# LEGISLATIVE COUNCIL

## Thursday, 12 September 2024

**The PRESIDENT (Hon. T.J. Stephens)** took the chair at 11:00 and read prayers.

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

*Parliamentary Procedure*

### SITTINGS AND BUSINESS

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:02):** I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, the giving of notices of motion and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

**The PRESIDENT:** I note the absolute majority.

*Bills*

### CRIMINAL LAW (HIGH RISK OFFENDERS) (MISCELLANEOUS) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:02):** Obtained leave and introduced a bill for an act to amend the Criminal Law (High Risk Offenders) Act 2015. Read a first time.

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:03):** I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Law (High Risk Offenders) (Miscellaneous) Amendment Bill 2024. The bill amends the Criminal Law (High Risk Offenders) Act 2015 to implement various measures. These measures are intended to address existing shortcomings and deficiencies in the high-risk offenders act and to improve the efficiency of processes for dealing with high-risk offenders.

Pursuant to the high-risk offenders act, the Supreme Court is empowered to make certain orders to ensure that high-risk offenders remain subject to appropriate supervision following the expiration of their sentence (whether the offender is in prison or released on home detention or parole).

High-risk offenders are offenders who have been imprisoned in respect of a serious sexual offence or a serious offence of violence, terror or other additional high-risk offences. The express object of the high-risk offenders act is to provide the means to protect the community from being exposed to an appreciable risk of harm posed by various serious offenders.

The high-risk offenders act has not been substantially amended since it first came into operation in 2016. In 2021, the former government introduced the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021 to parliament, which contained a series of proposed amendments to the high-risk offenders act. That bill passed the Legislative Council but did not pass parliament before the 2022 state election. The present bill implements remaining amendments to the high-risk offenders act that were contained in the former government's bill while also implementing new amendments to improve the operation of the act.

Turning to the substance of the bill, clause 3 of the bill amends various definitions that are used within the high-risk offenders act. In particular, subclause 3(1) extends the definition of 'detainee' in section 4(1) to include a person who has been detained in immigration detention within the meaning of the commonwealth Migration Act 1958. This is intended to clarify that the obligations of a person who is subject to a supervision order are suspended while that person is in government custody, including federal immigration detention.

Subclause 3(2) amends the definition of 'extended supervision order' in section 4(1) to clarify that that extended supervision order means an order made under section 7 of the act by the Supreme Court for the supervision of a high-risk offender. This is intended to address an apparent ambiguity about whether the current definition could encompass both extended supervision orders and interim supervision orders.

Subclauses 3(3), 3(4) and 3(7) amend section 4(1) to address a potential ambiguity regarding the meaning of 'high risk offender' when one is 'serving a sentence of imprisonment'. Specifically, subclause 3(7) inserts new section 4(4) to provide that a reference in the high-risk offenders act to a person who is serving a sentence of imprisonment includes a person who is serving a sentence of imprisonment on release on home detention or on parole.

Subclause 3(4) makes a related amendment to the definition of 'relevant expiry date' in section 4(1). Clause 3(3) further amends section 4(1) to insert a definition of 'home detention' which is consequential upon clause 3(7). Subclause 3(5) makes a further amendment to add commonwealth offences to the definition of 'serious sexual offence' in section 4(1).

Subclause 3(6) deletes the definition of 'youth' and subclause 3(7) adds new subsection 4(3) to the effect that a reference in the high-risk offenders act to a person convicted of an offence includes a person who was, at the time they were convicted of the offence, under the age of 18 years. Read in conjunction with clause 5 in the bill, the net effect is that an application for a supervision order cannot be made in respect of a person who is under 18 years of age. However, offences committed by a person under the age of 18 years can be taken into account when considering whether they should be the subject of a supervision order as an adult.

Clause 4 substitutes section 5 of the high-risk offenders act which defines the meaning of a 'high risk offender'. This amendment removes certain ambiguities and clarifies those offenders covered by the definition and the type of offending. For example, it is made clear that the definition only covers serious violent offenders while they are currently serving a sentence of imprisonment for a serious offence of violence.

Clause 6 of the bill amends section 7 of the high-risk offenders act to clarify that an application for an extended supervision order may only be made in the 12 months preceding the expiry of the term of imprisonment. It also clarifies that, when deciding whether to make an order under section 7, the court must not take into consideration any intention of the respondent to leave the state, whether permanently or temporarily.

Clause 7 amends section 9 of the high-risk offenders act to clarify that the court may impose an interim supervision order where the relevant expiry date of an offender is likely to occur before the application is determined or has already occurred. An amendment is also made to clarify that the obligations of a person subject to a supervision order are suspended while they are in government custody.

Clause 8 amends section 10 of the high-risk offenders act. This section spells out the conditions that automatically apply to supervision orders. The amendment adds a condition that the person subject to the order is prohibited from leaving the state without the permission of the Supreme Court or the Parole Board. Those bodies are only able to give permission if the person provides information about their proposed travel, including any information prescribed by regulation.

Clause 9 amends section 11 of the high-risk offenders act to remove the reference to an application being made to the Parole Board to vary or revoke a condition of an extended supervision order. These amendments are consequential upon the amendments made by clause 11 of the bill. Subclause 10(2) amends section 13 of the high-risk offenders act to allow for the Supreme Court, on application by the Attorney-General or a person subject to a supervision order, to vary or revoke a

condition of an order or to impose further conditions on the order. In addition, subclause 10(3) amends section 13 to allow the court to transfer an application for a variation or revocation of a supervision order to the Parole Board and to make rules in respect of such a transfer. Once applications are transferred they can proceed as if they had been made to the Parole Board.

Clause 11 inserts a new section 13A in the high-risk offenders act to allow the Parole Board, on application, to vary or revoke the conditions of an extended supervision order, including a condition imposed by the Supreme Court, or to impose further conditions on the order. An application can only be heard by the Parole Board where there has been a material change in circumstances and it is in the interests of justice to do so. When considering an application to vary an extended supervision order, the Parole Board must give all parties an opportunity to be heard and to make submissions on the matter.

Clause 12 amends section 14 of the high-risk offenders act to allow the Parole Board a level of discretion to make consequential or ancillary orders as it sees fit when varying an extended supervision order. Clause 13 amends section 18 of the high-risk offenders act to address operational difficulties with the powers of the Supreme Court where an offender breaches either an extended or interim supervision order. The amendments will allow the Supreme Court to order that a person be detained in custody via a continuing detention order until the expiration of the breached supervision order or a further supervision order, or for such a lesser period as may be specified by the court.

In addition, proposed subsections 18(4a) and (4b) would allow the Supreme Court to vary or revoke conditions of a continual detention order or to order an offender to be detained in custody pending circumstances necessary for ensuring compliance with the order.

Clause 14 of the bill inserts a new part 3A in the high-risk offenders act containing provisions for interagency cooperation. These provisions allow for formal information-sharing processes with other jurisdictions, modelled on part 4A of the New South Wales Crimes (High Risk Offenders) Act 2006.

Clause 15 of the bill amends section 22 of the high-risk offenders act. The amendment will allow appeals for a refusal by the Supreme Court to make an extended supervision order or a continuing detention order. Finally, schedule 1 of the bill contains a number of transitional provisions that are intended to support the implementation of the reforms.

While the primary intention of this bill is to address various shortcomings and improve efficiency of processes, these reforms are essential to ensuring that our laws remain fit for purpose in order to keep the community safe from the appreciable risk of harm posed by serious offenders. I commend the bill to the chamber and seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

3—Amendment of section 4—Interpretation

This clause inserts new definitions and amends existing definitions in section 4 of the principal Act for the purposes of the measure.

4—Substitution of section 5

This clause substitutes new section 5 of the principal Act which contains a new definition of *high risk offender* under which a *high risk offender* is—

(a) a serious sexual offender who is serving a sentence of imprisonment imposed in respect of a serious sexual offence; or

(b) a serious sexual offender who is serving a sentence of imprisonment any part of which is in respect of any of the following offences:

(i) an offence under section 58 or 63A of the *Criminal Law Consolidation Act 1935*;

(ii) an offence under section 44, 45, 65 or 66N(2) of the *Child Sex Offenders Registration Act 2006*;

(iii) an offence under section 99I of the *Criminal Procedure Act 1921*;

(iv) an offence prescribed by the regulations for the purposes of this paragraph; or

(c) a serious sexual offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious sexual offence; or

(d) a serious violent offender who is serving a sentence of imprisonment imposed in respect of a serious offence of violence; or

(e) a serious violent offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious offence of violence; or

(f) a terror suspect who is serving a sentence of imprisonment; or

(g) a person who is serving a sentence of imprisonment in relation to an offence against section 241 of the *Criminal Law Consolidation Act 1935* where the offence committed by the principal offender (within the meaning of that section) was a serious offence of violence or serious sexual offence; or

(h) a person who is subject to an extended supervision order; or

(i) a person who is serving a sentence of imprisonment during the course of which an extended supervision order applying to the person expires.

5—Substitution of section 6

This clause substitutes section 6 of the principal Act which provides that an application for a supervision order may not be made in respect of a person who is under the age of 18 years except where a person is a terror suspect and is of or above the age of 16 years, in which case the Act applies with any modifications prescribed by the regulations.

6—Amendment of section 7—Proceedings

This clause amends section 7 of the principal Act to—

(a) clarify that an application for an order under the section may only be made within the 12 months preceding the relevant expiry date for the respondent; and

(b) update a cross-reference to paragraph (g) in the definition of *high risk offender* in substituted section 5; and

(c) provide that, in determining whether to make an order under this section in respect of the respondent, a Court must not take into consideration any intention of the respondent to leave this State (whether permanently or temporarily).

7—Amendment of section 9—Interim supervision orders

This clause amends section 9 of the principal Act to provide that the Supreme Court may make an interim supervision order in circumstances where, following an application for an extended supervision order in relation to a high risk offender, the relevant expiry date for the respondent occurs before the application is determined. The Court may only make the order if satisfied that the matters alleged in the material supporting the application would, if proved, justify the making of an extended supervision order.

This clause also inserts new section 9(3) which provides that the obligations of a person subject to an interim supervision order are suspended during any period that the person is in government custody.

8—Amendment of section 10—Supervision orders—terms and conditions

This clause amends section 10 of the principal Act to provide that every extended supervision order will be subject to a condition that the person subject to the order is prohibited from leaving the State without the permission of the Supreme Court or the Parole Board, which may be subject to the terms and conditions that the Court or the Parole Board thinks fit.

This clause further provides that the Supreme Court or the Parole Board may only give permission for a person to leave the State under new section 10(1)(da) if the person provides information about their proposed travel

out of the State, including any particulars prescribed by the regulations, to the Court, the Parole Board or any other person specified by the Court or the Board.

9—Amendment of section 11—Conditions of extended supervision orders imposed by Parole Board

The amendment to section 11 of the principal Act under this clause is consequential to the insertion of new section 13A by clause 11 under which applications may be made to the Parole Board for the variation, revocation or imposition of a condition of an extended supervision order.

10—Amendment of section 13—Variation and revocation of supervision order

This clause amends section 13 of the principal Act so that the Supreme Court may, in addition to varying a condition of a supervision order or revoking a supervision order, impose further conditions on a supervision order on application by the Attorney-General or a person subject to the supervision order.

This clause also amends section 13 of the principal Act to allow for applications to the Supreme Court under the section to be transferred by the Supreme Court to the Parole Board for determination.

11—Insertion of section 13A

This clause inserts new section 13A which provides for the Parole Board, on application by the Attorney-General or a person subject to an extended supervision order, to vary or revoke a condition of the order (including a condition imposed by the Supreme Court) or impose further conditions on the order.

A person subject to an extended supervision may only apply to the Parole Board for the variation or revocation of a condition imposed by the Supreme Court with the permission of the Parole Board and the Parole Board may only grant permission if satisfied that there has been a material change in circumstances relating to the person or extended supervision order and it is in the interests of justice to grant permission.

Proposed section 13A provides that the Parole Board may refer an application to the Supreme Court if it considers that the matter should be determined by the Supreme Court. The Supreme Court may also order that an application to the Parole Board be heard and determined by the Court.

12—Amendment of section 14—Consequential and ancillary orders

This clause amends section 14 of the principal Act to provide that the Parole Board may, on varying an extended supervision order, make any consequential or ancillary order it thinks fit in the circumstances of the particular case.

13—Amendment of section 18—Continuing detention orders

This clause amends section 18 of the principal Act as follows:

(a) to permit the Supreme Court to make a continuing detention order detaining a person in custody until the expiration of any further supervision order that may be made against the person. Currently, the Court may only detain the person until the expiration of an existing supervision order or for a shorter period, and both of those options will remain in place;

(b) to permit the Supreme Court, on declining to make a continuing detention order in respect of a person, to—

(i) vary or revoke a condition of the supervision order applying in respect of the person or impose further conditions on the supervision order; or

(ii) order that the person be detained in custody beyond the determination of the proceedings in certain circumstances;

(c) to permit the Supreme Court to vary or revoke a condition of a supervision order or impose further conditions on a supervision order where the Court makes a continuing detention order in respect of a person and the continuing detention order will expire before the supervision order applying to the person expires.

14—Insertion of Part 3A

This clause inserts new Part 3A which provides for arrangements (*cooperative protocols*) between relevant agencies (a public sector agency prescribed by the regulations as a relevant agency) and 1 or more interstate relevant agencies (an agency of the Commonwealth or of another State or a Territory of the Commonwealth, prescribed by the regulations as an interstate relevant agency) in respect of the sharing or exchange of information between the relevant agency and the interstate relevant agencies.

The clause limits the kinds of information that may be included in a cooperative protocol and authorises a relevant agency to request and receive information from an interstate relevant agency and to disclose information to an interstate relevant agency to the extent that the information is reasonably necessary to assist in the exercise of functions under the principal Act or the functions of the interstate relevant agencies concerned.

15—Appeals

This clause amends section 22 of the Act to provide that an appeal lies to the Court of Appeal against a decision of the Supreme Court to refuse to make an extended supervision order or a continuing detention order.

Schedule 1—Transitional provisions

1—Transitional provisions

This clause provides for transitional provisions as follows:

(a) an amendment to the *Criminal Law (High Risk Offenders) Act 2015* made by the measure is to apply in respect of an extended supervision order made under the *Criminal Law (High Risk Offenders) Act 2015* except where an application or proceeding before the Supreme Court is in progress and not finally determined by the Court at the commencement date in which case the application or proceedings will remain to be determined by the Supreme Court in accordance with the *Criminal Law (High Risk Offenders) Act 2015* as in force at the date on which the application was made or the proceedings commenced;

(b) Section 5 of the *Criminal Law (High Risk Offenders) Act 2015* as inserted by the measure will apply in relation to an offender who is serving a sentence of imprisonment imposed in respect of an offence regardless of when they committed, or were sentenced for, the offence.

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

## STATUTES AMENDMENT (CLAIM FARMING) BILL

*Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:12):** Obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981 and the Summary Offences Act 1953. Read a first time.

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:13):** I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Claim Farming) Bill 2024. This bill will prohibit claim farming in relation to personal injury claims.

Claim farming is a process of collecting and selling the personal information of a person who has suffered an injury. The information is often collected in inappropriate or exploitative ways, such as cold calling or unsolicited approaches. High-pressure sales tactics are often used and deceptive promises of quick and easy compensation might be made. The injured person's details are then referred to a law firm or claims management provider who pays for the referral and makes a profit providing the service to the injured person.

Whilst all persons with an injury are vulnerable to some degree, claim farmers often target people with vulnerabilities additional to the injury, including prisoners or residents of remote Aboriginal communities. Most alarming are reports from multiple sources that claim farmers are targeting victims of child sexual abuse in the wake of reforms to establish the National Redress Scheme and to remove time limits for personal injury claims in relation to child abuse. This bill will outlaw such practices entirely.

Claim farming is inappropriate and exploitative. Cold approaches by claim farmers to injured persons disregards their autonomy and wellbeing, and they may not be ready to speak about the events leading to their injury. The sale of claims by claim farmers to legal firms disrespects the best interests of the injured persons and may be motivated by which firm will pay the highest fee rather than which firm is the most appropriate to represent the injured person in all the circumstances.

The bill is intended to proactively prevent widespread claim farming practices within South Australia. While it does occur, it is, thankfully, relatively infrequent; however, we do not want South Australia to become a destination of choice for claim farmers, particularly as other jurisdictions begin to take action against it. We have the opportunity to stop it at an early stage.

This bill will create two new offences in the Summary Offences Act 1953 to prohibit claim farming practices in relation to personal injury claims. A personal injury claim is a claim for compensation for physical or mental harm or death; therefore, the ban will cover claim farming practices against relatives of a deceased person who may have a wrongful death claim.

The first offence will cover the actual sale of claim referrals. It will be an offence to give or receive evidence or to allow another person to give or receive a benefit in exchange for a claim referral. A benefit includes money, goods or services; however, it does not include gifts not exceeding a prescribed value. This will ensure that a gift or a favour to thank someone for referring clients, such as taking a professional contact out to lunch, will not be considered illegal claim farming.

There will also be some limited exceptions for claims referred from one law firm to another as part of the sale of the law firm or because the referring firm has a conflict of interest or insufficient expertise in the subject matter. In these circumstances, paid referrals will be permitted, although legal practitioners will still be required to disclose the payment to their client under the South Australian Legal Practitioners' Conduct Rules.

The second offence will cover one of the main tactics used to collect personal information of injured persons by outlawing unsolicited approaches towards potential claimants. It will be an offence to personally approach or contact a person to induce them to make a personal injury claim or to cause or allow someone else to make such contact. Contact is prohibited regardless of whether a person contacted would actually have been entitled to make a claim; for example, it would prohibit the practice of claim farming businesses cold calling large numbers of persons to ask if they or someone they know has recently been in a motor vehicle accident.

There are several circumstances in which unsolicited approach offences will not apply. It will, of course, be legal to contact someone at that person's request. If an injured person is interested in making a claim and requests contact, for example, by placing an inquiry with a law firm or a claim management service they can, of course, be contacted to talk about the potential claim.

Additionally, altruistic approaches when a person making the approach does not expect or intend to receive, and does not receive, a benefit as a result of the approach, are permitted. It will certainly not be unlawful to approach an injured friend or family member and encourage them to consider seeking compensation where the intent of the approach is not ultimately profit from the referral of the claim.

Law firms may also approach their existing or former clients unsolicited to talk about a personal injury claim as they have a pre-existing relationship with that person; however, the lawyer must reasonably believe that the client would not object to the contact. Law firms may also approach persons at the request of a community legal centre or industrial organisation and may also approach persons that they believe may be eligible to participate in a class action for which the firm is responsible.

As well as creating these new criminal offences, the bill also amends the Legal Practitioners Act 1981 to provide that the conduct covered by the offences is capable of constituting unsatisfactory legal professional conduct or professional misconduct when engaged in by legal practitioners. If a lawyer pays for a claim referral or if they make an unsolicited approach to a person to try to convince them to make a claim, this can be reported to the Legal Professional Conduct Commissioner.

The commissioner can investigate the alleged misconduct, and this could lead to disciplinary action against the legal practitioner, including a reprimand, fine or restriction or suspension on entitlement to practise law. For the purposes of disciplinary proceedings under the Legal Practitioners Act, allegations of claim farming made against the legal practitioner need only be proved to the civil standard of proof on the balance of probabilities. The same exceptions will apply as are available in relation to the new criminal offences.

Disciplinary action may be commenced against lawyers regardless of whether criminal charges for claim farming are laid against the claim farmer or the legal practitioner. The bill creates additional financial consequences for lawyers who engage in claim farming. If an associate of a law practice is convicted of a claim farming offence, the law practice is not entitled to any fees in relation to the farmed claim. They may not collect any outstanding fees and must repay fees already received.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Legal Practitioners Act 1981*

3—Amendment of section 70—Conduct capable of constituting unsatisfactory professional conduct or professional misconduct

This clause amends section 70 of the principal Act to provide that a contravention of the claim farming offences proposed to be inserted into the *Summary Offences Act 1953* by this measure is conduct capable of constituting unsatisfactory professional conduct or professional misconduct. The clause also provides that, for the purposes of determining whether a legal practitioner has engaged in unsatisfactory professional conduct or professional misconduct, the question of whether a person has contravened the Act, the regulations, or a claim farming offence is to be determined on the balance of probabilities.

4—Amendment of Schedule 4—Investigatory powers

This clause amends clause 5 of Schedule 4 of the principal Act to extend the protection against self incrimination in the Act to the proposed claim farming offences. It also amends clause 19 of that Schedule to allow information relating to an investigation into the conduct of a legal practitioner which relates to an offence against the proposed claim farming offences to be shared with a body prescribed by the regulations.

Part 3—Amendment of *Summary Offences Act 1953*

5—Insertion of Part 8A

This clause inserts a new Part into the principal Act.

Part 8A—Personal injury claim farming

42—Interpretation

Proposed section 42 provides definitions for terms used in proposed Part 8A.

42A—Giving or receiving a benefit in exchange for claim referral

Proposed section 42A creates an offence of giving or receiving a benefit, or allowing another person to give or receive a benefit, in exchange for the referral of a personal injury claimant. The section creates exceptions for situations where the referral occurs as part of the sale of a legal practice, or occurs because the referring practice has a conflict of interest or insufficient experience or expertise in the matter.

42B—Approaching or contacting person to solicit or induce a claim

Proposed section 42B creates an offence of making an unsolicited approach or contact to a person to solicit or induce them to make a personal injury claim. Exceptions are provided where the approach or contact is at the request of the contacted person, if the person making the approach or contact does not expect to receive a benefit, if the person making the approach or contact has previously provided legal services for the person approached or contacted, and in relation to community legal centres, industrial organisations and class actions.

42C—Imputation of state of mind of officer etc

Proposed section 42C provides that the conduct or state of mind of an officer, employee or agent of a person acting within the scope of their authority will be imputed to that person.

42D—Additional consequences for law practice

Proposed section 42D provides that if an associate of a law practice is convicted of a claim farming offence the law practice is not entitled to recover any fees or costs in relation to the provision of the services to which the offence related.

42E—Extraterritorial application of Part

Proposed section 42E provides for the extraterritorial application of proposed Part 8A.

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

## APPROPRIATION BILL 2024

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. H.M. GIROLAMO (11:20):** I rise today to speak on the Appropriation Bill and indicate that I will be the lead speaker for the opposition on this bill and some of my colleagues will also make contributions. This legislation allows the government of the day to appropriate the funds from which it shapes its future bill. Those details are set out in the budget measures bill.

Many South Australian families are now $25,000 worse off per year compared with when Labor came to government. The cost-of-living relief provided in this budget has been labelled by South Australians as a drop in the ocean, compared with the increased costs South Australians are facing in rising rents and mortgages, increasing electricity bills, essentials and grocery prices. The relief is a dismal effort from this government as South Australians have been facing the pressures of rising costs of living for quite some time now.

Small businesses are also impacted, and there are next to no new measures provided within this budget. We have seen on a regular basis over the past 12 months closures of many South Australian businesses that have been a significant part of our community for many years. Recently, at the annual Royal Adelaide Show this year, whilst ticket sales remained strong thanks to a minimal price increase, the average spending has dropped. Stallholders have said that they have noticed the pressures that families and parents are facing during this cost-of-living crisis. Amongst all of this we note that South Australians are now paying more tax than ever, despite Labor's promise of no new taxes and no tax increases. Talk about rubbing salt into the wounds of hardworking South Australians!

The Treasurer, in speaking to the Appropriation Bill in the other house, described the budget as one that sets the state on the path to a more prosperous future, and it does so while keeping the budget in surplus and debt levels sustainable. I would like the Treasurer to remember that we are heading toward a state debt level of nearly $44 billion by the end of the forward estimates, which means that interest repayments alone will reach more than $5 million per day, noting that the forward estimates does not factor in the total cost of the north-south corridor project and the new Women's and Children's Hospital in full.

I am genuinely concerned, on behalf of South Australians, that this level of debt is described as sustainable by the current Treasurer and government. What is evident is once again the overspending of nearly every government department—a blowout of $824 million across government. Yet, with its massive increase in spending, regional South Australia has been left behind. The government has failed to address the opportunity and concerns of regional South Australians.

Whilst billions of dollars have been poured into the health budget, the ramping crisis is worse than ever. The cries for increased support for regional patients has also fallen on deaf ears. It is evident from this budget that the priorities of this government are not that of South Australian families, South Australian businesses or regional South Australia, whether it is health, the wellbeing of the economy, security of the community, just to name a few. This government has the wrong priorities. The priority of this government is about themselves, not about South Australians.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:23):** I rise to speak on the Appropriation Bill 2024. I will use my time today to ask a simple question: are South Australians better off today than they were two years ago? I think you will find the answer is no. The 2024 state budget can be characterised, I think, as a typical Labor budget. We saw record spending, we saw record debt and we saw record taxes. Almost all their government departments have overblown their budgets, and in typical Labor fashion nothing has improved, despite the record funding they have received from the commonwealth government.

So let's look at some of their track record, and I do want to focus in particular on the efforts, or perhaps lack thereof, in the regions. Let's talk about roads. When I come into the city for parliament, I hear complaints of those who live here about the state of the roads—indeed, around metropolitan Adelaide. Unfortunately, or perhaps fortunately for them, they know nothing of how bad it can actually be.

In the regions, the backlog of maintenance continues to grow under this government, day after day. You do not have to take the opposition's word for it; the RAA has a similar gripe, particularly with this government. Through various surveys, it shows that some 20 per cent of South Australian roads require maintenance. To put that in context, that is some 13,000 kilometres worth of road. That is close to the equivalent of, as the crow flies, from this place, Parliament House on North Terrace, all the way to the Hollywood sign in Los Angeles, California. If we want to go more locally, a lap of Australia would be some 15,000 kilometres.

There is more than $2 billion of road maintenance backlog, the bulk of which is in the regions. That amount only seems to be growing under this government, which clearly does not care for the regions or road safety for that matter. Last year, we had the worst year of fatalities on the road since 2010: 117 lives were lost. It is not too long a bow to draw to say the lack of road maintenance contributed to that figure, given that close to 60 per cent were in the regions whereas only some 20 per cent of those people actually live in the regions.

Deaths on country roads are vastly over-represented in those figures. I also would like to make the point that the government does not even know where the regions are because, of the $310.6 million for regional road and transport improvements, $250 million of those funds were for the highway upgrades between Mount Barker and the city. Whilst we do not begrudge the good citizens of Mount Barker infrastructure improvements—goodness knows they need it due to the planning disaster—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. N.J. CENTOFANTI:** —that Labor's John Rau left when he was planning minister—

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

**The PRESIDENT:** Order!

**The Hon. N.J. CENTOFANTI:** —that leaves $60 million for the rest of the 24,000 kilometres of state regional roads. It is utterly disgraceful.

Moving on to health care: there are few people in this state who have not been affected or know someone affected by cancer. It is an insidious disease and touches the world around all of us in some shape. The treatment for cancer is gruelling and it is made even more so if you have to have a round trip of hours to access it and not have your support networks within immediate reach. You may have heard the cheers from the South-East recently. They were not cheering for this government; instead, they were cheering the announcement that the Liberal government will commit to radiotherapy care in the South-East.

Despite having a minister in this place supposedly from the Limestone Coast, even she was not able to advocate for the South-East to her city-centric Labor colleagues. But the Liberal opposition has listened to the many, many people who signed the petition to bring cancer care closer to home. South Australia is the only state to not deliver radiotherapy services regionally. As the party for the regions, the Liberal Party wants to reduce the barriers to health care for regional patients.

If elected, a Liberal government will commit to the $1.5 million ongoing cost to bring radiation closer to those who need it in the Limestone Coast, a $6 million commitment for the regions. It is really not too much to ask when you are dealing with cancer, I would have thought. As pointed out by my colleagues in the other place, it has been a strange move by the government to throw, as the Premier has said, 'More money than God at the health budget', and yet, perversely, get even worse outcomes.

We all remember the promise by the then Labor opposition to fix ramping, and yet here we are more than two years on and it is more than twice as bad as before. Despite all the spend on the health budget, and the blowout in other departments, there were not the necessary funds for the Patient Assistance Transport Scheme. More than 16,000 people still need to travel to Adelaide to have their healthcare needs taken care of in an easier way that many of our city cousins take for granted—again, outrageous.

I also want to talk about the impact of floods and, in particular, the impact floods had on my home patch, the Riverland, and other communities along the River Murray. These communities feel let down and ignored by the Labor government now that the waters have receded. Recent FOIs show that of the approximately $60-odd million promised for road repair or flood damage, it is my understanding that only $9 million has actually been spent.

This is at a time when the government is refusing to fund repairs of the Lyrup Causeway Road, a road that connects the Sturt Highway, which is a state road, to the Lyrup ferry, which is a state-owned asset. That road is absolutely critical for the connectivity of our region that is the Riverland. This road should absolutely fall under eligibility for 100 per cent funding from the Disaster Relief Fund but, according to this state government, it does not. We are still yet to see any substantial work on the remediation of the Lower Murray Reclaimed Irrigation Area, despite coming up to the two-year anniversary of the flood event.

By and large, this government is wonderful at media opportunities and announcements, but continuously falls significantly short when it comes to actual tangible outcomes. They are all talk and spin without any action.

In another attack against farmers, who just want to farm, there was barely any mention in the budget for anything agricultural except for the pet project of the minister in this place, net zero agriculture. Farmers are the custodians of their land. They are getting life out of the ground to feed our communities. The state budget announced $24.4 million over five years to reduce agricultural emissions through supporting the upskilling of the sector to take up low-emission intensity farming systems.

I will make the point that there are almost 12,000 farming families in South Australia, as well as 33,000 people employed in farm jobs, as research by the Australian Productivity Commission found. Without any mention of what 'upskilling of the sector to take up low-emission intensity farming systems' actually means, we will wait and see if the $24 million to support 12,000 farming families and the 33,000 farming jobs is sufficient, but on their track record of funding initiatives for the sector—like the sheep and goat eID—I am certainly not holding my breath that that will be the case.

Australian farmers are already farming at low-emission intensity. A report from the CSIRO found that the Australian grain industry exhibits low greenhouse gas emissions for each tonne of grain produced when compared to other grain-producing regions and countries, including the EU, the US, Canada, Russia and Ukraine. The report by the CSIRO, which was commissioned by GRDC, also found reducing overall net emissions of the Australian grains industry by 2030 is unlikely to be achieved without decreasing Australian production. Any reduction in Australian grain production is likely to result in an increase in grain production in regions of the world that are not able to achieve low-emission intensity, defeating the purpose, harming the environment more, and only increasing global grains emissions.

As I said earlier, we will wait to see what 'net zero agriculture' means to this minister and to this government, but I can tell this chamber now that the farmers I meet are doing their very best as custodians of the land, and we will support them in any fight against even more green and red tape from this government.

