# LEGISLATIVE COUNCIL

## Thursday, 17 October 2024

**The PRESIDENT (Hon. T.J. Stephens)** took the chair at 14:17 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.

*Petitions*

### TRANSCRANIAL MAGNETIC STIMULATION

**The Hon. T.A. FRANKS:** Presented a petition signed by 185 residents of South Australia requesting the council to urge the government to establish a Transcranial Magnetic Stimulation Unit within our public health system.

*Parliamentary Procedure*

### PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—
- Animal Welfare Advisory Committee
- Board of Botanic Gardens and State Herbarium
- Department for Industry, Innovation and Science
- Dhilba Guuranda-Innes National Park Co-Management Board
- Dog and Cat Management Board
- Community Road Safety Fund
- South Australia Police

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

Reports, 2023-24—
- Attorney-General's Department
- Legal Practitioners Education and Admission Council
- Privacy Committee of South Australia
- Professional Standards Council
- Public Advocate
- Public Trustee
- Summary Offences Act 1953

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

Construction Industry Long Service Leave Bond: Report, 2023-24

*Citizen's Right of Reply*

### CITIZEN'S RIGHT OF REPLY

**The PRESIDENT (14:21):** I have to advise that I received a letter from Mr Gary Burns requesting a right of reply in accordance with standing order 455A. In his letter, dated 24 September 2024, Mr Burns considers that he has been the subject of false allegations and has been adversely affected in reputation by statements made in the Legislative Council by the Hon. F. Pangallo on Wednesday 11 September 2024. Following the procedures set out in the standing order, I have given consideration and sought advice on this matter and believe that it

complies with the requirements of the standing order. Therefore, I grant the request and direct that Mr Burns' reply be incorporated in *Hansard*.

Response to MLC Pangallo. Whistleblower Protection—Hansard—11/09/24 and in particular Paragraph 18.

I thank the President of the Legislative Council for incorporating my response to MLC Pangallo in Hansard

In his speech to the Legislative Council, recorded in Hansard on 11/09/24, MLC Pangallo read from a 'statement' referring to my son Wade Burns (the current President of the Police Association of South Australia—PASA) made by Ms Kym York in which she alleged the following (paragraph 18):

'I was also told that he had been protected by his father who was an ex Police Commissioner who had pulled strings to ensure that he was never brought in front of a criminal court for the· alleged behaviour'.

I categorically and emphatically reject this allegation. I find the allegation to be offensive, defamatory and an unfounded attack on my reputation and integrity.

The allegation is based on no first-hand knowledge, but rumour, inuendo and malicious gossip. To allow this fictitious, irrational and untruthful claim to be aired in Parliament is, in my view, a serious and spiteful abuse of parliamentary privilege.

To date I have not commented publicly on anything said by MLC Pangallo and those others who have hitched their wagon to his; a group of people which includes some police officers, former PASA employees and sections of the media. I firmly believe that my integrity and reputation have been severely compromised and that I am entitled to respond to this misuse of parliamentary privilege.

I vehemently deny Ms York's malicious, false and untruthful accusation. Her allegation is based on being told by an un-named person, who probably heard it from another un-named person and so on and so on.....

Having served 46 years as a police officer at various ranks and locations I have first-hand knowledge of the culture of SAPOL and how the rumour mill within it operates. Ms York's allegation is a typical denigrating, false comment made by persons with no first-hand knowledge of the matter and accentuated because it involved a father and son in senior positions. In terms of gossip, it is hearsay upon hearsay upon hearsay with its basis in a lie.

I categorically state that I did not interfere, influence, or communicate in any way with anybody in SAPOL, senior or otherwise, including the current Commissioner of Police and Deputy Commissioner of Police in any attempt to influence or interfere in this matter. No decisions made within SAPOL as to how this matter would be managed had any input from me in any form. Not one word, not one sentence.

Further, at no time has Wade ever sought directly, or indirectly my intervention, assistance, influence or interference in this matter.

To be very clear, so that MLC Pangallo, Ms York and these other rumour mongers understand—I retired from SAPOL in July 2015. Since that time, with the exception of two government reviews conducted in 2016/early 2017, I have had nothing to do with SAPOL and the Commissioner, in any capacity. In fact, I have not spoken with Commissioner Stevens since those 2016/early 2017 reviews, except to exchange 'pleasantries' at a handful of police related events, such as retirement functions and funerals.

I believe that Ms York, in making this untruthful and defamatory allegation against me, based on rumour and inuendo, brings in to question the veracity, truthfulness and accuracy of the remainder of her statement. Anything she has stated should be thoroughly tested to ensure it is truthful and accurate.

I expect a full, unconditional apology from MLC Pangallo and Ms York, together with a full withdrawal of the false allegation made against me, be it in York's statement or where there is any inference of this behaviour anywhere in MLC Pangallo's speech.

Finally, I note that the Commissioner of Police has instigated an investigation into members/officials of PASA based on MLC Pangallo's diatribe and Ms York's statement.

The Commissioner's decision to accept MLC Pangallo's and Ms York's allegations and thereby initiate an investigation into PASA, clearly means that it is equally important to investigate this allegation made against me. Obviously, I could only 'pull strings' if others were involved within SAPOL at the highest level.

I therefore call on the Commissioner to immediately instigate an investigation into the allegation made about my alleged behaviour. I have nothing to hide or fear from such an investigation.

Again, thank you for allowing my response.

Gary T Burns

24/09/2024

**The PRESIDENT:** I have also received a letter from Mr Steven Whetton requesting a right of reply in accordance with standing order 455A. In his letter, dated 2 October 2024, Mr Whetton

considers that he has been made the subject of false allegations and has been adversely affected by statements made in the Legislative Council by the Hon. F. Pangallo on Wednesday 11 September 2024 and Wednesday 25 September 2024, the serious nature of which has caused significant distress. Following the procedures set out in the standing order and seeking advice, I have given consideration to the matter and believe that it complies with the requirements of the standing order. Therefore, I grant the request and direct that Mr Whetton's reply be incorporated in *Hansard*.

2 October 2024

Dear Mr Stephens

I refer to the extensive comments made by Frank Pangallo MLC during the Legislative Council sittings on Wednesday, 11 September 2024 and 25 September 2024 in relation to the Police Association of South Australia and, in particular, in relation to me.

This letter is a response to the statements made by Mr Pangallo pursuant to the Citizens Right of Reply under order 455A of The Standing Orders of the Legislative Council of South Australia. It is a reply in respect of both speeches made by Mr Pangallo and so should be incorporated into Hansard in respect of both sittings.

My name is Steven Whetton and I am a staff member of the Police Association. I am not an elected official and therefore do not have a public profile nor any real right of public reply. Unlike Mr Pangallo, I have never had a desire to be a public figure.

Mr Pangallo did not contact me before either of the Legislative Council sittings to verify or seek my comment in relation to the allegations being made. I only became aware that I was mentioned in Parliament, and subsequently the media, because friends and family members rang me to check on my welfare.

Journalists from *The Advertiser*, who somehow obtained my personal details, have attempted to contact me for comment in relation to the statements made by Mr Pangallo. Because I am only a staff member, I am not authorised to provide media comments on Police Association matters.

In relation to the allegations made about me personally, I have not responded to any requests from journalists to date as I have not wanted to agitate the matter further or encourage more false allegations being made about me in Parliament.

The allegations made about me to the Legislative Council by Mr Pangallo, including those made by Kim York, are entirely false, untested and unsubstantiated, and are an abuse of his parliamentary privilege.

I consider that these allegations are a deliberate personal attack against me, rather than mere statements about my job or the Police Association.

The serious nature of these false allegations is extremely upsetting and has caused significant distress both personally and to my family.

The publication of these allegations shows no regard for natural justice or for how allegations based entirely on hearsay might affect the welfare and family of someone who is not a public figure. Mr Pangallo has also shown no regard for the welfare and safety of the hundreds of police officers I have personally dealt with over the years.

I do not propose to address each false statement made. However, there is one allegation that I do want to address in detail as it has caused me particular concern. The allegation by Mr Pangallo that I did not address a member's welfare in 2022 because I was at a "Christmas lunch" is completely and utterly untrue. Contrary to the false allegations made by Mr Pangallo, I did speak to the member in question and immediately put measures in place to address that member's welfare. I did this shortly after receiving notice from Association staff that the matter was urgent. However, there was no mention of suicidal ideation. This is a verifiable and documented fact.

Since these allegations were made in Parliament, I have spoken to the Association member in question on 26 September 2024. The member has confirmed my documented evidence. Importantly, the member in question has stated (amongst other things) that '[a]t no time did I ever say I was suicidal or have any thoughts of self harm' and he had spoken to his wife 'who also never said I was suicidal'. The member went on to say that 'Steven explained the process to me and exactly what he could help with', 'Steven was supportive and kept me up to date, I would say he was my saving grace in this ordeal which is the only way I can describe it' and 'I am truly thankful for Steven's help during the incident and the version of events in the Advertiser and online about my incident are false. I have had nothing but a positive interaction with Steven and if I ever find myself in a similar situation I would not hesitate in calling Steven again for help.' I am otherwise not at liberty (nor wish) to publicly discuss the details of the actual incident—most importantly, for the safety and wellbeing of the member.

Due to my obligations as an industrial officer for the protection of members' confidential information, I can't expand on that particular members' personal situation or to explain what was discussed during that telephone call. For that same reason (being the Police Association's information privacy protocols and principles), I was also prevented from discussing members' personal matters with their partners. I explained this to the Association staff when I received notice that they had received a call from this particular member's wife. However, I do want to emphasise that all the

actions I took that day had the member's welfare and privacy as my absolute first priority and the member has since expressed their gratitude for the assistance provided.

The allegation by Mr Pangallo that I refused to deal with a member in distress because I was at a Christmas event is an horrific allegation. It has devastated me. I cannot understand why Mr Pangallo would make such an allegation without determining if it is true. Surely it is not appropriate for a member of the Legislative Council to publish false allegations and to do so knowing that by using Parliamentary Privilege to make those false allegations, the false allegations would then be published in the media.

I am a police officer with nearly four decades' experience, including the past six years as a staff member of the Police Association.

As a police officer, I have lost friends and fellow police officers to suicide. My family, for decades, has been deeply affected by suicide and mental illness.

A significant part of my responsibilities with the Police Association includes direct involvement with members needing assistance with PTSD and mental health:

I provide industrial advice, provide them with legal referrals, assist with return-to-work meetings and I represent members at the South Australian Employment Tribunal. Part of my role involves being on-call, 24/7, to assist members with critical incidents like the 2023 shooting at Senior and stabbing incidents in Crystal Brook, involving death and severe injuries to our members. I am also responsible for 24/7 critical care for members with suicidal ideation. Part of this involves attending members' personal addresses to check on their welfare.

During my time with the Police Association, I have implemented the Association's Employee Assistance Program. I am the work, health and safety representative and have training in mental-health first aid and I refer members to our mental-health services. I always encourage members to seek treatment, counselling and to undertake preventative programs.

I have a proven track record of work and recognise our members with the Police Federation of Australia Bravery Award and Self Insurers of South Australia Return-to-Work award.

The allegations made by Mr Pangallo make me concerned for the members who have sought my assistance in the past and who may require assistance in the future. I can only hope that our members suffering mental illness will be able to comprehend that the allegations are false and will continue to seek my assistance.

During my police career, I investigated serious criminal behaviour that placed me, my family and police informants at great personal risk. For that reason, I have always avoided the public spotlight and it's also one of the reasons I never ran for elected office of the Police Association.

All of this, as one can imagine, has taken a significant toll on me and my family over the course of my many decades of service and completely negate the intentional effort I have made to avoid this type of publicity.

Mr Pangallo's despicable, unsubstantiated claims have only caused my family further hardship and distress.

Yet Mr Pangallo continues to peddle falsehoods about the character of individuals who do not have a public platform for recourse or response.

For the reasons set out above, I request that my response to Mr Pangallo's statements on 11 September 2024 and 25 September 2024 be incorporated into HANSARD pursuant to order 455A(1)(b) of the Standing Orders.

Sincerely,

Steven Whetton

*Parliamentary Procedure*

## PRESIDENT'S GALLERY VISITORS

**The PRESIDENT (14:23):** I have received complaints from a number of members, including the Government Whip, concerning the behaviour last night of certain visitors to the parliament who were the guests of members. The visitors were seated in the President's Gallery during the debate of the Termination of Pregnancy (Terminations and Live Births) Amendment Bill. Members will no doubt recall that at the very commencement of last night's debate on the bill I made it quite clear that I expected members to conduct the debate in a respectful manner, and I am grateful that for the vast majority of the time that was the case. I also addressed the gallery and made it clear that I would not tolerate any inappropriate behaviour or interference from those visitors.

As I said, members have raised with me the behaviour of at least one individual, particularly during the division on the second reading of the bill, claiming the visitor was attempting to inappropriately influence the voting of members from the President's Gallery and within the broader

precincts of the chamber. Such claims are of the highest concern. I will be considering the claims and such behaviour further and possible actions or remedies that I may take, including the barring of individuals from the galleries and the precincts of the chamber or the Legislative Council generally.

I strongly remind members that they must take responsibility for the behaviour of their guests and ensure that their guests' conduct does not undermine the privileges, powers and immunities of the parliament.

*Question Time*

## FROST DAMAGE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25):** I seek leave to make a brief explanation before asking a question to the Minister for Primary Industries about frost.

Leave granted.

**The Hon. N.J. CENTOFANTI:** After farmers with various crops around the state are dealing with the impact of crop loss from the worst frost events in living memory, the minister told the ABC that frost was an unfortunate business risk of growing grapes and instead redirected growers to insurance providers. The minister stated:

> A lot of growers and businesses will have their own arrangements in terms of business insurance or whatever, so we're certainly not announcing monetary amounts for frost-affected growers...

My office has received comments from growers across different regions of the state uniformly of the view that frost insurance is not something that growers can afford as the premiums are extremely expensive, it does not provide full protection to growers and that suggesting so demonstrates a lack of knowledge. Similarly, there have been many comments about the substandard level of assistance available to date, with one grower saying, 'It is equally tiring about the $1,500 amount supposedly available to eligible red grapegrowers, implying every red grapegrower gets it; that is not the case.' My questions to the minister are:

1. Is the minister aware that business insurance does not necessarily cover frost events?

2. Who advised the minister that growers would have frost insurance to fall back on?

3. Given the magnitude and widespread nature of the damage, will the minister reconsider her current position of not offering new assistance measures that match the magnitude of the impact on growers and farmers?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27):** I thank the honourable member for her question. I think it is clear to everyone that frost has had a significant impact across a great deal of the state. There were two severe frost events in September and the interactions that we have had, both on a departmental level as well as me personally, with growers have said that it has been quite different even within the same areas. That is one of the reasons that we have been able to assist by providing the service of utilising satellite imagery analysis to map the extent of the frost damage. That is really important in terms of being able to quantify the frost impact in the wine industry.

In terms of the specific questions, I am quite confident that I have never suggested that every grapegrower is going to be accessing the $1,500 assistance, but when I am speaking in media obviously I talk about the range of supports that are available within different sectors, partly to ensure that people are aware of the assistance that they may be eligible for, and encourage them to reach out usually through the FaB mentors, the family and business support mentors, in order to find out the sorts of things that they may be eligible for. In terms of insurance, that was simply made as part of some general comments regarding businesses having their own arrangements.

