For a modest outlay they are capable of short to mid-range journeys requiring little physical effort. They provide increased convenience for local journeys and have social, environmental and small business benefits.

This Bill firmly characterises a personal mobility device as a new type of vehicle for the purposes of the *Road Traffic Act 1961.* The Bill includes a power that will allow the device's dimensions, its maximum mass and speed, network access, the minimum age of the rider, and the rules they must follow, to be specified in regulations. This enables flexibility into the future, ensuring that a quick and effective response to new devices and technologies is possible.

On passage of the Bill, regulations will be drafted setting out these details, and the new legislation could commence in early 2025. This will allow for consultation to occur on the necessary details, and for current research on device dimensions, speed and mass to be considered.

Classifying a personal mobility device as a vehicle means they will be treated like a bicycle. This has several advantages: It means they can be provided similar network access as for bicycles, and the same road rules will apply, meaning that the conditions of use should be easily understood.

It will allow police officers to use their existing suite of powers to stop the rider, give directions, and possibly charge them with riding under the influence. Similar to bicycle riders, the offences of *drive with prescribed concentration of alcohol* and *drive with prescribed drug* will not apply, as those offences are aimed at drivers of motor vehicles.

Classifying personal mobility devices as vehicles will also allow for statistics to be gathered on a standardised basis, which will assist in the development of further evidence-based intervention if necessary.

The Bill provides that regulations may specify that certain devices such as personal mobility devices may not be considered motor vehicles for the purposes of the *Motor Vehicles Act 1959* or the *Road Traffic Act 1961.*

Accordingly, there will be no requirement to register a personal mobility device, nor a requirement for the rider to hold a licence or insurance. As is currently the case for crashes involving bicycles, other road users will not be able to claim under compulsory third party insurance for death or injury due to the actions of a rider of a personal mobility device.

This means the nominal defendant scheme is protected from unfunded liabilities, which is an appropriate outcome given that device riders will not contribute to any compensation fund. To allow otherwise would impact insurance premiums paid by ordinary motor vehicle owners. It is hoped that, in future, general insurers will develop suitable products when sufficient data is available, allowing them to price insurance cover affordably.

Until such time as the Bill has successfully passed Parliament and the framework implemented, the use of privately-owned personal mobility devices will continue to be prohibited on public roads and road-related areas such as footpaths in South Australia.

Following commencement of the Bill, personal mobility device fleet hire operations are expected to continue and possibly expand to other locations around South Australia. There will be no need for approval to be granted by the Minister for Infrastructure and Transport. However, operators will still require local government permits for storage or parking of devices on footpaths. Local councils will be able to enforce any restrictions on where commercial fleet devices can be stored and whether any geofencing technology is required. Any insurance requirements on commercial operators can be assessed by local governments through the issue of a business permit.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for retrospective commencement of Part 2 of the measure and subsequent commencement of Parts 3 and 4 on a prescribed day.

Part 2—Amendment of *Motor Vehicles Act 1959* commencing on prescribed day

3—Amendment of section 5—Interpretation

This clause excludes electric personal transporters (within the meaning of the *Road Traffic (Miscellaneous) Regulations 2014*) that may be driven on or over a road in accordance with an approval of the Minister under section 161A of the *Road Traffic Act 1961* from the definition of *motor vehicle* in the Act.

Part 3—Amendment of *Motor Vehicles Act 1959* commencing by proclamation

4—Amendment of section 5—Interpretation

This clause replaces the amendment in Part 2 of the measure with a more general ability to exclude devices or vehicles from the definition of *motor vehicle* by regulation.

5—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

This clause allows motor vehicles to be excluded from the definition of *uninsured motor vehicle* by regulation.

Part 4—Amendment of *Road Traffic Act 1961*

6—Amendment of section 5—Interpretation

This clause makes various changes to definitions.

7—Amendment of section 7—Drivers of trailers

This clause amends section 7 to refer to ‘vehicles’ generally rather than specifically to motor vehicles and bicycles.

8—Amendment of section 99A—Cyclists on footpaths etc to give warning

9—Amendment of section 162B—Safety helmets for riders of motor bikes and bicycles

These clauses make amendments to ensure personal mobility devices are treated like bicycles.

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

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

Final Stages

The House of Assembly agreed to the bill without any amendment.

FORFEITURE BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

STATUTES AMENDMENT (PUBLIC TRUSTEE AND LITIGATION GUARDIAN) BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

BAIL (TERROR SUSPECTS AND FIREARM PARTS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Final Stages

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

EVIDENCE (ABORIGINAL TRADITIONAL LAWS AND CUSTOMS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

STATUTES AMENDMENT (IDENTITY THEFT) BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 18:26 the council adjourned until Wednesday 11 September 2024 at 14:15.

Answers to Questions

HUTT ST CENTRE

In reply to **the Hon. R.A. SIMMS** (1 May 2024).

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

The Malinauskas government has provided funding for extensions of the Aspire program, firstly through an election commitment of $2.1 million and secondly with a further $1.695 million in the 2023-24 state budget. On top of this, the 2024-25 state budget included a further $5 million over four years to extend intake of the Aspire program for an additional three years.

In addition to the extending funding for the Aspire program, the new five-year National Agreement on Social Housing and Homelessness agreement will secure an estimated $625.05 million from the commonwealth government over the next five years. Of this amount, $126.69 million will be used to address homelessness. The state will also match this contribution, bringing the total funding for addressing homelessness to $256.38 million over the next five years.

The South Australian government has launched its Better Housing for South Australians Roadmap, which includes a comprehensive plan to deliver more social and affordable dwellings and provide better opportunities for those who are renting privately and buying a home. These initiatives are summarised below.

The state government has committed to delivering the first substantial increase to public housing in a generation. Former governments allowed public housing to gradually decline, resulting in longer waiting times for people who need help.

The state government is on track to deliver over 1,025 new homes and undertake 3,350 updates and upgrades to existing homes by 2026. The state government has also committed to stopping the sale of 580 public housing dwellings between 2022 and 2026.

POLICE INTEGRITY

In reply to **the Hon. F. PANGALLO** (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:

Operational staffing within South Australia Police (SAPOL) is a matter for consideration by SAPOL. Further, electoral processes for member-based organisations are rightly a matter for the members of that organisation.

VIOLENCE AGAINST WOMEN

In reply to **the Hon. F. PANGALLO** (19 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:

Operational staffing within South Australia Police (SAPOL) is a matter for consideration by SAPOL. Further, electoral processes for member-based organisations are rightly a matter for the members of that organisation.