I return to the question I asked at the top of my contribution: are South Australians better off under this government than they were two years ago? As you can see, the answer to my question is no. Those of us who actually live and participate in life in the regions know that those outside the city borders are doing it toughest. As we have heard, there is only more regulation, more green tape and more government coming for those on the farm, and it is an absolutely terrible shame.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Girolamo, don't be hooked on his fishing expedition, please. Just ignore him.

**The Hon. B.R. HOOD (11:34):** I rise to add some brief remarks on one aspect of the Appropriation Bill 2024 as it relates to my shadow portfolios, and that is the Malinauskas government's capitulation to the Albanese government when it comes to regional road funding.

Previously, regional road funding had followed the general practice of an 80:20 split between the commonwealth and state or territory governments, although I understand that this arrangement was never formally mandated. It provided a fair balance, ensuring the commonwealth shouldered the larger burden of maintaining and upgrading vital road infrastructure in the regions. Now, however, while the new agreement does not explicitly mandate a fifty-fifty split, that is the message premiers across the country are receiving, considering the responses from the premiers of New South Wales and Victoria.

This Premier here ought to take a leaf out of the book of the Eastern States premiers, who have had the courage to stand up to their federal Labor mates and say, 'No effing way' are they signing up to this dud deal. That is a quote, by the way, from a senior New South Wales government source. I ask: where is our Premier or our notoriously foul-mouthed transport minister when we need them?

Instead, it seems the commonwealth expects the states to significantly increase their contribution to regional roads despite ongoing pressure on state budgets. This shift effectively throws the previous balance to the kerb, quite literally, and leaves states, including South Australia, to scramble for more funding to cover the growing backlog of road maintenance and upgrades in our regional areas. If we think it was hard enough to find 20 per cent of the split, it is going to be a hell of a lot harder to find 50 per cent.

This means that to overcome our state's $2 billion and growing backlog of road maintenance the state government must come up with even more funding than the paltry amount they have already been committed to, and we know that this year's state budget cruelly cut $172 million for the regional roads and transport projects of the capital program.

Of the $310 million in new funding for regional roads, the vast majority, as my honourable colleague Nicola Centofanti put, $250 million worth, will actually go to upgrades of the South Eastern Freeway between Mount Barker and the city. I have been on the record saying how much I love Mount Barker, but to take that money from regional roads I do not think is right.

Combined, these Labor government actions completely disregard the needs of our regional communities, primary industries and freight sectors that rely on our extensive road network. Locals are fed up with roads that are not car worthy when they are doing their bit to ensure their cars are roadworthy.

The Liberal opposition's Report Your Road campaign is continuing to shed light on just how bad some of our regional roads are, and I want to take this opportunity to thank the more than 400 people who have contributed to that campaign.

Take my recent community forum on the Southern Ports Highway as an example of a community that is simply fed up. This forum, which was attended by the Hon. Nicola Centofanti, Vincent Tarzia, Tony Pasin and the Independent member for MacKillop, Nick McBride, heard firsthand from over 80 people just how bad this stretch of road is.

Because of the endless potholes, the road hazards and the lack of shoulders we have ambulances restricted to driving less than 80 km/h an hour and literally having to hang on for dear life instead of providing treatment to a passenger in that ambulance. We also have residents at Millicent's Boneham aged-care facility choosing no longer to use the Southern Ports Highway for wheelchair-bound residents because they just bounce around too much, causing them pain.

For the Malinauskas government to give in to their federal Labor mates and deliver this dud fifty-fifty deal leaves no confidence that our regional communities will have their urgent road maintenance addressed. Just last week, Victorian Premier, Jacinta Allan, said, and I quote, 'We will absolutely continue to push and demand a fairer share of infrastructure funding for Victorians.' Why

is not Premier Malinauskas or Minister Koutsantonis echoing the calls of New South Wales Premier, Chris Minns, Mr Malinauskas's great mate—they go for runs in Sydney—who said last week, and I quote:

> …notwithstanding the political persuasion of the federal government, my job is to defend the interests of NSW, and that's exactly what my cabinet and I will do.

Instead, all we have got from our Premier for bread and circuses is a meek and timid response that there should be more capacity for the commonwealth to offer more than fifty-fifty.

Federally, since Prime Minister Anthony Albanese won office, we have seen $27.9 billion worth of infrastructure projects that have either been cancelled, cut or delayed. What confidence can we have in our Labor state government to stump up the significant amount of extra funding required to bridge the gap then?

As the member for Barker has noted, it underspends by $2.9 million in its blackspot funding allocation. Important projects like the Truro freight route and the Hahndorf access upgrades remain unfunded after the federal government's so-called 90-day infrastructure review axed these priority projects. We need full duplication of the Augusta, Dukes and Sturt highways. We need to see a commitment for the Greater Adelaide Freight Bypass. Without the substantially higher revenue base of the likes of the Eastern States and Western Australia, how are we supposed to build this productivity enhancing infrastructure, let alone address our immense maintenance backlog?

It is clear that Premier Peter Malinauskas has rolled over to his federal mates and is unwilling to stand up for our vital road infrastructure needs. As the newly appointed shadow minister for infrastructure and transport, regional roads and government accountability, I look forward to promoting the important projects that our state needs and holding a blowtorch to this Labor state government to ensure they are delivering for all South Australians. Our regional roads are falling apart and we have been sold out.

**The Hon. R.A. SIMMS (11:40):** I rise to speak briefly on the Appropriation Bill. As is often the case when it comes to—

*Members interjecting:*

**The PRESIDENT:** Order! I cannot hear the Hon. Mr Simms.

**The Hon. R.A. SIMMS:** —these discussions about budgets and appropriation, they are often defined more by what is missing and my big concern around what we have seen from the Labor government to date is that they are not doing enough to tackle the cost-of-living crisis that is gripping our state. There is not enough of a focus on building more public housing and building more social housing.

I had an opportunity to go along to the announcement of the Housing Roadmap a few months ago. The launch of that event was organised in conjunction with the Property Council. When I saw the details of the announcement, I realised why: because developers are getting a free kick and there is no new funding other than what had already been announced for more social housing to get the housing crisis under control.

That is not acceptable when one considers we have about 16,000 people on the social housing waitlist—16,000 people who are desperate for a roof over their head and a place to call home. Meanwhile, Labor is delivering a surplus—delivering a surplus while we have people sleeping on the street. There is something very wrong about the priorities of this government in the middle of a cost-of-living crisis.

The Liberals have talked a lot about roads. Well, what about public transport? Once again, we are not seeing the appropriate investment in public transport in the regions or in metropolitan South Australia. While other states are making public transport free to reduce the cost that families are facing at the bowser and to reduce the effects of climate change, in South Australia we are actually seeing public transport prices going up and, again, that is in the middle of a cost-of-living crisis and in the middle of a climate crisis.

Where also is the leadership in terms of addressing the imbalances that exist in our housing market? Where is the action on rent prices? Why did Labor not come out and back the Greens' push

for a rent freeze for two years to stop rent prices from going up and up and up? Why have Labor not taken action on vacant properties, as has happened in other states around the country? Where is the leadership on that? Why are they not taking action on Airbnbs? These things are starving our state of the vital housing we need.

Where is the leadership from Labor on energy prices? Why will they not support the Greens' push for a commission of inquiry into bringing back ETSA and ensuring that we have electricity that is owned by the people of South Australia and operates for the benefit of the people of South Australia? Low cost, publicly owned renewable electricity—we can do it if there is the political leadership from the government to make it happen.

I do not want to let the opposition off the hook, though, because it is clear that they have no vision to deal with the cost-of-living crisis in our state and no plan to actually reorient the economy here to ensure that it works for people. I heard the Leader of the Opposition in one of his first interviews. He was at the Royal Adelaide Show last week being interviewed by David Bevan. He was asked about what he would do to get the health system back under control. He was asked quite directly, 'Would you support new taxes? What new revenue measures would you back?' 'Oh, no. No new taxes.' 'What about debt? Would you take on more debt?' 'Oh, no. No debt.' 'Well, what about cutting public services?' 'Oh, no, we're not cutting any public services, and we're not going to be stopping any government projects.'

The question is: what would they do differently? I note that the opposition leader was at the Show. Perhaps he was looking for the recipe for a magic pudding, because that is the only way that the Liberal Party can make good on their promises, given they are not going to increase revenue and they are not going to cut services. Really, they are found wanting when it comes to a vision for the people of South Australia and a vision for the state budget.

Lucky the Greens are here to raise these issues—and we will continue. I note the attacks on me in the other place by Jack Batty, the member for Bragg, where he has slightly misrepresented some of the policy positions the Greens have taken, but at least we are putting forward ideas that are costed and can be done if there is the political will to do so, rather than promoting the ludicrous magic pudding economics of the Liberal opposition.

**The Hon. T.T. NGO (11:46):** I rise to speak on the Appropriation Bill 2024, a bill that reflects the Labor Malinauskas government's priorities that will benefit us all. First and foremost, the health and wellbeing of South Australians remain a number one focus of this government. We know that a range of factors and complexities can impact on a person's health and wellbeing. In fact, when it comes to our wellbeing, health and housing are interdependent. We need both to live fulfilling, stable and productive lives. Labor knows there is much to do in both of these sectors.

As we continue to increase the number of beds and tackle ramping, we are also responding to constant changing demands. In August 2024, there were 129 more long stay patients in hospitals compared to August 2023. This year there were also 10 per cent more ambulance patients taken to hospital, 7.8 per cent more calls to 000, 7.3 per cent more drug and alcohol related emergency department presentations and 6.2 per cent more patients in hospital beds every night, compared to August 2023.

Labor continues to implement a solution to fix the complexity of problems and issues in our health sector. Since 2022, Labor has recruited 691 extra nurses, 329 extra doctors, 219 extra ambos and 193 extra allied health workers. This total of 1,432 additional health workers will support our commitment to open more beds right across the system.

This budget delivers an additional 56 extra beds on top of the 550 we have already committed to deliver. It provides $30 million for these extra 56 beds, which will be spread across The Queen Elizabeth Hospital and the Lyell McEwin Hospital. In addition, $13.7 million will create 36 extra beds at The QEH, adding to the 52 new beds opening soon in the newly built clinical services building. Work is also underway on a 24-bed mental health unit at The QEH.

This budget also commits $16.5 million to build another 20 extra beds at the Lyell McEwin in addition to the 48 new beds currently being constructed. Over four years, a $17.1 million investment will expand clinical dialysis services in our northern metro area. This bill will allocate $24 million to

build three new ambulance stations at Marion, Two Wells and Whyalla, bringing the total number of new or rebuilt ambulance sites to 15 across the state that this Labor government has delivered.

To ensure South Australians can get health advice or immediate access to medication, Labor has opened three 24-hour pharmacies. Across the three 24-hour pharmacies now open, 20,683 scripts and 3,382 phone calls from people seeking pharmacist advice have been recorded during the additional hours.

Previous data showed that around 9,000 people presented at hospital emergency departments each year with urinary conditions. Since March 2024, more than 3,450 pharmacy services have been provided to South Australian women aged 18 to 65 concerning urinary tract infections alone. Since July, records show that more than 50,000 South Australians have sought advice from a pharmacist and, where appropriate, a short course of treatment or referral for medical review.

This is by no means a comprehensive list of what Labor is delivering in health, nor are they quick fixes. This Labor Malinauskas government has delivered a massive $7.1 billion in additional funding for our health system since being in government. Labor's solutions are multi-focused and the benefits they bring will have a ripple effect on the health system in the long-term.

This bill also offers more solutions to help fix our housing crisis. As we know, our health and having a home are basic needs that are crucial to the wellbeing and societal prosperity of all South Australians. Labor knows that building more affordable houses is essential and that it is the only way to improve the situation.

Already, as part of our Better Housing Future program, we have delivered rental reforms to address housing insecurity. This includes making more people eligible for the private rental scheme, which saves people on low incomes thousands of dollars in up-front costs, including bond and rent, by providing bond guarantees and rent payments.

We have already released, purchased or rezoned land that will deliver nearly 28,000 homes over the next few years. This includes 10,000 homes at Concordia and Dry Creek, 2,000 at Hackham, 1,700 at Sellicks Beach, 800 at Aldinga, 600 at Noarlunga Downs and 500 at Golden Grove. The 2024-25 state budget includes $576 million to deliver two major housing developments in Adelaide's western and southern suburbs, and $425 million will redevelop 36.4 hectares at Seaton for the construction of around 1,315 homes, comprising 865 houses and townhouses, and 450 apartments. At least 15 per cent of these will be affordable housing and 30 per cent will be social housing.

A further $150 million has been allocated to develop two vacant sites at Port Noarlunga and Noarlunga Downs. Labor will deliver at least 626 new homes, including 18 new SA Housing Authority homes; 15 per cent will be affordable housing, including a mix of townhouses and apartments, with a minimum of 12.5 per cent new public open space. This budget delivers, in total, more than 1,900 homes for South Australians.

The South Australian government has received more than $135 million from the commonwealth for additional social housing in South Australia from the $2 billion Social Housing Accelerator. As part of the Seaton Renewal Project, a $12.6 million project funded through this, there is a proposed five-storey public housing development offering 22 two-bedroom apartments.

In addition to building a historic amount of affordable and social housing, this government has introduced legislation to make purchasing a home a reality for more South Australians. In last year's budget we removed stamp duty for properties valued at $650,000 and for land up to $400,000. However, this bill totally abolishes the property value threshold. If the contract was entered into after 6 June 2024 no stamp duty will be payable when an eligible first-home buyer purchases a house, flat, unit, townhouse, apartment or vacant land to build a home. In addition to this, the cap for the First Home Owner Grant has been increased to $650,000.

More good news is that the state government's HomeStart has made it possible for those unable to get loans from traditional banks to obtain finance to purchase a home. In 2023-24 $1.25 billion worth of loans were settled, the highest level of lending since 2006. Further, the 2024 South Australian government's Housing Roadmap, and the establishment of the new Department for

Housing and Urban Development, is enabling this government to fast-track land release and create more homes for more South Australians.

This government knows that South Australians are not only struggling with housing but also with increases in the cost of living. To offer more help we have doubled the Cost of Living Concession, delivered free public transport every day of the year to our seniors, and reduced the school materials fee by $100 for government school students. Assistance to purchase laptops and subsidised home internet for students in need has also been delivered to families doing it tough. Breakfast programs will also be made available in more schools this year following the $6.5 million boost from Labor over four years.

The only way to build a more inclusive and compassionate society is by addressing social inequalities. This is what Labor is doing. This 2024-25 budget will ensure continued support is given to our vulnerable communities, including the elderly, people with a disability, and those experiencing homelessness.

Labor has always known that education is the cornerstone of a society, and this Appropriation Bill does many things for South Australian children and students, reflecting Labor's unwavering and longstanding commitment to providing quality education from early childhood through to vocational education and tertiary study.

In regard to our sporting community and multicultural organisations, I want to mention that I have received great feedback from many organisations about the positive impacts this government's grant programs are having in the community. The Stronger Together, Celebrate Together, and the infrastructure grants, Expand Together, have all assisted our community organisations not only to address the immediate needs but to also foster sustainability and community wellbeing. Earlier this year, I was delighted to be part of a celebration dinner at the San Giorgio community hall in Payneham and witness the local Italian community's appreciation for securing funding through the Expand Together infrastructure grants.

The Labor Malinauskas government knows that it must be bold and progressive in this rapidly changing world. I am proud to be part of a government that is a world leader in renewable energy and wants to contribute to a decarbonised world. Recent landmark legislation gives us a comprehensive framework for the development of hydrogen and renewable energy projects in South Australia. The act streamlines processes for large-scale energy projects, ensuring coordinated land access, environmental considerations, and community consultation. We are also working to collaborate and attract investment with other nations who have knowledge and technology in this sector.

In closing, I acknowledge the strength of the South Australian economy. Economic indicators show that South Australia is one of the best performing states in terms of import and export markets and overall business confidence. Last week, South Australia was issued a credit rating of AA+ which is a positive indicator of our overall economy.

This budget is enabling the Labor Malinauskas government to help as many South Australians as possible to access quality health care and to find a home or somewhere to stay in the short term. The 2024-25 budget also fosters economic development and job creation, including initiatives to boost regional economies and Indigenous communities. This bill shows a brighter and more prosperous future for us all, and I commend it to this chamber.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:02):** I would like to thank all members for their speeches and contributions on this piece of legislation, and I look forward to the committee stage.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:05):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) (REVIEW) AMENDMENT BILL

*Second Reading*

Adjourned debated on second reading.

(Continued from 29 August 2024.)

**The Hon. H.M. GIROLAMO (12:05):** I rise in support of the Late Payment of Government Debts (Interest) (Review) Amendment Bill. The public sector, including us as members, have the privilege of security and comfort when it comes to getting paid for the work we do. When a public servant notices a difference in their payslip, particularly when it is less than expected, it can be disheartening; however, they have a payroll team to go to. Whilst they may have to wait up to a fortnight for their concerns to be addressed, it will be redeemed.

As a former small business owner, with many friends and family who are within the small business community, I know that it can be a very daunting but exceptionally brave decision to start your own business. All small business owners often experience insecurity and discomfort when they are not paid for the hard work they do, including the delivery of goods and services. With 118,000 small businesses in Greater Adelaide, and 36,000 in our regions, small and family business are the beating heart of our state.

I was pleased to read the contribution from the Hon. David Pisoni MP in the other place, reflecting on his time as a small business owner for 22 years. The honourable member received rather simple but astute advice when he first started out, namely, 'Make sure you get paid, and if you don't get paid you won't be in business,' and it is completely true. Cashflow for a small business is paramount. If you cannot afford your supplies, your staff, your rent, you cannot provide your service. Running your own business is one of the hardest things you can do, and the money running someone's business is usually the same money business owners need to live, to pay their own rent, to pay their bills and to pay themselves.

As a former accountant—someone who enjoys numbers more than most—I understand the importance of finances in businesses. For many small businesses, particularly sole traders, a profit and loss statement, balance sheet and cashflow do not always come naturally. Financial literacy is something I am extremely passionate about, and something on which I would like to see further support for businesses in our community to enable them to thrive, and something that I believe should be more widely accessible.

This amendment will mean that government, which always has cashflow, can pay businesses for the work they have contracted to do, on time and within a reasonable timeframe. This bill's primary purpose is simple: to require the government to pay invoices within 15 days instead of the current 30-day wait. Getting paid on time can be the difference between keeping the business alive and closing up shop. It can mean paying bills on time, paying rent on time, or paying a late electricity bill before the power is disconnected. Getting paid on time can mean your kids get the Christmas presents they have been waiting on.

This amendment bill is quite timely, given the recent reports of contractors not being paid within the current 30-day period by this government. I will be watching the effects of this amendment closely and hope to see the benefit for business. I also commend the additional amendment to extend the decreased payment terms for not-for-profit entities. Small businesses are the beating heart of our state, and not for profits are the kind-hearted that support our most vulnerable. With that, I commend the bill.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:09):** I thank the speaker for her contribution on this debate and this important bill and I look forward to the committee stage and passing a bill that will benefit many South Australian businesses.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:11):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## CASINO (PENALTIES) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (12:12):** I rise today to speak to the opposition's support for the Casino (Penalties) Amendment Bill, which seeks to amend the Casino Act 1997 and make related amendments to the Gambling Administration Act 2019, focusing on increasing penalties for offences and establishing new causes for disciplinary action. The changes apply solely to casino licensees and not to other gambling providers.

Since the passage of the original Casino Act in 1997, we have seen considerable growth in the size and scope of casino operations in South Australia and across the country. However, what has remained static are the penalties for breaches in the Casino Act, many of which have failed to keep pace with the scale of modern casino operations. The primary objective of these amendments is to ensure that the industry remains fair, safe and accountable, while offering meaningful deterrents against misconduct.

This bill introduces several amendments. Clauses 4 to 7 and 9 to 20 of the bill, and clauses 1 to 3, 5 and 9 of schedule 1 would substantially increase the penalties that can be imposed for offences relating to the operation, supervision and integrity of the Casino. The change would be the first substantial increase in penalties since the Casino Act was passed. The penalties would apply to the Casino licensee, close associates of the licensee and designated persons of the licensee.

Clause 4 of the schedule would amend section 36(1) of the Gambling Administration Act to provide two additional clauses for disciplinary action against the Casino licensee. The new clauses would allow the Liquor and Gambling Commissioner to take the disciplinary action against the licensee if the licensee, a close associate of the licensee or a designated person engaged in serious misconduct had a penalty imposed against them by a court or tribunal in the commonwealth.

Clause 8 of the schedule is consequential, expanding the commissioner's existing scope to take the disciplinary action in section 42 of the Gambling Administration Act, whether or not criminal or civil proceedings have been or are to be taken in relation to the matters subject to the disciplinary action.

Clause 7(1) of the schedule would increase the maximum fine the commissioner can impose on the licensee from $100,000 to $75 million. The significant increase in penalties aligns with changes recently made in Victoria, Queensland, New South Wales and Western Australia, which now permits penalties of up to $100 million. The government advises that a $75 million maximum penalty was determined with regard to the size and scale of Casino operations in comparison with other jurisdictions.

Clause 6 of the schedule would increase the maximum penalty payable for a default notice given by the commissioner from $10,000 to $1 million. Section 38 of the Gambling Administration Act allows for the commissioner to give a notice to a gambling provider specifying grounds for disciplinary action, and that action may be avoided by paying a specific sum.

Misconduct in the gambling industry can take many forms. The amendments increase penalties across various offences, ensuring greater accountability for casino licensees, designated persons and employees. These changes reinforce the message that the state will not tolerate

irresponsible practices within casino operations. The penalties are designed to reflect the severity of violations and safeguard our gaming systems' integrity. This strongly signals that protecting the public is paramount and that casinos must operate with the highest governance standards.

This bill is a necessary and timely step towards reinforcing the integrity of South Australia's gambling industry. The significant increase in penalties and new avenues for disciplinary action reflects our unwavering commitment to maintaining a fair and safe gaming environment.

**The Hon. S.L. GAME (12:16):** I rise to support proposed amendments to the Casino Act 1997 and Gambling Administration Act 2019 that will increase penalties for offences concerning the operation, supervision and integrity of the Casino. These penalties will apply to the Casino licensee, close associates of the licensee and designated persons of the licensee. The proposals will also broaden the scope of disciplinary action available to the gambling commissioner. It will increase the maximum fine from the present $100,000 to $75 million.

The range and increases in monetary penalties is extensive and is designed to improve compliance with legislative standards of conduct regarding casino governance. I note that these increases in penalties are the most substantial since the Casino Act was passed nearly 30 years ago.

Updating of the regulatory framework of the casino sector in South Australia is overdue, and I join with the growing calls for greater scrutiny within this industry. This, along with substantial increases in penalties for misconduct, will improve compliance and ensure that rogue operators do not see penalties as the inevitable cost of doing business.

**The Hon. C. BONAROS (12:17):** I rise to speak wholeheartedly in support of the Casino (Penalties) Amendment Bill 2024. I hate to say I told you so, but I absolutely told you so, and raised this issue—I do not know how many times it has been raised in this place—plenty of times. In June 2021, SA-Best was calling for a royal commission into the Adelaide Casino following AUSTRAC bombshell revelations.

The former Treasurer at the time sat where the current Attorney-General sits and, in answer to all the questions put to him, suggested that there was nothing to see here, that there was nothing at all that was not being dealt with. As it turns out, there was quite a bit to see. There was quite a bit to see, including literally dirty bags of money that had been laundered through the Casino.

Then steps in AUSTRAC and it instigates an inquiry into the Casino, following a pretty routine compliance audit that they had undertaken. They were identified as part of a compliance assessment, which had commenced in 2019, and it focused on the management of customers identified as high risk and politically exposed persons, something I raised in this place time and time again.

It also referred to similar royal commissions and investigations that had been taking place in other states. The royal commission that we asked for was further sparked by legal action that had launched in the South Australian Supreme Court at the time by Chinese millionaire Mr Linong Ma against SkyCity Adelaide and junket operators Xiongming Xie and Fang Zhuangqian in relation to gambling sessions at the Casino in May 2019 during which Mr Ma allegedly won more than $5 million.

In his statement of claim, which was going on at the same time, Mr Ma claims Mr Xie was arrested in Sydney in July 2019 and charged with having allegedly threatened a man with a knife, demanded the transfer of a $10 million property and stabbed the man to death. Mr Ma further claimed that when SkyCity transferred the money to the Supreme Court it was put on inquiry as to whether or not Mr Xie was a dangerous and violent criminal and had links with Asian triad criminal gangs.

The most recent revelations that came about in 2021 absolutely confirmed all of the concerns SA-Best had in relation to criminal activity at the Casino, but it appears that was just the tip of the iceberg. The Federal Court in June 2024 ordered, as a result of the case against the Casino, that it pay a $67 million penalty for its breaches of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.

That is the second order of significant civil penalties against an Australian casino, after the Federal Court last year also ordered Crown Melbourne and Crown Perth to pay a $450 million penalty over two years for their breaches. I must say it was a pretty good deal for the Casino, because the

figure in terms of the penalty they would have paid without that settlement was substantially higher than $67 million.

As a result of that case, SkyCity admitted to operating in contravention of the respective legislation over many years, so as we said there was absolutely plenty to see here. It also allowed high-risk customers to move millions of dollars through the Casino, hiding the source and ownership of their funds. Those are the things the Casino admitted to. There is absolutely no question that there were serious risks of exploitation from criminals seeking to launder illicit funds at the Casino, and they have now been laid bare.

There is another issue in relation to, as I understand it, a payroll tax liability. I think it might be in the order of around $50 million that I understand the Casino is still in discussions with the government about on top of the $67 million. It has been an extraordinarily expensive lesson but one very much in the public interest, something, again, the former Treasurer did not think the public needed to know about or that would certainly not result in the sorts of actions we saw by AUSTRAC.

I note that at the time this was all occurring I wrote to the then gambling commissioner and requested that they undertake their own inquiry. I was then advised that there was in fact an inquiry that had been instigated but that had been put on hold pending the outcome of the AUSTRAC trial. In June of this year, I was subsequently advised that following AUSTRAC's decision that investigation would be recommenced, and it is my understanding that is still ongoing. So there is yet more to see in this space in terms of the Casino's compliance with regulatory conditions.

I do not say that lightly, because we issue the Casino a licence which comes at great financial benefit to the licensee but it also carries a high degree of responsibility and obligations that rest with the Casino, and it is clear—and it should have been clear to all of us given what was happening interstate—that that confidence that ought to exist was severely breached.

It is for those reasons that I am extremely pleased to see this bill actually provide some significant penalties and I note that it is the first time the Casino Act has actually been amended substantially since its introduction in 1997. It does seek to ensure that there are now meaningful consequences for acts that are serious and fundamental in terms of the integrity of casino gaming governance and accountability under the casino licence and that is achieved by increasing penalties to significant extents. There are new causes for disciplinary action, which include:

> (ii) an event occurs, or circumstances come to light, that show the licensee, a close associate of the licensee or a designated person has engaged in serious misconduct; or
>
> (iii) a court or tribunal in this State, the Commonwealth or a State or Territory of the Commonwealth has imposed a penalty…on the licensee, a close associate of the licensee or a designated person…

According to the briefing notes we have, over the last three years there have been a series of independent inquiries in New South Wales, Queensland, Victoria and Western Australia and now here that have all exposed widespread and serious integrity, compliance and risk management issues at casinos operated by subsidiaries of Australia's two largest casino operators. The new clauses that are being proposed will allow the commissioner to take disciplinary action if there is evidence of serious misconduct or following the imposition of a penalty by a court.

There are also some consequential amendments in the bill that expand the application of section 42 to allow the commissioner to take disciplinary action regardless of whether civil or criminal proceedings have been or are to be taken in relation to the matters the subject of the disciplinary action. We have seen that play out in South Australia, where we have had investigations go on hold because of those commonwealth proceedings and an investigation having to be put on hold pending those. This amendment, as I understand it, will deal with that.

In terms of the maximum penalties for disciplinary action, I do note that in those other jurisdictions, Queensland, New South Wales, Western Australia and Victoria, the penalties were increased to $100 million on casino licensees. In South Australia, we are proposing $75 million and that was determined, as I understand it, having regard to the size and scale of casino operations in comparison with those other jurisdictions, so it is slightly less, but it is also, as I said, having regard to the size and scale of the operations.

There are also increases in the maximum amount payable for a default notice. Currently, and quite laughably, those penalties sit at $10,000 and the new penalties to be imposed are $1 million. That is a significant increase. I do not think we have seen any other bill with such a significant increase, but, given this has been sitting here since 1997 untouched and given what we now know in relation to those AUSTRAC findings, it is only appropriate that there be such a significant penalty.

I just reinforce again: this is not some sort of anti-gambling crusade. This is based on very serious concerns of criminal activity and organised crime having been run literally from next door and us really not wanting to pay attention to it, or the former Treasurer certainly not wanting to pay attention to it, until it was well and truly brought to our attention. There are provisions in this act that talk about the obligations, duties and responsibilities that the Casino has and for years now they have been blatantly ignored by the operator, so it is very timely that now, in light of these findings, we introduce this bill.

There is very much a public interest in this issue and I for one will continue to watch closely to see what happens with the investigation that is being undertaken by the gambling commissioner and expect that there will be further changes as a result of any recommendations that are made and expect that this government will address those recommendations as rapidly and efficiently as they have the penalties.

**The Hon. R.B. MARTIN (12:29):** I rise to speak in support of the Casino (Penalties) Amendment Bill 2024. This bill proposes to amend the Casino Act 1997 as well as to make related amendments to the Gambling Administration Act 2019. The bill includes a number of newly created and significantly increased penalties that will apply for contraventions of these acts, whether they are imposed as penalties for criminal offences, as expiation fees or as fines that may be imposed following the taking of disciplinary action.

The bill will also establish new causes for taking disciplinary action. Those causes will apply if circumstances become apparent demonstrating that the casino licensee, a close associate of the licensee or a designated person is found to have engaged in conduct that constitutes serious misconduct. They will also apply if a court or tribunal in this state, the commonwealth or another state or territory of the commonwealth has imposed a civil or criminal penalty on the casino licensee, a close associate or a designated person.

Transitional provisions included in the bill clarify that the changes will apply to past conduct, both in relation to the maximum fine for disciplinary action as well as the new causes for taking disciplinary action. This will address disciplinary action which has commenced but has not yet reached the stage of determining the penalty, as well as conduct which has occurred prior to commencement of this provision.

The last three years have seen independent inquiries relating to casinos across New South Wales, Victoria, Queensland and Western Australia. These inquiries have each brought to light widespread and serious breaches and concerns around integrity, compliance, governance and risk management. They have been uncovered at casinos operated by subsidiaries of Australia's two largest casino operators, Crown Resorts Limited and the Star Entertainment Group Limited. This has led to concerns that the casino sector should be made subject to stronger regulatory scrutiny.