**The PRESIDENT:** Supplementary question arising from the answer, the honourable Leader of the Opposition.

## FROST DAMAGE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28):** Does the minister acknowledge that the recent frosts are some of the worst that grapegrowers have seen in living memory, and what new measures will the minister commit to assist the affected wine growing sector in light of this once-in-a-generation frost event?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29):** What I can say is that nearly every region of the state has been affected in some way by the frost events, but the extent and intensity of impacts certainly do vary across different areas and across sectors. Anecdotally, the most significant impacts have been reported in the Barossa Valley, Riverland, Mid North and Eyre Peninsula. The frosts came at a crucial growing period for grapes and grains and, of course, are exacerbating the production losses already being experienced as a result of drought and dry seasonal conditions.

The grains and legumes have been most severely impacted in the Mallee, Upper South-East and Mid North where crops, which were already stressed or were flowering, were affected. The assessment continues.

## FROST DAMAGE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30):** Final supplementary: given that the assessment is continuing, once the minister has established which specific areas are affected, will she be providing those areas with targeted assistance?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30):** We use the ongoing gathering of information and data to inform any future actions.

## GRAIN AND PULSE PRODUCTION

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30):** I seek leave to make a brief explanation prior to addressing a series of questions to the Minister for Primary Industries regarding grain and pulse production.

Leave granted.

**The Hon. N.J. CENTOFANTI:** The minister was asked a question in this place yesterday by the Hon. Justin Hanson in regard to SARDI's involvement in the Grains Research and Development Corporation's (GRDC) pulse production project in South Australia. In regard to the minister's response, my questions to the minister are:

1. Can the minister inform the chamber what is SARDI's in-kind contribution to those projects?

2. Can the minister inform the chamber what GRDC's contribution to SARDI is for the delivery of the South Australian component for the pulse production project?

3. When will South Australian grain and pulse farmers see the benefits of money invested into the pulse production project here in South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31):** I thank the honourable member for her questions. I am happy to take those on notice and bring back a response.

## NATIONAL WATER AGREEMENT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31):** I seek leave to make a brief explanation before asking a series of questions of the Minister for Primary Industries about irrigation communities in South Australia.

Leave granted.

**The Hon. N.J. CENTOFANTI:** The opposition has received a copy of a letter jointly signed by the National Farmers' Federation and the National Irrigators' Council expressing grave concerns about the draft principles of the National Water Agreement. They assert that the current draft is:

…not fit for purpose, legally risky and should not be signed [off] in its current form by the Premier of South Australia.

They claim there will be unintended and perverse outcomes for industry and communities. This is against the purpose of the National Water Agreement, which is supposed to provide a stable management framework to enable economic and social prosperity for the nation and South Australia. The letter notes that it could detrimentally impact South Australia's water management powers. They imply the draft agreement does not adequately recognise the role of water security for irrigated agriculture to grow food and fibre for our nation and drive our state's economy.

The timing of the draft agreement is appalling, as much of Australia's agricultural sector is currently impacted by drought, frost, depressed commodity prices and cost-of-production increases. The last thing that is needed is uncertainty about water security. My questions to the Minister for Primary Industries, who represents South Australian irrigators and producers, are:

1. Will the minister take on board the recommendations of Australia's national farming and irrigator sectors as specified in their letter?

2. Will the minister and her government hold off on signing the National Water Agreement, pending further clarification on these key issues of implementation?

3. Will the minister request an extension of the timeframe for implementation to prioritise quality over expediency as the letter requests?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33):** I thank the honourable member for her question. She would be aware that the Minister for Environment and Water has carriage of particular water matters for the state. I am sure that she will take on board any correspondence that she is receiving. I am happy to forward the questions to her, seek a response and bring it back to the chamber.

## NATIONAL WATER AGREEMENT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34):** Supplementary: has the minister been contacted herself by the National Irrigators' Council or the National Farmers' Federation on this matter?

*Members interjecting:*

**The PRESIDENT:** Order! It's not a supplementary question, but minister, if you choose to answer, that's up to you.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34):** I certainly am happy to answer it. To my knowledge, I have not received the letter to which the honourable member refers. I will get my office to check to see whether it has come but not across my desk as yet.

## OUTBOUND KNOWLEDGE EXCHANGE BURSARY PROGRAM

**The Hon. R.P. WORTLEY (14:34):** My question is to the Minister for Primary Industries and Regional Development regarding the wine bursary awards. Can the minister provide an update to the chamber about the 2024-25 Outbound Knowledge Exchange Bursary Program?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35):** I thank the honourable member for his question. I am very pleased to speak about the 2024-25 Outbound Knowledge Exchange Bursary Program and to update the chamber on the 10 South Australian wine industry representatives who have been selected to travel to one of the Great Wine Capitals of the world to exchange their ideas and expand their networks.

The exchange program is made possible because of Adelaide, South Australia's membership in the Great Wine Capitals Global Network, a group of 12 internationally renowned wine regions, all of which welcome bursary recipients from South Australia. The 10 recipients named by the Great Wine Capitals steering committee for Adelaide, South Australia are:

- Anna Baum from the Clare Valley Wine and Grape Association, who will be visiting Valparaiso/Casablanca Valley in Chile;
- Brendan Carter from Unico Zelo in the Adelaide Hills, who will be visiting Cape Town and Cape Winelands, South Africa;
- Cristobal Onetto, Australian Wine Research Institute, Adelaide, visiting Mendoza, Argentina;
- Eleanor Bilogrevic, Australian Wine Research Institute, Adelaide, visiting Mainz-Rheinhessen, Germany and Bilbao/Rioja Spain;
- Fil Farina, Elders, Limestone Coast, visiting Hawke's Bay, New Zealand;
- Kate Lawrie, Deviation Road, Adelaide Hills, visiting Bilbao/Rioja, Spain;
- Michael Van Der Sommen from Torbreck Vintners in the Barossa Valley, visiting San Francisco/Napa Valley in the United States.
- from the University of Adelaide, Natalia Caliani, visiting Mendoza, Argentina and Valparaiso/Casablanca Valley in Chile;
- Sid Pachare of Raga Wine, Watkins Grape and Wine and also the South Australian Wine Industry Association, from the Adelaide Hills, visiting Bordeaux, France; and
- Siubhan Wilcox from Accolade Wines, McLaren Vale, visiting Cape Town, Cape Winelands, South Africa.

Participants from previous years have returned with new valuable knowledge about a range of topics, including biosecurity developments, addressing disease and pest risks, sustainability, provenance, water, consumer taste trends, cellar door experiences and wine tourism services. The South Australian-based Great Wine Capitals is a partnership between PIRSA, the South Australian Tourism Commission, the South Australian Wine Industry Association and the University of Adelaide.

The bursaries are each valued at $6,000. Congratulations to the successful applicants. This is a wonderful opportunity to share valuable knowledge and wisdom. Programs such as the Outbound Knowledge Exchange Bursary Program keep our state well positioned as one of the finest wine regions in the world.

## PAIRING ARRANGEMENTS

**The Hon. R.A. SIMMS (14:38):** I seek leave to make a brief explanation before addressing a question without notice to the Hon. Ben Hood on the topic of the Termination of Pregnancy (Terminations and Live Births) Amendment Bill under standing order 107.

Leave granted.

**The PRESIDENT:** Leave is granted, but I will remind the Hon. Ben Hood that he is under no obligation to answer any question, given he is not a minister of the Crown.

**The Hon. R.A. SIMMS:** Last night in this chamber, we saw extraordinary scenes as a member of this place who had been granted medical leave and reached a pair agreement with another member had that agreement broken. In the lead-up to last night's vote, I had been approached by a few journalists who suggested that they understood that the numbers may fall in favour of the Hon. Ben Hood's private member's bill and that in fact another vote could be in play.

This theory did not accord with my understanding of the numbers in this place, as the views of members were well known to me. It is my understanding that the Hon. Jing Lee had agreed to pair with the Hon. Michelle Lensink for this vote but broke the agreement just moments before the vote on the second reading stage. My questions to the Hon. Ben Hood, therefore, are:

1. When did the Hon. Ben Hood become aware of the decision of the Hon. Jing Lee not to honour the pairing agreement?

2. Did he have any discussions with people inside or outside of the parliament regarding this tactic?

3. Is he aware of people applying pressure to the Hon. Jing Lee and others not to honour the pairing agreement with the Hon. Michelle Lensink, and what are his views on this tactic?

*Members interjecting:*

**The PRESIDENT:** Attorney, you might like to withdraw that.

**The Hon. K.J. Maher:** What?

**The PRESIDENT:** 'Coward'.

**The Hon. K.J. MAHER:** I withdraw, sir.

**The PRESIDENT:** Thank you.

## WORK-FROM-HOME ARRANGEMENTS

**The Hon. H.M. GIROLAMO (14:39):** My questions are to the Minister for Industrial Relations and Public Sector regarding work from home:

1. How many agencies have a formal work-from-home agreement in place that allows for more time working from home than in the workplace?

2. In his capacity as the Minister for Public Sector, what is the Attorney-General's current position on working-from-home arrangements for the public sector?

3. Is the Attorney-General aware of the current CBD vacancy rates?

4. Have any government ministers raised any concerns about working-from-home arrangements and the subsequent economic impact directly with the Attorney-General in his capacity as Minister for Public Sector?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40):** I thank the honourable member for her question. In relation to the views of various agencies, I am happy to take it on notice. I recall from the last discussion that the working-from-home rate is returning to close to pre-COVID levels, which of course had huge amounts of people working from home, when many of us, including many MPs, either couldn't or didn't attend workplaces for work. But, as I say, I am happy to take it on notice and find out whether data is available for individual departments.

## NATIONAL REDRESS SCHEME

**The Hon. M. EL DANNAWI (14:41):** My question is to the Attorney-General. Will he inform the council about the recent National Redress Scheme Survivor Roundtable he hosted, along with the Hon. Amanda Rishworth MP, Minister for Social Services?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41):** I thank the honourable member for her question. It was a great privilege to co-host the National Redress Scheme for Institutional Child Sexual Abuse Survivor Roundtable in South Australia yesterday. Together with the Hon. Amanda Rishworth, the Minister for Social Services, the round table facilitated a day for survivors of institutional child sexual abuse and their support workers and families to share their experience in engaging with the redress scheme, with attendees being at various stages of applying for redress.

Survivors at the round table were also invited to share their ideas about how the redress scheme can be made more accessible to survivors and how awareness can be raised amongst those survivors yet to apply for redress. It was very moving to hear stories direct from survivors about their experiences of institutional abuse as children, and then go on to share their stories about accessing the redress scheme, including compensation and receiving a direct personal apology for the abuse they experienced.

This round table was an opportunity for both the state and federal government redress public servants to hear back from survivors and continue to ensure that the scheme provides justice to those brave survivors. The last round table of this kind was held earlier this year in Perth on 6 March 2024, where Western Australian survivors also had an opportunity to provide their reflections on the scheme's operation to date.

As the minister with responsibility for redress in South Australia, I am committed to ensuring the scheme, in its second half of operation now, is responsive to the need of survivors. Since the commencement of the scheme on 1 July 2018, in response to the Royal Commission into Institutional Responses to Child Sexual Abuse, there has been a significant uptake in the supports and services offered through the scheme. Amongst many things, the National Redress Scheme acknowledges the widespread sexual abuse of children in Australian institutions; it recognises the suffering endured by survivors; holds institutions to account for the abuse; and helps people who experienced institutional child sexual abuse gain access to counselling, a direct personal response and a redress payment.

I support and commend the commonwealth's efforts to maximise scheme participation, whether that be by prohibiting non-participating institutions from receiving further commonwealth funding or removing their charitable tax status. These are important steps towards improving access for survivors and ensuring that institutions are held to account for the abuse they are responsible for. I would like to thank all officials from the commonwealth DSS redress team, the state redress unit officials and all staff who work within the redress scheme, including counsellors and support officers who facilitate the important compensation and acknowledgment that the scheme provides.

## EARLY YEARS LEARNING FRAMEWORK

**The Hon. S.L. GAME (14:44):** I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Education, about the federal government's curriculum for children, particularly the Early Years Learning Framework or 'Belonging, Being, Becoming', which is mandatory framework for teaching children from infancy until age five.

Leave granted.

**The Hon. S.L. GAME:** The Institute of Public Affairs' Dr Bella d'Abrera says the early years program is turning young children into environmental and cultural activists instead of letting them be kids. She says parents are generally unaware that their children are being exposed to mature themes like gender and sexuality. My questions to the Attorney-General, representing the Minister for Education, are:

1. Are South Australian children in the early years educational setting also being encouraged to explore and question their gender identity?

2. Does the minister acknowledge the growing concerns amongst parents, carers and guardians regarding the disconnect between what they expect their children to be learning and the reality of the curriculum?

3. Are South Australian parents being adequately informed about the subjects and teaching approach?

4. What procedures exist to help inform parents about the ideologies educators employ when educating their children in daycare centres and educational institutions?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:45):** I thank the honourable member for her questions, and I will be happy to pass those on to the minister responsible in another place and bring back a reply.

## FIRST NATIONS VOICE, TREATY, TRUTH

**The Hon. L.A. HENDERSON (14:45):** I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding Treaty.

Leave granted.

**The Hon. L.A. HENDERSON:** On 19 September this year the ABC reported that New Zealand's government has repealed, removed or reversed around a dozen of what it calls race-based policies that ensure the special status of Maori people in national life. Since coming to power last November it has removed a law giving Maori a say on environmental questions and is set to repeal another designated to help Maori children in state care stay connected to their culture and family. Maori language in the Public Service has been wound back, and the Maori Health Authority

has been abolished. It is now looking to reinterpret the nation's founding document, the Treaty of Waitangi. My question to the minister is: does the minister and his government intend to continue pursuing Voice, Truth and Treaty?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46):** Yes.

## SOUTH-EAST FIRE TOWERS

**The Hon. R.B. MARTIN (14:46):** My question is to the Minister for Forest Industries. Can the minister please advise the council if the commitment to upgrade fire towers in the South-East with new AI technology to protect the state's forest assets has been delivered?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47):** I thank the honourable member for his question. I am delighted to update this place with the exciting news that the state government has now delivered on its election commitment to upgrade fire towers in the South-East with AI camera technology to provide landscape-level fire detection coverage across the Green Triangle.

As members in this place know, we are a government that keeps our promises, and it is particularly pleasing to see the rollout of all fire towers to be completed in time for the upcoming fire season in the Lower South-East. Prior to the election—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —we committed $2 million to upgrade fire towers with new AI technology, which was a key wish from the forest industry here in South Australia.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** This forms part of our over $20 million investment in the forest industry here in South Australia. I'm not surprised that those opposite are seeking to interject and not allow this to be heard—

**The PRESIDENT:** Interjections are out of order; don't respond to them.

**The Hon. C.M. SCRIVEN:** Indeed—but it's not surprising given that they went to the last election without any forestry policies of note whatsoever, that they did not have a policy and they had no interest in the forestry industry despite its importance to the Limestone Coast and the number of workers it employs. I am advised that over the last two weeks the seventh and final fire tower, at St Mary's, has been upgraded—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —with AI technology and is now in full operation. This means that all fire towers are now upgraded and in full operation. We know that early detection is key, and it is critical to identify and extinguish any potential fire as quickly as possible to protect the region's 130,000 hectares of plantation estate. We have seen previously that a delay in identifying fires can and does lead to significant damage to plantation estates and obviously potential consequences for surrounding communities. If a fire was to start in any forest plantation in South Australia it would present an immense risk to the industry and regional South Australia.

Not only that but fire also puts at risk the 18,000 people employed both directly or indirectly in the industry in South Australia. Fire puts at risk the $3 billion contribution that the industry makes to the South Australian economy every year and fire puts at risk the over 4.5 million tonnes of $CO_2$ that is sequestered each year from the atmosphere which contributes towards a cleaner and greener future.