It is worth mentioning that we have seen instances of willing remediation action by casino operators arising from the threat of licence suspension and imposition of significant financial penalties arising from disciplinary action taken by regulators. We have also seen a strengthening of legislation by government in the area of casino regulation. Penalties of up to $100 million are now able to be imposed by regulators in Victoria, Queensland, New South Wales and Western Australia.

Compare this to the current maximum penalty that is able to be imposed on the holder of the South Australian casino licence for a contravention of this act, which is set at a maximum of $100,000. Let me reiterate: in other jurisdictions the figure is $100 million, compared to our $100,000. Further, in most cases, the maximum penalty for an offence, if prosecuted before the court, is actually less than $50,000.

SkyCity Adelaide, which holds the licence for the Adelaide Casino, is currently the subject of a range of regulatory proceedings, as is SkyCity's counterpart in New Zealand. These include, but are not limited to, proceedings relating to serious and systemic noncompliance with anti-money laundering and counterterrorism financing laws—a proceeding in which SkyCity has indicated it will make admissions. These are very serious matters, and our community would expect that we make the necessary legislative frameworks to enable such matters to be dealt with seriously.

The bill before the council provides an opportunity for the government to respond to a recognised need for the Adelaide Casino to be subject to stronger regulatory scrutiny. The bill proposes to increase the maximum fine where disciplinary action is taken against the licensee from $100,000 to an amount not greater than $75 million. A range of penalties for criminal offences will also be subject to prescribed increases to ensure they are proportionate to the gravity of their associated offences and to ensure that they serve as an effective deterrent to offending.

The proposed changes are being sought to ensure that the casino licensee does not view a financial penalty imposed for a breach as a supportable expense that is not a big deal. It is worth reminding ourselves that, in the case of these penalties and in general principle, penalties are designed to apply only to conduct that merits a penalty. Casinos that operate within the law have nothing to fear. I commend the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

## RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:34):** 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 today to introduce the Retirement Villages (Miscellaneous) Amendment Bill 2024.

This Bill responds to recommendations made by an Independent Review to strengthen the operation of the *Retirement Villages Act 2016,* increase consumer protection and provide clarity for residents and operators.

In addition, following extensive community consultation last year, several amendments aimed at enhancing consumer protections of residents of retirement villages in South Australia have also been included.

These amendments ensure that our retirement villages legislation is robust in its protections for residents while also supporting the growth and sustainability of the sector.

This Bill will help establish a contemporary, balanced, and comprehensive framework for the regulation of retirement villages in South Australia, which puts consumer protection at the forefront while also minimising any unnecessary impacts on retirement village operators.

Retirement Villages are a unique form of housing where consumers purchase a lease, licence, or share to occupy a residence.

The retirement village sector is diverse, and includes private developers, for profit organisations, non-government organisations, charitable organisations, and government agencies.

Currently, there are over 500 villages in South Australia which are home to over 26,850 residents.

As South Australia's older population grows, the retirement villages sector is continuing to innovate and grow. Older South Australians now entering the retirement village market are a diverse and changing demographic, and the sector is constantly evolving to respond to consumer expectations and requirements.

It is vital that legislation governing retirement villages is kept up-to-date and ensures the best possible consumer protection for residents and prospective residents while also supporting the growth, sustainability, innovation and diversity of the sector.

The current *Retirement Villages Act* was passed by the South Australian Parliament in 2016 and commenced in 2018. It replaced the 1987 Act and established a contemporary legislative framework to modernise the regulation of retirement villages across South Australia.

Section 68 of the Act provides for a review of the Act to be undertaken three years after commencement. The independent review was conducted by PEG Consulting and provided to the former Minister for Health and Wellbeing in September 2021.

The independent review found that many of the provisions of the Act are appropriate, effective, and operating as intended. However, it also identified that there is room for improvement and made some recommendations for legislative change.

The Government is committed to implementing recommendations of the independent review to ensure the effective and optimum operation of the Retirement Villages Act.

As recommended by the independent review, the Bill amends the Act to increase consumer protection, improve village administration, strengthen the standards applying to retirement village operators and village staff and strengthen the powers and functions of the Retirement Villages Registrar.

The amendments include:

- greater regulation of residence contracts and disclosure statements, including defining and explaining contractual terms, occupancy information, resident rights and responsibilities, the presence of embedded networks, and how fees and charges are calculated; and how those fees can vary depending on the length of time the resident lives in the village by providing worked calculations based on leaving a village at 2, 5 and 10 years
- a new offence of representing that a resident or prospective resident purchases a title to a residence if they do not
- earlier provision of the premises condition report
- additional clarity regarding financial reporting and resident consultation
- strengthened rights and participation for rental tenants
- a framework for managing residence contract deposits
- improved dispute resolution processes
- an obligation for operators to provide safe premises and maintain adequate insurance
- enhanced standards for operators and staff, including mandatory training and disqualifying offences
- additional information gathering powers for the Registrar and expanded capacity to publish relevant information on the Register
- additional enforcement actions, including enforceable voluntary undertakings, increased expiable offences and more appropriate timelines for prosecution, and
- some administrative and technical amendments to clarify the operation of the Act.

The Bill also introduces some additional measures that were not considered by the review report to increase consumer protections for existing residents. These additional amendments have been subject to extensive community consultation.

One of these additional measures is the introduction of a 12-month statutory buyback period (plus a 30-business-day prescribed period to allow for the commencement of reinstatement and/or renovation) when a resident vacates a residence. The 12-month buyback period is based on similar provisions in place or being introduced in other Australian jurisdictions and will provide certainty for residents while remaining feasible and achievable for operators.

Another additional measure is where a resident contract does not provide a fixed amount or formula, the Bill restricts recurrent charges to CPI unless otherwise agreed to by residents or approved by SACAT. Costs outside the operator's control, such as rates, taxes and charges levied under legislation, salaries and wages paid under an award, certain maintenance contracts, utilities and insurance, are excluded from the CPI cap.

The Bill also limits the liability of a former resident to pay recurrent-like charges (such as council and water rates) for a maximum period of six months after vacating the residence and introduces a cap on the repayment of capital fund contributions in order to provide certainty for residents.

With all of these amendments, if the resident has more favourable conditions within their existing contract, the more favourable conditions will continue to apply. The amendments operate to ensure that consumer requirements are fair, consistent and transparent.

Both the independent review of the Act and the Amendment Bill were subject to comprehensive community consultation. A consultation draft Bill, guide to the Bill and information sheets were released for a seven-week consultation period.

During the consultation period, the Office for Ageing Well held 13 information sessions across metropolitan and regional South Australia that were attended by over 420 residents, operators and other interested stakeholders. The consultation resulted in 373 unique submissions.

Through this extensive engagement, the Government has identified some additional amendments to the Act to further enhance consumer protection and clarity including:

- a requirement that the residence contract must include details about who is responsible for reinstatement of the residence (including fair wear and tear) upon exit and who is responsible for the cost of any renovation work; and
- a requirement that an operator must not unreasonably refuse a request for an alteration to the premises if the alteration involves the installation of a functional aid, equipment or infrastructure recommended as necessary for the resident by a registered health practitioner.

Alongside this Bill, the Office for Ageing Well is also working towards implementing policy reforms arising from the review recommendations. This includes procuring an online platform to digitise the Retirement Villages Register so that it is a user-friendly and accessible source of information for residents, prospective residents and other stakeholders; and updating the Better Practice Guidelines to provide up-to-date and comprehensive information and guidance to retirement village operators.

The Government is committed to ensuring that the Retirement Villages Act provides a contemporary, balanced and comprehensive framework for the regulation of the retirement village sector which puts consumer protection at the forefront while supporting the growth, sustainability and diversity of the sector. The Government are confident that this Bill achieves that balance.

In closing, I wish to take this opportunity to thank all of the residents, including the South Australian Retirement Villages Residents Association, operators, peak bodies and other interested stakeholders who provided extensive and valuable feedback during the independent review and public consultation. Their engagement was essential for informing these important reforms and ensuring all views and perspectives were actively and comprehensively considered.

I would also like to thank the Office of Ageing Well in undertaking this extensive consultation, developing all the materials involved to explain the draft bill, meeting with stakeholders across the state and providing advice in relation to all the feedback received.

I commend the bill to the House and I seek leave to have the detailed explanation of clauses inserted in Hansard without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

These clauses are formal.

2—Commencement

Part 2—Amendment of *Retirement Villages Act 2016*

3—Amendment of section 4—Interpretation

This clause inserts and amends definitions for the purposes of the measure. In particular, the clause provides—

(a) that an *ingoing contribution* is to include any deposit paid; and

(b) a new definition of *retirement village dispute*, proposed to be a dispute between an operator of a retirement village and a resident of the retirement village about the parties' rights and obligations under the Act or the resident's residence contract (which is to includes, for the avoidance of doubt, a dispute arising in connection with the application of a residence rule); and

(c) that paragraph (b) of the definition of *special resolution* is to be amended so that the resolution must have been passed by at least 75% of residents who vote at the meeting (either in person or by way of an absentee vote exercised in accordance with this Act).

4—Amendment of section 5—Application of Act

This clause amends section 5 of the Act to expressly provide that an exemption under section 5(2) may be varied or revoked by subsequent notice in the Gazette.

This clause also provides that an offence against section 5(4) of the Act will be expiable, with an expiation fee of $500 to apply.

5—Amendment of section 7—Registrar's functions

This clause amends section 7 of the Act to specify the functions of the Registrar as follows:

(a) to provide guidance and advice to operators of retirement villages in relation to the operation of, and matters arising under, the Act, in particular the obligations of operators under the Act; and

(b) to provide guidance and advice to residents and prospective residents of retirement villages in relation to the operation of the Act, in particular the obligations, rights and liabilities of residents and prospective residents under a residence contract and any code of conduct to be observed by residents; and

(c) to gather and maintain current information about retirement villages and retirement village schemes in South Australia, including but not limited to information about the operations of retirement villages such as information relating to occupation and vacancy rates, ingoing contributions, recurrent charges, exit entitlements, dispute resolution, terminations of residence contracts, enforceable voluntary undertakings and prosecutions for offences against the Act; and

(d) to advise the Minister on the administration and operation of the Act; and

(e) to perform any other function assigned to the Registrar under the Act or by the Minister.

6—Amendment of section 8—Registrar's power to require information

This clause substitutes section 8(1) to clarify the operation of the section in relation to the provision of information to the Registrar as the Registrar may reasonably require for the performance of the Registrar's functions under the Act.

7—Substitution of section 9

This clause substitutes section 9 of the Act to remove the current requirement to maintain the confidentiality of information that could affect the competitive position of the operator of a retirement village or some other person, or is commercially sensitive for some other reason. The proposed new provision retains the provision that information classified by the Registrar as confidential is not liable to disclosure under the *Freedom of Information Act 1991*.

8—Amendment of section 11—Annual report

This clause changes the date for the annual report of the Registrar to be forwarded to the Minister from 30 September to 31 October.

9—Amendment of section 12—Register

This clause amends section 12 of the Act to clarify that the register may include the address of each site comprising a retirement village and also that the Registrar may include on the register—

(a) enforceable voluntary undertakings accepted by the Minister and notified to the Registrar under section 64A of the Act; and

(b) findings of guilt for offences against the Act.

This clause also provides that the register is to be available for inspection without fee on a website determined by the Minister (in addition to a public office during ordinary office hours).

10—Amendment of section 13—Notification of information required for register

This clause amends section 13 of the Act to clarify that an operator is required to give the Registrar the address of each site comprising the retirement village.

11—Amendment of section 14—Appointment of authorised officers

This clause amends section 14 of the Act to provide that the Registrar is an authorised officer as well as any person appointed by the Minister to be an authorised officer.

12—Amendment of section 15—Identification of authorised officers

This clause amends section 15 of the Act consequential to the amendments made to section 14.

13—Amendment of section 16—General powers of authorised officers

This clause amends section 16 of the Act to provide that an application for a warrant to enter a part of premises used for residential purposes must be made to a magistrate.

14—Substitution of sections 20 and 21

This clause substitutes sections 20 and 21 of the Act with new provisions containing requirements in relation to residence contracts and disclosure statements.

15—Amendment of section 22—Information to be provided before residence contract entered into

This clause amends section 22 of the Act in relation to matters to be provided to a potential resident before the residence contract is entered into. In particular, the requirement that the potential resident is given the information at least 10 business days before the person enters into the residence contract will not apply if—

(a) the person has received the required documents; and

(b) the person's legal representative has confirmed, by notice in writing, the provision of legal advice to the person in relation to the documents and the proposal to enter into the residence contract; and

(c) the person has given notice in writing that they wish to enter into the contract before the 10 business day period has expired.

16—Substitution of section 23

This clause substitutes section 23 of the Act and in doing so amends the requirements applying under current section 23. It is proposed that a premises condition report is to be provided before a person enters into occupation of a residence in a retirement village and the report is to also include provision as to who has responsibility under the residence contract for the maintenance, repair and replacement of fixtures, fittings and furnishings provided in the residence and, if the operator is responsible for the maintenance, repair and replacement, how the maintenance, repair and replacement will be funded.

A person who enters into occupation of a residence in a retirement village must complete the premises condition report provided to the person by the operator and return the completed report to the operator within 10 business days of entering into occupation of the residence. A person who fails to return the report as required is taken to have agreed to the report as provided to them by the operator.

17—Amendment of section 24—Rights in relation to contract etc

This clause amends section 24 to provide for the refund of an ingoing contribution if a person rescinds a residence contract in accordance with the section.

18—Amendment of section 25—Offences

This clause amends section 25 of the Act to provide that it is an offence to represent to a person that, by entering into a residence contract, the person purchases the residence if the right to occupation of the residence is conferred pursuant to a lease or licence or by ownership of shares. The penalty for the offence is proposed to be $35,000.

19—Insertion of section 25A

This clause inserts proposed new section 25A relating to residence contract holding deposits. The proposed section provides for—

(a) a cap on deposits that an operator may seek or accept, to be set at $5,000 or other amount as may be prescribed by regulation; and

(b) where a deposit is paid, a prohibition on increasing a fee or charge, or entering into a residence contract with another person, during the deposit holding period; and

(c) the refund of a deposit paid if the person who paid the deposit does not proceed to enter into the residence contract.

20—Amendment of section 27—Exit entitlements

This clause amends section 27 in relation to the recovery of an exit entitlement by a resident. It is proposed to substitute section 27(2)(b) with a provision specifying a period 12 months after the end of the relevant period (being a period of 30 business days commencing on the first business day after the resident delivered up vacant possession of the residence) as a time when the resident is entitled to recover the amount of the exit entitlement as a debt owing to the resident. This will apply in circumstances where conditions (if any) specified in the residence contract about the payment of the exit entitlement have not been fulfilled and the operator has not agreed to pay the exit entitlement.

Proposed new section 27(15) sets a period within which an operator is required to make payment of an exit entitlement.

21—Amendment of section 28—Payment of capital fund contributions deducted from exit entitlement

This clause amends section 28 to provide a cap on deductions from an exit entitlement as contributions to 1 or more capital funds. The total amount that is deducted must not exceed the lesser of the following amounts:

(a) in relation to an amount deducted under a residence contract entered into before the commencement of this subclause—an amount that is 12.5% of the current market value of the residence to which the exit entitlement relates; or

(b) in relation to an amount deducted under a residence contract entered into after the commencement of this subclause—the lesser of the following amounts:

(i) an amount that is 1% of the current market value of the residence to which the exit entitlement relates multiplied by the number of years (including any part year) of occupation of the residence under the residence contract;

(ii) an amount that is 12.5% of the current market value of the residence to which the exit entitlement relates.

This clause also provides that it will be an offence If an operator deducts an amount from an exit entitlement in contravention of subsection (3). A maximum penalty of $35,000 will apply.

In addition, this clause provides that an offence against section 28(1) of the Act will be expiable with an expiation fee of $315 applying.

22—Amendment of section 29—Arrangements if resident is absent or leaves

This clause amends section 29 of the Act to include a reference to other charges that an operator must assume responsibility for under section 29(2)(b) and which the operator may recover from the resident under section 29(3). Other such charges would include, for example, council rates, water rates and emergency services levy.

In addition, this clause provides that an offence against section 29(8) of the Act will be expiable with an expiation fee of $315 applying.

23—Amendment of section 30—Arrangements if resident leaves to enter residential aged care facility

This clause amends section 30 of the Act to recognise refundable accommodation contributions under the *Aged Care Act 1997* of the Commonwealth as relevant to the section.

This clause also amends section 30(5) to increase the maximum penalty and expiation fee for that offence to $10,000 and $500 respectively.

24—Amendment of section 31—Certain taxes, costs and charges must not be charged to residents

This clause amends section 31 of the Act to insert new subsection (5) which provides that a person must not charge an amount as a fee or charge to a resident in relation to the remarketing of a residence under a residence contract unless—

(a) the amount is as specified in, or calculated in accordance with, the residence contract; or

(b) if the residence contract was entered into before the commencement of clause 24 and does not specify the fee or charge or the manner of its calculation—the amount represents the reasonable costs incurred by the operator in relation to the remarketing of the residence (which may include a reasonable portion of the costs of the general marketing strategy of the retirement village).

An offence under the section for a contravention carries a maximum penalty of $10,000 and is expiable with an expiation fee of $500 applying.

25—Insertion of section 31A

This clause inserts proposed new section 31A relating to recurrent charges. It provides that the operator of a retirement village must give a resident at least 10 business days' written notice of any proposed variation to a recurrent charge payable by the resident under the resident's residence contract. A resident will not be required to pay any increase in a recurrent charge unless notice of the increase is given as required. Offences under the section for a contravention carry a maximum penalty of $10,000 and are expiable with an expiation fee of $500 applying.

In addition, proposed new section 31A imposes restrictions on increases to recurrent charges under a residence contract. It is proposed that an operator must not increase recurrent charges payable under a residence contract by an amount that is greater than—

(a) if the residence contract provides for the recurrent charges to be varied by specified amounts—the specified amounts; or

(b) if the residence contract provides for the recurrent charges to be varied according to a fixed formula—the amount calculated under the fixed formula; or

(c) in any other case—an amount that is the CPI percentage increase,

unless—

(d) a majority of the residents whose recurrent charges will be affected by the increase agree to the increase by resolution passed at a meeting of those residents; or

(e) the increase is allowed under subsection (4), which specifies circumstances in which an increase is permitted; or

(f) the South Australian Civil and Administrative Tribunal makes an order that the increase is to take effect.

26—Repeal of section 32

This clause repeals section 32 of the Act.

27—Amendment of section 33—Convening meetings of residents

This clause amends section 33 of the Act to require that a notice for an annual meeting of residents of a retirement village must be accompanied by—

(a) information that enables a comparison to be made between the previous financial year's income and expenditure and the estimates of income and expenditure for the current financial year including—

(i) an audited statement of accounts in respect of the previous financial year showing income and expenditure for that financial year and separately detailing the income and expenditure in respect of any capital fund; and

(ii) estimates of income and expenditure for the current financial year, separately detailing—

(A) estimates of income and expenditure in respect of any capital fund (including a description of each general category of proposed expenditure from the fund and the estimated amount of expenditure for each such category); and

(B) expenditure items covered, or proposed to be covered, by the recurrent charges (including a description of each general category of item and the amount of expenditure for each such category); and

(C) estimates of any management expenditure (including an explanation of each expenditure item and, if the expenditure is apportioned between more than 1 retirement village or other businesses, the manner in which such apportionment is calculated); and

(b) an invitation to residents to submit written questions to the operator at least 5 business days before the date of the meeting and other questions at the meeting; and

(c) any other information required by the regulations.

28—Amendment of section 34—Proceedings at meetings

This clause amends section 34 to clarify that the obligation to ensure that minutes of a meeting are circulated or made accessible is an obligation of the convener of the meeting.

This clause deletes section 34(7) consequential to the insertion of new section 31A in clause 25.

29—Amendment of section 36—Consultation with new operator

This clause amends section 36 of the Act so that, when a change in operator is proposed, the obligation to convene a meeting of residents is to be an obligation of the current operator.

The clause also amends section 36(3) to make the former operator and the person who is the new operator to each be guilty of an offence if a change in an operator of a retirement village is effected by an agreement without compliance with the term referred to in section 36(1). It is also proposed to make an offence against section 36(3) expiable, with and expiation fee of $500 to apply.

30—Amendment of section 39—Mandatory consultation with residents' committee in relation to annual budget

This clause amends section 39 of the Act to provide that the business agenda of a meeting must include a summary of the matters set out in proposed new section 33(6)(a) to be discussed at the meeting and be accompanied by the statements and information on which the summary is based (and for that purpose it doesn't matter whether or not those statements and information are in their final audited form).

This clause also proposes to make an offence against section 39(7) expiable, with an expiation fee of $500 to apply.

31—Substitution of section 41

This clause substitutes section 41 relating to residence rules. Proposed new section 41 provides that if a residence rule, or a provision of a residence rule, is harsh, oppressive, unconscionable or unjust, the rule or provision is void. The South Australian Civil and Administrative Tribunal may, on application by a resident to whom a residence rule applies, make an order that the rule is void and of no effect, or to apply in a modified form, if the Tribunal is satisfied that the residence rule, or a provision of the residence rule, is harsh, oppressive, unconscionable or unjust.

In addition, new section 41(3) provides that the operator of a retirement village may only make an alteration to the residence rules applying in relation to the village in accordance with the requirements prescribed by the regulations.

32—Amendment of section 42—Documents to be supplied to residents

This clause amends section 42 of the Act to require the documents to be provided under the section within 10 business days of the request for the documents. The section is also amended to include details of all current policies of insurance that are in place in relation to the village (such as a copy of the relevant certificates of insurance).

33—Insertion of sections 43A and 43B

This clause inserts new section 43A and 43B as follows:

43A—Duty of operator to ensure common areas reasonably safe

Proposed new section 43A requires that the operator of a retirement village must ensure that the common areas of the village are reasonably safe. In particular the operator must—

(a) ensure that an effective emergency plan is prepared and maintained for the retirement village; and

(b) take reasonable steps to ensure that all residents and staff are familiar with the emergency plan and prescribed safety information; and

(c) undertake a safety inspection of communal areas (if any) within the retirement village at least once each calendar year, and make a safety inspection report on the findings of each inspection available to residents; and

(d) ensure that certain safety information (such as a map indicating the location of assembly areas, exits and fire extinguishers) is clearly displayed in communal areas (if any) within the retirement village and is provided to residents in accordance with any requirements specified in the regulations); and

(e) take such other action as the regulations may require to ensure that the communal areas of the village are reasonably safe.

43B—Prescribed alterations

Proposed new section 43B provides that an operator may only refuse a request to approve an alteration of a prescribed kind to a residence if reasonable grounds exist for the refusal. An alteration to a residence is of a *prescribed kind* if the alteration—

(a) involves the installation of a functional aid, equipment or infrastructure recommended as necessary for the resident by a registered health practitioner; or

(b) is of a kind prescribed by the regulations.

34—Amendment of section 44—Termination of residents' rights

This clause amends section 44 of the Act to—

(a) specify the fees and charges that a resident who terminates a right of occupation during the settling-in period is liable to pay. These amounts, in addition to fair market rent under current section 44(5)(a), are specified as:

(i) remarketing fees; and

(ii) refurbishment fees (where refurbishment of the residence is reasonably necessary due to damage to, or degradation of, the residence caused by an act or omission of the resident during resident's period of occupation of the residence); and

(iii) reinstatement costs (where the resident, having made alterations to the residence, is bound under an agreement made with the operator to reinstate the residence to the same condition as before the alteration was made (or to some other agreed condition), but has failed to do so).

(b) provide that an application to the South Australian Civil and Administrative Tribunal under section 44(8) to confirm the operator's decision to terminate a resident's right of occupation may only be made by an operator if the operator has given the resident notice of the application in writing at least 5 business days before the making of the application;

(c) increase the penalty applying under section 44(12) to $20,000. Section 44(12) specifies requirements of notice that an operator must give to a resident if the operator decides to terminate the resident's right of occupation.

35—Amendment of section 45—Dispute resolution policy

This clause amends section 45 to provide that, in the event of a dispute between the operator of a retirement village and a resident, the operator must take all reasonable steps to resolve the dispute in accordance with the dispute resolution policy of the retirement village unless—

(a) the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy; or

(b) exceptional circumstances exist in relation to which the South Australian Civil and Administrative Tribunal has granted permission to apply to the Tribunal under section 46.

This clause also proposes to make the offence in section 45(4) expiable with an expiation fee of $500.

36—Amendment of section 46—Application to Tribunal

This clause amends section 46 of the Act in relation to the powers of the South Australian Civil and Administrative Tribunal to resolve a retirement village dispute on application by a party to the dispute. The Tribunal may make orders if it finds that a party to the dispute has breached, or failed to comply with, a provision of this Act, a residence contract or a residence rule or that an operator has acted in a harsh or unconscionable manner.

In addition, the amendments to section 46 give the Tribunal the power to make a restraining order to restrain a person from engaging in specified conduct that if engaged in, will result in a breach of this Act, a residence contract or a residence rule. A restraining order may only be made if the Tribunal is satisfied that there is a risk that the person will engage in the specified conduct. The maximum penalty for a breach of a restraining order is proposed to be $50,000 or imprisonment for 2 years.

This clause also deletes section 46(4) to remove the requirement of the express consent of the parties to be obtained before the Tribunal may refer a retirement village dispute for mediation (see section 51(3) of the *South Australian Civil and Administrative Tribunal Act 2013*).

37—Substitution of section 57

This clause substitutes section 57 with new sections 57, 57A, 57B, 57C and 57D.

Sections 57, 57A and 57C relate to the granting of leases over land in retirement villages:

- Proposed new section 57 permits an operator, with some restriction, to grant a lease, or grant a licence to occupy, a residence in the village that is not immediately required for the purposes of the scheme to an eligible person for residential purposes. A person to whom a lease or licence is granted under this section does not become a resident of the retirement village but may be elected as a member of a residents' committee and is entitled to participate in a meeting of the residents of the retirement village and to vote on any issue arising for consideration at the meeting (other than an issue that is directly related to the financial management of the village);
- Proposed new section 57A provides that the operator of a retirement village may lease, or grant a licence to occupy, land within the village to any person for commercial purposes related to the functioning of the village;
- Proposed new section 57B provides that if a lease or licence is granted contrary to section 57 or 57A, the operator is guilty of an offence.

Proposed new section 57C provides obligations applying to the operator of a retirement village in relation to insurance for the retirement village.

Proposed new section 57D provides that the operator of a retirement village must not take any step towards the termination of the retirement village scheme unless the operator has given notice to the Registrar and each resident of the village in accordance with the section. The proposed new section also provides for the operator to pay for the reasonable legal costs incurred in obtaining independent legal advice for residents on the proposed termination of the scheme in certain circumstances.

38—Amendment of section 58—Termination of retirement village scheme on application to Supreme Court

This clause amends section 58 of the Act to make clear that the Supreme Court may make orders under the section in relation to part of a retirement village scheme.

39—Amendment of section 59—Voluntary termination of retirement village scheme

This clause amends section 59 to provide that part of a retirement village scheme may be terminated in accordance with the section.

40—Insertion of section 59A

This clause inserts section 59A which provides that the Minister may, by Gazette notice, terminate part of a retirement village scheme if satisfied that—

(a) at least 90% of residents at the retirement village wish to terminate that part of the scheme; and

(b) the termination will not affect the right to occupation of a residence of any resident who wishes to remain in occupation of their residence at the retirement village; and

(c) the termination is otherwise appropriate in the circumstances.

Proposed new section 59A also provides requirements for any application under the section in relation to the termination of part of a retirement village scheme.

41—Substitution of section 60

This clause substitutes section 60 to provide that disqualified persons may not undertake or be engaged in the role of operator, village manager, senior manager or a role or function prescribed by the regulations. A disqualified person is a person who has been found guilty of a prescribed offence or in relation to whom prescribed circumstances exist.

A *prescribed offence* is proposed to be—

(a) an offence against section 11 of the *Criminal Law Consolidation Act 1935* (murder); or

(b) an offence against a provision of Part 3 Division 11 of the *Criminal Law Consolidation Act 1935* (rape and other sexual offences); or

(c) an offence brought within the ambit of the definition by the regulations.

*Prescribed circumstances* exist in relation to a person if—

(a) the person is an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(b) the person has during the preceding 5 years been convicted of an offence against the person or an offence involving fraud or dishonesty; or

(c) the person has served a sentence of imprisonment for an offence against the person or an offence involving fraud or dishonesty, being a sentence that ended during the preceding 5 years; or

(d) any other circumstances prescribed by the regulations for the purposes of the definition exist in relation to the person.

42—Amendment of section 63—Codes of conduct

This clause amends section 63 to extend codes of conduct that may be prescribed under the regulations to village managers and senior managers and persons employed or engaged to work in a retirement village, with a maximum penalty of $2,500 applying to a breach of a code by such a person. The offence will be expiable with an expiation fee of $210 applying.

Proposed new section 63(5) requires an operator to ensure that the operator, a village manager, a senior manager and any other person employed or engaged to work at the retirement village undertakes training of a kind approved by the Minister in respect of a code of conduct applying to the person with a maximum penalty of $10,000 applying. The offence will be expiable and an expiation fee of $500 will apply.

43—Insertion of section 63A

This clause inserts new section 63A which requires an operator of a retirement village to ensure that a village manager, a senior manager and any other person employed or engaged to manage, or work at, the retirement village undertakes training on the operational policies and procedures of the village that are relevant to the person's role and responsibilities within the village. The training must occur before the person commences duties at the retirement village and thereafter, within each 3 year period or sooner if changes to the law or the operational policies and procedures of the village occur.

44—Insertion of section 64A

This clause provides for the insertion of new section 64A dealing with enforceable voluntary undertakings which may be given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the Act. If the Minister accepts an undertaking relating to a contravention, or alleged contravention, of the Act and the person completely discharges the undertaking then no proceedings may be brought under the Act in relation to the contravention or alleged contravention. An undertaking is enforceable in the Magistrates Court on application by the Minister and a maximum penalty of $35,000 is proposed for a contravention of an undertaking. The Minister must notify the Registrar of any undertaking accepted by the Minister along with details of the contravention or alleged contravention to which the undertaking relates.

45—Amendment of section 65—Offences

This clause amends section 65 of the Act to provide for notice to be given to the Registrar on the commencement and conclusion of a prosecution for an offence against the Act.

46—Insertions of sections 65A and 65B

This clause inserts new sections 65A and 65B as follows:

65A—Limitation period for prosecutions

This proposed new section makes provision for the limitation periods applying in relation to the bringing of proceedings for an offence against the Act, being the latest of the following to occur:

(a) the period of 2 years after the offence first comes to the notice of the Minister;

(b) if an undertaking has been accepted in relation to the offence, the period of 6 months after—

(i) the undertaking is contravened; or

(ii) it comes to the notice of the Minister that the undertaking has been contravened; or

(iii) the Minister has agreed to the withdrawal of the undertaking.