In addition to the recently upgraded fire tower at St Mary's near Lucindale, fire towers at Mount Benson, Furner, Comaum, Mount Burr, The Bluff and Carpenter Rocks have also been fitted

with the AI technology that quickly identifies potential fires and allows a quick and efficient response to investigate the fire and contain it. I am advised the fire towers that have been installed are already playing a significant role in protecting our forest plantations, which during the most recent fire danger season, 2023-24, detected 25 unplanned fires in the region.

We know the South-East has experienced a dry winter and spring and that we will need to be on high alert as we head into an expected dry summer. The Green Triangle Fire Alliance will oversee the operational use of the fire towers and will continually monitor the cameras for suspected fires across the Green Triangle.

In addition to the seven fire towers fitted with AI technology across the Limestone Coast, I also understand that another seven have been installed just over the border in south-west Victoria, ensuring that the Green Triangle is one of the most protected plantation regions in the country.

I would like to take this opportunity to express my thanks to the Green Triangle Fire Alliance for their incredible hard work over the past two years to ensure the rollout of this technology occurred, along with Andrew from Pano AI, which is the company that has been developing the technology and working so closely with industry to ensure a smooth transition.

## PAIRING ARRANGEMENTS

**The Hon. C. BONAROS (14:51):** Pursuant to standing order 107, I seek leave to ask the Leader of the Opposition in this place a question regarding pairs and pairing arrangements.

Leave granted.

**The Hon. C. BONAROS:** As the leader of a major party in this chamber, I ask the Leader of the Opposition what her understanding is of the purpose of pairing arrangements and the convention around pairing arrangements and what, if anything, she will do to condemn the attack on any member in this place who provides a pair to another member who is unable to be here for whatever reason and also whether she condemns any person inside or outside of this place who uses these circumstances to describe a pairing arrangement as an abject betrayal of one's position in relation to an issue that is being voted on?

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:52):** I thank the honourable member for her question. Pairing arrangements on conscience matters are a private matter between individuals.

**The Hon. C. BONAROS:** Supplementary.

**The PRESIDENT:** I will listen to it.

## PAIRING ARRANGEMENTS

**The Hon. C. BONAROS (14:52):** Notwithstanding that they may be private matters, as the leader suggests, can she describe the conventions that are understood in this place around pairing arrangements and the standing that they have in terms of a person's vote?

**The PRESIDENT:** It is not a supplementary question because it is not remotely from the answer.

## PAIRING ARRANGEMENTS

**The Hon. T.A. FRANKS (14:53):** Supplementary: does the member believe that a vote of the parliament is a private matter or something that should reflect democracy and the elected votes of this place?

**The PRESIDENT:** It is still challenging to get a supplementary from that.

**The Hon. T.A. FRANKS:** I dissent from that rule, Mr President. It is a reasonable supplementary question to ask the member if she believes that a vote of this parliament is not a private matter. She said in her original answer that she believed that it was a private matter.

**The PRESIDENT:** I am just going to seek advice. I will certainly look at your point and provide an answer. The honourable leader, you can choose to answer the question if you wish.

**The Hon. N.J. CENTOFANTI:** I have already answered it, Mr President.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Ms Franks, you are on your feet. What's your point?

**The Hon. T.A. FRANKS:** When will you determine whether or not that was an appropriate supplementary question?

**The PRESIDENT:** By the next question time.

**The Hon. T.A. FRANKS:** Alright.

**The PRESIDENT:** So?

**The Hon. T.A. FRANKS:** I look forward to it.

**The PRESIDENT:** Thank you.

## PAIRING ARRANGEMENTS

**The Hon. R.A. SIMMS (14:55):** Supplementary.

**The PRESIDENT:** I will listen to it, but I am going to move on after this.

**The Hon. R.A. SIMMS:** Well, I am not moving on so quickly, Mr President. I won't forget what happened last night for a long time.

**The PRESIDENT:** Well, you can please yourself. Please yourself.

**The Hon. R.A. SIMMS:** Can I ask the leader, as a supplementary—

**The Hon. T.A. FRANKS:** Point of order, Mr President.

**The PRESIDENT:** I will listen to your point of order.

**The Hon. T.A. FRANKS:** You should treat members of this place with respect, not say to them, 'Please yourself.' You reflect this council chamber. You should be not actually denigrating members of this council chamber from that chair.

**The PRESIDENT:** I apologise, the Hon. Mr Simms. I will listen to your question.

**The Hon. R.A. SIMMS:** Thank you, Mr President. Supplementary, arising from the original answer, with respect to pairing arrangements: does the leader consider it inappropriate that members who are granted medical leave could be denied a pair?

**The PRESIDENT:** Again, the answer to the question, from memory, was, 'It's a matter for the individual members on a conscience vote.' Am I correct or not?

**The Hon. N.J. CENTOFANTI:** Yes, that is correct.

**The PRESIDENT:** Okay, so it's not a supplementary question arising from the original answer. The Hon. Dennis Hood.

## WORKPLACE INJURIES

**The Hon. D.G.E. HOOD (14:56):** I seek leave to make a brief explanation before asking questions of the Minister for Industrial Relations and the Public Sector regarding workplace injuries of trainees and apprentices in South Australia.

Leave granted.

**The Hon. D.G.E. HOOD:** SafeWork SA recently revealed that some 34 incidents involving apprentices or trainees were reported to the safety regulator in the first six months of this year alone, with 49 incidents over the whole of last year, and 47 in the previous year. Over two-thirds of these accidents occurred on construction sites, perhaps not surprisingly. SafeWork SA's Executive Director, Glenn Farrell, cited youth and inexperience as reasons for trainees and apprentices being the most vulnerable to injuries, and he stated, and I quote:

Workplace incidents are preventable when good safety processes are in place and followed…These figures should send a clear message regarding employer obligations to keep apprentices safe at work.

My questions to the industrial relations minister are:

1. Has the minister met with SafeWork SA representatives in recent weeks concerning these increases in workplace accidents involving trainees and apprentices in particular since the statistics were released?

2. What action is being taken by the state government in response to this specific issue, as it is of great concern to many of us?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57):** I thank the honourable member for his question. As I not infrequently say when the honourable member asks a question, they are often incisive questions. The honourable member often asks questions about the justice system in South Australia and keeping people safe, and I don't say it lightly when I say that the Hon. Dennis Hood asks questions because of his genuine commitment to South Australians.

I think, before I answer, that I might also, in reflecting on how the Hon. Dennis Hood conducts himself, reflect on last night's proceedings and the pairing arrangement that occurred. I am happy to say what I have said to others that in my experience the Hon. Dennis Hood is one of the most honourable people I have come across in parliament. In his time with the Family First Party and his time with the Liberal Party there has not been a single occasion where the Hon. Dennis Hood has said he is going to do something and then does something different. I think that reflects well upon him. I think some of the efforts from last night do not reflect well upon all of us.

Just yesterday, the very first thing we voted on was to provide medical leave to the Hon. Michelle Lensink. That was at the request of the opposition who outlined—and I was tempted to outline the conversations I had with the opposition about the Hon. Michelle Lensink's treatment, but I won't stoop to revealing personal conversations because I think it's important that we keep that level of trust here—but the opposition outlined to me the treatment and the stage of the Hon. Michelle Lensink's battle against breast cancer and requested that we grant leave for her from parliament. That was the very first thing we voted on yesterday.

We fast-forward a number of hours later to last night, and I have seen the email from the Hon. Michelle Lensink that has her paired, with Jing Lee's permission. I have talked to our whip, who talked directly to Jing Lee—

**The PRESIDENT:** The Hon. Jing Lee.

**The Hon. K.J. MAHER:** —the Deputy Leader of the Opposition—one earns the title 'Honourable', sir. The Deputy Leader of the Opposition spoke directly to the Hon. Ian Hunter, the Government Whip, confirming that pairing arrangement. I have never seen in my time here—I have been a member for over a decade. I first worked as a Chief of Staff to a Legislative Council minister some 22 years ago. We have talked to members who have been here since the mid-eighties. No-one can recall a single occasion in living memory when someone has dishonoured a pairing arrangement in this chamber. It is unprecedented.

With a chamber of just 22 people, we have to deal with each other very closely and very intimately every single day we come into this chamber. Once you breach that trust, it is very, very difficult to get back. I have certainly spoken with my team today and made it very clear, if any of us ever did something like that, I would seek to have any positions they hold in this parliament removed.

I would call on the Leader of the Opposition in this place to explain what she is going to do in terms of her team member who broke decades of convention that allows this place to operate effectively, particularly when just hours before we had voted to give the Hon. Ms Lensink leave and, having revoked, having dishonoured, having been so duplicitous as to remove that pair, the Hon. Michelle Lensink started to make her way down to this chamber at about 10 o'clock at night while she is battling cancer. That is the single most disgraceful thing I have seen in this chamber.

**The PRESIDENT:** Attorney, can you come back to the question?

**The Hon. K.J. MAHER:** I am about to get there, sir. The Hon. Ben Hood was asked a question today, and he just sat there. That tells you everything you need to know. I think the Hon. Ben Hood at some stage can't keep ducking and weaving and will have to come clean on what his involvement was in the breach of the pairing arrangement that makes this chamber and makes this place work.

Having said that, again I want to pay tribute to the Hon. Dennis Hood. From all commentary you have heard today, I think the Hon. Dennis Hood quite rightly has come out of the whole sorry episode from last night looking like one of the most honourable, reasonable people there. In relation to his question—

**The Hon. N.J. CENTOFANTI:** Point of order, Mr President. Can the Attorney—

*Members interjecting:*

**The PRESIDENT:** Order! Please answer the question, and let's move on.

**The Hon. K.J. MAHER:** In relation to the safety of apprentices and trainees at work, SafeWork do a remarkable job in terms of their proactiveness, their media campaigns and other information awareness for work health and safety. I regularly meet with the regulator, SafeWork SA, and officials about the work that they are doing in a whole range of areas. They have many campaigns over a whole range of industries and segments. I will be more than happy to undertake, the next time I have one of my regular meetings with the regulator, SafeWork SA, to raise the concerns and to acknowledge, when I have that meeting, the concerns of the Hon. Dennis Hood for keeping South Australians safe at work.

## WORKPLACE INJURIES

**The Hon. D.G.E. HOOD (15:03):** Supplementary: was this matter raised with the minister at his last meeting with SafeWork, given the increase in numbers of the last two years?

**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. I hope we don't have a point of order called. Maybe the next time the Leader of the Opposition is on her feet, she will reveal her involvement in the duplicitous—

**The PRESIDENT:** Attorney, can you just please answer the question so we can move to the Hon. Mr Hanson.

**The Hon. K.J. MAHER:** Yes, okay. I can't recall the matters that were raised on the agenda at the last meeting. I am not sure if it was before or after some of these statistics were published, but I certainly will undertake to make sure it is raised at the next meeting.

## NAIDOC WEEK

**The Hon. J.E. HANSON (15:04):** My question is to the Attorney-General. Will the Attorney-General inform the council about this year's NAIDOC Week events held in Whyalla?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04):** I will be most happy to do so. I think I have informed the chamber previously about some of the NAIDOC Week events that were in Port Augusta this NAIDOC year and, after celebrating during NAIDOC Week in Port Augusta, I had the very distinct pleasure to then travel to Whyalla the following day to continue the celebrations of NAIDOC and of our dynamic and thriving Aboriginal culture in this state in Whyalla.

Much like Port Augusta and its surrounding townships, the community of Whyalla put on fantastic NAIDOC Week events during the week, including a wine, cheese and arts night, which I wasn't able to get to but I heard was a huge hit with the locals and will be sure to return next year. The day that I was able to attend NAIDOC in Whyalla started celebrations with the raising of the Aboriginal flag ceremony at the Plaza Youth Centre where many locals joined in, both as individuals and those who work for key community groups promoting the rights of Aboriginals in the community in Whyalla and beyond.

The community march then took place from the raising the flag, with lots of Aboriginal flags and signs being proudly waved as part of a big group walking through the streets of Whyalla. Competing with the striking design of the Port Augusta NAIDOC T-shirts and hoodies, many in the march were donning equally as effective Whyalla designs for NAIDOC this week.

The walk concluded at Norton Park where there were dozens of stalls set up for the public to interact with, including Uniting Communities, the Legal Services Commission, Foodbank, Umeewarra Media and a food tent providing tea and coffee, merchandise and a fire pit to cook bush tucker, including kangaroo tail and goat curry. A large bunch of locals banded together to organise this community event and ensure that the Aboriginal community of Whyalla is supported, recognised and celebrated during NAIDOC Week but also every day of the year.

Special thanks to all involved, including the Mayor of Whyalla, the deputy mayor, councillors and community members. I look forward to returning to Whyalla for NAIDOC Week festivities in future years.

## TRANSCRANIAL MAGNETIC STIMULATION

**The Hon. T.A. FRANKS (15:06):** I seek leave to make a brief explanation before addressing a question to the Leader of the Government on behalf of the Minister for Health on the subject of transmagnetic stimulation.

Leave granted.

**The Hon. T.A. FRANKS:** Earlier today, 185 medical students had their petition tabled to this place. They respectfully put forward to the government of South Australia that they should immediately act to establish a transcranial magnetic stimulation (TMS) unit within our public health system. TMS has consistently and rigorously been proven to provide relief, and in many cases remission, for otherwise treatment-resistant major depression disorder. This treatment has been available privately in South Australia since 2008 but unavailable to public system patients.

Each week that passes without action results in unnecessary suffering amongst our citizens. South Australia has so many healthcare workers who dedicate their careers to helping their patients, and these 185 medical students really are calling on us to ensure that they have the tools and resources that they require to provide appropriate care to South Australians. My question to the minister therefore is:

1. When will the minister publicly commit that South Australia will have in our public health system a TMS service?

2. Will he undertake to prepare a budget submission for the upcoming budget processes, be they Mid-Year Budget Review or next year's regular budget?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08):** I thank the honourable member for her very thoughtful question, and I will be sure to pass that on to the minister in the other place and bring back a reply for the honourable member.

## HEALTH WORKFORCE

**The Hon. B.R. HOOD (15:08):** I seek leave to make a brief explanation before directing questions to the Attorney-General regarding state health workers.

Leave granted.

**The Hon. B.R. HOOD:** It has been reported that almost a quarter of the SA Health workforce have experienced violence and aggression, with higher rates of bullying, harassment and racism when compared to the broader Public Service. Despite these concerning figures, only limited actions have reportedly been taken. Given the alarming findings of the people matters survey regarding violence and aggression faced by SA Health workers, my questions to the Attorney-General in his capacity as Minister for Public Sector are:

1. Does the Attorney-General believe the current measures are sufficient to protect public healthcare staff?

2. Can he detail specific steps taken to address the rising rates of violence, aggression and bullying experienced by SA Health workers?

3. What immediate actions will be taken to address the high rates of verbal intimidation and physical assaults reported by staff and how will this impact the future policy?

4. Will increased penalties be looked at?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09):** I thank the honourable member for his question about workplace conditions, and it does occur to me I talked briefly about it earlier. I talked about workplace conditions and the workplace conditions we face in this chamber. I was just contemplating: could you imagine a private sector employer who would require someone who is in the middle of battling cancer and receiving treatment for breast cancer being required to turn up to work at 10 o'clock at night, like the actions of the Hon. Ben Hood's party forced Michelle Lensink to try to do last night? That sort of workplace would not happen in the private sector, and yet—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —and yet we have had the Hon. Ben Hood sit there—

**The Hon. F. PANGALLO:** Point of order.

**The PRESIDENT:** Attorney! I have the Hon. Mr Pangallo on his feet.

**The Hon. F. PANGALLO:** Can I ask that the Leader of the Government address the question rather than this continual bullying of the Hon. Mr Hood.