65B—Publication in public interest

This proposed new section provides that the Minister may, if of the opinion that it is in the public interest to do so, publish information (in such manner as the Minister thinks fit) relating to any action taken by the Minister in connection with the enforcement of the Act.

47—Amendment of section 68—Review of Act

This clause amends section 68 to provide for a review of the operation of the Act 5 years after the commencement of the amending Act.

48—Amendment of section 69—Regulations

This clause amends section 69 to specify that the regulations may—

(a) make provision in relation to requirements that will apply to the making of alterations to residence rules; and

(b) make provision in relation to property (including for the disposal of property) left at a residence by a resident who has ceased to reside in the retirement village; and

(c) make different provision according to the classes of persons, or the matters or circumstances, to which they are expressed to apply; and

(d) may leave any matter to be determined according to the opinion or discretion of the Registrar.

Schedule 1—Transitional provisions

1—Interpretation

This clause provides definitions for the purposes of the Schedule:

*disclosure statement* has the same meaning as in the principal Act;

*exit entitlement* has the same meaning as in the principal Act;

principal Act means the *Retirement Villages Act 2016;*

*residence contract* means a residence contract under the principal Act.

2—Residence contracts

Section 20 of the principal Act, as inserted by the measure, will apply in relation to a residence contract entered into after the commencement of clause 14 of this Act except where, before that commencement, the information (including the residence contract) required to be given to a person under section 22 of the principal Act had been given to the person, in which case section 20 of the principal Act as in force before that commencement will continue to apply.

3—Disclosure statements

Section 21 of the principal Act, as inserted by the measure, will apply only in relation to a disclosure statement given to a person under section 22 of the principal Act after the commencement of clause 14 of the measure.

4—Residence contract holding deposits

Section 25A of the principal Act, as inserted by the measure, will apply only in relation to a deposit paid after the commencement of clause 19 of the measure.

5—Exit entitlements

The amendments made by the measure to section 27 of the principal Act apply in relation to a residence contract irrespective of whether the contract was entered into before or after the commencement of clause 20 of the measure except where, before that commencement, the resident had—

(a) ceased to reside in the retirement village; or

(b) given notice to the operator in accordance with section 27(2)(b)(ii) of the principal Act,

in which case section 27 of the principal Act as in force before that commencement continues to apply.

6—Recurrent charges

Section 31A of the principal Act, as inserted by the measure, will apply in relation to recurrent charges under a residence contract irrespective of whether the contract was entered into before or after the commencement of clause 25 of the measure.

7—Application to Tribunal for resolution of retirement village dispute

The amendments made by the measure to section 46 of the principal Act will apply in relation to a dispute relating to a residence contract irrespective of whether the contract was entered into before or after the commencement of clause 36 of the measure.

8—Limitation period for prosecutions

Section 65A of the principal Act, as inserted by the measure, will apply only in relation to proceedings for an offence where the conduct constituting the offence was engaged in after the commencement of clause 46 of the measure.

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

*Sitting suspended from 12:35 to 14:15.*

*Petitions*

**FAST-FOOD OUTLET, STRATHALBYN**

**The Hon. L.A. HENDERSON:** Presented a petition signed by 884 residents of South Australia, concerning the proposed construction of a fast-food outlet at 37 East Terrace, Strathalbyn. The petitioners request that this honourable house will reconsider and oppose the development of this large fast-food outlet at 37 East Terrace, Strathalbyn.

*Parliamentary Committees*

**JOINT COMMITTEE ON THE LEGALISATION OF MEDICINAL CANNABIS**

**The Hon. T.A. FRANKS (14:16):** I lay upon the table the interim report of the joint committee.

Report ordered to be published.

*Parliamentary Procedure*

**PAPERS**

The following papers were laid on the table:

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

Criminal Investigations (Covert Operations) Act 2009—Report, 2023-24
Entry Permit Holder Policy (External) Effective date 1 September 2024

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

State Disability Inclusion Plan 2023
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
South Australian Government Response

*Ministerial Statement*

**PASSING OF MAJOR-GENERAL (RETD) VIKRAM MADAN OAM VSM**

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:18):** I table a copy of a ministerial statement relating to the passing of Major-General (Retd) Vikram Madan OAM VSM made earlier today in another place by my colleague the Hon. Zoe Bettison.

*Question Time*

**CORONER'S COURT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:18):** I seek leave to make a brief explanation before asking the Attorney-General a question about the Coroner.

Leave granted.

**The Hon. N.J. CENTOFANTI:** Today, the co-chair of the Criminal Law Committee of the Law Society of South Australia said on radio, in reference to the Coroner's Court, that 'there needs to be additional funding so that matters can be expedited in that jurisdiction'. My questions to the Attorney-General are:

1. What is the average time, from start to finish, of referral to the Coroner's Court to an outcome?

2. How many cases are currently pending within the Coroner's Court?

3. What is the average wait time before a case is heard?

4. Will the Attorney heed the calls from the Law Society to increase the funding so that matters can be expedited in that jurisdiction?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19):** I thank the honourable member for her question. I suspect there would be answers to these questions in the Report on Government Services, which comes out in January or February of each year progressively for different areas of public administration, which outlines a series—although they are difficult for direct comparisons with other jurisdictions—of times throughout court systems.

I think it includes jurisdictions like the Coroner, but I am happy to double-check that and if that is not already publicly available through the Report on Government Services, or, indeed, as many of these are requested and tabled through the estimates process, I am happy to see what I can bring back to the chamber if it's not already on the public record.

In relation to resources for the Coroner's Court, I am exceptionally pleased to be able to inform the chamber that early this morning at Executive Council there was an additional Deputy Coroner appointed. It would have been gazetted only in the last couple of hours, to have an extra Deputy Coroner to help with the workload at the Coroner's Court. I am very pleased to have this question from the opposition. Again, it's usually the sort of question I would be asked by one of my government colleagues about the extra resources we are providing as a government, but it is a very pleasing investment.

**CORONER'S COURT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21):** Supplementary: in taking a number of those questions on notice, can the Attorney-General also inform the chamber how many cases are currently pending in the Coroner's Court?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21):** To the extent that it's not already publicly available, and it's available to be ascertained, I am happy to do so.

**CORONER'S COURT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21):** My question is to the Attorney-General regarding the Coroner's Court. Are there secrecy provisions that would stop people talking about a death when they are subject to coronial investigation?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:21):** There are always abilities for orders to be made in relation to what can and can't be published, not just in the Coroner's jurisdiction but in most jurisdictions of judicial and tribunal hearings. I am not sure what provisions for a particular place apply

at any given time but certainly there is an ability for either confidentiality or suppression orders in nearly all of our judicial courts and tribunals to be made.

**CORONER'S COURT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22):** Supplementary: do those suppression orders differ for someone who is undergoing a coronial inquest as opposed to investigation?

**The PRESIDENT:** You mentioned suppression orders.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22):** As I said, there are provisions that allow for not just suppression but also, and often for very good reason, confidentiality orders in all ranges of courts and tribunals in this state.

**CORONER'S COURT**

**The Hon. L.A. HENDERSON (14:22):** Supplementary question: can the minister please advise that, unless there are suppression or confidentiality orders that have been issued, ordinary practice would not require any confidentiality or suppression around an individual matter?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22):** I thank the honourable member for her question. I don't think there's a blanket answer to that, particularly where something might identify someone who has been the victim of a particular crime, or where it would tend to identify a victim of another matter. There are often very good public policy reasons that names aren't released as it might cause further distress. But, as I said, there are abilities in most of our courts and tribunals for confidentiality and suppression orders to be made. In addition to that, there are conventions that often apply into the reporting of some things in our judicial system.

**CORONER'S COURT**

**The Hon. L.A. HENDERSON (14:23):** Supplementary question: where there is no suppression order, no confidentiality order and there is no ongoing police investigation involved with the death, would it be ordinary practice for there to be any mandated secrecy around a death that is being investigated through the Coroner?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:23):** I don't quite understand the question but I think every one of these matters is different in their circumstances. A death, particularly of a young person, is always a tragedy and each circumstance would be different, so to say that this is always allowed I think isn't something that any of us can say.

**CORONER'S COURT**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24):** I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the Coroner.

Leave granted.

**The Hon. N.J. CENTOFANTI:** A government adviser to the child protection minister was quoted on radio this morning in an excerpt regarding the death of a three-year-old girl in Whyalla. When asked if he could confirm if the child was in care or not at the time of her death, the adviser said, 'We can confirm this child was not in care.' But when asked by the journalist, 'Can you confirm was this child's family, as reported by the ABC, in contact with the child protection department?', the adviser said, 'Oh, I can't confirm that.' When asked why the adviser was unable to confirm that, he said, 'Because the matter has been referred to the Coroner.' To quote the journalist, the government is picking and choosing what it can and can't confirm.

My question to the Attorney-General is: can the Attorney-General advise why the government is picking and choosing what it can and can't confirm about the death of a child by using the defence that the matter has been referred to the Coroner?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25):** I don't know the details of what the honourable member is referring to. I am happy to have a look at the transcript of what was said, but without knowing the actual circumstances I don't think I could make a comment that would be particularly useful.

## CORONER'S COURT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25):** Supplementary: will the Attorney-General take this question on notice and bring back a reply?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25):** I am happy, as I said, to have a look at the transcript of the interview and if there is something further I can add I am happy to look at doing so.

## STRUAN RESEARCH CENTRE

**The Hon. M. EL DANNAWI (14:26):** My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber of the state government's plan for the Struan Research Centre, which was badly damaged in four fires in 2022 and 2023?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26):** I thank the honourable member for her question. The Struan Research Centre has recently been affected by four fires, occurring across November 2022, December 2022 and again in May last year. The fires destroyed laboratories and offices and also damaged a farm shed and vehicles at the property. Thankfully, the heritage-listed Struan House has not been damaged.

However, the affected buildings were used to undertake important lab-based research and administrative duties. The work undertaken at the Struan Research Centre is vital to meeting the future needs of our primary industries. For that reason, I am pleased to inform the chamber that the state government has committed over $5 million towards the construction of a new state-of-the-art research centre located at Struan, with the designs being released earlier this week.

The new facility will be run by the Department of Primary Industries and Regions and will fill the gap left by the old Struan Research Centre and provide for increased research capabilities. PIRSA's research division, the South Australian Research and Development Institute (SARDI), conducts a broad variety of research at Struan into sectors such as broadacre cropping, revegetation and livestock.

The centre has been used in the past to conduct research into sheep and cattle production, management and welfare, as well as research into agronomy, crop production and agtech. The importance of agtech and innovation in primary production is only becoming more prominent going into the future as ability to adapt to changed environments is imperative, with weather changes, exacerbated environmental conditions and incidents of natural disasters becoming more common with climate change.

The ability of South Australian producers to demonstrate their commitment to using sustainable agricultural practices is increasingly important to their maintaining market access and competitiveness in the global agricultural market. Achieving this requires research and development into new practices, and the new Struan Research Centre will provide those capabilities.

The new facility will also provide accommodation for 30 staff, who previously have been operating in Struan House, which, whilst a beautiful building, is outdated and ill-equipped for the type of work being conducted there. Staff will benefit from a modern office area, with more open spaces for collaboration, a large storage capacity, temperature-controlled rooms and fit-for-purpose laboratories. I am advised that construction of the site will begin mid next year and is expected to be completed by around mid-2027.

I look forward to seeing the progress of the site which, once complete, will provide important research capabilities to support the state's primary producers and encourage innovative solutions.

## STRUAN RESEARCH CENTRE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29):** Supplementary: can the minister inform the chamber whether the $5 million of what the minister has termed government investment to rebuild the Struan Research Centre is new money from her government or money recouped from insurance?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29):** I will double-check. I am almost certain that the entire $5 million is new money. It was announced in the budget.

## WHYALLA ECONOMY

**The Hon. F. PANGALLO (14:29):** 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 economic crisis looming in Whyalla.

Leave granted.

**The Hon. F. PANGALLO:** I have only this morning received further information about more job cuts in Whyalla, this time involving staff employed by Golding contractors, which I believe has the labour hire contract at the SIMEC Mining operations just outside of Whyalla. As many of us know, SIMEC is owned by Sanjeev Gupta's GFG Alliance, the same owners of the Whyalla Steelworks. I am told 106 workers were told yesterday they would lose their jobs in mid-to-late October, adding to the 48 workers stood down at the steelworks recently.

According to my sources, about 78 jobs will be cut from the production side of the mine, while the remainder will be maintenance jobs. This is the third disturbing question this week I have asked the government in this chamber about the economic crisis looming in Whyalla and the government silence has been deafening. While I won't repeat again the other economic woes plaguing the Iron Triangle town, I will say I am so deeply disturbed by them that I will be attending a forum in Whyalla on Sunday organised by local residents and businesses to hear firsthand accounts of what's unravelling in their town, and I extend an invite to the Premier and the Minister for Energy and Mining to join me. My questions to the minister are:

1. What, if any, meaningful discussions, meetings and/or funding commitments is the government considering to address the looming economic crisis facing Whyalla?

2. Why won't the Premier or the minister comment publicly on the issue?

3. How does the minister address accusations from Whyalla residents that the government doesn't care about them or their futures purely because it's a safe Labor seat held by a union stalwart who has been similarly mute?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31):** I certainly don't accept some of the characterisation in those questions. The member for Giles has been anything but mute, as described by the honourable member. However, I am happy to take the substantive questions, refer them to the relevant minister in the other place and bring back a response.

## POISON-LACED CARROTS

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:32):** I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development regarding distribution of poison-laced carrots.

Leave granted.

**The Hon. J.S. LEE:** It was reported by *ABC News* on 28 August 2024 that residents in the Adelaide Hills region were concerned that carrots laced with poison to control rabbits in the Adelaide Hills are likely killing native animals as well. Sturt Upper Reaches Landcare Group president, Ben Koch, said landowners were given free access to poison carrots by the Hills and Fleurieu Landscape Board at certain times of the year. Mr Koch said that the group are concerned that residents, and I quote from Mr Koch:

…are encouraged to distribute poison in the environment, and are given poor information about the risk that this poses to other species.

Of particular concern to our group is the poison's use in the Southern Mount Lofty Ranges and other areas known to contain the endangered southern brown bandicoot.

My questions to the minister are:

1. Is the minister aware that the use of poison-laced carrots is posing a risk to native and endangered species, such as the southern brown bandicoot?

2. Is the minister aware that residents are receiving insufficient information about the risk that these poison-laced carrots pose to native and endangered species?

3. Does the minister or her department have any oversight of this program, and safety of the program?

4. What actions will the minister undertake to ensure that better information about the risks are presented to residents, and to ensure that sufficient protections are in place to reduce the risk to native species?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34):** I thank the honourable member for her question. The Department of Primary Industries and Regions (PIRSA) has recently received reports from several wildlife rescue organisations of increased numbers of sick and dying kangaroos in regional areas around the state during July and August. The wildlife rescue organisations have not been able to confirm the cause of sickness or mortality observed in the kangaroos. They have raised the possibility, at least in some cases, that kangaroos may be becoming sick and dying as a result of poisoning from pindone. Pindone is the active ingredient in registered rabbit oat and carrot baits.

Rabbit baits containing pindone can be purchased by any landowner to conduct rabbit control on their property or may be supplied to landowners by local landscape boards for coordinated rabbit control programs. PIRSA is working closely with the wildlife rescue organisations and the Department for Environment and Water (DEW) staff to further investigate the cause or causes of the kangaroo sickness and mortality.

PIRSA is funding and coordinating the forensic testing of symptomatic kangaroos by way of necropsy and histopathology analysis, combined with further residue testing. It is hoped this forensic analysis, combined with examination of the available information collected by the wildlife rescuers, will enable a cause or causes to be identified.

I am advised that while some of the symptoms being observed are consistent with possible pindone poisoning, there remains the possibility of other causes such as disease, parasites and toxicity from eating noxious weeds. PIRSA will seek to rule out the possibility of any exotic diseases as part of the forensic testing process.

Rabbit bait users are reminded of the importance of following label directions to prevent the risks of off-target poisoning to native wildlife. Pindone baits are registered for use in Australia for rabbit control but have a range of mandatory instructions on where and how the baits can be used to minimise off-target risks. Compliance with mandatory instructions on labels is essential and enforceable under South Australian chemical control of use legislation, with maximum penalties of $35,000.

PIRSA will continue to work closely with wildlife carers and DEW staff to determine any causes. Should pindone use be found to be a cause, PIRSA-authorised officers will investigate chemical users and take the appropriate regulatory action for any confirmed noncompliance with label directions.

## POISON-LACED CARROTS

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:37):** Supplementary question: since the minister already has all the information provided by PIRSA, why is it that that information has not been shared with those concerned residents who reported the incidents to us? Has she actually shared that information with the residents?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37):** Since I am not sure which residents have reported this to the honourable member, I can't confirm whether or not they have had direct communications. However, where there is the opportunity to share information, that of course is always done.

## AUNTY SHIRLEY PEISLEY AM

**The Hon. J.E. HANSON (14:37):** My question is the Minister for Aboriginal Affairs. Will the minister inform the council about the funeral held yesterday for the beloved Aboriginal elder Aunty Shirley Peisley?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37):** I thank the honourable member very much for his question. It was a poignant occasion yesterday afternoon when many of us gathered to pay our respects at the funeral of Aunt Shirley Peisley, a beloved Ngarrindjeri and Boandik elder, known by many as a giant of the movement. Aunt Shirley passed away at the age of 83 leaving behind a powerful legacy of strength, determination, and fighting for justice and equality for her Aboriginal brothers and sisters.

Born in 1941, Aunt Shirley lived a full life as a trailblazer having played a central role in Australia's most successful ever referendum to include Aboriginal people in the Census. Her lifelong dedication to advocating for Aboriginal rights began at the age of just 25 when she rose as a key leader in the 1967 referendum and continued her lifelong fight for justice in the ongoing reconciliation movement in Australia. One of the most well-known images from that 1967 referendum was a picture with the 'vote yes' for Aboriginal people being held up by Shirley Peisley and South Australian Senator and Whitlam-era minister Reg Bishop urging people to vote yes.

Her influence and prominence in the 1967 referendum were highlighted to me a few years ago at a function in Melbourne that was paying tribute to the efforts of people 50 years on—this was 2017—who campaigned for the 1967 referendum. The then Prime Minister, Malcolm Turnbull, singled out Shirley Peisley amongst all South Australian Aboriginal activists as playing a critical role in that referendum.

Throughout the 1960s, Aunt Shirley was an active member of the Council for Aboriginal Women of South Australia—along with other formidable leaders like the late Gladys Elphick, the late Faith Thomas, the late Maude Tongerie and the late Dr Lowitja O'Donoghue—which successfully lobbied for a variety of essential services and recognition for South Australian Aboriginal women and Aboriginal people.

In the 1970s, she was the first Aboriginal female probation and truancy officer, who did incredibly important work with youth and children in the Children's Court and working with Aboriginal children generally. In 2000, Aunt Shirley received the distinguished Order of Australia medal for her lifelong services to the Aboriginal community across the areas of culture, heritage, legal, health, welfare, library services, the church and reconciliation.

As part of this continued work Aunt Shirley later served as the first co-chair of the City of Adelaide Reconciliation Committee between its forming in 2002 and 2005 and used her contagious sense of humour, her fiery spirit and her good nature to continue change there. Her faith was a significant part of her life, and in 2010 she received a papal blessing from Pope Benedict XVI for her significant contributions to the Catholic Church. Aunt Shirley was also a dedicated member of the advisory panel advocating for the recognition of Aboriginal peoples in South Australia's constitution when this historic reform passed in March 2013.

Aunt Shirley's was a life lived to the full and wholeheartedly committed to ensuring Aboriginal people receive the acknowledgement and treatment that they deserve. She is one of those Aboriginal leaders, like others mentioned—Faith Thomas, Maude Tongerie and Lowitja O'Donoghue—who forged the path for many Aboriginal activists and leaders to follow. I recognise the significant loss of these leaders in recent months, their advocacy and the legacy they leave behind.

## AGE OF CRIMINAL RESPONSIBILITY

**The Hon. R.A. SIMMS (14:41):** I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of young people and the law.

Leave granted.

**The Hon. R.A. SIMMS:** On Sunday, the Premier released a report that outlined a legislative option for banning children under the age of 14 from accessing social media. The Premier has publicly stated his desire to legislate in this area on the basis that social media causes harm to children. Meanwhile, over 130 Australian organisations have joined a coalition calling for the age of criminal responsibility to be raised to 14 due to the harm caused by exposure to the criminal justice system.

Evidence from brain development experts shows that criminalising the actions of children can cause long-term harm. Children who are arrested by police, sent to court or locked away are more likely to develop mental illness, to disengage from school, to become homeless or even to die prematurely. My question to the Attorney-General is: why does the government believe that at 10 in South Australia you are too young to go on Instagram but you are old enough to be held criminally responsible and detained in adult facilities?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42):** I thank the honourable member for his question. Certainly, there are a whole range of areas where we think—and for many decades parliaments have recognised—harm can be caused to children. We don't allow children to enter casinos, for example for very, very good reasons.

I am very proud of the policy that this Labor government has taken in relation to what is an area that has developed very, very rapidly: the area of social media and its interaction on developing brains. Having had three young kids who are now all teenagers and seeing how their interactions are so vastly different from what I encountered decades ago at that same age, I think it is extraordinarily difficult being a young person today with the pressures and just how quickly those pressures are applied with the advent of social media.

This government commissioned former Chief Justice Robert French to provide some guidance into how we might look at legislating in relation to this area. I was fortunate to be able to spend some time at the end of last week meeting with the Premier and Justice French and have had a very close examination, now that it has been publicly released, of I think the approximately 274-page report which sets out some draft legislative framework in relation to how you might implement a policy of banning social media for children under 14 and only with parental consent up to the age of 16.

I am even more pleased that, on the back of the work that South Australia has done in this area, the federal government has announced they will take this up and use the work that we have done to inform them when looking at a nationwide ban. I think the Premier said at the time on Sunday that it would be preferable to have a nationwide ban, but if that didn't occur South Australia would look at going it alone.

In relation to the other part of the honourable member's question, the minimum age of criminal responsibility, I understand and appreciate and congratulate the honourable member for his very significant advocacy in this area. I have informed the chamber before when he has asked, which I suspect was probably last sitting week, that we continue work on this in South Australia and certainly it is a question I have been asked over the last week as we have developed our policy on social media.

I am happy to repeat again that the overriding consideration this government is taking into account when it is assessing feedback from the discussion paper that we have previously released is the interests of community safety: what will make the community safer. I acknowledge that there are arguments about not locking kids up in a custodial setting and rather looking at therapeutic or family intervention models that can have the effect of making it less likely for that very young child, a 10 or 11 year old, to end up being a teenager of 16 or 17 who offends and then a young adult who offends.

We are continuing the work as a government to look at, if we did make the change, what would come in its place because, as I have said before, the thing you would last want to do is just change a number in a bit of legislation from 10 to 14 without having everything else that is needed in relation to that.

One of the other complexities we are working through is not just what takes the place of criminal justice intervention and detention in detention facilities but what role the police play. How do you ensure someone is removed from a situation for their own safety as well as the community's safety? It is important that there are still those powers of immediate intervention for the police to ensure not just community safety but individual safety and that work continues.

**AGE OF CRIMINAL RESPONSIBILITY**

**The Hon. R.A. SIMMS (14:46):** Supplementary: when will the Attorney-General bring legislation to this chamber to raise the age of criminal responsibility? What is the timeframe?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46):** I thank the honourable member for his supplementary question. I want to be very clear: this is not a question of when, it is a question of if. As I have outlined, we do not have a policy in relation to raising the minimum age of criminal responsibility. What we do have is an interest in assessing what the options would be and what would tend to make the community safer.

**AGE OF CRIMINAL RESPONSIBILITY**

**The Hon. C. BONAROS (14:47):** Supplementary: when does the Attorney expect that assessment will be completed?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47):** I think I have said this before: we do not have a definitive date. I have mentioned that a couple of the elements of it are a very complex area of work, and we continue to work in the area.

**AGE OF CRIMINAL RESPONSIBILITY**

**The Hon. R.A. SIMMS (14:47):** Supplementary referring to the original answer: as part of the government assessing their position on this, will they commit to releasing the submissions that have been made to their discussion paper so that the community and members of parliament can help inform their views?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47):** I thank the honourable member and I think he asked this as a substantive question in weeks gone by. We will continue to assess those. It is not routine practice that submissions are released. In fact, it is not infrequent that submissions are made to discussion papers the government releases where there is an expectation that, because of the nature of what people are submitting, privacy will be respected.

**SOCIAL MEDIA**

**The Hon. D.G.E. HOOD (14:48):** Minister, should the commonwealth's bid to ban access to social media under 16 falter or fail, what would be the likely response from the state government in terms of setting the age at which social media was accessible?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48):** As I understand the question, the report that was provided to the government looked at a model where the age would be for under 14 a complete ban and then to under 16 only with parental consent. As I understand it, the member's question is: what would happen if the commonwealth came and said, 'Under 16, a complete ban'? Again, that would be for the commonwealth to legislate. I think that what we have put out as a model has clearly started a discussion, which can only be good for young people.

## FORENSIC SCIENCE SA

**The Hon. H.M. GIROLAMO (14:49):** I seek leave to give a brief explanation before asking the Attorney-General a question on Forensics SA.

Leave granted.

**The Hon. H.M. GIROLAMO:** Reported in *The Advertiser* on 31 July, the body of a beloved grandfather, Mr John Griffiths, was kept in the morgue for more than three weeks. His daughter said they were given the runaround and had to wait three long weeks for his body to be released. His body was only released after inquiries from *The Advertiser* some three weeks later. My questions are to the Attorney-General on Forensics SA:

1. How many forensic scientists does Forensics SA employ?

2. How many employees or full-time equivalents of Forensics SA can sign off on the release of a deceased body?

3. For the month of July, what was the average wait time for the Coroner's office to release a body?

4. What is the current wait time for a body to be released?

**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 staff at Forensics SA, I suspect that may be published in annual reports or somewhere again during estimates processes, but I am happy to see, if it is not publicly available, what information I can find. In relation to times and the number of bodies Forensics SA might have at a point in time like today, I am happy to go away and see if I can find answers to those questions.

In relation to the issue generally, this is really a very difficult area, because it is a time when many people are grieving a loved one. Depending on the nature of why Forensics SA has a body at their facility, occasionally it can be because there are coronial inquiries that are still being made and the body can't be released. It is not a decision of Forensics SA to sign off or have someone there sign off. Under some circumstances it is that there are still procedures that the Coroner requires to occur.

Certainly, it is something that occasionally I will have members of the public contact my office as Attorney-General. I have spoken a number of times to family members, and then my office has spoken to the Coroner's office about concerns that they have over their loved one's body being released. I understand it can be a very difficult time and a very emotional time in many people's lives.

I am glad, as I outlined earlier this week, that we are committing hundreds of millions of dollars to a purpose-built new facility for Forensics SA, which will no doubt help in terms of the way they manage the workloads that they have.

## FORENSIC SCIENCE SA

**The Hon. H.M. GIROLAMO (14:52):** Supplementary: does the Attorney believe that Forensics SA is appropriately resourced from a staffing perspective?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52):** I thank the honourable member for her question. Certainly, there have been increases in resourcing over recent years. As I have said, there are hundreds of million of dollars being spent to increase Forensics SA's ability to do their job. What has impressed me, of the times I have spent at Forensics SA or at their yearly award ceremony, is just how well regarded the work they do is held not just around Australia but internationally.

## FORENSIC SCIENCE SA

**The Hon. H.M. GIROLAMO (14:52):** Supplementary: when will Forensics SA's new facility be open?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52):** I don't have the exact timelines with me. I think

the design phase, if it is not complete, is nearing completion, with building to start sometime soon after that and then, in the coming years, a brand new, purpose-built facility being opened for Forensics SA.

## APIARY INDUSTRY

**The Hon. R.P. WORTLEY (14:53):** My question is to the Minister for Primary Industries and Regional Development regarding the apiary industry in South Australia. Will the minister update the council about the new initiatives the Department of Primary Industries and Regions have developed to assist the apiary industry in South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53):** I thank the honourable member for his question. The apiary industry in South Australia plays a key role in pollinating agricultural and horticultural crops valued at an estimated $1.7 billion and produces more than $12 million in honey bee products annually.

I recently had the opportunity to host a round table of key stakeholders from the apiary industry to discuss the importance and value of the sector and the significant contribution they make to our agricultural sector. Over the past two years, we have seen increased risks to the apiary industry with the emergence and confirmation of varroa mite both in New South Wales and, more recently, in Victoria. I think it is important to stress, however, that there has been no such detection of varroa mite in South Australia to date.

Varroa mite is a distinctive, small mite around one millimetre in diameter, and is a parasite of the European honey bee and the Asian honey bee. It is, indeed, the most serious global pest of honey bees. If a hive is infested and left untreated, the hive is likely to die within three to four years. However, I am delighted to update this place today about the work being carried out by the Department of Primary Industries and Regions in recruiting for three new roles which will support beekeepers in monitoring their hives against the threats of varroa.

The department is recruiting one full-time extension and engagement coordinator and two varroa development officers. Both the extension and engagement coordinator and the varroa development officers will support the delivery of national workshops and further engage with and provide training and extension activities to enhance the skills and knowledge of South Australian beekeepers via small group sessions across the state.

The extension and engagement coordinator will work with other jurisdictional extension and engagement coordinators and the national coordinator to deliver eight large-scale workshops across the state to provide a broad understanding of varroa. The two new varroa development officers will be contactable for advice, assist at workshops, support hive health management and assist beekeepers to collect and submit sample results. The varroa development officers will need to meet national objectives and targets under the national varroa mite management plan, but also need to include measures on how best to engage with South Australian beekeepers specifically.

Varroa development officers will lead information sessions delivered to small groups and face to face, focused on specific topics, even down to toolbox and field talks demonstrating monitoring methods. They will be highly mobile and working in each region of South Australia. Their roles will include attendance at association meetings, assistance to form or develop beekeeping groups, utilising beekeepers as a sentinel network across South Australia, expanding and improving communications with all South Australian beekeepers and more.

The varroa development officers will work with the two principal South Australian beekeeping associations (the SAAA and the BSSA), beekeeping groups and individual beekeepers, and that includes commercial and recreational registered beekeepers, to ensure varroa mite management information is delivered to South Australia's beekeeping community. All extension avenues, including face-to-face workshops, online and self-paced training, along with educational and awareness resources, will be provided free of charge to beekeepers.

I would like to place on the record my appreciation to both the Department of Primary Industries and Regions as well as the apiary industry in South Australia for their continued collaboration.

## TOMATO BROWN RUGOSE FRUIT VIRUS

**The Hon. F. PANGALLO (14:57):** Supplementary: does the minister have an update on the virus threatening the state's tomatoes, chillis, capsicums and eggplant producers, and can she confirm that Western Australia has today stopped the shipment of produce from South Australia?

**The PRESIDENT:** That is not really anything to do with bees, the Hon. Mr Pangallo.

## APIARY INDUSTRY

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:57):** Supplementary question about bees: how often has the department communicated with apiarists over the last six months and, given apiarists are required to register as beekeepers to the department with any hives, why are some beekeepers contacting the opposition with concerns that they are not hearing any communication from the department?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58):** My advice is that registered beekeepers are receiving regular communications which covers key grower information, including both state and relevant interstate permit changes, summaries of discussions at the SAVIAC, which is the advisory committee, notification of upcoming training and education events, and reminders regarding practices to support good biosecurity, such as registration, sampling and surveillance.

PIRSA is disseminating this information via multiple avenues including direct email, PIRSA social media, PIRSA web pages, direct to associations for further distribution, all of this to ensure that maximum reach is achieved to both registered and unregistered beekeepers. Distribution to registered beekeepers will use the most current and consistently updated registration dataset. Relevant communications are also being sent to other interested industries and stakeholders such as pollination-dependent industries.

## SA HEALTH AND MEDICAL RESEARCH INSTITUTE

**The Hon. S.L. GAME (14:59):** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Health and Wellbeing, a question regarding the mismanagement and spiralling costs associated with the South Australian Health and Medical Research Institute projects.

Leave granted.

**The Hon. S.L. GAME:** In 2017, the South Australian Health and Medical Research Institute made a questionable agreement with Boston-based ProTom International to deliver a pioneering treatment centre. This agreement included $68 million in taxpayer funds granted to PTI despite the company's dismal track record, having won three similar tenders but never successfully completing a single one, and even filing for bankruptcy in 2015.

Fast-forward to April of this year and PTI is now requesting an additional $76.66 million for the machinery needed to finish the project. The state government and PTI are now embroiled in an international dispute, with some parties using a non-disclosure agreement to avoid public scrutiny. My questions to the minister are:

1. Was the minister aware that ProTom International had a history of failure, including three incomplete projects and bankruptcy filing, before signing the agreement for the Bragg Centre?

2. If the minister was indeed aware of these red flags, why did SAHMRI proceed with ProTom International instead of choosing a proven leader in the field, which the state government is now scrambling to involve in this collapsing project?

3. Can the minister confirm whether the Bragg Centre project is in jeopardy due to financial instability and whether the implementation of contingency measures will put further financial strain on South Australian taxpayers?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00):** I thank the honourable member for her questions. I will refer them to the health minister in another place and bring back a reply.

## REGIONAL ROADS

**The Hon. B.R. HOOD (15:01):** I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question regarding regional road funding.

Leave granted.

**The Hon. B.R. HOOD:** The Malinauskas government has signed our state up to a five-year national partnership agreement on land transport infrastructure projects that will see a shift from an 80:20 commonwealth funding split to a fifty-fifty agreement with states and territories. A senior New South Wales government source told the ABC that there was 'no effing way' their state would agree to it, while Victorian Premier, Jacinta Allen, has rebuked federal infrastructure minister Catherine King's fifty-fifty proposal. A 2023 independent review into the National Partnership Agreement heard strong views from stakeholders that such a funding split would result in a reduction in the state's investment in regional infrastructure.

My question to the Minister for Primary Industries and Regional Development is: what concerns, if any, does the Minister for Regional Development have for our regional roads, and the local communities, primary industries and freight industries that rely on them, as a result of this new agreement?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02):** I will certainly take the question on notice and refer it to the relevant minister in the other place. However, I will say that I seem to recall hearing on radio—I think at the end of last week, and I think it was Mr Jon Whelan, the CEO of the Department for Infrastructure and Transport, who said it, if I recall correctly—that, essentially, the premise of what the member here is now talking about was incorrect.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Ngo, stand up and ask your question.

*Members interjecting:*

**The PRESIDENT:** Order! Stop harassing the Hon. Mr Ngo—both sides of the chamber! It's outrageous. Order!

**The Hon. T.T. NGO:** I am all stressed out now.

**The PRESIDENT:** The Hon. Mr Ngo, that's not a question.

*An honourable member interjecting:*

**The Hon. T.T. NGO:** No; I'm not OK.

**The PRESIDENT:** Well, compose yourself.

## BUSHFIRE OFFENDER MONITORING

**The Hon. T.T. NGO (15:03):** My question is to the Attorney-General. Can the Attorney tell the council about the recent imposition of our state's first bushfire offender monitoring order?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03):** I thank the honourable member for his question; I know the honourable member is very interested in these areas of law and order. I also know the honourable member, in his decade or so in the chamber, has regularly been regarded as the best dressed member in this chamber—very, very snappy.

In December 2022, the government honoured an election commitment to make people convicted of causing a bushfire subject to ongoing electronic monitoring during the fire danger season. This was achieved by passing laws allowing police to apply to the courts to have these firebug offenders subject to bushfire offender monitoring orders. In order to make such an order, the

court had to be satisfied that the defendant is a risk of committing a further bushfire offence. In enacting this reform, the government was seeking to ensure that the safety of South Australian lives, property, wildlife and nature was prioritised, and that offenders such as these were appropriately monitored.

The immense fear and dread of bushfire sets in across the state as each summer rolls around and is amplified for those living in rural and semirural areas, as well as places of dense vegetation. We have all seen in recent years the devastation that bushfires can unleash across our state, and most recently in areas such as Kangaroo Island and the Adelaide Hills. As our climate changes, our emergency services already experience significant demand for their resources during increasingly severe bushfire seasons.

Prior to these changes coming into force, the Parole Board would in practice attempt to impose electronic monitoring during the fire danger season as a condition of release on the parole of a person convicted of a bushfire offence. This change ensures that such people are monitored regardless of such conditions. Since coming into effect, these laws have now proven to be able to make South Australia potentially safer.

I am pleased to report that this month SAPOL successfully applied for the first monitoring order against an offender responsible for causing a large fire at Cherry Gardens in 2015. Although the offender served a period of imprisonment for this crime, the ongoing risk that they pose to the community after their release is now reduced by their whereabouts being subject to electronic monitoring during the fire danger season.

I hope the significant monitoring order reforms continue to assist the work of our firefighters, police and other emergency services in this and future upcoming fire danger seasons, and I thank those emergency service workers for the work they do in keeping us safe.

## BUSHFIRE OFFENDER MONITORING

**The Hon. C. BONAROS (15:06):** Supplementary: is the Attorney still committed, as they were at the time, to improving that legislation to overcome any delays that may arise as a result of applications having to be made through the Magistrates Court in terms of monitoring?

**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 her question. The legislation, as proposed, I think provides the needed checks and balances. This isn't just SAPOL or one other person or instrumentality wanting this order; it has to go to the Magistrates Court and an application be made. It shows that it works because, as we have just seen, there has been such an order made.

## MEDICAL TRAINING SURVEY

**The Hon. C. BONAROS (15:07):** I seek leave to make a brief explanation before asking the Attorney, representing the Minister for Health, a question about the Medical Training Survey.

Leave granted.

**The Hon. C. BONAROS:** In September last year, the Australian Health Practitioner Regulation Agency (AHPRA) conducted its inaugural, and now annual, MTS—1,550 South Australian doctors in training responded. The AMA (SA) Doctors in Training Committee has used the MTS data to explore the prevalence of cultural and safety issues affecting junior doctors in South Australia's training hospitals.

Their report, titled AMA (SA) 2023 Hospital Health Check, included eight recommendations to improve the working conditions for junior doctors in South Australia. Amongst those recommendations are:

- SA Health to establish harassment and discrimination reporting pathways whilst improving access to acceptable work spaces for doctors and supporting increasing cultural diversity among international medical graduates in our state;
- state and federal governments provide modelling to determine future needs for non-GP and GP specialists across the country;

- CALHN to increase training and development opportunities for GP registrars as well as continue to monitor the outcomes of the Vanderbilt model in addressing bullying and other issues at the RAH;
- NALHN to examine the vastly different rates of reported bullying, harassment, discrimination, and racism between the LMH and Modbury over the last 12 months; and
- the systems, culture and workload at the Women's and Children's Hospital to be reviewed and improved before operations and staff move to any new site.

My questions to the minister are:

1. How many recommendations of the inaugural survey have been adopted or implemented by the government?

2. Has the government considered the current recommendations and does it intend to respond to those recommendations?

3. Is it considering implementing any of those recommendations and, if so, which ones?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09):** I thank the honourable member for her question. I will certainly pass those questions on to the minister in another place and bring back a reply for her.

## CHILD SEX OFFENDERS

**The Hon. L.A. HENDERSON (15:09):** I seek leave to make a brief explanation before asking questions of the Attorney-General on child sex offenders.

Leave granted.

**The Hon. L.A. HENDERSON:** On Wednesday 28 August, I asked the Attorney-General how many child sex offenders had been released before they had served their full sentence since 2022. He responded, 'I don't have any such figures.' Around two weeks later, my questions to the minister are:

1. Can the minister advise how many child sex offenders have been released before they have served their full sentence since March 2022?

2. How many repeat offenders of child sexual assaults or exploitation-related matters have there been since March 2022?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10):** I very sincerely thank the honourable member for her question about repeat child sex offenders. I am exceptionally proud to say that, if it hasn't been already, very shortly in the other place there will be legislation passed that ensures that the vile monsters who repeatedly sexually offend against children will be locked up and the key will be thrown away, as per an election commitment. We have laws that will come into force, once they pass the lower house, to indefinitely detain serious repeat child sex offenders.

That will mean that, for a second occasion where a custodial sentence is given for a serious child sex offender, they will be locked up for the rest of their life, until they can demonstrate through independently court-appointed medical specialists that they are no longer a threat by being willing and able to control their sexual instincts. Even then, if they get out of jail at some stage, they will face the possibility of electronic monitoring for the rest of their life. There are no other laws like this anywhere else in Australia, and we make absolutely no apologies as a government that we are making sure that we are doing things to make children as safe as we can by indefinitely detaining repeat serious child sex offenders.

## CHILD SEX OFFENDERS

**The Hon. L.A. HENDERSON (15:11):** Supplementary question: it appears the minister missed my question, so I will repeat it for him. Can the minister advise how many child sex offenders have been released before they have served their full sentence since March 2022?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12):** I think as I responded to this question last time, I am happy to go away and find out whether there is an answer, if statistics are kept. Does the member mean released before their parole period is up?

**The Hon. L.A. Henderson:** Yes.

**The Hon. K.J. MAHER:** I will go away and see whether there are statistics. I am not sure that there are, as I said last time, but I am happy to go away and see whether any such statistics are kept. In relation to the second part of her question—how many serious repeat child sex offenders are going to be released—if you are a serious child sex offender and you are jailed for the second time, you are not getting out until you can show you are no longer a threat.

## CHILD SEX OFFENDERS

**The Hon. L.A. HENDERSON (15:12):** Supplementary question: how many repeat offenders of child sexual assault or exploitation-related matters have there been since March 2022?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12):** I assume the honourable member means how many people have had convictions recorded?

**The Hon. L.A. Henderson:** Yes.

**The Hon. K.J. MAHER:** Again, if there are statistics kept, I am happy to go away and see if something can be brought back.

## SHEEP AND GOAT ELECTRONIC IDENTIFICATION

**The Hon. R.B. MARTIN (15:13):** My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the chamber on the new Advantage Program for South Australia's eID rollout?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13):** I thank the honourable member for his question and his ongoing interest in regional industries.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** I am sure that most in this chamber are aware of the national introduction of electronic identification of sheep and farmed goats.

*Members interjecting:*

**The PRESIDENT:** Order! Silence!

**The Hon. C.M. SCRIVEN:** In South Australia, the eID system becomes mandatory on 1 January 2025, with the rollout happening in stages. As at 1 January next year, it will be mandatory to tag sheep and farmed goats born after that date with an NLIS-accredited eID tag before they leave their property of birth. From 1 January 2027, it will become mandatory for all other sheep and farmed goats leaving a property to have an NLIS-accredited eID tag.

The eID program will replace the mob-based visual tag system for identification and traceability of sheep and farmed goats across Australia and will benefit South Australian producers and the broader supply chain. The global market is increasingly demanding traceability of meat products, so this change is imperative for market access and competitiveness for South Australian producers.

Moreover, the prevalence of biosecurity issues nationally and internationally only highlights how important traceability is to have the ability to react quickly to disease outbreak and protect our $2.96 billion livestock industry; for example, the 2022 outbreak of foot-and-mouth disease in Indonesia highlighted the urgent need to have absolutely the best possible traceability systems in place.

To ensure the sheep and farmed goat industry can transition effectively through this significant reform, last month I announced further funding of $900,000 for the development of the eID Advantage Program. This program will assist producers to understand their obligations, to realise the on-farm benefits of improved data collection, and to improve understanding of the National Livestock Identification System (NLIS) and its requirements. This funding is in addition to the $9.3 million state government funding for eID, which was announced last year.

The state government, through my department, PIRSA, will oversee the development and delivery of the program, working closely with various project partners, including Livestock SA and various other stakeholders and industry bodies. Livestock SA and members of the eID sheep and goat industry advisory committee consistently raised the need to invest into extension support for producers and the broader sheep and farmed goat industry and have noted the importance of this contributing to the success of the transition to eID in Victoria.

The eID Advantage Program will include workshops to upskill producers and stock agents, along with face-to-face training sessions to build understanding of eID tags technology and how to use the NLIS database. The eID Advantage Program is just one of a suite of initiatives and funding support that this government has put in place to assist our producers, saleyards, agents, processors and other stakeholders in the sheep and farmed goat industry to be fully ready for the implementation of the new system as it commences next year.

I strongly encourage all sheep and farmed goat producers, processors and agents to take advantage of the workshops and training opportunities as they are held across the state over the coming months and years.

## SHEEP AND GOAT ELECTRONIC IDENTIFICATION

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:17):** Supplementary: why is it that cattle farmers in South Australia are the only farmers paying a $1.50 levy towards the NLIS program?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17):** I thank the honourable member for her supplementary question. I am assuming that the President is accepting that it does have some link—

**The Hon. N.J. Centofanti:** I said 'NLIS'.

**The Hon. C.M. SCRIVEN:** —because I said 'NLIS'. I think it's really important, as I have indicated also to other industry partners, that when we are looking at any particular cost-recovery process, or indeed rebates, all sorts of investments that are made by industry and by government, that we do look holistically at what they are. As some members will be aware, there was concern raised that perhaps with the NLIS there were different circumstances and arrangements compared to other jurisdictions.

There are many different circumstances and arrangements compared to other jurisdictions, including with NLIS. All of the other jurisdictions do not apply funding arrangements in the same way. That's why I committed to Livestock SA to work with them in a constructive manner and I am pleased to say Livestock SA is always very open to working in partnership with government to look at the various investments the government makes in terms of the industry.

For example, if we are trying to compare apples with apples, we realise that we actually can't; for example, South Australia puts in considerable funds to the dog fence, which of course is something the other jurisdictions do not. That is of considerable assistance to the livestock industry and is something that I personally am very committed to. So in terms of trying to compare, we need to look holistically at the various assistance that is provided. Certainly, the feedback that I have had from industry—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —is that they have appreciated the many new investments that the Malinauskas Labor government has made into the industry and I look forward to the outcome of that further analysis.

*Motions*

## LOCAL AND LIVE CREATIVE VENUES

Adjourned debate on motion of Hon. T.A. Franks:

1. That a select committee of the Legislative Council be established to inquire into and report on local and live creative venues, with particular reference to:

   (a) the impacts of, and reasons for, recent loss of live music and local creative venues in South Australia;

   (b) understanding the cultural, social, economic and other contributions made by local and live creative venues;

   (c) supporting South Australian artists and creatives with venues and spaces where they can develop their craft, audiences and communities;

   (d) understanding the types of cultural infrastructure needed for a healthy art, culture and creative sector in South Australia;

   (e) protecting local and live creative venues and performance spaces; and

   (f) any other related matters.

2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

(Continued from 28 August 2024.)

**The Hon. R.A. SIMMS (15:20):** I rise to speak in favour of the motion from my colleague the Hon. Tammy Franks. This proposal for a parliamentary inquiry into live music comes after the debate about the Crown and Anchor. It has really exposed some of the challenges that our live music venues face. As I indicated at the time when we were dealing with that debate, one of the big challenges, of course, has been planning laws and the lack of protection for our heritage buildings—and I am really pleased the parliament has dealt with that—but there are lots of other challenges that live music faces in our state. One need to only look at the closure of venues that we have seen in recent years.

Those challenges were magnified during COVID, but we have seen the closure of The Producers on Grenfell Street; the Tivoli on Pirie Street; Enigma, which closed after operating for nearly 25 years; and the King's Head, once the stomping ground for the original line-up of The Masters Apprentices, which rehearsed in the pub's back shed, has been closed down. The Wright Street Hotel has also been put on the chopping block, and that has closed down. The Edinburgh Castle on Currie Street—I have some good memories of that hotel back when it was a gay venue in the early 2000s. I used to go there a bit then. It has closed, it has reopened a few times, but, sadly, it has also fallen by the wayside and it closed in 2018, and it had been licensed since 1837. And then, of course, The Austral, which has faced challenges through planning.

I acknowledge that, as a result of the bill that passed the parliament the other day, there will be protection for some of those remaining live music venues. Some of our iconic venues potentially could get protection—that will be a decision the minister will make in terms of those that meet the criteria that he establishes—but that could theoretically ensure we do not have the problems that have been faced by pubs like The Austral, for instance, where they had a development pop up next to them and, in effect, that meant that their business model was no longer viable.

There are other challenges that live music venues face and, indeed, the arts community face more broadly in our state. The need for more government funding is one challenge, but I know the Hon. Tammy Franks has spoken previously about some of the peculiarities that exist in liquor licensing laws, for instance, and the impact that can have on business operations. This is a really worthwhile committee, and I am very pleased to hear that it has broad support across the parliament.

I very much look forward to hearing about the issues that come to light and having an opportunity for the parliament to look at the recommendations and see what can be done to ensure that we make Adelaide, and our state, a place that really celebrates live music and the arts well into the future.

**The Hon. R.B. MARTIN (15:24):** I indicate that I have an amendment to this motion, which I believe is amenable to the mover, the Hon. Tammy Franks. I move:

After paragraph 1 insert new paragraph 1A as follows:

'1A. That the committee consist of four members and that the quorum of members necessary to be present at all meetings of the committee be fixed at three members.'

I will be very brief in indicating the government's support for the setting up of this committee. It is worth noting that Adelaide is Australia's first and only UNESCO Music City, an honour which was granted following Adelaide demonstrating decades of commitment to both live music and music festivals. I indicate that I am very much looking forward to being a participant on this committee should this motion be successful.

**The Hon. F. PANGALLO (15:25):** I commend the motion of the honourable member, and I note her great interest in live music and the venues dotted around Adelaide, where local musicians get their chance to play in front of enthusiastic audiences. Without these venues the opportunities for musicians to share their music and give audiences a taste of their creative genre would be quite difficult. These days I am not a regular goer to live music venues still around and going strong—

**The Hon. R.A. Simms:** Oh, Frank!

**The Hon. F. PANGALLO:** —like The Governor Hindmarsh, The Wheatsheaf and the Arkaba—I think most of mine are starting to die off, Mr Simms—but as a boomer I grew up on the sounds of rock'n'roll, which was still in its infancy, with Australian artists fighting to get airplay on radio stations which were so biased towards overseas artists the federal government of the time had to enforce local content rules.

Living in the sixties and seventies, Australia was rich with young talent looking for that big break: bands like The Easybeats, AC/DC, Cold Chisel, The Angels, The Masters Apprentices, Twilight, Zoot, The Valentines, Billy Thorpe and the Aztecs, Daddy Cool, Skyhooks, Jo Jo Zep and the Falcons, Dragon and my favourite Aussie band, INXS, along with many great local artists like Johnny O'Keefe, Renée Geyer, Marcia Hines, Colleen Hewett, Paul Kelly, John Farnham and the late Jon English, Brian Cadd and, of course, our own Mark Holden, who would be seen at many of the venues in and around Adelaide.

You would only get to see these talented up-and-coming performers in dingy nightclubs, pubs like The Old Lion; the Largs Pier; The Findon Hotel, which is also known as 'Fiesta Villa'; The Governor Hindmarsh; the Bridgeway at Pooraka; the Princeton Club at the Burnside Town Hall; the Thebarton Town Hall, which used to host Hoadley's Battle of the Sounds; the now-demolished Centennial Hall; and function centres like the St Clair Youth Centre on Woodville Road and the Combine Club at the then new Marion shopping centre, where I once saw The Angels, Cold Chisel and Fraternity with AC/DC's Bon Scott on vocals at that time. I still remember the day that Billy Thorpe and the Aztecs almost blew the walls down in a loud concert at the Adelaide Town Hall.

It was a thriving scene, although I have to say the older generation of the bobby socks era frowned upon it. Few would know this, but rock music hall of famers Daddy Cool had its genesis in Adelaide, playing at the Glenelg Town Hall in early 1971 as part of the first Adelaide blues festival, staged by legendary entrepreneurial live music pioneer and fashion store owner Alex Innocenti. Alex proudly told me that he was the one who suggested the seminal band's name to Ross Wilson during a trip to Adelaide. Ross, of course, is the lead singer and guitarist and famous for those licks on *Eagle Rock*.

Alex was a huge supporter of the local and national music scene. He was one of the prime movers of the Myponga Pop Festival in 1971, the first of its kind in Australia, which featured so many local artists in a Woodstock-like setting. In 1969, Alex opened the first blues club, called the Cellar Blues Club, in Twin Street, next to his menswear business, which sold the latest Carnaby Street fashions and footwear, including the first platform shoes to be sold in Australia. Alex told me he was

so fascinated by them and so confident that they would take off that he bought 400 pairs on a trip to London, and he was right as they sold out in no time.

*The Advertiser* in 1969 described the dingy and dark Cellar as the birthplace of the blues trend, which in its first year of life has become the foremost place in Australia for its dissemination. Journalist Avon Lovell wrote in a colourful, yet somewhat conservative, tone:

> Through the dark and narrow doorway you grope down the stairs into the strange excitement of vibrating psychedelic lights and electric rock blues.
>
> The scene is a moving living thing and at the tables are 18-year-old plus kids turning on, identifying with the sound of as four musicians on stage force it from their instruments with total absorption.

Some really big names in world music also played at the Cellar, including Ravi Shankar. I will share this story of my one and only failed foray to be a pop promoter at the St Clair Youth Centre in the early 1970s when I was a fledgling showbiz reporter with the afternoon paper *The News*. The plan was for a cabaret dinner dance, with the star attraction none other than Johnny Farnham and tickets costing $20, drinks included.

I had met Johnny with Colleen Hewett and Colleen's manager and husband, Danny Finley, after they did a fabulous show at Maximilian's Restaurant in the Adelaide Hills and we struck a deal. It was in that short lull in John's fabulous career, in between his *Sadie (The Cleaning Lady)* years and then relaunching himself in the late seventies and early eighties with the Little River Band and his iconic *Age of Reason* solo album in 1986. How could I lose with the five-time king of pop who had a string of hits to his name.

The fee was $1,000 and I put down a $500 deposit, but, unfortunately, through a lack of advertising capital and some bad marketing skills on my behalf, I could not sell enough tickets to break-even and I reluctantly had to cancel the show, forfeiting my deposit to Johnny and the venue. Lesson learned and I did not try that again.

Small venues really are the heartbeat for musicians to get discovered and ultimately have their name in bright lights. Some of the biggest names in showbusiness got lucky breaks in the most obscure of venues and circumstances and let me share with you this other story.

When I was visiting New York in 1994, I came across a colourful, connected imposing fellow called Suki Sal seated outside his cottage in Mulberry Street in Little Italy. Suki was a big man in his 70s, dressed head to toe in black, gold chains and rings dripping everywhere, a thick gold Rolex dangling from his left hand and his slanting eyes hidden behind a pair of Elvis-style yellow-tinted glasses. I will explain that because, even though his heritage was Italian, the nickname Suki came from his friends following a novelty Japanese hit song at the time called *Sukiyaki*, so Suki got his name there.

Suki was quite excited to tell me that Barbra Streisand was playing at a sold-out Madison Square Garden. Suki then told me an amazing story about himself and a group of mob friends, including a colourful character I also met that night called Johnny Chia Chia. Just to explain his background, Johnny went into restaurants but he also appeared as an extra in several Hollywood mobster movies, including a big violent scene in Martin Scorsese's *Goodfellas*.

Suki and his friends had discovered the superstar in the early 1960s when they ran a gay nightclub called the Lion in Greenwich Village. These wise guys were quite innovative and quickly realised there was a lot of money to be made from what he called 'the pink dollar' because there were no other venues in the Big Apple catering for gays during the gay rights movement. After setting the club up in a basement, they could not afford live entertainment, so they ran a talent contest. Guess who the first winner was? Barbara Streisand. The prize was a gig every night for several weeks, unpaid. 'But all the drinks were on the house,' Suki laughed.

Sadly, we have seen a number of music venues close since the end of the pandemic due to many factors, none the least the increase in operating costs—things like power, the ever-increasing cost of alcohol because of the excise tax and, of course, higher rentals that have been imposed upon them, not to mention staff costs as well.

It is important that we encourage the preservation of this industry and the benefits creative arts bring to our community. I am looking forward to being a member of the committee. I commend the motion to the chamber.

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:35):** I rise today on behalf of the Liberal Party to also support the motion moved by the Hon. Tammy Franks to establish a select committee to inquire and report on the state of local and live creative venues in South Australia. I know that my esteemed parliamentary colleague, the very musical, talented the Hon. Ben Hood, is very passionate about this matter and will also be making a valuable contribution to support this motion later.

For almost 10 years now, Adelaide has been recognised as Australia's first and only UNESCO City of Music. Venues supporting local artists are vital in our cultural, social and economic landscape. Recent closures of live music and creative venues have highlighted challenges local and live creative venues are facing in South Australia. The purpose of this select committee aims to ensure that South Australia's creative sector is adequately supported and preserved for future generations.

Unfortunately, SA has lost 86 mid-sized live music venues since the start of the COVID pandemic. Many have been listed by some of our esteemed parliamentary colleagues earlier. According to statistics from the Australasian Performing Right Association that provided the stats about the closure, factors such as rising rent, noise complaints, regulatory pressures and the impact of cost of living have compounded difficulties for venue operators. Understanding these challenges is essential for creating informed policies that can mitigate further losses and ensure the sustainability of these spaces.

We also must note that local creative venues serve as more than just performing spaces. They are hubs of cultural expressions, community engagement and economic activity. Prior to COVID-19, SA businesses in the music and performing arts sector directly contributed more than $183 million to the local economy. South Australian artists and creative sectors rely on live venues to develop their craft, build their audiences and connect with their communities.

I am proud to say that the Liberal Party is strongly committed to the arts and music sector, as shown through our track record of providing essential funding during the COVID pandemic to provide short-term relief as well as support for long-term recovery in the sector. The arts and music sectors were some of the hardest hit industries by the COVID-19 pandemic. The former Marshall Liberal government provided a $3 million support package in 2021 to ensure live venues, professional touring artists and their crew, and even event promoters, could resume operating as soon as restrictions were eased.

The motion today calls for a select committee to be established to examine the types of cultural infrastructure necessary to support artists and venues. It could include things like affordable spaces for rehearsals, performances, exhibitions and flexible regulatory frameworks that allow venues to operate without undue restrictions or unreasonable compliance.

The select committee will allow the parliament to investigate matters and explore strategies that safeguard these spaces. It is a great opportunity for the committee to also look at innovative venue ownership and management models, learning from other jurisdictions' best practice and considering how South Australia's creative sector can adapt to future challenges. With those comments, I wholeheartedly support the motion and thank the Hon. Tammy Franks for bringing this matter to our attention.

**The Hon. B.R. HOOD (15:39):** I rise to support the honourable member's motion and also support the amendments brought by the Hon. Reggie Martin, and very much look forward to serving on this committee. I have another confession to make. To quote the amazing Dave Grohl, 'I love live music, I love playing live music, I love looking at live music.' I have been doing it since I was about 14 years old in the music room at Naracoorte High School. I was not particularly good back then, originally starting on the bass guitar in rock bands and then slowly moving on to the six-string guitar and also singing. Music has been a vital part of my life. It has allowed me to express myself, to enjoy myself with my friends and my family, and I could not image a world without music.

We need venues for music. We need venues like the Kincraig Hotel in Naracoorte, like Shadows nightclub in Mount Gambier, like Shapes nightclub in Naracoorte. Funnily enough, both of those nightclubs were voted the two worst nightclubs by Triple J in the early 2000s. I will not say which one was number one and which was number two, but I played in both those venues. I have played to 500 people beginning at midnight and finishing at 4 o'clock in the morning before driving home to Naracoorte dodging kangaroos, which, funnily enough, I will be speaking to a bit later.

In Shadows, I have seen great Australian bands like Gerling, like Regurgitator, like The Living End. All of those bands, whether it be playing in Shadows in Mount Gambier or playing stadiums or playing the Big Day Out, had their beginning in some dingy little venue close to home, and those dingy little venues are so important for people coming up in the live music scene. Those dingy little bars include the Adelaide UniBar where I have seen Ammonia and Mr Bungle, like The Gov where I have seen my most favourite Australian band, Something for Kate. Really, my contribution is just naming all the bands that I love and getting them on the record.

But these venues do struggle and are struggling a lot right now because of the impacts that affect all small businesses in South Australia, and that is staffing, skills and shortages, that is economic factors, input costs, government policies, legislation and compliance, red tape that politicians love to talk about so much but do not know really know what it means, the profitability and profit margins that are in these venues. These people are doing it because they love it.

They love music as much as I do, as much as the Hon. Tammy Franks and the Hon. Reggie Martin do, as much as the Hon. Jing Lee does, as much as the Hon. Nicola Centofanti does, who loves to come along a few tunes on a harp with me at times when we are strumming a guitar as well, which we love to do. But we must support them. We cannot see them go away because then that would mean there is less music in the world, and if there is less music in the world there is less hope, there is less love, there is less fun, there is less noise, and I love the noise. But I also love that in this motion from the Hon. Tammy Franks we have:

> (c) supporting South Australian artists and creatives with venues and spaces where they can develop their craft, audiences and communities;

Something that I have been passionate about in my home in Mount Gambier is ensuring that our makers have spaces, that they can have spaces in which they can go and expand their creativity and their craft. It is something that I worked on with sculptor Ivo Tadic for the rail station in Mount Gambier. We put a proposal to council to create this space. Unfortunately it did not get up but I know that council are seriously looking at that now in Mount Gambier to create those makers' spaces. Again, it is so important for creative people to have those spaces to do what they love, to create those things that stir emotions in all of us.