**The PRESIDENT:** It is not a point of order. Attorney, I will ask you to continue, but can you please try to address the substance of the question.

**The Hon. K.J. MAHER:** Yes, I will, sir. We should all have a right to feel safe at work and be treated with respect at work, and that was exactly what was not afforded to one of the Liberal Party's own last night. If you were to tell me we are not fit to govern without using those words, it is the very thing that we saw happen last night, having one of their own dragged into here, which you would never see in a private sector workplace. And one of the reasons you would never see it is that you are unlikely to see the sort of behaviour that we witnessed last night from within the Liberal Party to one of their own in a private sector workplace.

In relation to people at work, in terms of hospitals and the health setting, I know I have spent time with the minister responsible, the Hon. Chris Picton, and some of the very dedicated and hardworking security guards who work in our hospitals, to talk about the issues they face and how we can improve the system.

## REGIONAL DEVELOPMENT SOUTH AUSTRALIA

**The Hon. T.T. NGO (15:11):** My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the chamber about the Regional Development South Australia 2024 annual summit held in Port Augusta earlier this month?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11):** I thank the honourable member for his question. A couple of weeks ago, I had the pleasure of visiting Port Augusta again, this time for the 2024 Regional Development South Australia annual summit. I was excited to attend the 2023 annual summit on population and prosperity, and this year I was equally pleased to join the conversation about net zero, the circular economy and AI.

The summit began with dinner under the stars at Tickle Belly Hill, with many attendees arriving via the Pichi Richi Railway where I am told they enjoyed a stunning view of the sunset as they arrived. I, unfortunately, missed this train ride, though I am no stranger to the Pichi Richi as I attended the 50th anniversary celebrations in August this year. However, the dinner was a fantastic opportunity to experience the best that Port Augusta has to offer, and also to speak to summit attendees in a less formal setting.

The state government is a major funding partner, together with local government and the commonwealth government, to support the South Australian RDAs to deliver on the priorities for their respective regions. RDAs play a critical role in supporting their communities to ensure they have a chance to benefit and share in the prosperity offered in this great state.

The summit was a fantastic opportunity to discuss the plan the Malinauskas government has for our state, which the RDAs will play a huge role in delivering. The South Australian Economic Statement, released in April last year, identified three interrelated missions which focus on the most significant opportunities for the South Australian economy: capitalise on the global green transition; be a partner of choice in an insecure world; and build South Australia's talent.

To set us up for success, the Economic Statement also singles out 'liveable and connected regions'. It identifies South Australia's regions for the crucial role they play in our economy, and that to realise the vision, our regions must attract and retain residents now and into the future. This means our regions need to be connected to the rest of the world and have the right infrastructure and services. We want our regions to continue to contribute to our prosperity, and for regional communities to be a big and key part of the forthcoming opportunities.

A huge part of prosperous, liveable regions is net zero, the strategic direction of which is set out in the South Australian Economic Statement. As everyone in this chamber would be aware, the South Australian government has statewide goals to reduce net greenhouse gas emissions by more than 50 per cent by 2030, achieve net zero emissions by 2050, and achieve 100 per cent net renewable electricity generation by 2027.

Net zero was spoken about at great length at the summit. It was great to hear from speakers about the opportunities that are available for regional South Australia in the net zero transition. A large part of this is, of course, the Malinauskas government's Hydrogen Jobs Plan, which Sam Crafter, the CEO of the Office of Hydrogen Power, spoke to.

The summit also provided an opportunity for passionate and robust discussion among attendees, who included industry representatives and key stakeholders. The future is bright for our regions, and I look forward to continuing to work with the RDAs, industry and stakeholders into the future towards our common goal, which is to support prosperous, liveable regional communities.

It was also a pleasure to be able to officially thank at the forum Kelly-Anne Saffin, who is leaving her role with RDA Adelaide to take up the role of Cross Border Commissioner. It was wonderful to have the opportunity to thank her and wish her well as she moves into that next very important role.

## DAVENPORT COMMUNITY

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

Leave granted.

**The Hon. F. PANGALLO:** Davenport, the small Indigenous settlement in Port Augusta, has been plagued with controversy since the Davenport Community Council, which managed the community, was placed into administration. The community is in a sad state of disrepair, with many of the common facilities, including the community centre, trashed and vandalised. Crime is out of control, with allegations elderly members are being abused, threatened and attacked.

I previously asked the minister whether he could provide reasons for the settlement being placed into administration by the Aboriginal Lands Trust, and I did not receive an adequate response at that time. I also asked the minister to confirm whether the former Aboriginal Lands Trust CEO engaged a law firm to investigate the alleged misappropriation and theft of expensive heavy machinery and vehicles, and whether anyone was ever charged.

At the time, the minister said he was unaware if that was so and would check and get back to the chamber if there was one. I am still waiting. I am now informed things have become worse. My questions to the minister are:

1. Can you confirm the administrators have now placed the Davenport community into liquidation?

2. If so, when, and what are the reasons for the liquidation?

3. Was any evidence of misappropriation, fraud and other misconduct uncovered during the administration?

4. If so, will action be taken to hold the offenders to account?

5. Is the government going to provide even more funding to guarantee the long-term future of the residents of Davenport, given it is now in liquidation?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17):** I thank the honourable member for his question and I note his interest in this matter. For the honourable member's benefit, I just correct some of the ways that the honourable member described the situation at Davenport. I accept it is not deliberately misleading, but it is not accurate to describe some of what has been happening at Davenport.

It would have been certainly before this term of government—I think about 2021—I think under section 45 of the Aboriginal Lands Trust Act, that Davenport had a community manager placed to manage the community. It is not an administrator or placed into administration or liquidation; it is appointment of a community manager. That occurred for Davenport Community Council Incorporated (DCCI). I can't remember the exact amount of time. It might have been 12 months; it might have been a little bit more that a community manager was appointed before the community manager finished and the DCCI was again in charge of the Davenport community.

There hasn't been an administrator who has handed it over to someone else. There was a community manager appointed under the Aboriginal Lands Trust Act section 45. That stayed in place for some time in recent history, within the last couple of years, before the community manager finished their role.

I have been informed that on 15 October, two days ago, the Corporate Affairs Commission served the DCCI (Davenport Community Council Incorporated) a notice of proceedings before the Supreme Court under section 41 of the Associations Incorporation Act. My understanding, from the information that I have, is that that basis for non-compliance with the act includes failure of council to lodge its financial reports, failure to table audited financial reports or to hold its AGM. I am also aware that the commission has sought appointment of a liquidator to effect the winding up of DCCI.

## DROUGHT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19):** I seek leave to make a brief explanation before asking the Minister for Primary Industries a question on the topic of drought.

Leave granted.

**The Hon. N.J. CENTOFANTI:** According to the Auditor-General's Report there is $4.3 million in the South Australian Drought Resilience Fund, which is available and is not being used. To quote the report, this fund was established under the commonwealth's Water for Fodder Program, and the fund received revenue from southern Murray-Darling Basin irrigators in exchange for the transfer of South Australian water allocations in line with the Water for Fodder Program.

My question to the Minister for Primary Industries is: has she written to her colleague in the other place, the member for Port Adelaide, requesting that funding be redirected to provide services, such as seed banks, mental health support and the like, to our farming communities currently in need due to the drought and, if not, why not?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20):** I thank the honourable member for her question. I am happy to look into the arrangements around that fund and bring back a further response to the chamber.

## GO FOUNDATION

**The Hon. R.P. WORTLEY (15:20):** My question is to the Minister for Aboriginal Affairs: will the minister inform the council about the GO Foundation event that he attended last night for the foundation's Adelaide Class of 2024 celebration?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21):** I thank the honourable member for his question and his interest in this area. It was an absolute honour to attend the GO Foundation's event for the Adelaide graduating class of 2024 last night during our dinner break. It was a welcome relief to spend a bit over an hour across the road at the Playford on North Terrace to attend the first part of the proceedings for the GO Foundation's annual event before returning to parliament. The GO Foundation was founded by AFL legends Adam Goodes and Michael O'Loughlin, with their long-time friend James Gallichan.

Adam Goodes of course is a Narungga Adnyamathanha man who has strong connections to South Australia, and Michael O'Loughlin is a Narungga man with strong connections to South Australia and the Narungga community and Point Pearce. Both have been legends of the Sydney Football Club. I note that Michael O'Loughlin is now a board member of the Sydney Football Club. Their vision for the foundation they have set up, the GO Foundation (G for Goodes and O for O'Loughlin) is to increase the culturally-responsive access to education for Aboriginal students.

The GO Foundation has grown into an Aboriginal-led and governed organisation that puts culture at the hearts of achieving better outcomes for young people. The GO Foundation is this year celebrating its 15th year of existence. Over that time I understand the foundation has provided more than 1,290 scholarships for Aboriginal primary, secondary and tertiary students in Sydney, Adelaide and Canberra.

The foundation's class of 2024 celebration last night was a particularly special occasion as it was the first standalone graduation of an Adelaide cohort through the GO Foundation, celebrating and recognising just over, I understand, 33 of the Aboriginal GO scholarship recipients who graduated from both high school and universities in 2024. This is a significant milestone for the GO Foundation since launching this program in Adelaide in just 2019.

Graduating from year 12 or university is always a significant achievement for any young person. However, this is particularly true for Aboriginal people who very regularly do not have the same access to education as non-Aboriginal people do. While the GO Foundation is founded by two legends of AFL—and there is no doubting the unique and special flare Aboriginal people bring to sporting codes—an Aboriginal person's place is not just on the sports field but equally as a doctor, a lawyer, a health worker, CEO of an organisation or a member of parliament.

I look forward to seeing what these young people do next. I would particularly like to acknowledge and pay tribute to the CEO of the GO Foundation, Ms Charlene Davison, and the chair of the foundation, Ms Sonja Stewart, for all the work they do, but more particularly I pay tribute to Adam and Michael for the work they do. These two people have reached the height of football in Australia in the AFL playing for the Sydney Swans and do what not a lot of other people do and give back in a very significant way, putting their own time and money towards seeing that Aboriginal kids in South Australia and across Australia, in Canberra and Sydney, succeed. Michael O'Loughlin is one of the most generous people I know, and Adam Goodes is possibly the best human I have ever met.

## PAIRING ARRANGEMENTS

**The Hon. T.A. FRANKS (15:24):** On a point of order, Mr President, under standing order 204 you were meant to rule on my dissent from your ruling at the time that it was made, not at the next sitting week, so I ask that you rule on whether or not I have a supplementary.

**The PRESIDENT:** I will allow the supplementary question, the Hon. Ms Franks. If you could repeat it, please.

**The Hon. T.A. FRANKS:** I will repeat it: could the Leader of the Opposition clarify whether she believes votes of this place are a private or a public matter?

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:25):** Pairing arrangements are a matter between individuals on a conscience matter.

*Members interjecting:*

**The PRESIDENT:** Order!

*Bills*

## SUMMARY OFFENCES (ARTIFICIALLY GENERATED CONTENT) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26):** Obtained leave and introduced a bill for an act to amend 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) (15:27):** I move:

That this bill be now read a second time.

I am pleased today to introduce the Summary Offences (Artificially Generated Content) Amendment Bill. The bill fulfils the government's commitment to introduce legislation to ban the creation and distribution of sexually explicit deep fakes, including where the content has been wholly generated by AI or digital technology.

At the outset I would first like to acknowledge the very significant contribution, work and advocacy of the Hon. Connie Bonaros MLC, who has also introduced a bill regarding invasive deep fakes in this place. I would also like to thank the Hon. Connie Bonaros for her collaborative work on this reform and wish to put on the record that her bill and the one that is introduced in this place today will be worked on together to make sure we have the best possible result for South Australians.

I would further like to pay tribute to the ongoing and significant work of my colleague in another place Mr Michael Brown MP, the member for Florey. Mr Brown's work as chair of the parliamentary committee on artificial intelligence has been central to this reform, having led enlightened discussions with experts such as specialised SAPOL officers and AI technology experts.

The findings of that committee were very insightful, and it is the result of that substantial work from Mr Brown as well as the significant collaborative efforts with the Hon. Connie Bonaros that has culminated in this bill that the government is introducing today.

The bill inserts new Part 5B into the Summary Offences Act 1953 to create six new offences to address an apparent gap in relation to the creation and non-consensual distribution of humiliating, degrading or invasive depictions that have been wholly generated by AI or digital technology.

As members may be aware, a deepfake refers to an image, video or audio of a real person that has been edited to create an extremely realistic but false depiction of that person doing or saying something that they did not actually do or say. It can also refer to wholly computer-generated depictions of humans who do not exist in real life.

Increasing concerns have been raised about the potential misuse of deepfakes in recent times, particularly in relation to the creation of sexually explicit content. Such content can be used to harass, intimidate, threaten, blackmail or extort victims, including victim survivors of domestic and family violence.

**The Hon. E.S. BOURKE:** Point of order, Mr President. I call to your attention the state of the house.

**The PRESIDENT:** A quorum not being present, ring the bells.

*A quorum having been formed:*

**The Hon. K.J. MAHER:** Victims of deepfakes can experience a wide range of harms, including significant emotional distress, anxiety, depression and invasion of privacy, as well as

reputational and economic loss. In South Australia, Part 5A of the Summary Offences Act currently contains a number of filming and image-based offences that already make it unlawful to distribute a humiliating, degrading or invasive image of a real person that has been edited or altered by digital technology, including deepfakes. However, it is unclear whether those offences would be sufficient to capture the creation or distribution of a simulated depiction of a real person that has been wholly generated by AI digital technology.

To address this concern, the bill creates six new offences in relation to the creation and non-consensual distribution of a humiliating, degrading or invasive depiction of a simulated person including:

- creation of a humiliating or degrading depiction of a simulated person;
- creation of an invasive depiction of a simulated person;
- distribution of a humiliating or degrading depiction of a simulated person;
- distribution of an invasive depiction of a simulated person;
- threat to distribute a humiliating or degrading depiction of a simulated person; and
- threat to distribute an invasive depiction of a simulated person.

The offences in the bill are closely modelled on the existing filming and image-based offences in Part 5A of the Summary Offences Act and impose similar maximum penalties, with the most serious offences in the bill imposing a maximum penalty of up to $20,000 or four years' imprisonment where the depiction of the simulated person purports to be of a real person under the age of 17.

For the purposes of the bill, 'artificially generated content' is defined to mean audiovisual, visual or audio content that has been wholly generated by AI or has been created by a person solely using digital technology. This reflects the fact that an existing image or video of a real person that has been altered by digital or other means is already captured by the offences in Part 5A of the Summary Offences Act.

For each of the offences in the bill, a 'simulated person' is defined to mean a person who is depicted in artificially generated content that either, firstly, purports to be a depiction of a particular real person or, secondly, so closely resembles a depiction of a particular person that a reasonable person who knew the real person would consider it likely to be a depiction of that person.

For the purposes of the bill, artificially generated content will amount to a 'humiliating and degrading depiction' of a simulated person where it depicts, firstly, an assault or other act of violence done by or against the simulated person or, secondly, an act done by or against the simulated person that reasonable members of the community would consider to be humiliating or degrading to a real person.

For the purposes of the bill, artificially generated content will amount to an invasive depiction where it depicts the simulated person, firstly, in a state of undress, such as where the person's genitals or anal region is visible, or, secondly, performing a private act, such as a sexual act or an act carried out in a sexual manner.

The bill provides that it is a defence against a charge of each of the offences in the bill to establish that each real person shown in the depiction gave their own written consent for the content to be created or distributed. The bill also contains a defence for law enforcement personnel or legal practitioners who are acting in the course of proceedings. A further defence exists for artificially generated content that constitutes or forms part of the work of artistic merit where there is no undue influence on the aspects of the work that might be considered humiliating, degrading or invasive.