I am really excited about this committee. I hope we can look seriously at what it is that those venues are facing, not just economically but in all the other aspects of this as well, and that we continue to protect our live and local creative spaces, that we continue to see amazing bands coming up through the ranks in South Australia—indeed, in Australia as well—and that they continue to rock out and continue to entertain us, and that my kids and my grandkids will be headbanging as much as their dad did into the future. With that I commend the motion.

**The Hon. T.A. FRANKS (15:45):** I would like to thank those members who have made a contribution and have expressed their support: the Hon. Reggie Martin, the Hon. Robert Simms, the Hon. Frank Pangallo, the Hon. Jing Lee, and the Hon. Ben Hood. However, I know that in this place the love of music, creativity and community goes much deeper than those speakers; in fact, this particular motion seems to be quite unanimously supported.

We have previously had a President of this place who was, in fact, the live music envoy under the Weatherill government, and we saw things like a live music Thinker in Residence, Martin Elbourne, under that Weatherill area. Back then I was able to secure money from the pokies funds that had not been raised, in terms of CPI, since the years of Di Laidlaw and her introduction of that scheme. I would hope those sorts of options would be on the table to support our live and local creatives.

Part of the debate on the Cranker saw two rallies, and at one of those rallies one of the chants was, 'Music, arts and culture more than bricks and mortar'. I could not help but reflect that we

also need those bricks and mortar, otherwise there is nowhere for the makers to make their art, to hone their craft, to create their audiences, or for their audiences to create community. That is the virtue and the magic of creative and music venues. It is more than simply sitting in a pub playing a poker machine or watching the Keno come down, and it adds so much vibrancy to our lives.

We recognise that, and it is why we are a UNESCO City of Music in Adelaide, the capital of this state. Our tenth anniversary is coming up and, quite rightly, I am hoping there will be recommendations of this committee that feed into that particular anniversary, so that when we celebrate our legacy—and I did not know that the Hon. Frank Pangallo would be able to pull out even more stories I did not yet know—as we celebrate our history and legacy—and we have the No Fixed Address lanes and the Paul Kelly lanes and the like—that those legacy pieces are not just part of our history but that there is an active living and thriving culture as part of our future across all the generations.

It is important for young people, in particular, as rights of passage, but it is also important right across our lives to have cultural places where we can connect. I certainly enjoy going to what is known as the Monkey Bar, which is the Lord Exmouth Hotel, which has been an Adelaide institution for a very long time. There is a lot of live music that plays there; I never know quite what I am going to get, but I know I am going to have a good time and connect with people in that space when I pop by of a Sunday afternoon.

The state of live music, the arts and these venues is perilous. The APRA AMCOS survey shows that South Australia has currently seen the second highest rate of loss of venues as a state, after only New South Wales—and if you count the territories, after the Northern Territory as well. We have lost 27 per cent of our venues since COVID, and that was from last year's report. so it is possibly even more since then.

Some of those institutions are never to return, but let us hope that some new ones will be created and supported and that the ones we have will be preserved, and will be flexible enough to continue that future of live and creative entertainment spaces and make us the festival state in a way that is not just about festivals being FIFOs who come, and that only some enjoy, but that every South Australian enjoys living in a festival state because they have live and creative culture and connection around them. With that I commend the motion.

Amendment carried; motion as amended carried.

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

That the select committee consist of the Hon. R.B. Martin, the Hon. F. Pangallo, the Hon. B.R. Hood and the mover.

Motion carried.

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

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 27 November 2024.

Motion carried.

## KANGAROO AND WALLABY MANAGEMENT

Adjourned debate on motion of Hon. T.A. Franks:

1. That a select committee of the Legislative Council be established to inquire into and report on kangaroo and wallaby populations in South Australia, with particular reference to:

   (a) how they are affected by commercial and non-commercial harvesting;

   (b) the adequacy and enforcement of the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes and the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes, including methods used and their impact on animal welfare;

   (c) the sustainability of the current harvesting levels and the long-term impact on the species;

(d) the impact of commercial and non-commercial harvesting on the health and wellbeing of kangaroos and wallabies, including any physical and psychological stress caused to the animals, permitted wildlife rescuers and carers and First Nations people;

(e) alternative strategies and practices that could be implemented to ensure the humane treatment and conservation of these animals; and

(f) any other related matters.

2. That this council permits a select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

(Continued from 19 June 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:51):** I rise today on behalf of the opposition to indicate that, whilst we understand the sentiments behind this motion, we will not be supporting the honourable member's call for the establishment of a select committee on kangaroo and wallaby populations. We do so on the basis that there is already a committee that is established by this parliament, the Natural Resources Committee, a standing committee that would be best placed for an inquiry of this nature. That being the case, we, on this side of the chamber, are happy to support the government's amendment to the motion to send this inquiry to the Natural Resources Committee.

We know that natural resources encompasses the sustainable use and management of energy, mineral, land and water supplies and, on that point, I do want to put some facts on the table about the delicate balance of managing land and water and why we, the opposition, do understand the need to manage kangaroo populations in this state and, indeed, around the nation.

Kangaroo numbers have increased substantially since European settlement, with some populations considered overabundant. They have benefitted from increased access to water, grazing land and the removal of predators from the landscape. High populations of kangaroos can cause adverse impacts to ecosystems, native vegetation, agricultural land, and the welfare of individual animals, in particular during times of drought, so it is vitally important that kangaroo numbers are managed with oversight from government.

In 2021, I gave a speech on the subject of kangaroo population management, noting that as a country veterinarian I understand the biology of kangaroos and have treated kangaroos in my past professional career. The kangaroo's reproductive system has evolved to deal extremely well with Australia's conditions. Members of the kangaroo family have what is called an embryonic diapause, an evolutionary adaption which enables them to not only recover from drought but to react opportunistically to a range of seasonal variations and conditions.

Female kangaroos can reproduce extremely prolifically. They can have an embryo developed to 100 cells sitting in utero, waiting for the pouch to be free. As soon as the pouch is available and a joey is hopping at her side, she can give birth again. They can give birth to a 100-celled foetus within 24 hours of mating. They can be pregnant for 364 days of the year with multiple foetuses and able to suckle a joey, have one in the pouch and one embryo in status at the same time.

The Kangaroo Management Reference Group, which works to understand the issues facing our kangaroo populations, is traditionally a very inclusive board, with scientists, farmers, First Nations custodians, the RSPCA, local land service advisers and veterinarians around the table. Their objective is improving animal welfare outcomes for kangaroos. There are three predominant issues they address:

1. That kangaroo populations become overabundant after a good season, as I have previously indicated, with their opportunistic breeding adaption;

2. That this overpopulation leads to environmental and production strains such as overgrazing, landscape erosions and even acceleration of drought; and

3. That during drought there is often mass kangaroo die-offs due to thirst, starvation, disease susceptibility and, of course, road kill. I believe that that really goes to the heart of paragraph (d) of the member's motion in regard to the health and wellbeing of these animals.

Currently, through the National Parks and Wildlife Act 1972, all common kangaroo species are protected. The NPW Act lays out that the impact of kangaroos can be managed through non-lethal methods, commercial destruction (by permitted kangaroo field processors) and non-commercial destruction (through permits to destroy wildlife, which landholders can apply for). Additionally, the commercial harvest of kangaroos in South Australia is regulated by both the NPW Act and the commonwealth's Environment Protection Biodiversity and Conservation Act 1999. Animal welfare standards are central, with commercial and non-commercial shooters both required to adhere to the respective code of practice.

It is also important to point out that, in order to guide and regulate the sustainable commercial harvest of kangaroos, our state has implemented the South Australian Commercial Kangaroo Management Plan. The plan enables harvesting to take place whilst balancing the long-term conservation of kangaroos, and identifies which species of kangaroos and wallabies can be harvested, where harvesting can occur, and informs sustainable harvest quotas.

To ensure that the plan is based on the best available scientific knowledge and management practices, it is updated every five years. In fact, in April of this year the department completed and released the review of the South Australian Commercial Kangaroo Management Plan 2020-24. Off the back of this review, the draft South Australian Commercial Kangaroo Management Plan for 2025-29 currently is out for consultation, with consultation closing 15 September this year. Notably, the draft plan for 2025-29 has five changes proposed, which are:

1. To prioritise conservation and animal welfare during an emergency event, such as bushfires, by adjusting quotas or shutting down commercial harvest subregions;

2. Introduce a more flexible risk-based approach to kangaroo surveying so efforts can go into areas with high harvest;

3. Where the risk of overharvesting is low based on the risk assessment, harvest quotas will be maintained for three years before being reduced to 10 per cent of the population estimate;

4. Enable small numbers of eastern grey kangaroos to be harvested in areas in addition to the Lower South-East harvest subregion when needed, allowing kangaroos to be used commercially that would otherwise be managed non-commercially; and

5. Expand the Hills and Fleurieu harvest subregion to include the Adelaide foothills and national parks and reserves to enable more consistent kangaroo management.

In accordance with the plan, government prepares an annual quota report, which sets the annual harvest quotas for each species in each of the harvest regions. The quotas are informed by the results of surveys of kangaroo populations performed through either aerial or ground surveys or model estimates.

The annual quota report allows for adjustment of the harvest quota based on seasonal data. The projected harvest for 2023 is just 18 per cent of the quota, which does not suggest an unsustainable harvest of the species. The harvest of kangaroos is already tightly regulated, using adaptive management strategies, which are informed by science and ensure that animal welfare standards are met. Legitimate concerns can and should be raised as part of the current and regular consultation on the Commercial Kangaroo Management Plan.

Obviously, and rightfully so, there is a much-deserved affinity for kangaroos and wallabies in the community. They are a loved animal and a national icon. They are an extremely important part of our natural ecosystem and I understand that there is public interest in the way they are treated and managed, and so there should be, but we must manage them as responsible stewards of the land. Australians have a long tradition of living off the land. First Nations people have been hunting kangaroos for food and textiles for millennia. In modern Australia, it is our responsibility to harvest kangaroos in a way that protects both the natural environment, developed land and our communities as well as the economy.

As I said in this place before, we need to view kangaroos as an asset, rather than as a pest. This is what the commercial kangaroo industry does for our state, and to that end it is also what the

state regulator does, by providing the ability for landholders to purchase personal use yellow tags to utilise the carcass. In closing, it seems fitting that if there is to be in inquiry about this issue, the Natural Resources Committee is the most appropriate committee to have that conversation.

**The Hon. B.R. HOOD (15:59):** I rise just to put some thoughts on the record. I have struck out a fair bit, as the Hon. Nicola Centofanti has spoken to them. It is just out of interest, and I always love an 'any other related matters' in a committee. It is always a good one to chuck in there because then we can have a bit of a catch-all.

The motion arises while just this week South Australians were alerted to the fact that spring is one of the worst seasons for kangaroo collisions with vehicles. The RAA has confirmed that kangaroo collisions so far in 2024 have increased by 32 per cent on this time three years ago. Spring and autumn are the most likely seasons to encounter roadside roo. Due to our drier than usual winter, especially in the South-East, we are warned that kangaroos are likely to encroach closer to suburbia in search of food.

In fact, when I drive between Mount Gambier and Naracoorte, when I drive between Mount Gambier and Millicent, especially at night-time, the number of roos on the side of the road is quite phenomenal. It is just lucky that those roos are very used to vehicles travelling past and they do not seem to venture out too often, although my car has just come back from the crash repairer's after collecting one of those roos a little while ago. As yesterday's timely Glam Adelaide article points out—I do not read Glam Adelaide too much, but I did find this:

> Fauna Rescue SA [had] attended [to] almost three times as many kangaroo call-outs between April and July this year compared to the same period in 2023.

Incredibly, 87 per cent of animals struck by vehicles on South Australian roads are kangaroos. So in the name of road safety, this certainly needs to be addressed as well in terms of the explosion of kangaroo numbers across the state in recent years, which has been well documented. The figures from DEW show a population of almost four million roos last year, an increase of about 100,000 from 2022 and a massive jump from just 2.7 million in 2021.

I recall a time in 2022 when I had a number of people reach out to me and express their concern that actually the numbers that were being counted, especially in the South-East, were lower than they thought because the count was only going out in the morning. They were not going out twice during the day, so they were not seeing the population or the numbers as they really sit when those kangaroos are out eating at night. It is important that we do know those numbers but as far as those numbers coming from DEW, there is quite a significant number of roos there.

Just to touch on a number of items within the motion from the honourable member, I also read with interest in last Friday's *The Australian* newspaper that recent advice provided to the Albanese government's Climate Change Authority in fact recommended eating kangaroo meat due to it being a lower emissions intensity product, which is great. I love to have a little bit of roo here and there as long as it is cooked properly.

Our farmers, our primary producers, our regional people more broadly—we are not cold-blooded kangaroo killers. We do like eating roo but we want to ensure that the roo population is kept at a sustainable level. As the Hon. Nicola Centofanti said, they are our national emblem, they are our national animal and we want to make sure that they are looked after and cared for as best that we can.

We want to make sure that the population density of our kangaroos does not result in excessive dangers to road users but is also sustainable so we do not see any animals suffering because of lack of feed or if the populations are too great. As I said, those DEW estimates are informed by aerial and ground surveys and they cover a vast area of at least 207,000 square kilometres. They provide the valuable insights to inform harvest quotas, from a commercial view, across the state for the coming year. That commercial quota is set at about 10 to 20 per cent of the estimated population size, and the report that comes from DEW is prepared annually.

While this year's data is still being compiled, it is still worthy to look at the 2023 population estimate data for the most accurate and up-to-date figures. What they show is that for red kangaroos their population has increased by 24 per cent on the previous year and is 33 per cent higher than the

20-year rolling average, sitting over about two million roos. For the western grey population, a decrease in their population overall was observed, but in the southern agricultural harvest area, which incorporates my patch in the South-East, they have increased by 11 per cent, and we have seen that on the roads. For the other major species they report on, the euro, or the common wallaroo, were found to have a 15 per cent increase in their population.

What the report does go on to mention is the actual commercial kangaroo harvest in 2022 in South Australia was just under 101,000 roos, meaning just 22 per cent of the approved quota of 455,000. These figures demonstrate a very sustainable level of harvesting, and one in fact that could actually be increased quite significantly should we choose to do that.

For all regional members of parliament and our constituents, encountering kangaroos on our regional roads is a frequent and real danger, and it is worth reiterating the road safety benefits of ensuring that we do not have an overabundant kangaroo population. It is of vital importance. I do support and echo the calls of Livestock SA, which is working with PIRSA to establish a greater market opportunity for commercial kangaroo meat and, in an unlikely development, I also support the Climate Change Authority's suggestion to eat more emissions-friendly meat, which includes kangaroos, but it does not mean that I will be giving up my beef and lamb any time soon.

In conclusion, whilst I echo the sentiments from the Hon. Nicola Centofanti that we do not support the motion for a select committee in and of itself, we do support the referral to the relevant parliamentary committee, being the Natural Resources Committee, and I look forward to investigating this issue that the honourable member has brought to the chamber.

**The Hon. S.L. GAME (16:05):** I rise briefly to address the honourable member's motion to establish a select committee to inquire about kangaroos and wallaby populations in South Australia. I echo many of the sentiments of my Liberal colleagues. As a veterinarian and animal lover, I acknowledge the concerns that have been raised by the honourable member and her supporters for this cause, plus their motivation for seeking a select committee of the Legislative Council.

I also recognise the need for scrutiny of commercial and non-commercial shooting of these animals, in addition to the need to hear the voices of wildlife carers and rescuers; however, I also understand the concerns of landowners who deal with property damage, and these native animals outcompeting sheep and cattle for food, plus the overgrazing of land. Rather than set up yet another select committee, I am comfortable supporting the amendment put forward by the government to send this matter to the Natural Resources Committee, a standing committee.

**The Hon. M. EL DANNAWI (16:06):** I rise to speak on the motion, and I move:

After paragraph 1.

Leave out the words 'That a select committee of the Legislative Council be established to' and insert the words 'That the Natural Resources Committee'.

Leave out paragraph 2.

Our native species and natural environments are precious. Making sure they are properly maintained is important to this government. Also of importance to this government is the topic of animal welfare. In the other place yesterday, the government introduced a bill to amend the Animal Welfare Act, which will see tougher penalties for people who abuse and neglect animals. There is simply no excuse for this type of behaviour. It has no place in our society. We know that this is a view that is reflected by many people in the community.

Commercial harvesting is where kangaroos are humanely culled by professional permitted shooters to be sold for meat and leather production. Kangaroo and wallaby populations that are involved in commercial harvesting are classified as abundant, and can at times cause a negative impact to the environment.

South of the dog fence, kangaroo populations have increased due to the removal of the dingo, increased water points and pastures. During years of high rainfall, kangaroos can build up to large numbers in local areas, and this can have a negative impact on native vegetation, agriculture and infrastructure. When conditions dry off, the kangaroos can then, unfortunately, die due to starvation.

The commercial harvest must be conducted in accordance with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies. It is important that any type of harvesting done can truly be described as humane. Best practice should always be pursued, and when best practices change, update and improve, we must make sure we are keeping up-to-date. Animal abuse is completely unacceptable, whether it is done to pets or to wildlife.

The government are moving an amendment to this motion to refer the matter to the Natural Resources Committee rather than a select committee. This simply acknowledges the large number of select committee inquiries currently underway, and ensures the matter can be addressed by the appropriate standing committee.

**The Hon. T.A. FRANKS (16:09):** I rise to thank those members who have made a contribution: the Hon. Mira El Dannawi, the Hon. Sarah Game, the Hon. Ben Hood and the Hon. Nicola Centofanti. Thank you for your contributions to this debate.

I welcome the government's support for a referral of this inquiry to the Natural Resources Committee, noting that I am actually a member of that committee and so I certainly look forward to exploring some of the intricate aspects of the debate. I would note that in New South Wales a similar inquiry blasted out of the water many of the assumptions made generally by the population and exposed a lack of science and rigour to some of those assumptions.

Having an inquiry will enable this parliament to hear all sides of the debate, the diversity of voices and also for the first time, I believe, hear from those wildlife rescuers and carers and consider their needs as well as part of this conversation. I hope that it will be a productive committee and that the report will be something that informs better practice moving forward.

I want to particularly thank all of those who have supported the inquiry with emails and letters to members of parliament. As members here know, we had a meet the joeys and carers event last sitting week in the old chamber, perhaps the first time we have had kangaroos in this parliament that were not on the menu.

The love-hate relationship that Australians have with what is one of our national icons is something that is often a vexed debate. I think tonight it has been a reasonably respectful debate, and I am sure the Natural Resources Committee will also be a very respectful and diverse forum, with the expertise of not just the witnesses and submissions we will take but, of course, the research team on that committee that will hopefully inform better practice in the future. With that, I commend the motion.

Amendment carried; motion as amended carried.

## FRENCH-AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:12):** I move:

That this council—

1. Congratulates the French-Australian Chamber of Commerce and Industry (FACCI) which was founded in 1899 for celebrating the momentous occasion of its 125th anniversary in 2024;

2. Reflects on the 125 years of achievements by FACCI and on its remarkable milestone and acknowledges that Australia's relationship with France is underpinned by enduring historical links, with consular and diplomatic engagement dating back to 1842;

3. Acknowledges FACCI's key mission is to promote business opportunities between French and Australian companies by sharing valuable information, providing networking platforms and business support services;

4. Recognises Australia and France share a commitment to a dynamic bilateral relationship and FACCI plays a significant role to foster successful outcomes for French and Australian companies; and

5. Highlights the contributions by board members and partners of FACCI in strengthening the 'French connections' and creating business opportunities for South Australia across many industry sectors.

It is a great honour to move this motion to congratulate the French-Australian Chamber of Commerce and Industry (FACCI) on reaching the special milestone of their 125th anniversary in 2024. FACCI is the leading French-Australian business network, gathering and assisting over 470 company

members and 1,500 contacts into the Australian market. Since they were founded in 1899, FACCI has played a leading role in Australia's relationship with France. Today this motion gives us the opportunity to reflect on the 125 years of achievements by FACCI and on its remarkable milestone, and acknowledges Australia's relationship with France is underpinned by enduring historical links, with consular and diplomatic engagement that dates back to 1842.

Australia and France are tied together by our cooperation in both the first and second world wars, when thousands of Australian and French soldiers fought side-by-side to defend shared values of liberty, democracy, the rule of law and the protection of human rights. These values are still at the core of our societies and underpin our strong bilateral relationship and international engagement. Australia and France continue to work together in many fields such as defence and international security, climate change mitigation and energy transition, supply chain resilience and cooperating in pursuit of our shared interest in the Indo-Pacific region and Antarctica.

With such a long legacy and shared history, FACCI has opened five chapters over the last 125 years, with offices in Adelaide, Brisbane, Melbourne, Perth and Sydney. I want to take this opportunity to acknowledge and thank the team at the SA chapter for their hard work and dedicated service to FACCI as well as South Australia.

I would like to mention Florence Masters, head of the operational team in South Australia. Anyone who has had the pleasure to meet or work with Florence would agree with me that Florence is a dynamic, resourceful and energetic leader who is doing a fantastic job managing day-to-day administration, membership engagement and event organisation.

I mentioned in my speech at the EuroMix this year that Florence is definitely an influencer and her ability to collaborate with diverse stakeholders and bring everyone together is a great asset to FACCI and to the South Australian business community.

Wafaa Khalifi, President of the SA chapter council, is another wonderful leader. Wafaa brings many years of corporate and business experience from working in various industries and is deeply connected to South Australia through her current role as General Manager, Production and Treatment Alliance South Australian Water at Suez.

Romain Bertin is Vice-President of the SA chapter council. The other SA chapter council members are Suleman Ahmed, Florent Campagne, Max Cateau, Ian Coker, Clement Demarais, Adrien Doucet, Julia Dreosti, Sajimon Joseph, Olga Kostic, Manon Perichou, Stephanie Rinck-Pfeiffer and Chris Stinchcombe. Congratulations to the FACCI team for their great work in stimulating the local French-Australian business community and promoting the activities and services of the chamber.

FACCI provides their services on the foundation of their main mission, which is to help French and Australian companies succeed through information sharing, networking and business support services. FACCI's list of services include promoting Australia as a place of business to French and European companies, assisting with company set-up, providing legal service, assisting with visa and immigration requirements, translation and interpreting services, domiciliation services at their addresses in Sydney, Melbourne, Brisbane and Adelaide, and many other services as well.

FACCI in SA communicates with over 2,000 companies on a weekly basis from all industries. More than half of these are Australian companies, and they attract many members who are not connected to France. Due to FACCI's expansive and rich network, many business leaders join FACCI to gain a connection to the chambers and other businesses.

To highlight FACCI's successes and to demonstrate that South Australia is well positioned to be internationally competitive, I would like to take this opportunity to highlight some of the biggest French companies now operating in South Australia.

Suez, as I mentioned before, is a major player in environmental services, delivering sustainable water and wastewater services in metropolitan Adelaide in partnership with SA Water. Egis is a leading global consulting, construction engineering and operating firm. REDARC Group encompass REDARC Electronics, Hummingbird Electronics and REDARC Defence & Space. Ekium provides end-to-end engineering design, project management and prototyping services to all sectors,

including mining and resources, defence, aerospace, automotive, building and construction, medical, food and beverage, and utilities.

Accor Group has a number of fantastic hotel offerings in South Australia, including the Sofitel Adelaide and Pullman Adelaide. Sofitel is a pioneering French luxury hospitality brand established in 1964. We are fortunate to have this international brand in South Australia as Sofitel brings a French sophistication to Adelaide and adds to the many top-class accommodation and tourism offerings we have in South Australia.

Cylad Consulting is a strategy and management consulting firm that advises both major industrial enterprises and SMEs in assembly industries. Bonjour Australia provides French lessons for children, adults and groups in both online and face-to-face formats. Acorel is a leading expert in automatic people counting and flow analysis solutions and provides automated people counting for Adelaide's tram network. Keolis Downer currently operates the Adelaide metro passenger rail network. Bouygues Constructions has just been announced as part of the preferred alliance for the River Torrens to Darlington project.

I want to extend a special thanks to all these businesses operating in South Australia and making a great contribution to the economy of South Australia and also to jobs. These are just some of the many French companies now based in South Australia thanks to the wraparound support and comprehensive services provided by FACCI. FACCI is an impressive organisation which organises a number of events, with about 20 events each year being held in South Australia alone. Many of these events include business social networking, webinars and presentations from experts across various industries.

FACCI SA also has two flagship events which I have had the pleasure of supporting, namely FACCI's annual gala and EuroMix. This year's annual gala was indeed a special event to mark the official celebration of FACCI's 125th anniversary. The gala was held on Tuesday 14 May and was a *Great Gatsby* inspired cocktail dinner tour, which encouraged guests to embrace the 1920s-style fancy dresses and dinner suits. Sofitel's restaurant, Garçon Bleu, provided the perfect venue for the milestone celebration. It was my pleasure to meet many distinguished guests, including His Excellency Pierre-André Imbert, the newly appointed Ambassador of France to Australia; Honorary Consul of France, Mrs Marcia McLachlan; as well as many business leaders and chambers' representatives.

It was also a pleasure to attend EuroMix just a couple of weeks ago. EuroMix is a wonderful event that is jointly hosted by FACCI, together with nine different European chambers of commerce here in Adelaide, representing France, Germany, Greece, Ireland, Italy, the Netherlands, Spain, Slovenia, Austria and Switzerland. EuroMix is an important yearly networking event that celebrates business exchange and the friendship between European countries and Australia. As the largest and most active chamber in South Australia, FACCI is the leading convener for EuroMix each year. It is an opportunity for South Australia to expand its connections with the EU as a whole across a variety of important industries and sectors.

As a bloc, the EU is equivalent to the third largest economy in the world, valued at $US16.7 trillion in 2022, and sits behind only the US and China. Excluding intra-EU trade, it is the world's second largest merchandise importer and second largest merchandise exporter. The EU plays an important role in our economy. Australia's two-way trade in goods with the EU was valued at $86.4 billion in 2023, representing approximately 8.5 per cent of Australia's total goods trade. This positions the EU as Australia's third largest trading partner, following China (31.5 per cent) and Japan (11.5 per cent).

The EU exported goods worth $63.9 billion to Australia in 2023. This reflects an annual average growth rate of 5.7 per cent over the past five years. The EU is Australia's second largest source of goods imports, accounting for 15.1 per cent of Australia's total imports, after China, which accounts for 25.3 per cent. The total trade in services between the EU and Australia was valued at $56.9 billion in 2022, with this figure growing consistently over the last five years.

The EU exported $42.1 billion worth of services to Australia, positioning the EU as Australia's largest source of trade in services imports, ahead of the United States, with imports from Australia

to the EU reaching $14.8 billion. In 2023, the EU-South Australia trade was worth $2.6 billion. The EU is South Australia's third largest trading partner and the second largest source of imports.

Some of these statistics further demonstrate the extensive importance of our ongoing relationship with the EU, and FACCI as a key facilitator on the national and state level. It was my great honour to be invited as a guest speaker, representing the leader and the Liberal Party, to speak at EuroMix this year about the importance of our relationship with France and the EU and to also hear from some other fantastic guest speakers at the event, including His Excellency Pierre-André Imbert, the Ambassador of France to Australia, and also His Excellency Mr Gabriele Visentin, the European Ambassador to Australia.

It was great that the Leader of the Opposition, the Hon. Vincent Tarzia, was able to join EuroMix a bit later that evening along with other parliamentary colleagues and many distinguished guests. Once again, I want to thank all the team and council members of FACCI, both here in the SA chapter and also at the national level, for their extensive and hard work in connecting Australian businesses and entrepreneurs with their French and other European counterparts.

It is indeed wonderful to recognise that Australia and France share a commitment to a dynamic bilateral relationship and I commend FACCI for playing a significant role to foster successful outcomes for French and Australian companies. Once again, I would like to offer my congratulations. It is a great honour to highlight the contributions of FACCI in strengthening the French connections in South Australia. With those congratulatory remarks, I wish FACCI a fantastic 125th celebration. May they enjoy another 125 years and beyond of outstanding contribution. With those remarks, I wholeheartedly commend the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

## COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION

Adjourned debate on motion of Hon. R.B. Martin:

That this council—

1. Recognises that this year marks 75 years of the Commonwealth Scientific and Industrial Research Organisation (CSIRO);

2. Acknowledges the many notable and world-leading scientific achievements of the CSIRO and its researchers over its decades of operation;

3. Affirms the fundamental importance of scientific research and innovation to promoting human health and wellbeing, a successful society, and a prosperous economy; and

4. Commends the crucial role played by the CSIRO in our nation’s historic, contemporary and future contributions to scientific and technological advancement.

(Continued from 5 June 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:26):** I rise today to briefly speak on this motion brought to this place by the Hon. Reggie Martin. I want to specifically highlight some of the good work the CSIRO does for our agricultural communities, such as improving farming efficiencies and improving productivity and research and development so that the work on the land the farmers do can be beneficial to feed and clothe Australians today and far into the future.

The CSIRO has more than 6,000 people working for it across 49 sites in Australia and two overseas. They also collaborate with researchers across the world, with more than 1,400 international collaborators and customers across 87 countries. In 2023, in a Roy Morgan survey, the CSIRO brand was voted most trusted government service for the second year in a row. From their scientific research and development on crops to improve productivity, profitability and sustainability to better livestock breeding and management practices, and to researching future agricultural and aquacultural practices to boost the value and competitiveness of our produce on the world stage, the CSIRO does a wide range of work to assist our agricultural industry.

Australia is a harsh place to farm and the research and development of technologies, including genomic breeding, increases the chances of success. Those practices are best done in Australia by Australians under conditions that imitate those found by farmers around our great

country. We may take inspiration from other parts of the world on practices, but unless they have been put to the test in Australia, frankly they cannot be considered tough enough.

Some of the breakthroughs the CSIRO is responsible for include the formula behind Aeroguard, initially used with our troops to prevent infection from malaria-bearing mosquitoes. For stock, the development of the vaccine Equivac HeV to the Hendra virus, one of the most dangerous viruses in the world for horses, was a breakthrough. The commercial vaccine has reduced costs of disease response and containment and in a way stops the disease in its tracks, limiting its ability to mutate and spread from horse to horse and, more devastatingly, from horse to human.

Another of the CSIRO's breakthroughs is the isolation of a particular grain of barley with four times the resistant starch and twice the dietary fibre of regular grains. The super grain BARLEYMax with low GI is these days found in a range of commercially available food products and recognised by international health bodies for its benefits. These are only a few of the breakthrough developments that have greatly benefited our way of life on the land.

I thank the Hon. Reggie Martin for bringing this motion to this place. The CSIRO's primary functions under the provisions of the Science and Industry Research Act 1949 are to carry out scientific research to benefit Australian industry and the community, and to contribute to the achievement of national objectives. They have achieved just that in their 75 years, and I wish to place on the record the appreciation of the agricultural community for the research and development the organisation contributes to life on the land in the harsh conditions that we here in Australia have.

Motion carried.

## 2026 CENSUS

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:29):** I move:

That this council—

1. Acknowledges that Australia is a proud multicultural country and our people are from different backgrounds, cultures, languages, faiths and each individual is worthy of dignity and respect, and has a desire to lead meaningful and productive lives;

2. Recognises that the census helps us understand who we are as a nation and therefore the Australian census must accurately and comprehensively collect data that represents the pulse of the nation;

3. Recognises that the religious and spiritual profile of Australians remains an important measure for many religious and multicultural communities;

4. Notes that the Australian Bureau of Statistics proposal to make changes for the 2026 census will weaken the accuracy of one of their measures by changing the census question about religion;

5. Recognises that accurate, consistent measure and comparable data is vital as churches, temples, mosques and religious groups rely heavily on the data to assist parishes, places of worship, schools, health services, welfare, aged-care facilities and other organisations to understand the religious demographic of the communities they serve;

6. Notes that the proposed new census question disengages religion from culture and identity and calls on the Australian Bureau of Statistics to keep the existing question, 'What is your religion?', which assesses religious identification as part of a person's culture and heritage, serving as an essential marker of other attributes and beliefs;

7. Recognises that census data from the question 'What is your religion?' has helped demonstrate and monitor changes in Australia's multicultural character and it must continue to be a comprehensive and accurate tool for supporting services and activities provided by religious groups and government to meet Australians' needs; and

8. Calls on the federal Australian government to reject changes to the proposed 'reformulation' about religion in the upcoming 2026 census.

I rise today to move this important motion regarding proposed changes to the question on religious affiliation in the upcoming 2026 census. It is a topic that has seen a lot of coverage in the press and a sustained campaign by both secular and religious groups.

As we all know, the Census of Population and Housing is conducted every five years by the Australian Bureau of Statistics, and is the most comprehensive snapshot of our country. The data

gathered through the census helps us understand who we are as a nation. Over the years, the censuses present substantial evidence that show how our society is changing, providing detailed information about the economic, social and cultural make up of Australia.

It is vital that comprehensive data that represents the pulse of our nation can be maintained with a high degree of integrity, accuracy and consistency. Census data helps inform services that improve the lives of people, families and communities, ensuring that the right services can be provided where they are needed. The data captured by the census highlights the changing composition of Australia's population, with the results of the latest national census in 2021 revealing that we are a fast-changing, growing and culturally diverse nation.

By way of illustrating the demographic changes in Australia, for example, over 1 million people arrived in Australia from 2017 to 2021. Over four out of every five of these arrivals, or about 83 per cent, were in 2017 to 2019, before the COVID-19 pandemic. With these new arrivals we have seen that proportion of Australian residents born overseas (first-generation) or who have a parent born overseas (second or third generation) move above 50 per cent to 51.5 per cent.

I am sure honourable members would agree that Australia is a proud multicultural country, and would appreciate that people are from different backgrounds, cultures, languages and faiths. Regardless of where people come from, each individual is worthy of dignity and respect, and has a desire to lead a meaningful and productive life.

While the recent census data shows that the number of Australians identifying as nonreligious has been increasing in recent years, for many religious and multicultural communities their faith is still an incredibly important part of their identity. Their faith is a way of life for these communities and, as the longest continuous serving member of parliament in multicultural affairs, I have experienced firsthand how important and significant religious observances, ceremonies, feast days, processions and festivals are organised and celebrated by thousands of faith-based or multicultural groups every year in South Australia.

There is no doubt that accurately capturing the religious and spiritual profile of Australians remains an important measure, and that is why am bringing this motion to the attention of honourable members in the parliament today.

Some people may not be aware that the Australian Bureau of Statistics (ABS) undertakes a review before every census to inform a recommendation to the federal government on the topics for the next census. When it comes to the question on religion, I would like to emphasise that a question on religion has been included in all Australian censuses since 1911, and answering has always been optional. Interestingly, and importantly, although the question on religion is optional it is answered by nearly all respondents.

The question is intended to measure religious affiliation, which the ABS states:

> …may be different from a person's practice of or participation in a religious activity. It allows people to respond with secular or spiritual beliefs and to indicate if they have religious affiliation at all.

As part of the review ahead of the 2026 census, the ABS is proposing changes to the question on religious affiliation. The proposed change would update the question wording from 'What is your religion?' to 'Do you have a religion?' The question would have a mark box for both no and yes (specify religion). For those who indicate they do have a religion, the ABS will be testing the use of a write-in box for all responses.

Previously, though, a pick list was provided for more convenient, more useful purposes where the most common religions were provided on a pick list, and a write-in box for all others. If you are Catholic, Greek Orthodox, Hindu, Buddhist, or no religion for that matter, all you have to do is just mark a dash in the box of the listing on the census form. If you have a different religion other than the most common ones, you can specify by writing in the area marked 'other'. Many people raised concerns with me that the write-in box for multicultural communities would cause a lot of problems for culturally and linguistically diverse communities where English is their second language. This method of collecting data for new arrivals would definitely disadvantage those communities.

Secular groups have argued that the current question 'What is your religion?' is biased, implying that the respondent has a religion when this may not always be the case. They argue that

the phrasing of the question prompts respondents to mark that they belong to a religion when they may no longer really practise or hold those beliefs, producing results that overstate religious affiliation in the community. However, this argument disregards the intersections between religion, culture and identity. As I highlighted earlier, the ABS states that the question measures religious affiliation not religious practices, and has existed since 1911.

The existing question 'What is your religion?' assesses religious identification as part of a person's culture and heritage, serving as an essential marker of other attributes and beliefs. There is concern that asking 'Do you have a religion?' changes the question to one about whether a person holds religious beliefs and will erode the sense of religious heritage.

By disengaging religion from culture and identity, the proposed changes will weaken the accuracy of the data and affect how the data can be compared across the years. I have highlighted earlier that data on religion has been in the census data since 1911. This historical data provides substantial evidence over a long period of time and cannot be underestimated.

Data from the question 'What is your religion?' has helped demonstrate and monitor changes in Australia's multicultural character over time, and it must continue to be a comprehensive and accurate tool for supporting services and activities provided by religious groups and governments to meet Australians' needs. Accurate, consistent measures and comparable data are vital, as churches, temples, mosques and religious groups rely heavily on the data to assist parishes, places of worship, schools, health services, welfare, aged-care facilities, and other organisations to understand the religious demographic of the communities they serve.

I note that since first giving notice for this motion, the head statistician of the ABS, Dr David Gruen, appeared before Senate estimates and answered questions regarding the testing of the proposed changes to the question on religion. Dr Gruen told the estimates hearing that the census religion question was a sensitive topic and many people had strong views. He advised that the ABS would be testing the alternative question wording in September 2024, which is this month, but that should not be taken as an indication that that is where we are going to end up. The possibility of having an updated version of the 2021 census questions remains very much an option.

I also note that the ABS has issued a clarification on their website stating that no final decision has been made on the changes to the question and that the ABS will consider the impact of changes on the comparability of data between censuses.

Since giving notice of this motion, many faith-based and multicultural communities have raised their concerns with me. I have therefore taken the liberty of conducting an online survey regarding proposed changes to the question. I take this opportunity to thank everyone who took the time to submit a response to my survey and share their thoughts on the topic with me. From all the responses received, 80 per cent thought that the proposed change will impact our community and 74 per cent believe the change will make it more difficult for respondents to answer the question, and 88 per cent of survey responders said they would advocate strongly to keep the current phrasing of the question on religious affiliation on the census.

Qualitative responses highlighted concerns about the clarity of the question, if non-English-speakers would be disadvantaged by removing the pick list of common religions, concerns about comparability of the data across censuses over the years and the impact the changes may have on faith-based organisations, which rely on data from the census. It is clear that this is a genuine community concern about the impact of the proposed change to this important question on religious affiliation in the upcoming census.

The proposed changes threaten to weaken the accuracy of the data collected in the 2026 census and may be skewed by those seeking to highlight growing secularism in Australian society. Accurate data that can be compared with past years is essential for integrity, accuracy and consistency for multicultural and religious groups to plan the support services and activities they provide to their communities. I call on the federal government to listen to these concerns and reject the proposed changes to the question on religion in the upcoming 2026 census. As I commend the motion, I also urge all honourable members to support it.

Debate adjourned on motion of Hon. I.K. Hunter.

*Bills*

## STATUTES AMENDMENT (CRIMINAL JUSTICE MEASURES) BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 1 May 2024.)

**The Hon. R.A. SIMMS (16:42):** I rise today to indicate that the Greens are not supportive of this bill. Colloquially known as 'post and boast', this bill aims to address the issue of offenders posting videos of crimes on social media. The bill creates a presumption against bail for people aged 14 to 18 who post and then boast about their crimes. It also aggravates an offence where the offender publishes material relating to that matter.

Whilst I do understand the point that the Hon. Frank Pangallo is raising through this legislation—and I do have some concerns around offenders engaging in criminal acts and not demonstrating appropriate contrition; indeed, posting or bragging about your crimes on social media does not point to contrition—the Greens are concerned that this bill is misdirected in its approach. Young people in particular could be targeted through these laws, and we know that young people do not respond well to punitive policies.

What is needed are more wraparound services, more effective diversionary programs. I have spoken in this chamber about some of those alternatives in the context of the debate around the age of criminal responsibility. There are other ways to address this issue. It would make more sense to allow courts to consider the publishing of material in sentencing and to provide more early intervention programs to prevent this kind of offending occurring in the first place.

Rather than managing the behaviour after the event, we should always be looking at the systemic causes of offending and trying to drive that down, looking at the causes of crime and how we might appropriately manage that. I think it is instructive, when considering this bill, to take into account the views of the Law Society. They have written a comprehensive submission on this proposal, and it is clear they are not supportive of the bill. I will quote from a few elements of their submission.

> The society provides [these] views, informed by Members of its Criminal Law Committee, emphasising the development of an appropriate legislative response to 'posting and boasting' is a task which must be undertaken carefully. The Society is particular concerned that the amendments to the Bail Act, their disproportionate impact on young people, and their incompatibility with the International Covenant on Civil and Political Rights.

Their submission outlines concerns regarding the application of the bill, the presumption against bail, and the potential disproportionate impact that this could have on young people. Indeed, members are aware of my views around that. The Law Society note in their submission:

> …concern with such a reform coinciding with the State Government's considerations to increase the minimum age of criminal responsibility from 10 to 12 years of age and alternative division models for those under the minimum age of criminal responsibility. The Society notes in-principle support for that proposal, and we would consider Parliament's support of a Bill in the terms proposed to be a retrograde step in attempting to achieve that reform.

That is a pretty clear message from the Law Society that now is not the time to be undertaking this kind of reform whilst parliament is still forming a position on the age of criminal responsibility. I take on board the comments made by the Attorney-General where he indicated that this is still an issue on which the Labor government is to form a position, but we do not want to put the cart before the horse by legislating in an area where there is still some consideration around the options.

I make no criticism of the Hon. Frank Pangallo in putting this forward. I know he is someone who is very interested in criminal justice reform, but in this instance the Greens have a slightly different view. I understand the opposition have amendments to this bill to remove the presumption against bail. We are supportive of those amendments. One of the big issues that we have been concerned about in this legislation is the inclusion of a presumption against bail. I do not agree with that principle.

As stated previously, in summing-up it is vital that we look at the systemic causes of offending rather than jailing people after the fact. That is particularly true when we are looking at offences

committed by young people. I urge the government to focus their attention on diversion models, things that will actually reduce offending, prevent young people from interacting with our criminal justice system and make our community safer as a result.

**The Hon. J.E. HANSON (16:47):** I rise on behalf of government members to indicate that we will not oppose the passage of this bill through the council today but will reserve our position in the other place pending further consideration of the issue. The state government has, I think, a well-established zero-tolerance approach to crime, including criminal acts by children, which I understand the Hon. Frank Pangallo is seeking to address in part through this bill.

We have also made significant investments and legislative reforms to keep our community safe. We have invested significantly in South Australia Police, including in this year's state budget. South Australia has the most police per capita of any state and recent ABS statistics show the lowest youth offending rate of any state. SAPOL have been given expanded powers in the Riverbank and the northern CBD precinct through the Attorney-General's declaration of declared public precincts.

We are also determined to ensure that those adults who recruit children to commit crime face the full force of the law. It is for that reason that we introduced the Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill, which was passed by this council in recent months. The Premier, the Attorney-General and the Minister for Police have met with business groups, unions, police and, indeed, SafeWork SA to discuss the issue of youth crime, and the working group continues to explore the current trends and further measures which could be put in place in this area.

The Hon. Frank Pangallo's bill has two significant proposals: a new offence, known as a 'posting and boasting' offence, and a presumption against bail for children in particular circumstances. I am advised that the Attorney-General is carefully considering the issue of a posting and boasting offence, particularly assessing how this has been done in New South Wales and in Queensland. We have some concerns that the Hon. Mr Pangallo's proposed offence covers only posting about an offence that the person themselves have undertaken, not behaviour undertaken, for instance, by others.

The bill also does not include elements seen in some other jurisdictions, such as a focus on social media posts glorifying criminal offending, and targeting particularly serious or particularly prevalent offences. The government will continue in its examination of the issue, and engage further with the Hon. Mr Pangallo during consideration of this bill in the other place.

The amendments to the Bail Act would create a presumption against bail for children between the ages of 14 and 18 who are charged with a posting and boasting offence, and also one or more of the offences of using a motor vehicle without consent, serious criminal trespass in a non-residential building or serious criminal trespass in a place of residence.

The government has some concerns about this approach. A presumption against bail limits a court's ability to consider the factors that drive youth offending, such as the many factors the honourable member outlined in his second reading speech. It is also pretty unusual, I think, for such presumption to apply only to children, and not to adults. Given this, the government intends to support the amendments filed by the Liberal opposition.

In closing, I would like to thank the Hon. Mr Pangallo for bringing this bill forward, and for his efforts in this important policy area. The government will, as I said, not oppose the passage of this bill today, and I look forward to working further with all honourable members on these matters.

**The Hon. S.L. GAME (16:51):** I rise briefly to offer my in-principle support for the Hon. Frank Pangallo's Statutes Amendment (Criminal Justice Measures) Bill. I fully concur with the honourable member's concern about the increasing youth crime in our community, and the need to impose sanctions on young offenders who glorify this criminal behaviour on social media.

The first part of the proposed amendment will alter the Summary Offences Act 1953 to create a new offence for a person who commits a particular crime and then publishes their involvement in this crime via social media or other electronic means. While proving such an offence may be challenging for the police and prosecutors, I fully support the honourable member's intention to prevent the glorification of criminal behaviour.

However, the second part of the bill is a proposal to amend the Bail Act 1985, and to create a presumption against bail for children 14 years of age and above who are charged with using a motor vehicle without consent, and serious criminal trespass in both a residential and non-residential building. This presumption against bail will shift the onus on the alleged offender to convince the bail authority that there are special circumstances justifying bail. This is a significant measure that could impact on an alleged young offender's right to the presumption of innocence.

I will always support measures that are aimed to uphold community safety and protection, plus measures that seek to deter young offenders from engaging in criminal behaviour, but these measures should be fair and just, and should avoid presuming the guilt of our most vulnerable young people. It seems inconsistent that under this legislation an adult can be considered for bail for a certain crime, but a minor committing the same crime cannot and, as such, while I offer my support in principle for the bill, I also support the amendments that are being put forward by the Hon. Nicola Centofanti.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:53):** I rise today as the opposition's lead speaker for the honourable member's Statutes Amendment (Criminal Justice Measures) Bill 2024. Whilst well-intentioned in its efforts to curb criminal behaviour being glorified in public spaces, particularly on social media, this bill introduces concerning changes that extend far beyond its stated objectives. The opposition cannot support this bill in its current form, and I will outline why.

At its core, this bill seeks to introduce a new offence targeting individuals who advertise their involvement in criminal activity, what we commonly refer to as posting and boasting. Clause 6 of this bill, which introduces section 21AA into the Summary Offences Act 1953, addresses this issue by creating penalties for offenders who publicise their crimes for notoriety. This provision is an important step in ensuring that individuals do not use social media to promote or glorify their unlawful acts.

In principle we support this aspect; however, the bill strays significantly when introducing changes to the to the Bail Act 1985. Clauses 3 and 5 introduce and then repeal, after three years, a presumption against bail for minors aged 14 to 17 who have committed certain motor vehicle and trespass offences in conjunction with the new section 21AA.

The presumption in favour of bail is a fundamental aspect of our justice system and ensures that individuals who are presumed innocent until proven guilty are not unduly punished or held in custody before their guilt is determined. The Bail Act 1985 already includes appropriate provisions for serious offences such as murder, aggravated violence and breaches of intervention orders. In such cases the presumption against bail exists to protect the public from significant risks and rightly so; however, to extend this presumption to minors for lesser offences like trespassing and unauthorised vehicle use is disproportionate and could have far-reaching consequences on our youth justice system.

As we have seen in other jurisdictions, the introduction of a presumption against bail for minors has often led to unintended consequences. They include an increase in the number of young people held on remand. This not only places additional pressures on our detention centres but also risks unnecessarily criminalising minors who may otherwise benefit from rehabilitative interventions.

It is essential to recognise that for most young offenders a punitive approach may not address the underlying issues that contribute to their offending. Furthermore, clause 5 adds an inexplicable layer of confusion by repealing these bail provisions three years after their introduction. We question why introduce a policy only to remove it without a clear justification. We believe that this type of legislative uncertainty is unacceptable. It sends mixed signals about a commitment to justice reform.

We seek to move several amendments in my name with the intention to tighten the proposed legislative reforms and refocus this bill on its original and proper intent—that is, dealing with the issue of individuals publicising their crimes. Our amendments propose to remove all changes to the Bail Act 1985, as they are unnecessary and potentially harmful. Moreover, we propose renaming the bill the Summary Offences (Advertising Involvement in Offence) Amendment Bill to reflect its true purpose.

The Liberal Party believes that these amendments honour the intent pursued by the honourable member, and we hope they are viewed favourably by our colleagues in this chamber today. The importance of a balanced justice system cannot be overstated. Bail laws exist to protect the community and ensure that individuals, particularly minors, are given a fair opportunity to defend themselves without being prematurely punished. If we erode these safeguards by lowering the threshold for denying bail, especially for young people, we risk creating a cycle of recidivism rather than fostering rehabilitation.

I thank the honourable member for raising this issue, and we hope our amendments are accepted in full. The intention, as it should be for all in this place, is to work across parties to develop the best legislation for South Australia to exist in relative perpetuity. We believe our contributions strike that balance. I urge this chamber to consider the broader implications of the original bill. Our focus should remain on addressing the real issue: preventing the glorification of crime in public forums whilst ensuring we do not inadvertently create more problems by introducing unjustifiable changes to our bail system. The amendments we have proposed are necessary corrections, and I call on all members to support them.

**The Hon. F. PANGALLO (16:59):** I thank all the honourable members who made a contribution today. I accept the comments made by the Hon. Nicola Centofanti in relation to bail laws. I will accept those changes to the bill that I have proposed, and I thank them for making those. I will note that concerns were also raised with me by the Law Society and also several other members of the legal fraternity who contacted me expressing their concern about the availability of bail being withdrawn and concerns as to the effect that might have.

I do want to point out that the intent of the bill, of course, is to ensure that you do not have these young offenders and that is what they are. Essentially, they are young ones who boast about the crimes they commit in order to get some sort of notoriety—15 minutes of fame—either on TikTok or other social media platforms and hopefully even make TV news bulletins because of what they do. They seem to be not only oblivious to their crime but seem to be boasting about what they have done or what they intend to do. This sends a pretty bad message to the community when you have offenders like this who at the same time do acts to perhaps even incite others to do the same thing.

So that was the original intention of my bill. Yes, it was quite tough. It was based on what New South Wales and Victoria already have in place. I will acknowledge that youth crime is up in every jurisdiction. It is something that I think the authorities and governments need to address pretty quickly to get tough on these young offenders. With that, I thank all the members.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

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

Amendment No 1 [Centofanti–1]—

Page 2, line 4—Delete 'Statutes Amendment (Criminal Justice Measures)' and substitute:

Summary Offences (Advertising Involvement in Offence) Amendment

As reflected in my speech, this amendment changes the title. It renames the bill to more accurately reflect the bill's true purpose. Obviously, the intent of the remaining amendments, which are all related, is to delete clauses 3 to 5 or part 2 in its entirety, which are obviously the changes to the Bail Act I previously outlined in my second reading speech. As the bill is currently written, if an adult commits an offence in question they are given presumption of bail; however, a minor between the ages of 14 to 17 would have presumption against bail. That simply does not make sense.

Clause 5, we also seek to be deleted. Clause 5 is simply the clause that suggests that the presumption against bail provision will be deleted after a three-year period, and it is not clear why.

**The Hon. I.K. HUNTER:** I wish to advise the chamber the government will be supporting all of the amendments in the name of the Hon. Nicola Centofanti for the reasons outlined in the speech given by the Hon. Justin Hanson.

**The Hon. R.A. SIMMS:** I also indicate that the Greens will be supporting the amendments advanced by the honourable member for the reasons I already outlined.

Amendment carried; clause as amended passed.

Clause 2.

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

Amendment No 2 [Centofanti–1]—

Page 2, line 7 [clause 2(1)]—Delete 'Subject to subsection (2), this' and substitute 'This'

Amendment carried.

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

Amendment No 3 [Centofanti–1]—

Page 2, lines 9 and 10 [clause 2(2)]—Delete subclause (2)

Amendment carried; clause as amended passed.

Clause 3.

**The CHAIR:** There is an amendment in the name of the Hon. N.J. Centofanti to leave out part 2, but standing orders dictate that the questions must be put on clauses, not parts. I will move through the questions. If you are supporting the Hon. N.J. Centofanti, you will call no. The question is that clause 3 stand as printed.

Question resolved in the negative.

Clause 4.

**The CHAIR:** The next question is that clause 4 stand as printed.

Question resolved in the negative.

Clause 5.

**The CHAIR:** The next question is that clause 5 stand as printed.

Question resolved in the negative.

Remaining clauses (6 and 7) passed.

Schedule 1.

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

Amendment No 5 [Centofanti–1]—

Schedule 1, page 4, line 19 [Schedule 1, clause 1]—Delete 'Part 2 Division 1 and'

It is consequential to amendment No. 4.

Amendment carried; schedule as amended passed.

Long title.

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

Amendment No 6 [Centofanti–1]—

Long title—Delete 'the *Bail Act 1985* and'

This is again consequential to amendment No. 1.

Amendment carried; long title as amended passed.

Bill reported with amendment.

*Third Reading*

**The Hon. F. PANGALLO (17:09):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Motions*

**SINGAPORE AIRLINES**

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates Singapore Airlines for 40 years of successful operation in Adelaide;

2. Acknowledges Singapore Airlines as Adelaide's longest serving international airline;

3. Recognises the significant impact Singapore Airlines has on the visitor economy, international students market, international trade and exports sector over the last 40 years;

4. Notes Singapore Airlines has played a pivotal role in South Australia's COVID pandemic recovery and was one of the first international airlines to reintroduce flights in mid-2020 to help repatriate South Australians and to also transport South Australian exports to global markets; and

5. Commends Singapore Airlines for its long-term commitment to work in partnership with Adelaide Airport and recognises the Airline's important contributions to the tourism, transport and aviation sectors in South Australia.

(Continued from 15 May 2024.)

**The Hon. D.G.E. HOOD (17:09):** It is unusual for me to speak on this sort of motion but I have chosen to today because I wanted to make a couple of key points, if I may. The reason it is unusual for me to speak on this is that we have a very able shadow minister who sits directly in front of me and takes carriage of these sorts of matters and does so very well of course. There are a couple of points I would like to make in my contribution today. The first one is that she is absolutely right, the focus or the main content of the motion, if you like, is that South Australia is indeed very fortunate to have an outstanding airline like Singapore Airlines servicing us so very well.

They have done so for over 40 years, which probably is not widely known. In fact, they are Adelaide's longest serving international airline, something that we desperately need in order to grow our economy. Because of that very longstanding relationship we have had with Singapore Airlines, they actually formed a pivotal part of our ability to transport freight during the COVID pandemic. They were perhaps the critical airline during that phase. There were two or three others, of course, but they were one of the very significant ones which played a great role in getting the things we needed here, and the things we needed to send overseas, and to do that for us. So I think the public of South Australia owes a great debt to Singapore Airlines for that and I certainly pass on my regards and gratitude to them.

It is a big airline. They operate to some 76 international destinations in 32 countries on five continents through their regional hub at Changi Airport in Singapore, and I think probably most of us have been there at least at some stage. It is an impressive airport. In fact, they were named a five-star airline by Skytrax and I note they were named the World's Best Airline just last year. My heartfelt congratulations to Singapore Airlines on their 40 years of successful operation in Adelaide. They are an outstanding airline and I recommend them to those who may be considering international travel.

That is the first point I would like to make. The second point, and members will be pleased to hear that I will be quite brief this afternoon—

**The Hon. C.M. Scriven:** We love to hear you, Dennis.

**The Hon. D.G.E. HOOD:** Thank you. I am sure you do, minister. The second point I would like to make is, I think, equally important and that is the absolute complete lack of Qantas international flights out of Adelaide. There is not one single flight on Qantas out of the city of Adelaide and I think that is, frankly, unacceptable. There are 29 international flights from Qantas from the city of Sydney. They fly to destinations like Singapore, Los Angeles, Nadi in Fiji, Vancouver, Johannesburg,

Bangkok, Dallas Fort Worth, Auckland, Honolulu, etc., and it goes on, but not one single international flight from Adelaide on the so-called national carrier.

From Melbourne, Qantas operates 13 direct international flights, soon to be 14. They will be introducing Honolulu in the middle of next year, but they fly to London, Singapore, Los Angeles, Delhi, Auckland, Denpasar, a number of cities in New Zealand, to Dallas Fort Worth as well, Tokyo directly, Jakarta, etc., and on it goes—so 13 flights from Melbourne soon to be 14. From Brisbane, Qantas flies to 11 or 12 destinations, to cities like Singapore, Los Angeles, Auckland, Port Moresby, Christchurch, Noumea, Queenstown, Tokyo, Wellington, etc.

From Perth, the story goes on, Qantas flies to four cities directly, as I understand it: Singapore, London, Rome, Paris, and as of next year they will be flying direct to Auckland and Johannesburg from Perth. Not one single international flight from Adelaide. You might say, 'Those cities are bigger than Adelaide so that makes sense at some level.' Perth is not that much bigger by the way but, anyway, regardless, they may have a geographical advantage in some of those routes but what about Darwin? There is one direct flight from Darwin internationally at the moment and they are introducing another one in March next year. Two flights from Darwin. Darwin is a much smaller city than Adelaide so you cannot justify it on the basis of population.

Qantas operates direct international flights from overseas cities—and this is our national carrier. They operate direct international flights from London to Singapore, for example; they operate direct international flights from Auckland to JFK in New York. Adelaide is being ignored by Qantas and it has gone on for too long. It is more than 10 years, as I understand it, since Qantas had a direct international flight leaving from Adelaide. You cannot blame COVID for that, because it was well before COVID that this changed.

I say to Qantas, 'You are neglecting the people of South Australia and you should re-examine the situation and introduce international flights from Adelaide as soon as possible.'

Debate adjourned on motion of Hon. I.K. Hunter.

## ST FRANCIS OF ASSISI NEWTON PARISH

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Recognises that the St Francis of Assisi Newton parish celebrated its 70th anniversary in 2023 and notes a special publication will be released in 2024 to mark 70 years of legacy and achievements;

2. Acknowledges the important work of St Francis of Assisi Newton parish in preserving Italian heritage, cultural traditions and religious beliefs;

3. Commends the significant positive social and cultural impacts that St Francis of Assisi Newton parish has had on the local community by fostering religious, cultural ties and community links between Italy and Adelaide; and

4. Congratulates parish priests, community leaders and volunteers of St Francis of Assisi Newton parish for their dedication and wonderful support to providing a sanctuary for the local community to gather on special occasions and for organising community events and celebrations which promote interculturalism and multiculturalism in South Australia.

(Continued from 16 May 2024.)

**The Hon. R.P. WORTLEY (17:15):** The 70th anniversary of the St Francis of Assisi Catholic parish in Newton is a wonderful achievement for the Italian community in South Australia. In the early 1950s the Catholic Archdiocese in South Australia recognised a need to serve the significant arrival of Italian migrants settling in Adelaide, and the Archdiocese sought the assistance of the Franciscan Capuchin order to provide spiritual and practical support for these migrants.

On 4 October 1953, the Franciscan Capuchin order had its first mass at the newly built church, which also served as the very first Italian community centre. More than 3,000 people, who were mostly Italian, attended. The mass was also attended by Frank Walsh, who would later become Premier, the Italian Minister for Australia Dr Silvio Daneo, and the Consul Mr Luca Dainelli. This was a pivotal moment for the growing Italian migrant community, and indeed the state. This

acknowledgement of the need to serve the Italian community was one of the first community-led introductions to the essence of multiculturalism in our state.

From the very beginning the Capuchin Franciscan friars have been a constant source of strength and comfort for parishioners. For seven decades they have provided pastoral care to tens of thousands of worshippers, and have dedicated themselves to following the teachings of the founder of the order, St Francis of Assisi. The departure of the Capuchin friars from the parish earlier this year was a sad time, but I know Fathers Eldridge and John got a lovely sendoff. It was also an opportunity to celebrate the years of devoted service the worshippers have given to the Catholic Church.

While the departure of the Capuchin friars represents a new chapter in the life of the church and the community, their works and influence are beautifully captured in the book that was launched a few weeks ago.

For decades the parish has been a place to come together to celebrate festas and special occasions, but also to gather together as family and friends. This special relationship between the community and parish is one that goes back many years, and perhaps spans multiple generations. However long this relationship may be, the unwavering faith in the Catholic Church, as well as the support and service to the local Catholic community, is commendable and deeply appreciated.

The community has added its own chapter to the rich history of Italian migration in South Australia, particularly in our eastern and north-eastern suburbs. We should also remember the many other individuals who have made lasting contributions to the parish. We honour all those who have served as volunteers and on festa committees, who have sung in the choir, worked in the kitchen or in the hall, or visited the elderly and isolated to give them communion. For these unsung heroes the church is as much a part of their social life as it is of their spiritual life.

Their combined efforts have made this parish what it is today, and has led to St Francis of Assisi having a special place in the heart of the community. The community has also become a beacon for new Catholic migrants who have come to settle in the area.

It is fantastic seeing at the festas community members from all backgrounds enjoying and celebrating together, but also supporting each other. We must also recognise the efforts of the community to include the wider South Australian public to the wonderful festas and celebration. These were some of the first symbols of interculturalism but it was also an important foundation in establishing relationships with governments. Many events today are worked through with councils and state government, and this was really started with communities such as the St Francis of Assisi parish and their festas.