Importantly, the bill provides that the apparent consent will not be effective for the purposes of each of the offences where it has been given by a person who is under the age of 17 or who has a cognitive impairment or where consent has been obtained from the person by duress or deception. In circumstances where a court finds a person guilty of an offence, the bill empowers the court to order forfeiture of anything that has been seized and consists or contains a record of artificially generated content or consists of equipment used in the commission of the offence.

It is critical that our laws continue to keep pace with technological advancements to ensure the safety of our community, and that is exactly what we are doing with this bill today. The bill will make it clear that creating or sharing humiliating or degrading or invasive depictions of a person without their consent, regardless of whether that content has been altered or wholly created by AI or other digital technology, is unlawful and unacceptable. I commend the bill to the chamber and seek leave to insert the explanation of clauses 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 *Summary Offences Act 1953*

3—Insertion of Part 5B

This clause inserts new provisions as follows:

Part 5B—Artificially generated content offences

26F—Interpretation

This section defines key terms to be used in the proposed Part.

26G—Creation of humiliating, degrading or invasive depiction

The proposed section creates 2 new offences:

- creating a humiliating or degrading depiction of a simulated person, with a maximum penalty of imprisonment for 1 year;
- creating an invasive depiction of a simulated person, with a maximum penalty of $10,000 or imprisonment for 2 years. If the simulated person in the depiction purports to be a real person who is under the age of 17 years, the maximum penalty is $20,000 or imprisonment for 4 years.

It is a defence to these offences if the defendant proves that the creation of the relevant depiction occurred with the written consent of each real person depicted in the depiction.

26H—Distribution of humiliating, degrading or invasive depiction

The proposed section creates 2 new offences:

- distributing a humiliating or degrading depiction of a simulated person, with a maximum penalty of imprisonment for 1 year;
- distributing an invasive depiction of a simulated person, with a maximum penalty of $10,000 or imprisonment for 2 years. If the simulated person in the depiction purports to be a real person who is under the age of 17 years, the maximum penalty is $20,000 or imprisonment for 4 years.

It is a defence to these offences if the defendant proves that the distribution of the relevant depiction occurred with the written consent of each real person depicted in the depiction.

26I—Threat to distribute humiliating, degrading or invasive depiction

Proposed subsection (1) creates an offence with a maximum penalty of $5,000 or imprisonment for 1 year, for a person who—

- threatens to distribute a humiliating or degrading depiction of a simulated person; and
- intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused.

Proposed subsection (2) creates an offence for a person who—

- threatens to distribute an invasive depiction of a simulated person; and
- intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused.

The maximum penalty for the offence in proposed subsection (2) is $5,000 or imprisonment for 1 year. If the simulated person purports to be a real person who is under the age of 17 years, or the threat is made to a person who is under the age of 17 years, the maximum penalty applying is $10,000 or imprisonment for 2 years.

It is a defence to an offence in the proposed section if the defendant proves that each real person depicted in the depiction gave written consent to the distribution of the humiliating or degrading depiction or invasive depiction (as the case may be).

The proposed section applies to a threat directly or indirectly communicated by words (written or spoken) or by conduct, or partially by words and partially by conduct, and may be explicit or implicit.

26J—General provisions

Proposed subsection (1) provides that an apparent consent for the purposes of offences in the proposed Part will not be an effective consent if—

- given by a person under the age of 17 years or with a cognitive impairment; or
- the consent was obtained from a person by duress or deception.

Proposed subsections (2) and (3) make provision for the retrieval or forfeiture of anything seized from a person in the commission of an offence in the proposed Part.

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

## RETURN TO WORK (PRESUMPTIVE FIREFIGHTER INJURIES) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:36):** Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:37):** I move:

That this bill be now read a second time.

I rise today to introduce the Return to Work (Presumptive Firefighter Injuries) Amendment Bill 2024. I hope I speak for every member of this council when I acknowledge the service that South Australia's firefighters perform for the community, often putting themselves in harm's way to protect the safety and welfare of others.

While firefighting has traditionally been a male-dominated occupation, in South Australia we have seen a significant and growing number of women choosing to become firefighters. Women now represent around 11 per cent of paid firefighters and around 25 per cent of volunteer firefighters. An unfortunate by-product of the gendered history of firefighting is that legislation designed to protect and support firefighters has not kept pace with the growing diversity of the profession. That is the issue that this bill seeks to address.

It has long been recognised, both in Australia and internationally, that firefighters face occupational exposure to certain carcinogens through their work, which make it statistically more likely for them to develop particular cancers than the general population. Jurisdictions across Australia have recognised this by inserting presumptive liability provisions into their workers compensation legislation, which makes it easy for firefighters diagnosed with those cancers to have their claim accepted and obtain compensation.

In South Australia, this affects firefighters making workers compensation claims under the Return to Work Act 2014. This also has a flow-on impact to conditional compensation those firefighters are able to access through their enterprise agreement. This bill amends the list of injuries presumed to arise from employment as a firefighter in schedule 3 of the act to insert three additional cancers which affect female firefighters: primary site cervical cancer, primary site ovarian cancer, and primary site uterine cancer.

The effect of this amendment is that for those workers who meet the qualifying period, if they suffer one of the prescribed cancers, then the burden of proof is reversed and their injury is presumed to have arisen from their employment as a firefighter, unless proven otherwise. This presumption will also apply to volunteer firefighters who meet the relevant qualification period.

This reform recognises the growing number of female firefighters in South Australia and the invaluable service they provide to the community. It will remove barriers to fair access to support and compensation for workplace injuries and is consistent with similar amendments introduced in other jurisdictions.

I acknowledge the very significant advocacy of the United Firefighters Union in support of these reforms on behalf of their members, and particularly the work of their secretary, Max Adlam. I commend the bill to members and seek leave to have the explanation of clauses inserted 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 *Return to Work Act 2014*

3—Amendment of Schedule 3—Injuries presumed to arise from employment as a firefighter

This clause adds to the list of injuries set out in Schedule 3 of the principal Act.

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

## FAIR WORK (REGISTERED ASSOCIATIONS) AMENDMENT BILL

*Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40):** Obtained leave and introduced a bill for an act to amend the Fair Work Act 1994 and to make a related amendment to the South Australian Employment Tribunal Act 2014. Read a first time.

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:41):** I move:

That this bill be now read a second time.

I introduce the Fair Work (Registered Associations) Amendment Bill 2024 into parliament. As members of this council would be aware, the state government has strongly supported the federal Labor government's decision to place the CFMEU into administration following disturbing reports of criminal misconduct within the Construction and General Division.

Using the force of law to place an organisation into administration is an extraordinary act and not one we wish necessarily to become more common. However, the need for decisive action in relation to the Construction and General Division has been reinforced by Geoffrey Watson SC's independent investigation into the activities of the Victorian branch. Mr Watson was initially engaged to conduct this investigation by CFMEU national secretary, Zach Smith, and that investigation has continued under the appointed administration of Mark Irving KC.

Mr Watson has found that the Victorian branch is 'caught in a cycle of lawlessness where violence was an accepted part of the culture' and has been infiltrated by bikie and organised crime figures. The state government is not aware of any evidence those criminal links have extended to the Construction and General Division's operations in South Australia. That is supported by the findings of the Commissioner of South Australia Police following his own look at the matter. However,

for so long as the South Australian branch remains under the functional control of Victoria, it is untenable for South Australia to be excluded from the current federal administration.

Building and construction is one of the most dangerous industries in Australia. Just like every other worker in our society, construction workers deserve to have access to a strong trade union that stands up for their health and safety and advocates for fair wages and conditions. However, Victorian control over the SA branch has been a failed experiment. South Australian construction workers have not been well served by influence of people like John Setka, who embodies the most irresponsible elements of our union movement. Those workers deserve a union that is free of corruption and violence, and which is not associated with the criminal behaviour of any outlaw motorcycle gang.

That kind of behaviour has not only been condemned across the political spectrum, it has also been condemned by the mainstream Australian trade union movement. Figures like ACTU secretary, Sally McManus, have been firm that there is no place for corruption and criminality in the organisations workers rely on to protect their interests.

The state government's position is crystal clear: we want to see the South Australian branch of the CFMEU returned to responsible, local South Australian leadership and free of Victorian control. Once that occurs, we hope to see the South Australian branch back on its own two feet and released from administration as soon as is appropriate.

As I have said many times in this place, South Australian workers and businesses alike have been well served by the relative harmony we have seen in our state's industrial landscape. The return of the South Australian branch of the CFMEU to local leadership is the best outcome to support that balance.

Turning to the particulars of this bill, following the passage of the federal administration legislation the federal government has recommended that jurisdictions with their own registered counterparts of the CFMEU take complementary action to ensure the administration of the Construction and General Division is effective. This is necessary to safeguard against two avenues by which elements of the CFMEU may attempt to evade federal administration.

The first is by shifting assets and personnel from the federally registered union to its state-registered counterpart, out of reach of the federal administrator. The second is for officials of the union to attempt to operate in an entirely unregistered capacity outside the established legal framework of the industrial relations system. Legislation has already been introduced in Queensland, New South Wales and Victoria in relation to their state-registered counterparts. This bill will make similar amendments to ensure the integrity of the federal administration in South Australia.

In South Australia, there is a counterpart of the CFMEU registered under our state industrial relations system known as the Australian Building and Construction Workers' Federation (ABCWF). The bill inserts Part 3A of the Fair Work Act 1994 to the enable the federal administration of the CFMEU to be extended to the ABCWF if that is necessary.

These provisions permit the federal administrator to the apply to the minister to place the ABCWF into administration—for example, if evidence comes to light that there has been an improper transfer of assets or personnel to the organisation. The minister must place the union into administration if requested by publishing a notice in the *Gazette*.

The federal administrator is then automatically appointed as the administrator of the ABCWF and is conferred with the same functions and powers in respect of the ABCWF as they have in respect of the administration of the CFMEU under the federal act. Importantly, the administrator is required to act in the best interests of the members of the ABCWF when exercising their functions and powers.

If necessary, regulations can be made to supplement or modify those functions and powers inherited from the federal scheme. The minister may also appoint a different person as the administrator if necessary—for example, if there is a conflict between the federal administrator's duties to members of the ABCWF and their duties to members of the CFMEU. The bill provides for a maximum penalty of $100,000 for persons who engage in conduct without reasonable excuse that prevents the effective administration of the ABCWF.

It is important to emphasise these provisions only apply to the extent the Construction and General Division of the CFMEU is in administration under the Commonwealth Fair Work (Registered Organisations) Act 2009 in respect of its operations in South Australia. This means that if the South Australian branch of the CFMEU is released from administration, no application for administration of the ABCWF can be made and any administration in effect at that time will cease. This is consistent with the government's support for the South Australian branch to be detached from Victorian control and returned to local leadership so it can be released from administration as soon as appropriate.

The bill also amends the Fair Work Act 1994 to encourage representation by registered associations and to prevent unregistered associations and their officials from purporting to exercise the functions and powers of registered trade unions. This provides an important safeguard against officers or employees of the CFMEU or the ABCWF attempting to evade administration by operating in an unregistered capacity outside the reach of industrial law.

The bill inserts a new object of the act to encourage representation by registered associations. The bill clarifies that various functions and powers of industrial associations under the act may only be exercised by associations that are registered and therefore subject to the obligations which come with registration, including transparency requirements, supervision by the SAET, and potential deregistration for improper or oppressive conduct. This includes functions and powers such as right of entry, the right to commence legal proceedings in SAET on behalf of members, and the right to act as a representative of a party in proceedings before SAET as a non-legally qualified union official.

The bill also inserts Part 3B of the act to enable the SAET to make orders in relation to unregistered associations. These include orders to restrain an association from holding out membership on the basis representing workers in matters before SAET or from acting as representative of a person or group of persons in proceedings before SAET.

Part 3B also includes penalties for unregistered associations which make false or misleading representations about their right to represent the industrial interests of employees under the act. This will strengthen SAET's capacity to uphold the integrity of the registration scheme under the act by preventing unregistered associations from evading or undermining that scheme by purporting to exercise the functions and powers of a registered association.

The bill also makes amendments to the process for federally based associations, which are already registered under the Commonwealth Fair Work (Registered Organisations) Act 2009, to be recognised as a registered association in the state industrial relations system.

There are several associations of this kind, which have been active representing members in the public sector, for example, for many years, and whose current exercise of functions and powers under this act would otherwise be affected by the amendments in this bill.

The bill streamlines the registration process for existing federally registered associations, acknowledging they have already gone through an extensive process to become registered under the Fair Work (Registered Organisations) Act 2009, and are already subject to strict reporting and compliance obligations in the federal system.

These amendments will encourage federally registered associations with members in the state system to register under the act without the need to relitigate the registration process that has already occurred federally. Registration will mean those associations will be subject to the same obligations as other state-registered associations, including supervision by the SAET and the potential for deregistration.

The bill also includes several technical provisions to deal with demarcation disputes between state and federally-registered counterparts of the same association, and to ensure that existing federally-registered associations can only seek state registration if they are entitled under their rules to represent South Australian workers.

Additionally, a consequential amendment is made to the South Australian Employment Tribunal Act 2014 to clarify that only officers and employees of registered associations may act as a representative in the SAET without requiring leave of the tribunal.

The bill also amends the maximum term of an enterprise agreement in the state industrial relations system to four years. This brings South Australia into line with the maximum term of an agreement in most jurisdictions across the country, including in the national industrial relations system covering private sector employers, as well as the systems that apply to the commonwealth, Queensland, Victorian, and ACT governments.

This four-year period represents a maximum term only. The length of an enterprise agreement is ultimately a matter for negotiation between an employer and their employees during the enterprise bargaining process. I commend the bill to members and seek leave to have the explanation of clauses inserted 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 *Fair Work Act 1994*

3—Amendment of section 3—Objects of Act

This clause inserts a new object of the Act that states: 'to encourage representation of employees and employers by registered associations'.

4—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to provide for a definition of *unregistered association*.

5—Amendment of section 18—Advertisement of applications

This clause amends section 18 of the principal Act to ensure that SAET is satisfied that reasonable notice of an application involving a demarcation dispute between associations representing employees has been given.

6—Amendment of section 25—Representation

This clause amends section 25 of the Act to substitute references to an industrial association with references to a registered association. The proposed amendment also provides that the Tribunal must not give leave for a person to appear as a representative in proceedings before the Tribunal if the grant of leave would be contrary to an order made under section 136H or an order made in settlement of an industrial dispute.

7—Amendment of section 32—Who may make a claim

This clause amends section 32 of the principal Act to delete a reference to an association with a reference to a registered association.

8—Amendment of section 77—Form and content of enterprise agreement

This clause amends section 77 of the principal Act to delete a reference to an association with a reference to a registered association.

9—Amendment of section 83—Duration of enterprise agreement

This clause amends section 83 of the principal Act to change the maximum term of an enterprise agreement from 3 years to 4 years.

10—Amendment of section 120—Application for registration

This clause amends the notice requirements in respect of an application for registration.

11—Substitution of section 131

This clause substitutes section 131

131—Eligibility for registration

This clause provides for the eligibility of associations to be registered.

12—Amendment of section 132—Application for registration

This clause amends the notice requirements in respect of an application for registration.

13—Amendment of section 134—Registration

This clause makes changes to section 134 of the principal Act so that SAET must register an association if satisfied of certain matters.

14—Insertion of Chapter 4 Parts 3A and 3B

This clause inserts new Chapter 4 Part 3A and 3B into the principal Act.

Part 3A—Extension of Federal administration of CFMEU

136A—Interpretation

The proposed section inserts definitions.

136B—Application by Federal administrator of CFMEU

The proposed section facilitates the placing of ABCWF into administration.

136C—Effect of administration of ABCWF

The proposed section sets out the effect of placing ABCWF into administration.

136D—Administrator not liable in civil proceedings

The proposed section provides for a civil liability provision for the benefit of an administrator, or person acting under the direction of an administrator.

136E—Regulations under this Part

The proposed section provides for the power to make regulations.

136F—Cessation of administration

The proposed section provides for the cessation of the administration of ABCWF.

136G—Anti-avoidance

The proposed section creates an offence provision where a person, without reasonable excuse, engages in conduct or a course of conduct and as a result of that conduct or course of conduct, another person or body is prevented from taking action under an administration or the administrator is prevented from effectively administering ABCWF.

Part 3B—Orders in relation to unregistered associations

136H—Power for SAET to make orders in relation to unregistered associations

The proposed section provides that SAET (constituted as the industrial relations commission) may make certain orders to encourage representation of employees and employers by registered associations.

136I—Misrepresentations by unregistered associations and agents

The proposed section provides for offence provisions where an unregistered association or an officer, employee or agent of an unregistered association make false or misleading representations about the right of the individual or the association to represent the industrial interests of employees under the principal Act.

15—Amendment of section 140—Powers of officials of employee associations

This clause amends section 140 of the principal Act to substitute a reference to an association with a reference to a registered association.

16—Insertion of section 144A

This clause inserts proposed section 144A into the principal Act.

144A—Demarcation agreements etc

The proposed section provides for the effect of a demarcation agreement operating between associations. It also provides that SAET must give preference to the right of a locally based association to represent the industrial interests of employees if there is a demarcation dispute between a locally based association and a Federally based association that is a Federal counterpart of the locally based association.

17—Amendment of section 147—Exercise of powers of SAET

This clause amends section 147 of the principal Act to exclude Parts 3A and 3B (as inserted by clause 14) of Chapter 4 of the principal Act from the statement that the powers of SAET under Chapter 4 will be exercised by the Registrar.

Schedule 1—Related amendment and transitional provision

Part 1—Related amendment to the *South Australian Employment Tribunal Act 2014*

1—Amendment of section 51—Representation

This clause makes a related amendment to the *South Australian Employment Tribunal Act 2014* to apply limits around the right to represent employees in proceedings before SAET where the representative is not from a registered association.

Part 2—Transitional provision

2—Registration of associations under Chapter 4 Part 3 to continue

This clause provides for transitional arrangements in relation to the registration of associations.

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

## STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. B.R. HOOD (15:52):** I rise as the lead speaker for the opposition and indicate that we are generally supportive of the reforms and technical amendments contained within this transport portfolio bill. The opposition are very much supportive of the efforts to improve road and driver safety and believe that there is a shared commitment across all parties to achieve this. We do, however, have some questions, which will be asked at committee stage, and which I will touch on here.

Briefly, transport reform 1 amends the Highways Act 1926 to permit the Commissioner of Highways to enter into commercial agreements with roadside service centres for access road management.

Transport reform 2 introduces a 25-kilometre speed limit when passing breakdown vehicles with flashing amber lights. It includes vehicles providing breakdown services, such as the RAA and tow trucks rendering assistance. While the opposition is supportive of measures that improve road safety for these assistance providers, there are some differing opinions about the 25-kilometre speed limit and whether this might be too drastic a reduction on some of our high-speed country roads and multi-lane highways.

While I understand from the department that no objections were raised about this, I am certainly aware that some regional constituents have those concerns. Perhaps for my benefit and for my regional constituents who have raised this, the minister may confirm how this would apply in the following scenario.

Say I am on the far right of a four-lane section of the Southern Expressway and an RAA tow truck is on the left shoulder with its amber lights on. To add further complexity, let's say this happens on a crest or a corner, reducing visibility. Would I, being in the far right lane some 20 to 25 metres from the tow truck, be required to slow down from 100 km/h to 25 km/h in a short space of time, and for which there is little to no danger for those on the roadside? Does this situation not potentially create a more dangerous scenario as I break heavily for a situation that many other users sharing with me a 15-metre buffer may be considering endangering some lives?

I also note that in the minister's second reading he stated that SAPOL did have some concerns with the amber flashing lights, given that everyday citizens would be able to, essentially, manage traffic by just turning on their lights. I believe that the minister did refer to some written advice. If the minister does have that written advice handy, he may be able to read that for the record.

I raise these questions on behalf of the community. I look forward to learning more about what feedback was received during the government's consultation process, particularly for those in the regions and key advocacy bodies. To reiterate, we do broadly support these measures.

**The Hon. T.T. NGO (15:56):** I rise to speak in support of the Statutes Amendment (Transport Portfolio) Bill. This amendment bill comes with the intent to do more to improve road safety. The main reform this bill presents is how it sets out to amend the Road Traffic Act to require motorists to drive at 25 km/h when they pass stationary breakdown service vehicles displaying flashing amber lights.

It is important to clarify that breakdown service vehicles include tow trucks, RAA vehicles and any other vehicle or class of vehicle to be prescribed by regulations. Fundamentally, this bill supports anyone putting their life at risk by stepping onto our roads to work with and help stranded motorists.

Some 20 years ago, members of the Australian Manufacturing Workers Union (AMWU) began campaigning for this change after a roadside worker was nearly killed by a driver who hit a roadside assistance vehicle in 2003. The reforms in this bill are not so different from what we currently have in place for emergency service vehicles. Continued campaigning for changes from the CFS Volunteers Association and from other key stakeholders led to both the Labor and Liberal parties pledging to drop the speed limit to 25 km/h when motorists pass stationary emergency service vehicles when their blue and red lights are flashing. Members may recall that at the time the speed limit was 40 kilometres per hour.

As the Minister for Infrastructure and Transport, the Hon. Tom Koutsantonis MP, in the other place, has said, this legislation is an extension of the existing rules in place to protect frontline volunteers and emergency services workers as they respond to roadside incidents. We must not ignore the danger roadside workers have been exposed to, so this change is certainly a good thing.

It is noted that SAPOL opposed the existing speed reduction to 25 km/h that currently applies to emergency service vehicles displaying flashing lights, including SAPOL's own vehicles displaying flashing lights. Consequently, SAPOL does not support extending this legislation to cover breakdown service vehicles on the basis there is potential for rear-end crashes.

However, the minister has also outlined that in the past four years there have been 20 reportable safety incidents against roadside workers caused by cars driving past breakdowns without due care. This included five incidents in which vans were hit by a car or motorcycle and seven other instances involving traffic cones being knocked over or dragged down the road. With RAA workers attending more than 950 call-outs a day, along with stranded motorists waiting on the side of the road, there is a high risk factor. As motorists we can never be too careful.

The fact remains that a car will do a lot more damage travelling at 50 km/h than it will when the speed is halved to 25 km/h. We should all remember that a speed reduction is not done to deliberately inconvenience people. Instead, it is done to ensure the safety of drivers, the public and people working on our roads. Slowing down for a few moments is much less of a distraction than a lifetime of guilt, knowing that you were once the catalyst for a fatality.

This Labor government wants to reduce risk and contribute towards making our roads safer. I thank the AMWU for their hard work in campaigning for this change. Also, thank you for the contribution made by the RAA and, in particular, its Senior Manager for Safety and Infrastructure, Mr Charles Mountain. I was told that one of the constant advocates when it comes to road safety is the contribution made by Mr Mountain. He has been invaluable to governments past and present.

Adelaide's very own Centre for Automotive Safety Research, based at the University of Adelaide, has also been invaluable throughout the years. I was advised that they do outstanding work in understanding the many factors contributing to road crashes. I have spoken in relation to section 19 of the bill.

As with other pieces of legislation brought about by the Minister for Infrastructure and Transport, this bill is another one that focuses on safety and aims to reduce risks of harm on our roads. There are other minor moving parts to this bill, mostly detailing slight technical amendments, all of which intend to make South Australia's roads safer. I commend this bill to the chamber and hope that it gets everyone's support.

**The Hon. S.L. GAME (16:03):** I rise briefly to address and support the government's Statutes Amendment (Transport Portfolio) Bill. Roads and road maintenance are an ever-increasing burden on taxpayers, including at the state level, and I acknowledge the commercial value for roadside service operators to gain exclusive use of these controlled access roads. If some government expenses are offset at the same time, I welcome that arrangement, provided the fees set are reasonable and do not generally outweigh the benefits of the arrangement to the operator.

In regard to reduced speeds past breakdown service vehicles, naturally safety must always be our number one priority when formulating road and traffic policies, and a 25 km/h limit when passing breakdown service vehicles displaying a flashing amber light is consistent with current restrictions for emergency workers. Again, I hope the expiation fee set for offending would be reasonable and not another government cash grab at the expense of responsible motorists travelling, for example, just 3 or 4 km/h over the limit.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:04):** I would like to thank the contributors to the debate so far: the Hon. Mr Ben Hood, the Hon. Tung Ngo and the Hon. Sarah Game. I think the reasons for this bill have been well outlined, and I commend it to the chamber.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. B.R. HOOD:** Can the minister or the department advise of any feedback received, following consultation, that is against the bill, namely feedback from regional organisations, MPs or constituents such as Grain Producers SA or Livestock SA? Can the minister advise whether SAPOL was specifically consulted with on this bill, and were roadside service operators and service stations consulted with?

**The Hon. C.M. SCRIVEN:** I am advised that there was no feedback from Grain Producers SA or Livestock SA and that there was no feedback from regional constituents—I think is what the honourable member asked. I am advised that the feedback from SAPOL did raise some concerns around the enforceability of the provisions in regard to 25 km/h, but the government's position is that having the 25 km/h past the relevant vehicles is an educative process. It is something that people would become aware of and that would improve safety, with safety being the major concern.

**The Hon. B.R. HOOD:** In regard to the SAPOL advice, I note in the minister's second reading that there was some concern around everyday South Australians being able to essentially enforce a speed limit by turning on those amber lights at any time, whether they need them or not. Did the government share those concerns and what is their way around those concerns?

**The Hon. C.M. SCRIVEN:** I am not sure if I understood the honourable member's question correctly. If he was asking, 'Could any member of the public erect some flashing lights and therefore that becomes a 25 km/h stretch of road?' the answer is no. It needs to be a recognised breakdown assistance vehicle. If that is not the tenet of what the honourable member was getting at, I am happy to receive clarification from him.

**The Hon. B.R. HOOD:** Just to provide some more clarity, if a farmer had an amber flashing light on his vehicle that would not require someone to slow down to 25 km/h?

**The Hon. C.M. SCRIVEN:** In that circumstance, a farmer is not providing a breakdown service, so it would not be covered.

**The Hon. B.R. HOOD:** If he was changing a tyre or assisting someone?

**The Hon. C.M. SCRIVEN:** It is possible that if they were assisting another person then they may be providing breakdown services, but I think we need to remember that what we are looking at is what are going to be the best provisions for providing safety. None of us want to see additional accidents, and this is the purpose of the bill, but in terms of the specific question it would depend on the facts of the case.

**The Hon. B.R. HOOD:** Again, for some more clarification: how would members of the public differentiate between an amber light of, say, a farmer or something like that and an actual breakdown service?

**The Hon. C.M. SCRIVEN:** In the bill, 'breakdown services' is defined as follows to include:

…repairing a disabled vehicle, or providing other assistance to enable a disabled vehicle to be driven or to be removed from the road, or assisting a person to gain access to the person's vehicle;

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

**The Hon. B.R. HOOD:** I just wish to gain some understanding from the minister or the department about what would differentiate a roadside service centre from a regular service station as this sort of seems to be left up to the regulations? It is currently drafted without the regulations and it seems to capture all service centres, so I just want to seek some assurances at the outset from the regulations that are likely to be prescribed here.

**The Hon. C.M. SCRIVEN:** I am advised that a roadside service centre is different from an ordinary petrol station in that roadside service centres provide additional facilities to those which are usually found at a petrol station. These facilities could include, but are not limited to, designated heavy vehicle parking areas; trailer marshalling or break-up facilities; and public amenities, such as showers, change rooms, play areas, restaurants, fast food, retail, etc.

Future roadside service centres may not be fully constructed for, for example, another five years or so, therefore specific additional criteria that could be inserted now may not remain fit for purpose in, for example, five years' time. Therefore, there is the opportunity to provide further guidance during the regulation process.

Clause passed.

Clause 10 passed.

Clause 11.

**The Hon. B.R. HOOD:** In the minister's second reading, he said that the revenue generated will assist in offsetting the state's cost of maintaining and operating freeways and motorways. Currently, roadside service centres are subject to a range of taxes and levies set by the government, so there is some concern that this could be utilised for revenue raising. Can the minister confirm that this revenue remains in the highways commission and does not go into general revenue?

**The Hon. C.M. SCRIVEN:** I am advised it is hypothecated into the Highways Fund.

**The Hon. B.R. HOOD:** Can the minister or the department advise what will be the magnitude of the provisions of payment required from roadside service centres to the commissioner for access to control roads? Is it on a cost-recovery basis?

**The Hon. C.M. SCRIVEN:** I am advised that roadside service centres will be charged according to agreement negotiated with the Commissioner of Highways. I am advised that currently that kind of provision does not exist. This will enable that agreement to be negotiated and to occur.

**The Hon. B.R. HOOD:** What sort of specified works is the Commissioner of Highways likely to require?

**The Hon. C.M. SCRIVEN:** I am advised that could include access lanes, slipways, deceleration lanes, acceleration lanes and so on. It could also include roundabouts.

Clause passed.

Clauses 12 and 13 passed.

Clause 14.

**The Hon. B.R. HOOD:** In the minister's second reading, you noted that minor anomalies were identified by the Crown Solicitor's Office regarding the Registrar's powers to direct an applicant for a driver's licence to undergo an assessment for their fitness to drive. Could the minister please briefly outline what these anomalies are and the amendments needed to overcome them?

**The Hon. C.M. SCRIVEN:** I am advised that the Registrar currently does not have power to differentiate between different classes of licence. For example, if someone were to hold a motorbike

licence and a truck licence, at the moment the Registrar could potentially direct only for an assessment for one of those. That is obviously not ideal as we want to be able to have the opportunity to assess the appropriateness of a person based on all the licences that they hold, if either of them, in the example I have given.

Clause passed.

Clauses 15 to 18 passed.

Clause 19.

**The Hon. B.R. HOOD:** Looking at the speed limit while passing breakdown service vehicles, to go back to the questions that I asked in the general clause about the public being able to differentiate as they drive along the road of amber lights, will users of the road naturally have to slow down upon sighting amber lights before working out if it is a service vehicle or not?

**The Hon. C.M. SCRIVEN:** The appropriate safety approach when one sees amber lights in the distance is to slow down, so essentially you are on notice to exercise caution. Upon getting closer, if it becomes clear that it is a breakdown vehicle, then the 25 km/h would apply. If it is not a breakdown vehicle, obviously amber flashing lights means that there is some kind of potential hazard and caution would still be advised

Clause passed.

Clause 20.

**The Hon. B.R. HOOD:** With regard to the changes for standard camera testing, can the minister or department explain the changes occurring to the standards for camera testing? Going from approximately 13 tests per year to just one is a significant adjustment. Can you maybe remind me of the purpose for recently introducing the physical testing requirement and how those concerns have now dissipated? What kinds of advancements in technology have been found or are now installed which mean physical drive-throughs are no longer required?

**The Hon. C.M. SCRIVEN:** I am advised that there is not a change to the Australian standard; that remains in place. In terms of reducing the testing frequency of fixed-housing cameras from every 27 days to once per year, the benefits from testing fixed cameras annually will improve efficiency and allow SAPOL's traffic camera section members to be deployed to mobile speed camera duties. Annual testing will also allow the government to expand the fixed camera network without impacting on SAPOL's ability to abide by the current testing requirements. For the mobile cameras, I am advised that the process now involves tuning forks, so that is a change.