On 10 April this year, to mark the occasion, the minister, the Hon. Zoe Bettison, hosted with the Premier leaders of the community to officially launch the book at Parliament House. This was a wonderful opportunity to celebrate the written history of the community but also for the state government to show their appreciation to the community. I must thank John Di Fede and Luisa Greco, along with the Committee for Madonna dell'Arco, who came to the minister with the idea of the book. This meeting allowed the state government to support the production of the book through the Minister for Multicultural Affairs, Zoe Bettison.

To further mark the occasion, on 21 April there was also an official public book launch to the wider community during the 67th festa of San Giorgio Martire. The book was presented to community leaders and was made available to community members. Again, I must thank John Di Fede, Emma Luxardo, Victoria Placentino, Enza Mastrantuone, the Madonna dell'Arco committee, the festas committee and the Capuchin friars for not just creating the vision of this book but also making sure that the history of the parish community was preserved for future generations.

I want to once again thank and congratulate St Francis of Assisi Catholic parish on their successful and deeply meaningful achievement. Long may the memories of those seven decades live in our hearts.

**The Hon. S.L. GAME (17:21):** I stand with the Hon. Jing Lee to acknowledge and celebrate the 70th anniversary of St Francis of Assisi Newton parish in 2023, and note a special publication was released in April this year to mark the community's 70 years of legacy and achievements.

I commend the parish on preserving the Italian culture and religious beliefs of their community, and the ongoing positive impact on the communities of Adelaide. I congratulate the parish priests, community leaders and volunteers for providing a meeting place and sanctuary for all people. I join with the faith community in celebrating the seven decades of service to the people of Newton, and acknowledge this community's dedication and resilience in continuing to provide a sacred space where all people can gather, celebrate and reflect.

**The Hon. T.T. NGO (17:22):** I also rise on behalf of the Labor government in support of this motion from the Hon. Jing Lee. Parish priests play a crucial role in the local community by offering both spiritual and practical support and helping to create a strong sense of belonging within the parish and beyond.

In the early fifties the Catholic archdiocese in South Australia recognised the need to serve the large number of Italian migrants arriving in South Australia, many of them settling in the eastern and northern suburbs of Adelaide. Newton's St Francis of Assisi supported many of our elderly Italian migrants and I understand the Capuchin friars there have followed the teaching and spirituality of St Francis of Assisi for many decades.

The departure of both Father Eldridge and Father John in January this year was a sad time for the parish and its local community. At the farewell Father John said that Newton was the first parish to which he was assigned many years ago when he was a young friar. He also spoke highly of Father Eldridge, saying that he was a faithful and affectionate friend during these decades.

Apparently, Father Eldrige, who was of Indian heritage, was first introduced to the parish of St Francis of Assisi at the mass, which was all in Italian. After this, he immediately started studying the Italian language with the precious help of Professor Luigi Stanziano. In fact, it was noted in *The Southern Cross*, which is a Catholic faith newsletter, how the St Francis of Assisi parish supported community members from all backgrounds and celebrated each other when they came together.

The Hon. Jing Lee, as well as many others, has acknowledged how people who had come from all over the world connected socially and spiritually at this parish. I want to especially recognise St Francis of Assisi for including the wider South Australian public for the wonderful festas and celebrations it has hosted over the years—I have had the opportunity to attend a few myself.

Although back in the day St Francis of Assisi was predominantly an Italian parish community, they chose to include our wider community all those years ago. This was really the beginning of interculturalism and would have helped pave the way to establishing the wonderful multicultural city we enjoy today.

On 10 April this year, leaders of the parish community came together with our Premier, the Hon. Peter Malinauskas MP, and the Minister for Multicultural Affairs, the Hon. Zoe Bettison MP, to launch a book that celebrates the rich history of St Francis of Assisi's Catholic parish community. On behalf of this government, I acknowledge Father John, the committees involved in this project and each and every person who contributed to this book. The Labor Malinauskas government commends the parish on how beautifully the book shares memories of St Francis of Assisi. I was informed that it includes sections in Italian and in English.

I have also been told that many photographs and pictures captured the community spirit of the St Francis of Assisi parish, nurtured over the past 70 years. It will be a great record for this special parish community, ensuring that its rich history is preserved and shared with our future generations. With that, the government fully supports this motion.

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:27):** I thank the Hon. Russell Wortley, the Hon. Sarah Game and the Hon. Tung Ngo for their contributions to support the 70th anniversary of St Francis of Assisi Newton parish and also to acknowledge the significant leadership that the Italian community has played in supporting multiculturalism and all aspects of society. Thank you for that, and I commend the motion.

Motion carried.

*Personal Explanation*

## STRUAN RESEARCH CENTRE

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:28):** I seek leave to make a personal explanation.

Leave granted.

**The Hon. C.M. SCRIVEN:** Earlier today, I answered a question in regard to the Struan Research Centre. I can now provide further information and clarify that my advice is that the budget for the rebuild is a combination of insurance and government expenditure. I am advised this expenditure is reflected in the budget papers under 'Annual programs'.

*Bills*

## MOTOR VEHICLES (MOTOR DRIVING INSTRUCTORS AND AUTHORISED EXAMINERS) AMENDMENT BILL

*Introduction and First Reading*

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

*Second Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:30):** 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 Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Bill 2024. The Bill amends the *Motor Vehicles Act 1959* (the Act) to enable the Registrar of Motor Vehicles to strengthen regulation of the driver training industry to mitigate corruption, misconduct, poor and predatory behaviour and raise the standard of driver training and assessment.

The role played by the driver training industry supports the Graduated Licensing Scheme for drivers and is pivotal to the success and credibility of the driver licensing system in South Australia. Poor overall standards of driver training and examination creates a risk of people who have not been properly trained to drive being issued with a licence, which places the driver and other road users at risk of being seriously injured or losing their life. It also undermines public confidence in the Government's administration of the driver licensing system.

Research shows that young drivers are more likely to crash in their first 12 months of holding a provisional licence, when the driver is least experienced and driving unsupervised. People aged 16 to 24 years made up 11% of the population but accounted for 19% of all lives lost and 19% of all serious injuries in South Australia during the 2019 to 2023 five-year period.

While it takes time for learner drivers to fully develop the necessary cognitive competency, hazard perception skills and maturity to drive safely, driver training, and subsequent testing, ensures that a person has achieved the required level of competence before being allowed to drive unsupervised, and is therefore an important and critical component of the Graduated Licensing Scheme.

Keeping young people safe from harm and to provide them the opportunity to learn and develop skills to prepare them for driving unsupervised safely is a critical objective of the reforms.

The Registrar of Motor Vehicles (the Registrar) is responsible for the oversight of Motor Driving Instructors and Authorised Examiners who are authorised to provide driver training and driver assessments in South Australia. Motor Driving Instructors are licensed by the Registrar under the Act to provide driver training for fee or reward. Authorised Examiners are Motor Driving Instructors who have been appointed by the Registrar to conduct practical driving tests and issue certificates of competency that the Registrar accepts for the issue of a driver's licence.

Significant reform of the South Australian driver training and assessment industry is required. This has been confirmed by both a review and public and industry consultation processes undertaken by the Registrar of Motor Vehicles and the volume of convictions and administrative sanctions imposed on industry members over the past eight years.

The need for reform is further supported by the findings in a report from the Independent Commission Against Corruption's (ICAC) investigation into forty complaints and reports received by the Office for Public Integrity in relation to the conduct of Authorised Examiners.

The ICAC report, tabled in this Parliament on 17 May 2022, found that bribery is a problem within the driver training industry in South Australia, that there has been a pattern of wrongdoing by some Authorised Examiners appointed by the Registrar, and that controls in place, that are legally available to the Department to prevent corruption in the driver licensing industry are less than adequate.

Since 2017, 12 Authorised Examiners and/or Motor Driving Instructors have been charged and convicted by the courts, often on multiple counts of charges such as sexual assault offences, bribery, fraud and corruption offences.

As of 22 August 2024, over the past eight years a total of 137 disciplinary actions have been undertaken by the Department for Infrastructure and Transport (the Department) involving 125 driver training industry members. This equates to over a fifth of the industry (22.4%). The reasons for disciplinary action include serious or multiple occurrences of poor standards, poor business practices, sexual misconduct, inappropriate behaviour and conviction of criminal offences.

113 disciplinary actions have been taken by the Registrar against Authorised Examiners. Such action has included formal warning, imposition of conditions, suspension of appointment or revocation of appointment.

Further, over the same period 6 Authorised Examiners have been charged and convicted by the Courts, often on multiple counts of charges such as sexually-based offences or abuse of public office, corruption and bribery related offences.

Over the past 8 years the Registrar of Motor Vehicles has taken 24 disciplinary actions against Motor Driving Instructors. Such action has included formal warnings, suspension of licence, imposition of conditions, cancellation of licence and refuse to issue licence.

Again, over the same period, 6 MDIs have been charged and convicted by the Courts, often for multiple offences.

34 drivers have also been convicted of offences such as dishonest dealings with documents, deception and bribes.

The Department continues to receive and investigate complaints from members of the public. In the last 12 months, the Department's Investigations Team commenced 32 investigations into the conduct and business practices of Authorised Examiners and Motor Driving Instructors, which have resulted in three (3) warning notices being issued and three (3) letters of advice relative to business practices and conduct. Two matters were referred to the Office for Public Integrity.

There are 8 ongoing investigations pertaining to 7 Authorised Examiners and 1 Motor Driving Instructor relating to poor business practices, and incidents involving inappropriate behaviour and unprofessional conduct.

The Department has also seen a significant increase in complaints related to unlicensed Motor Driving Instructors. A total of 20 investigations have commenced in the last 12 months, with 9 currently under investigation for suspected offences against the Motor Vehicles Act.

In June of this year a former Authorised Examiner whose appointment was revoked by the Department some years ago was arrested for deception for taking payment for lessons. This matter is before the courts. Another former Motor Driving Instructor whose licence had been revoked by the Department was prosecuted for acting as an unlicensed Motor Driving Instructor and received a good behaviour bond.

There is often a power imbalance between the driver trainer and the learner driver, who is often a young person or a recent immigrant. This can lead to a reluctance to report inappropriate behaviour and business practices.

In light of these issues the Government has made the decision to resume the delivery of practical driving tests for the issue of all class C (car) licences. Driver training for class C (car) licences and training and assessment for heavy vehicle licensing will remain with the private sector supported by a suite of reforms to strengthen regulation.

The legislative reforms captured in the Bill to increase the transparency, accountability and standards of driver training industry members and reduce misconduct and corruption include:

- Higher standards to enter and remain in the industry including:
    - A requirement for an applicant to be a fit and proper person (which includes reference to the applicant's ability to obtain a working with children check).
    - Medical fitness to act as motor driving instructor.
    - Enhanced driving and theory assessment criteria, requiring demonstration of practical driving skills to learner driver standard and teaching skills.
- Mandatory cameras and GPS installed in all driver training vehicles to record all driver training.

- Creation of an online register of all private industry members to enable the community to make an informed decision as to the best provider for their needs and to verify that they are licensed. This online register will contain details of the member's Motor Driving Instructor Licence conditions and whether any disciplinary action has been taken against that person under the Act.
- Any fees obtained by a person acting as a motor driving instructor or authorised Examiner can be recovered from that person as a debt, if they do not hold a motor driving instructor licence or appointment as an authorised examiner.
- A requirement for a Motor Driving Instructor and a heavy vehicle authorised examiner to provide a written contract to proposed consumers for the provision of driver training services which contains information about fees, services, payment methods, receipts, refund policies and cancellation terms, to enable consumers to compare services and make informed decisions.
- A Code of Conduct that outlines behavioural expectations for Motor Driving Instructors.
- A requirement that Motor Driving Instructors and Authorised Examiners allow an audit of their activities under the Act to be conducted.
- Greater sanctioning authority and options for the Registrar, such as suspension or cancellation and the creation of new offences that will be capable of expiation.
- The ability to implement mandatory driver training and test vehicle requirements such as dual brakes, Australasian New Car Assessment Program (ANCAP) 5-star rating and age limit for light vehicles.
- A requirement for a Motor Driving Instructor to immediately produce their Motor Driving Instructor Licence when requested to do so by a Police Officer, Authorised Officer or a person to whom motor driving instructor services are being provided.
- A suite of Authorised Officer powers appropriate to the functions and responsibilities of the Registrar, both in respect of the driver training industry and the Registrar's functions under the Act.

The proposed powers for Authorised Officers contained in the Bill are largely consistent with the Authorised Officer powers that currently exist within the *Road Traffic Act 1961*, with one exception. An additional power to require a person to produce information in an understandable form from an electronic device such as a computer, mobile phone or tablet has been included in the Bill. This is because evidence required to prove an offence may not be able to be obtained if access to a device cannot be achieved due to encryption (passwords).

The Bill contains flexible transitional provisions (including a head of power to make additional transitional provisions via regulation following passage of the Bill) that will facilitate an orderly transition to the proposed new scheme. This includes allowing existing Motor Driving Instructor Licences to be rolled over and deemed as valid Motor Driving Instructor Licences under the new scheme upon commencement. Any existing licence conditions prior to commencement will carry over to the deemed licences and they will be subject to the new improved regulatory framework created by the Bill.

Existing class C (car) Authorised Examiners appointments will be cancelled when the new scheme commences, however, they will be deemed valid Motor Driving Instructors and will have the opportunity to apply to apply to become a Government Examiner.

The reforms seek to improve the standard of industry members and the training and assessment delivered to learner drivers improving learning outcomes for learner drivers. Learner drivers will be provided with an enhanced customer experience with the introduction of an online booking system and certainty of cost through a prescribed fee for the practical driving test.

With the Government delivering practical driving tests the Competency Based Training and Assessment method, commonly referred to as the 'log book' method, will no longer be available. A new test will be developed that incorporates elements of both the Vehicle on Road Test and the Competency Based Training and Assessment methods.

The Department will continue to make the existing log-book materials publicly available online at no cost and will develop further material related to driver training instruction to prepare the learner driver for the practical driving test.

The anticipated outcomes of introducing the Bill include:

- A transition to a more skilled and competent industry, the outcome of which is more skilled and competent learner drivers.
- Learner drivers will pay a set fee for a driving examination, which will be prescribed in Regulations.
- Reduced opportunity for corruption and predatory behaviour as all training and examination activities are available for review via in-vehicle recording.

- Minimising the potential for harm against young and vulnerable people and providing them with the opportunity to learn and develop skills for life in a safe environment.
- Greater incentive to comply with the requirements of the Registrar as oversight, detection and sanctioning of poor behaviour is increased.
- Greater certainty and confidence for the consumer about the service they are purchasing and greater recourse for poor behaviour of Industry members.
- Greater consumer protection through reduced potential for corrupt practices, greater transparency, improved standards of instruction and improved surveillance.
- Improving the operation of the market and redressing the power imbalance between the consumer and the provider by enabling informed consumer choices.
- Increase transparency on the status of a person holding themselves out to be a licensed motor driving instructor with the introduction of an online Register of Motor Driving Instructors and a significant increase in penalty for such an offence.
- The proposed online register will allow consumers to compare providers.

These reforms seek to deliver a driver training industry which delivers high quality driver training that is best practice; road safety focussed; customer focussed; mitigates corruption; and protects children and vulnerable people.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 5—Interpretation

This clause amends certain definitions in the principal Act for the purposes of the measure.

4—Amendment of section 43A—Temporary configuration certificate for heavy vehicle

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

5—Amendment of section 47C—Return, recovery etc of number plates

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

6—Amendment of section 70—Return of trade plates and refunds

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

7—Amendment of section 81F—Mandatory alcohol interlock scheme conditions

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

8—Amendment of section 96—Duty to produce licence or permit

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

9—Amendment of section 97A—Visiting motorists

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

10—Amendment of section 98AAA—Duty to carry licence when driving heavy vehicle

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

11—Repeal of section 98AA

Section 98AA of the principal Act is repealed.

12—Substitution of Part 3A

Part 3A of the principal Act is substituted:

Part 3A—Motor driving instructors and authorised examiners

Division 1—Preliminary

98AAH—Interpretation

Key terms are defined for the purposes of the Part.

Division 2—Motor driving instructors licences

98AAI—Requirement to hold motor driving instructors licence

A person must not act, or offer to act, for fee or reward, as a motor driving instructor unless the person holds a motor driving instructors licence. Proposed section 98AAH defines what it means for a person to *act as an motor driving instructor*. A person who does not hold an instructors licence is prohibited from holding themselves out to be the holder of such a licence. A person who has acted or offered to act as a motor driving instructor without holding an instructors licence is not entitled to retain any fee paid to them for so acting.

98AAJ—Application for grant or renewal of a motor driving instructors licence

This proposed section sets out the procedure for a person applying for the grant or renewal of an instructors licence.

98AAK—Grant or renewal of instructors licence

This proposed section sets out provisions in respect of the grant or renewal of an instructors licence. The Registrar must not grant or renew such a licence unless satisfied of certain matters.

98AAL—Fit and proper person

This proposed section sets out the matters that may be regarded in determining whether a person is a *fit and proper person* to hold an instructors licence.

98AAM—Term of instructors licence

This proposed section sets out the term of an instructors licence.

98AAN—Instructors licence conditions

This proposed section provides that the Registrar may specify such conditions of an instructors licence as the Registrar thinks fit, and specifies certain conditions that may be imposed. It is an offence for the holder of an instructors licence to contravene a condition of their licence.

98AAO—Requirement to produce instructors licence

A holder of an instructors licence must produce the licence upon request by certain persons.

98AAP—Standards for motor driving instructors

This proposed section allows the Registrar to publish standards setting out requirements to be observed by holders of instructors licences in respect of the use of designated devices (defined in the section) and the use of information from such devices. Information or material derived from a designated device and provided to the Registrar is the property of the Crown, and such information or material may be used for specified purposes. It is an offence for a person to contravene a standard published by the Registrar under the proposed section.

Division 3—Register of instructors licences

98AAQ—Register

The Registrar must keep a register of instructors licences. Certain information on the register is to be available for inspection by the public.

Division 4—Code of conduct

98AAR—Code of conduct for instructors licence holders

The Registrar may publish a code of conduct to be observed by holders of instructors licences. It is a condition of every instructors licence that the holder of the licence not contravene the code of conduct.

Division 5—Authorised examiners

98AAS—Appointment of authorised examiners

The Registrar may appoint certain persons to be authorised examiners.

98AAT—Requirement to hold appointment

A person must not act, or offer to act, for fee or reward, as an examiner unless the person holds an appointment as an authorised examiner. Proposed section 98AAH defines what it means for a person to *act as an examiner*. A person who does not hold such an appointment is prohibited from holding themselves out to be an authorised examiner.

Division 6—Requirement for contracts

98AAU—Requirement for contracts in certain circumstances

A holder of an instructors licence must, before acting as a motor driving instructor for a person for fee or reward, enter into a written contract with that person. The same requirement applies, subject to the regulations, to authorised examiners, or entities that employ or engage authorised examiners in certain circumstances. If such requirements are contravened, the holder of the instructors licence commits an offence.

Division 7—Cancellation and suspension etc of instructors licences and authorised examiner appointments

98AAV—Cancellation and suspension etc of instructors licences and authorised examiner appointments

A person may have their instructors licence or their appointment as an authorised examiner cancelled or suspended, or have conditions of their licence or appointment varied or revoked, or have new conditions imposed, in the circumstances set out in the proposed section.

Division 8—Review by Tribunal under this Part

98AAW—Review by Tribunal under this Part

A person who is dissatisfied by a reviewable decision of the Registrar, which is defined in the proposed section, may seek a review of the decision by the Tribunal.

Division 9—Miscellaneous

98AAX—Audits

It is a condition of every instructors licence and appointment as an authorised examiner that the holder of the licence or appointment allow an auditor appointed by the Registrar to audit the activities of the holder in accordance with the proposed section. The Registrar may, on receiving advice from an auditor, make a recommendation to, give a direction to or take disciplinary action against the holder. It is a condition of every instructors licence and appointment as an authorised examiner that the holder of the licence or appointment not contravene a direction of the Registrar given under the section.

98AAY—Evidentiary provisions

This proposed section sets out evidentiary provisions in respect of certain matters contemplated by the proposed Part.

98A—Freedom of information

The *Freedom of Information Act 1991* does not apply in respect of specified documents.

13—Amendment of section 98MD—Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

14—Amendment of section 98ME—Towing of vehicle at or from scene of accident

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

15—Amendment of section 98ML—Towtruck driver to carry and produce certificate

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

16—Insertion of Part 4B

New Part 4B is proposed:

Part 4B—Enforcement

Division 1—Appointment of authorised officers

134N—Appointment of authorised officers

The Minister may appoint specified persons as authorised officers for the purposes of the principal Act.

134O—Identity cards

Authorised officers must be issued an identity card, which must contain certain information. Authorised officers must, upon request, identify themselves in the manner specified.

Division 2—Powers of authorised officers

134P—General powers of authorised officers

This proposed section sets out the powers of authorised officers for the administration or enforcement of the principal Act.

134Q—Provisions relating to warrants

This proposed section provides the circumstances in which a magistrate may issue a warrant on application of an authorised officer.

134R—Provisions relating to seizure

This proposed section sets out provisions in respect of seizure orders.

134S—Offences against authorised officers

It is an offence to engage in the conduct specified in this proposed section against an authorised officer.

134T—Self-incrimination

This proposed section displaces the privilege against self-incrimination when a person is required to answer a question or produce a document or information under the principal Act, however such an answer, document or information will not be admissible in criminal proceedings against the person (other than proceedings in respect of making a false or misleading statement).

134U—Interaction of this Division with Part 2 Division 5 of *Road Traffic Act 1961*

This proposed section provides that this Division is in addition to, and does not derogate from, the provisions of the stated Division of the *Road Traffic Act 1961*.

17—Amendment of section 137—Duty to answer certain questions

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

18—Amendment of section 138A—Commissioner of Police to give certain information to Registrar

This clause is technical.

19—Amendment of section 139—Inspection of motor vehicles

This clause removes references to police officer as a result of the amendment to the definition of authorised officer in clause 5.

20—Amendment of section 143B—General defences

This clause removes a reference to police officer as a result of the amendment to the definition of authorised officer in clause 5.

21—Amendment of section 145—Regulations and fee notices

A power to make regulations of a saving or transitional nature consequent on the measure is inserted. Regulations made under such a power may take effect from the commencement of the measure or on a later day. No compensation is payable by the Crown in respect of the operation of any such regulations. Proposed section 145(1e) provides that certain fees prescribed for the purposes of that subsection are not refundable. The remaining amendments set out in this clause are technical.

Schedule 1—Transitional provisions

1—Interpretation

Schedule 1 sets out transitional provisions to support the scheme.

2—Applications for motor driving instructors' licences under *Motor Vehicles Act 1959*

3—Current motor driving instructor's licence holders

4—Current authorised examiners

5—Crown not liable to pay compensation

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

## MOTOR VEHICLES (PREVIOUS OFFENCES) AMENDMENT BILL

*Introduction and First Reading*

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

*Second Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:31):** 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 am pleased to introduce the Motor Vehicles (Previous Offences) Amendment Bill 2024 which amends the *Motor Vehicles Act 1959* (MVA) and the *Road Traffic Act 1961* (RTA).

In May 2019, the *Statutes Amendment (Vehicle Inspection and South Eastern Freeway Offences) Act 2017*, came into operation, amending the MVA and the RTA by inserting two new offences and respective penalties applying to trucks and buses travelling on the South Eastern Freeway descent into Adelaide. One offence is exceeding the applicable speed limit by 10 kilometres (km) or more per hour, and the other offence is failure to use a low gear when descending the South Eastern Freeway. In December 2019, Parliament amended the penalties in response to concerns raised about the severity of penalties imposed on offenders committing multiple offences involving speeding or failing to use low gear while descending the South Eastern Freeway.

The intent of the penalty provisions for these offences is to ensure that each offence is treated individually with an escalating disqualification period, regardless of whether an offence is expiated or a conviction is imposed by a court. Essentially, the more offences a person commits, the greater the punishment. This is intended to deter future offending and ultimately to protect the public by enhancing road safety by disqualifying people who repeatedly engage in risky road user behaviour.

However, the Government has become aware that the provisions may not achieve this intended outcome.

This Bill seeks to eliminate the administrative anomaly, permitting the Registrar of Motor Vehicles (the Registrar) to impose disqualification periods regardless of the timing of the commission and expiation of the alleged offences.

In addition, the escalating penalty structure for South Eastern Freeway heavy vehicle speeding expiating offences has been removed, with a 6 month flat penalty regime introduced to address cases where very lengthy periods of disqualification have been imposed with somewhat harsh results. The same penalty will therefore apply every time the person allegedly commits a further offence (subject to the 5 year period limitation).

The Bill seeks to ensure the intended outcome relating to escalating penalties is also achieved for the following offences:

- Alcohol and drug dependency assessment tests (section 79B).
- Drink driving offences (section 81C).
- Drug driving offences (section 81D).

Section 79B provides that a person must undertake a drug dependency assessment if they commit a drug offence with a child in the vehicle who is under the age of 16, or they commit 2 or more drug driving offences within a 5-year period.

The Bill inserts a new section making it clear that the order in which alleged offences are expiated or the subject of a conviction does not affect the Registrar's duty to ensure that any person who commits multiple offences undertakes an alcohol or drug dependency assessment.

Section 81C and 81D are also amended to ensure that the dates of commission and expiation of multiple offences are irrelevant to the Registrar's duty to impose a disqualification period.

The Bill further ensures that where a person has multiple disqualification periods applying, each period will run consecutively, one after the other, not concurrently, reflecting the original legislative intent.

The Bill also amends the RTA to ensure that SA Police can prosecute second and subsequent drink and driving offences regardless of whether a first offence has been expiated or a conviction imposed, which aligns with the original intention of Parliament.

The Bill also provides the Registrar the ability to reduce or waive lengthy disqualifications in cases of severe or unusual hardship. The discretion may be exercised in favour of drivers already serving their disqualification periods at the time of the commencement of the Bill, as well as drivers who have been issued a disqualification notice prior to the commencement of the Bill, but are yet to commence serving their disqualification.

I draw Members' attention to the fact that the escalating hierarchy of penalties for offences prosecuted and considered by the Courts remain unchanged. Only disqualifications imposed by the Registrar are affected by the Bill.

I seek the support of Members to progress the Bill through the House as expeditiously as possible.

I commend the Bill to the House and seek leave to have the Explanation of Clauses inserted into Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 79B—Alcohol and drug dependency assessments and issue of licences

This clause amends section 79B to make it clear that an offence may be taken into account as a previous offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second or subsequent offence.

4—Amendment of section 81BB—Appeals to Magistrates Court

This clause amends section 81BB(1) to make it clear that a person must have been given their notice of disqualification before they can appeal.

5—Amendment of section 81BC—Disqualification for certain offences relating to section 45C of the *Road Traffic Act 1961*

This clause amends section 81BC to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed (so that an offence that appeared to be a first offence at the time of expiation but that later turns out to have in fact been a second or subsequent offence can be treated as such a second or subsequent offence);
- to replace the current levels of disqualification with a 6 month disqualification for all second or subsequent offences;
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;
- to make it clear that a person may be given a notice under the section in relation to a second or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second or subsequent offence.

6—Amendment of section 81C—Disqualification for certain drink driving offences

This clause amends section 81C to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person, or give an additional notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed (so that, for example, an offence that appeared to be a second offence at the time of expiation but that later turns out to have in fact been a third or subsequent offence can be treated as such a third or subsequent offence);
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;

- to make it clear that a person may be given a notice under the section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

7—Amendment of section 81D—Disqualification for certain drug driving offences

This clause amends section 81D to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed;
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;
- to make it clear that a person may be given a notice under the section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

8—Amendment of section 139BD—Service and commencement of notices of disqualification

Section 139BD is amended to specify that notices of disqualification that would otherwise apparently take effect at the same time will instead take effect in the order determined by the Registrar, with each notice of disqualification taking effect on the termination of the prior disqualification or suspension.

Schedule 1—Related amendments and transitional provisions etc

Part 1—Related amendment of *Road Traffic Act 1961*

1—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

Section 47B(5) and (6) are substituted to require a person (of or over 16) to be given an opportunity to expiate an alleged category 1 offence if the information available to members of SA Police at the relevant time for the alleged offence indicates that the person has not committed or allegedly committed another drink driving offence or drug driving offence within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

2—Amendment of section 47BA—Driving with prescribed drug in oral fluid or blood

Section 47BA(6) and (7) are substituted to require a person (of or over 16) to be given an opportunity to expiate an alleged offence against the section if the information available to members of SA Police at the relevant time for the alleged offence indicates that the person has not committed or allegedly committed another drink driving offence or drug driving offence within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

Part 2—Transitional provisions etc

3—Notices issued etc before commencement of Act

Under this provision:

- it is declared to have always been lawful for the Registrar of Motor Vehicles to give a person a notice under section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence;
- a decision of the Registrar of Motor Vehicles, before the commencement of the measure, to treat an offence as a first offence or as a second, third or subsequent offence for the purposes of section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* is taken to be, and to have always been, validly made if the decision was based on the date of commission, or alleged commission, of the offence and no liability lies against the Registrar of Motor Vehicles or the Crown in respect of any period of licence disqualification or any licence suspension or cancellation applying to a person pursuant to such a decision;
- the Registrar of Motor Vehicles is given a discretion to alleviate severe or unusual hardship caused to a person by a period of licence disqualification or suspension pursuant to 1 or more notices given, or purportedly given, under section 81BC(2) before the commencement of the measure;
- a decision of the Registrar of Motor Vehicles to treat 2 or more notices of disqualification personally acknowledged by, or served on, a person in accordance with section 139BD of the *Motor Vehicles Act 1959* as taking effect one after another in a particular order (and not to be taking effect at the same time) is taken to be, and to have always been, validly made.

4—Notices issued after commencement of Act

Under this provision:

- the Registrar of Motor Vehicles may give a person a notice pursuant to new section 81BC(3a), 81C(4) or 81D(2a) of the *Motor Vehicles Act 1959* in respect of offences committed or allegedly committed before the commencement of the relevant provision provided that the person is convicted of or expiates the previous offence referred to in the relevant provision after that commencement;
- the new 6 month disqualification for all second or subsequent offences under section 81BC will apply in relation to all notices issued under that section following commencement of the measure.

5—Application of amendments to *Road Traffic Act 1961*

This clause specifies how sections 47B and 47BA of the *Road Traffic Act 1961* as amended by the measure will apply.

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

## SENTENCING (SERIOUS CHILD SEX OFFENDERS) AMENDMENT BILL

*Final Stages*

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

*Parliamentary Committees*

## PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The House of Assembly informed the Legislative Council that it has appointed the Hon. D.G. Pisoni to the committee in place of Mr Cowdrey (resigned).

At 17:32 the council adjourned until Tuesday 24 September 2024 at 14:15.