**The Hon. B.R. HOOD:** Could you just outline how tuning forks work?

**The Hon. C.M. SCRIVEN:** I am advised it is quite a complex testing system, which is already in place for the radar cameras.

**The Hon. B.R. HOOD:** On the overview of the results of the physical camera testing regime, were any cameras found to be faulty or not up to Australian standards, or were there no issues found?

**The Hon. C.M. SCRIVEN:** I am advised that, in regard to the direct question, none that the government is aware of. It is also pointed out that the fixed-housing camera will fail if it detects any internal faults. That fault will set off a system alarm, and the camera will not capture any images. To date, SAPOL has not experienced a camera producing images created on false speed detection.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:23):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. C. BONAROS (16:24):** I rise to speak in support of the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2024. I had cause to meet one of the complainants involved in shaping these reforms, Ms Bitmead, who was a federal prosecutor at the time and whose sexual harassment complaint prompted the unprecedented judicial inquiry that resulted in the ultimate dismissal of then magistrate Mr Milazzo.

I want to take some time to acknowledge how difficult a decision this was for Ms Bitmead and the personal and professional toll it took on her and others like her, as well as the courage that she and other complainants showed and how remarkable that was and the culture shift that has resulted, particularly through the introduction of this bill. I think it is worth noting, as Ms Bitmead has done publicly, that it takes a lot of courage to put yourself in that position and to be at the centre of these sorts of stories. It comes at great personal and professional expense and toll for an individual.

Ms Bitmead was one of three who lodged sexual harassment complaints against Mr Milazzo. She has spoken publicly of her requirement to give evidence and submit to cross-examination by a then QC as part of the judicial conduct panel investigation. I note that that was the first of its kind in this jurisdiction. At the conclusion of that matter and post the panel's report being tabled in this place, she spoke again about the relief of finally getting the result that came out of that investigation.

She talked about the long and staggered and sometimes quite opaque process, the emotional distress it caused her—and I am sure this applies equally to those other complainants as well—but also the scrutiny that it resulted in from her own profession in particular, both publicly and privately, and the gruelling, intense and often scary feelings that came along with that for her. I say that because it is the typical response that you hear from victims of these sorts of matters, who do find the courage, as Ms Bitmead and others did, to speak out in relation to these sorts of complaints.

There were some eight complaints against the magistrate in question at the time, and the panel of course found those complaints proved and recommended the removal of Mr Milazzo as a magistrate, and this bill is the end result of that process. Equally importantly, it is the end result of the meetings that the Attorney undertook to have with those complainants and to hear of their experiences, including Ms Bitmead, and the accounts of the experience that she was able to share with the Attorney and others with respect to what that process is actually like.

It is one thing to have a process in place and it is quite another to have to live through that. I think it is really important that we do take the time to hear from those who have in terms of where those systems are working and where they clearly are not for victims. In that respect, I thank the Attorney for taking on board the concerns raised by complainants in those personal discussions that he had, and similarly the Chief Justice, and I acknowledge the important role that the feedback has played in terms of reforms to the judiciary but also the legal profession as a whole and of course in shaping these reforms. As we all know, these issues are not easy for people to talk about, so I again just thank those people for having the courage to do that, and playing such a significant and pivotal role in where we are today.

As with all these issues though, I have no doubt that it will be a bit of a wait and see. That was the first panel instigated in this jurisdiction. These reforms are the result of that, and I think we will have to be vigilant in monitoring how they progress, and ensuring that they strike that right balance in terms of improving existing processes, providing greater independence, transparency and procedural fairness and clarity, particularly for complainants who are involved in those processes, and also, particularly in relation to destigmatising and also encouraging other complainants to come forward in the future without fear of stigma and persecution.

Of course, I think it would be remiss of me not to take this opportunity also to note an equally important body of work, namely the Equal Opportunity Commission reports of 2021 and 2024 into harassment, including sexual harassment in the legal profession, and the measures the Chief Justice has implemented as a result of that critical body of work, the commission has implemented as a result of that body of work, and that the Equal Opportunity Commission continues to play in terms of this area. In so doing, I take this opportunity to acknowledge, of course, the important work of the former acting commissioner Ms Steph Halliday, and the now commissioner Ms Jodeen Carney.

I am hoping that we have the balance right in terms of these reforms. Again, it is going to be a bit of a wait and see to see whether indeed that is the case, but I acknowledge the work that has gone into this, and certainly acknowledge the work of the Attorney in terms of trying to get this balance right, and doing all that we can to ensure that these processes are victim-led, that there are the appropriate levels of transparency, as I said, independence and procedural fairness accorded to those who do find the courage to speak up and pursue these claims as Ms Bitmead and other complainants did. With those words, I indicate my support for this legislation and look forward to its speedy passage through this place, and implementation.

**The Hon. S.L. GAME (16:32):** I rise briefly to support these amendments, which are intended to improve the fairness and efficiency of the judicial complaints process. Under these amendments, the definition of a complainant is extended to include someone affected by the alleged misconduct, which provides those affected with the right to be informed about the progress of the complaint.

The extension of rights for those affected by judicial misconduct is beneficial, and the provision of information on the process is useful for all of those affected by the alleged misconduct. The insertion of the new section 6A is also a useful measure as it requires the public to be informed by the Judicial Conduct Commissioner about how judicial misconduct panels are both called and conducted.

In the interest of fairness, the insertion of section 23A and 23B creates a statutory entitlement to legal representation for the complainant, the judicial officer and any witness appearing before the inquiry. Section 23C also ensures access to witness protection for persons appearing before the panel. The insertion of section 24A requires the panel to inform witnesses of their rights and obligations before questioning, which is an important measure for parties who are uncertain or unsure about the complexities of the legal process. The provision of this information will be significant, as section 24B makes it clear that the complainant and witness can be cross-examined.

Another significant measure of 24B is subsection (2), which protects witnesses and complainants from being personally cross-examined by the judicial officer who is the subject of a complaint. This upholds the fairness of the process, and provides some safeguards against complainants and witnesses from being unfairly interrogated and intimidated. None of these measures are controversial, and only offer further safeguards to the procedural fairness in the process of hearing judicial complaints and, as such, I offer my support.

**The Hon. M. EL DANNAWI (16:34):** I rise to speak in support of the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill. The Judicial Conduct Commissioner was established to provide an independent mechanism for dealing with complaints about judicial officers. For the purposes of the act, a judicial officer includes magistrates and judges. The review of harassment in the legal profession in South Australia in 2021 found 'that harassment continues to be a prevalent feature in the legal profession and perpetrated against practitioners and support staff alike'.

The review said that the nature of the legal environment inevitably leads to harassment being normalised, minimised and often disregarded. Prior to the creation of the Judicial Conduct Commissioner, complaints against a judicial officer were taken to a senior judge. There was no external process to deal with them. This was inadequate, for obvious reasons.

Judicial officers are leaders in their professions and ought to be the models for behavioural standards. Under the act, complaints made to the commissioner can be dealt with in several ways. One such way is for the Attorney-General to recommend a judicial conduct panel inquire into the alleged conduct. It is not common for a complaint to reach a judicial conduct panel. For this reason,

it is important to reflect on the experiences of those who have been through the process. Their feedback can help troubleshoot issues to make sure that panels run better in the future.

This bill provides amendments to strengthen the rights of witnesses and complainants. This bill amends the definition of a complainer. It states that even if a person does not make the formal complaint they may still be considered a complainant if the alleged misconduct was directed at them. This will allow them the right to be informed about the progression of their complaint.

The bill inserts sections 23A and 23B, which provide the process for the appointment of legal counsel. It also creates the statutory entitlement for legal representation for parties appearing before the inquiry. The bill adds section 23C, which grants people appearing before the panel the same access to witness protections that are available to witnesses in other legal proceedings through the Evidence Act. The bill also adds a section making it explicit that a witness must be informed of their rights and obligations as a witness by the judicial conduct panel.

Section 24B is a new section, which pays particular attention to the unique circumstances of witnesses and complainants. As I said at the outset, these complaints are being made against judges and magistrates, legal professionals who are leaders in their field. It is not out of the question that they might want to represent themselves in the proceedings.

This section protects witnesses and complainants from being personally cross-examined by the judicial officer who is the subject of the complaint. It does not prevent the judicial officer from acting for themselves, but if they are not legally represented the cross-examination must be done by submitting questions to the panel or in a manner directed by the panel.

Amendments made to section 14 give the commissioner the power to postpone consideration of a complaint only where it is appropriate. This will only be an option where the complaint is made during a hearing that is being conducted by the judicial officer in question. The bill also inserts a section which will require the commissioner to prepare and publish guidelines for the functioning of a judicial conduct panel.

The subjects of these complaints are not only in positions of power but they are also decision-makers in our society. It is a small profession, with a reputation for a culture of silence. We need to ensure that when people do break that culture and make a complaint, there is a sound and reliable process for dealing with that complaint. I commend the bill to the council.

**The Hon. R.B. MARTIN (16:38):** I am pleased to speak in support of the Judicial Conduct Commissioner (Miscellaneous) Amendment Bill 2024. The Office of the Judicial Conduct Commissioner was established by the Judicial Conduct Commissioner Act 2015 to provide a means of dealing with complaints about judicial officers in our state. The aim was to create an independent, fair and transparent process. It was in 2021 that the first judicial conduct panel was appointed under the act. Its purpose was to inquire and report into eight complaints that were made against a particular magistrate.

The reform that this bill proposes came about as a result of feedback provided to the Attorney-General by complainants who, having gained firsthand experience with the panel's processes, were in a position to identify areas for improvement. It was also apparent from the report of the judicial conduct panel, that reform was warranted. They put forward the view that it would be beneficial to amend the Judicial Conduct Commissioner Act to provide improved clarity around procedural matters for those who participate in judicial conduct panel inquiries as complainants and witnesses.

A draft bill was prepared and was subject to targeted consultation in September 2023. The amendments to the act proposed by this bill aim to ensure better consistency in how future judicial conduct panel inquiries are conducted, whilst still giving the judicial conduct panel flexibility to make determinations around procedures based on the requirements of an inquiry. The proposed amendments were quite capably explicated by the Attorney-General in his second reading contribution, so I seek to contribute only brief remarks of my own.

Clause 3 of the bill amends the definition of 'complainant' in section 4 of the act, so that where the misconduct that is the subject of an inquiry was directed at a particular person, that person will be considered a complainant under the act, even if they were not the person who made the formal

complaint. This will mean that such persons will benefit from the existing provisions of the act that are only relevant to complainants under certain current provisions—for example, the right to be informed about the progression of the complaint.

Clause 4 of the bill inserts a new section into the act, section 6A, which requires the commissioner to create and publish guidelines relating to how meetings of judicial conduct panels are to be called, how business is to be conducted at judicial conduct panel meetings and how judicial conduct panels are to conduct inquiries and examinations of complaints under the act.

Clauses 7 and 8 of the bill insert new sections into part 4 of the act to strengthen certainty around procedures that apply when a judicial conduct panel is established. New sections 23A and 23B set out the process for the appointment of council to assist in an inquiry and create a statutory entitlement to legal representation for the judicial officer who is the subject of the complaint, as well as any complainant or witness who appears before the inquiry.

New section 24A will require a judicial conduct panel to take certain actions before questions are asked of a witness. This includes informing the witness of their rights and obligations, as well as informing them of any requirements under the act relating to publication, confidentiality and non-disclosure of information and evidence.

Subsection (2) of new section 24B quite reasonably protects witnesses and complainants from being cross-examined directly by the judicial officer who is the subject of the complaint. Instead, where the judicial officer does not have a legal representative, cross-examination must be undertaken either by submitting questions to the judicial conduct panel or as the judicial conduct panel otherwise directs.

The real test of any piece of legislation or any newly-created entity is in its operation. It is valuable to have input from those who have engaged personally with a judicial conduct panel, and I commend the past complainants who have provided the feedback that has assisted in shaping these reforms, and who have thus contributed to better experiences and outcomes for future participants in judicial conduct panels.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:43):** I thank all honourable members for their contributions on this debate and I look forward to this important bill progressing through 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) (16:44):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 16 May 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:45):** I rise to speak on the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill, which introduces two critical changes to the South Australian Civil and Administrative Tribunal Act 2013. First, the bill proposes changes to part 3A of the act. Currently this section permits SACAT to refer certain cases to the Magistrates Court when the tribunal is barred from handling the 'federal matter'. Under the

Australian constitution federal matters are narrowly defined and relate to the federal diversity jurisdiction. This bill seeks to expand the scope of part 3A to include all federal matters, ensuring that SACAT can manage a broader range of cases without jurisdictional limitations.

The second change addresses issues raised by SACAT regarding the restrictive definition of a legally qualified member. This strict definition limits the number of members eligible to handle certain types of decisions or orders, leading to inefficiencies within SACAT and other parties involved. This bill aims to broaden the criteria, thereby increasing the pool of members qualified to preside over these matters and improving the overall efficiency of the tribunal.

I would like to address the first amendment of this bill, which broadens the scope of part 3A of the act to encompass all federal matters. The constitutional implications recognised in the High Court case of Burns v Corbett [2018] HCA 15 prevents bodies that are not courts of the state under section 77 of the Commonwealth Constitution from exercising federal judicial powers over matters outlined in sections 75 and 76 of the constitution.

This ruling significantly impact SACAT's ability to manage residential tenancy disputes where one party resides interstate, a frequent occurrence in SACAT's caseload. Part 3A was added to the SACAT Act in 2018 to address this issue, allowing SACAT to transfer cases involving federal diversity jurisdiction to the Magistrates Court. The Magistrates Court is then empowered to handle these matters with the same authority and procedures as SACAT. Typically these cases are managed smoothly within SACAT premises by a SACAT member who also serves as a magistrate or judicial registrar.

However, the scope of part 3A was initially limited to matters falling under section 75(iii), where the commonwealth is the party, and 75(iv), involving residents of different states of the constitution at the time. These were the only scenarios where the Burns v Corbett limitation was expected to apply to SACAT.

Since then SACAT's jurisdiction has broadened, and other states have amended their tribunal legislation to allow for the transfer of federal matters more generally, covering any case described in sections 75 and 76 of the constitution. To align with these changes and avoid any jurisdictional gaps, this bill proposes a similar amendment to part 3A. The Liberal Party agrees with this sensible amendment. We believe in efficiencies of process and consistency across jurisdictions and agree that this amendment will solve residual issues the original part 3A amendment did not capture.

I will now move to the second change to the act—that is, redefining a legally qualified member of the tribunal by including other members who hold a relevant qualification in law, have five years of relevant experience in a law-related field and are designated as legally qualified members by the president.

SACAT comprises various member types: the president and deputy president, designated magistrates, senior members and ordinary members, and assessors. Senior and ordinary members are appointed based on either their experience as practising legal professionals or their expertise relevant to SACAT decision-making. However, the current definition of a legally qualified member restricts certain types of orders and decisions to a limited group, defined as a legal practitioner with at least five years' experience.

This restriction has been problematic. SACAT has several members with extensive legal knowledge and experience but do not meet the five-year practice requirement. These members often have the qualifications and skills to handle complex legal issues, yet, due to the current definition, SACAT must assign cases requiring specific legal orders to a narrower pool of eligible members, potentially causing delays, especially in urgent cases as often required under the Guardianship and Administration Act 1993.

The bill proposes expanding the definition of a 'legally qualified member' to include SACAT members who, while not having five years of legal practice, possess appropriate legal qualifications and experience. The SACAT president would determine this decision. We also support this sensible amendment.

By supporting this bill, we ensure that SACAT can continue to effectively serve the people of South Australia and provide efficient, high-quality and cost-effective dispute resolution services to our community.

**The Hon. S.L. GAME (16:50):** I rise briefly to address the government's South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024. Efficiency and public service often do not go hand in hand, so measures to improve efficiency and better bang for buck for this state's taxpayers must always be our goal as lawmakers.

The amendments to broaden the scope of Part 3A of the act to encompass all federal members seems logical and desirable and the bill also addresses concerns raised by SACAT regarding restrictions to the pool of members able to hear particular matters and describes those restrictions as creating inefficiencies for the tribunal and, indeed, all parties involved. The broadening of the definition of a 'legally qualified member' for the purposes of the SACAT Act aims to address that inefficiency, with the worthwhile aim of continuing to provide an improving and efficient dispute resolution for South Australians.

**The Hon. T.T. NGO (16:51):** I rise to speak on the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024, a bill that makes two changes to the South Australian Civil and Administrative Tribunal Act 2013. The first part of this bill amends Part 3A of the act. In its current form, the South Australian Civil and Administrative Tribunal (SACAT) moves cases to the Magistrates Court when SACAT is not allowed to handle certain federal issues because of sections 75 and 76 in the Australian Constitution.

The restriction about what SACAT can handle was influenced by the 2018 Burns v Corbett case, which clarifies the limits on the types of cases state tribunals can manage, reinforcing the separation between state and federal legal powers in Australia. In the Burns v Corbett case, the court ruled that state tribunals that are not formal courts do not handle certain legal disputes that are reserved for federal courts defined by the Australian Constitution in sections 75 and 76. Even though tribunals are usually seen as handling government decisions, SACAT and most civil and administrative tribunals in Australia deal with both government decisions and legal cases, which is a mix of both administrative and legal powers.

The Burns v Corbett case is often referenced because it explains that cases involving people from different states must be handled by federal courts, not state-level tribunals. For example, residential tenancy disputes often include one of the parties living interstate, meaning that SACAT could not deal with such matters. Under Part 3A, if SACAT had a case where the commonwealth is a party or where the people involved are from different states, SACAT sends the case to the Magistrates Court. The Magistrates Court manages the case in the same way as SACAT would using the same methods and powers.

This problem led to the SACAT Act being amended in 2018 to insert a new Part 3A for diversity proceedings or, in layman's terms, cases involving parties from different states under federal law. This current amendment will give SACAT the power to handle more types of cases, which will provide more streamlined and efficient services. To be extra careful, this amendment bill will change part 3A to match what other states are doing.

The second change to this amendment bill relates to the necessary qualifications of individual SACAT members. To qualify, SACAT members include: the president, deputy president, designated magistrates, senior and ordinary members and assessors. Senior and ordinary members of SACAT are chosen to deal with specific matters based on their experience as lawyers or their expertise in areas relevant to SACAT's decisions.

Some members are not lawyers but may have special knowledge, such as expertise in social work or medicine, and they can also make decisions. There are SACAT matters that require members to be legally qualified and have to be a presiding member, a magistrate or a lawyer with at least five years of experience. The SACAT legal members handle specific orders, such as requiring reports on mental capacity or making an audit under section 73 of the SACAT Act to delay the action of a decision until the case is fully settled.

The reason for needing legally qualified members is that such orders are similar to court orders and require a strong understanding of the law. The president of SACAT decides who handles each case, making sure members have the right skills, qualifications and independence. Some SACAT members have law degrees and legal experience but have not practiced law for five years.

The second part of this bill broadens the definition of a 'legally qualified member' to include those with legal qualifications but less than five years of practice. The aim of this amendment bill is to help SACAT improve its provision of efficient and affordable dispute resolution for people in South Australia, 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) (16:56):** I wish to thank the honourable members who have contributed on this important bill, 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) (16:59):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## STATUTES AMENDMENT (SMALL BUSINESS COMMISSION AND RETAIL AND COMMERCIAL LEASES) BILL

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:59):** I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation and explanation of clauses into *Hansard* without my reading them.

Leave granted.

The Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Bill 2024 amends the:

- Small Business Commissioner Act 2011;
- the Retail and Commercial Leases Act 1995;
- the Fair Trading Act 1987,
- the Farm Debt Mediation Act 2018;
- the Late Payment of Government Debts (Interest) Act 2013; and
- the Work Health and Safety Act 2012.

The Bill seeks to provide clarity around the advocacy, dispute resolution and regulatory compliance functions undertaken by the South Australian Small Business Commissioner.

This reform represents the first major revision of the Small Business Commissioner Act 2011 since its commencement.

It will support the future strategic direction of the office in carrying out its dispute resolution and advocacy functions in support of South Australian small businesses.

We recognise that business conditions have been particularly challenging.

Rising input costs such as wages and rent are increasing the cost of doing business for many.

In such a tough environment, a collaborative support network for small businesses is more important than ever to ensure their survival and growth.

The SA Small Business Commissioner, Ms Kilvert, and her dedicated team work closely with a wide network of stakeholders who share the same goal of mine—supporting the small business sector.

This includes working with small business owners directly, industry associations, state and local government and federal agencies.

Through these networks, the Commissioner seeks to understand, interrogate and amplify small business challenges, providing advice to government and seeking to influence an operating environment that supports the success of small businesses.

A key role of the Commissioner's office is assisting small businesses when they face roadblocks or disputes, whether that be other businesses or government departments.

This can be over matters such as the late or nonpayment of invoices, disagreements relating to goods and services, commercial leasing matters, warranty issues or contractual disagreements.

This Bill strengthens the support the Commission can offer in dispute resolution.

Currently, the Commissioner administers a range of industry codes under the Fair Trading Act 1987, which afford the Commissioner the power to notify and compel parties in a dispute to attend or participate in an alternative dispute resolution procedure.

However, small businesses outside these prescribed industries are unable to benefit from this.

To remedy this issue, this bill proposes to standardise the level of support the Commission can provide to small business owners seeking assistance with alternative dispute resolution, irrespective of what industry sector they are in.

As part of the designated alternative dispute resolution process, section 12E enables the Commission to require attendance at mediations and to produce documents or other information where this information is relevant to resolving the dispute.

A maximum penalty of $20,000 with an expiation fee of $1,200 applies where a person fails to comply with this requirement.

Furthermore, the Bill seeks to better reflect the Commissioner's day-to-day functions through an amended 'Objects' section.

The new provision encompasses the independent facilitation of alternative dispute resolution for the benefit of small business owners:

- promoting a fair and supportive business environment and acting as a bridge for small businesses in their dealings with government agencies.

The Bill also includes a subtle yet meaningful change, rebranding the Office of the Small Business Commissioner to the Small Business Commission SA.

While this change reflects a more accurate representation of the office's identity, it is not representative of any change in function.

Instead, it aligns with similar frameworks in other states, such as Victoria, and better communicates the scope of the Commission's legislative functions and responsibilities.

This is important for distinguishing the Commission from the Office for Small and Family Business, addressing feedback that some stakeholders have been confused about the distinct roles of these two bodies.

This change is also in line with the Small Business Strategy 2023–2030, ensuring consistency in messaging and purpose.

To provide certainty in the scope of alternative dispute resolution provided by the Commission, a definition of alternative dispute resolution has been included which excludes arbitration and expert determination.

In line with this objective, proposed sections 12A to 12H of the Small Business Commissioner Act and corresponding sections 66 to 68A of Retail and Commercial Leases Act outline the legislative powers available to the Commission to support small businesses in resolving disputes through a formal designated dispute resolution process.

Through the creation of Division 3 – Designated Dispute Resolution, a clear distinction is created between the preliminary assistance provided by Small Business Commissioners' Dispute and Regulation Advisors:

- and the process involving engagement of an independent mediator from Small Business Commissioner's approved panel where preliminary assistance cannot resolve the matter.

The Bill also seeks to streamline the Magistrate Court's enforcement of settlement agreements reached through Small Business Commissioner facilitated mediation by prescribing them as minor statutory proceedings.

This is intended to save small businesses from the additional time and cost of re-prosecuting legal arguments in court.

To maintain clarity, we have made a distinction between the enforcement of agreements under these provisions and Retail and Commercial Leases Act applications exceeding $12,000 under section 3(1)(ba) of the Magistrates Court Act 1995.

Following the release of the draft Bill for consultation, we identified an opportunity to action requested amendments to Retail and Commercial Leases Act from the Property Committee of the Law Society of South Australia.

These amendments were originally proposed in 2018 under the tenure of the former Commissioner in response to the Retail and Commercial Leases (Miscellaneous) Amendment Bill 2017 but were not included in the final version of the 2017 Bill.

These amendments aim to:

- simplify the process of determining whether companies are listed on a stock exchange outside of Australia;
- clarify that an exclusion of warranty under section 18 of Retail and Commercial Leases Act applies to renewals or extensions of retail shop leases, as well as any new leases between the parties for the same premises, whether on the same or different terms;
- specify that preference rights do not apply where lessees have a right of renewal or extension,
- simplify the wording of section 76 to state that the provision applies upon both expiry and termination of a lease; and
- increase clarity around the exclusion of fittings, fixtures or fit out of a retail shop from the term 'goods' in section 76.

Permissible methods of communication referenced throughout the Small Business Commissioner Act have also been updated to reflect modern modes of correspondence.

We have undertaken extensive consultation on the Bill throughout 2023 and 2024, with many of the amendments submitted being adopted.

Consultation has comprised of open written submissions, targeted stakeholder forums and the workshopping of questions and concerns with individual stakeholders with relevant interests.

In closing, I want to reaffirm mine and the Malinauskas's Government's commitment to the small business community in South Australia.

Small businesses are the backbone of our economy, and through this Bill, we are taking meaningful steps to ensure they receive the support and resources they need.

I commend this Bill to the Council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Small Business Commissioner Act 2011*

3—Amendment of long title

This clause amends the long title of the Act to reflect the establishment of the Small Business Commission.

4—Insertion of heading

The Act is currently not divided into Parts. This clause is the first of a number of amendments contained in the measure that insert Part headings to divide the Act into Parts in order to better assist the reader in finding content in the Act.

5—Amendment of section 1—Short title

This clause amends the short title of the Act to reflect the establishment of the Small Business Commission.

6—Amendment of section 3—Interpretation

This clause adds several new definitions for the purpose of the measure.

7—Insertion of heading

This clause inserts a Part heading into the Act.

8—Insertion of section 3A

New section 3A is proposed to be inserted:

3A—Establishment of Commission

The Small Business Commission is established. The Commission is an agency of the Crown, and is to be constituted by the Commissioner.

9—Amendment of section 4—Small Business Commissioner

This clause amends section 4 such that the Small Business Commissioner is no longer an agency of the Crown, consequential to the establishment of the Commission as such an agency.

10—Insertion of section 4A

New section 4A is proposed to be inserted:

4A—Objects of Commission

Proposed section 4A sets out the objects of the Commission.

11—Amendment of section 5—Functions

This clause amends section 5 to establish the functions of the Small Business Commission, and provides that the Commission has power to do anything that is necessary or convenient to be done for or in connection with performing its functions.

12—Amendment of section 6—Ministerial direction

This clause amends section 6 such that references to the Commissioner are replaced with references to the Commission.

13—Amendment of section 7—Terms and conditions of appointment

This clause amends the heading of section 7 to clarify that the terms and conditions of appointment relate to the Commissioner.

14—Amendment of section 8—Deputy and Acting Commissioner

This clause removes various references to the Commissioner and replaces them with references to the Commission where appropriate.

15—Insertion of section 8A

New section 8A is proposed to be introduced:

8A—Functions of Commissioner

Proposed section 8A establishes the functions of the Commissioner.

16—Amendment of section 10—Staff etc

This clause makes consequential amendments to references to the Commissioner, and establishes that a Deputy or Acting Commissioner is part of the staff of the Commission.

17—Amendment of section 11—Delegation

This clause makes a consequential amendment to a reference to the Commissioner and removes a requirement for the consent of the Minister to be required if a function or power is to be delegated to a person who is not a Public Service employee.

18—Amendment of section 12—Power to require information

This clause makes consequential amendments to various references to the Commissioner, amends the section to allow a notice to be sent by email, and establishes an expiation fee for the offence.

19—Insertion of Part 3

New Part 3 is proposed to be inserted:

Part 3—Dispute resolution

Division 1—Preliminary

12A—Interpretation

This section establishes a definition of *designated alternative dispute resolution process*, for use in the Part.

Division 2—General

12B—Alternative dispute resolution

Provision is made in relation to the Commission conducting alternative dispute resolution.

12C—Commission may refuse to deal with dispute

Provision is made for the Commission to refuse to deal with disputes in certain circumstances.

Division 3—Designated alternative dispute resolution

12D—Notice of designated alternative dispute resolution

This section provides that the Commission may determine that a dispute will be dealt with through an alternative dispute resolution process, and provides for how parties are to be notified of such a determination.

12E—Commission may require attendance at alternative dispute resolution processes and production of documents

This section gives the Commission the power to require attendance at an alternative dispute resolution process, and to require a person to produce documents.

12F—Statements made during alternative dispute resolution

Provision is made such that an admission or statement made by a person in the course of a designated alternative dispute resolution process is not admissible as evidence before a court.

12G—Power to issue certificates

Provision is made for the Commission to certify the outcome of alternative dispute resolution processes.

Division 4—Enforcement

12H—Result of alternative dispute resolution may be enforced

This section provides that the results of alternative dispute resolution may be enforced through application to the Magistrates Court in certain circumstances.

20—Insertion of heading

This clause inserts a Part heading into the Act.

21—Amendment of section 13—Confidentiality

22—Amendment of section 14—Regulations

These amendments are consequential to the establishment of the Small Business Commission.

Part 3—Amendment of *Retail and Commercial Leases Act 1995*

23—Amendment of section 3—Interpretation

Definitions of *alternative dispute resolution* and *commission* are inserted purpose of the measure, and the now obsolete definition of *mediation* is removed.

24—Amendment of section 4—Application of Act

This amendment establishes that the Act does not apply to where the lessee is a body corporate incorporated outside of the Commonwealth of Australia, or is a subsidiary of or is controlled by such a body corporate.

25—Amendment of section 7—Administration of Act

26—Amendment of section 9—Commissioner's functions

27—Amendment of section 11—Copy of lease to be provided to prospective lessee

These amendments are consequential to the establishment of the Small Business Commission.

28—Amendment of section 18—Warranty of fitness for purpose

This clause amends section 18 to provide that once a warranty has been excluded for a lease, it is also taken to be excluded if the lease is renewed or extended, or if there is a new lease between the same parties for the same premises.

29—Amendment of section 19—Security bond

30—Amendment of section 20—Repayment of security

These amendments are consequential to the establishment of the Small Business Commission.

31—Amendment of section 20C—Application of Division

This amendment establishes that Division 3 of the Act does not apply where a lease contains an option to extend or renew the lease.

32—Amendment of section 20H—Failure to comply with rules

33—Amendment of section 20K—Certified exclusionary clause

These amendments are consequential.

34—Amendment of section 51—Confidentiality of turnover information

This amendment replaces a reference to mediation with one to alternative dispute resolution.

35—Substitution of heading to Part 9 Division 1

This amendment is consequential.

36—Amendment of section 63—Responsibility of the Commissioner to arrange for mediation of disputes

These amendments are consequential to the establishment of the Small Business Commission, and establish how the Commission will deal with alternative dispute resolution.

37—Substitution of section 64

Current section 64 is proposed to be deleted and a new section 64 substituted as follows:

64—Statements made during alternative dispute resolution

Proposed section 64 provides that an admission or statement made by a person in the course of alternative dispute resolution is not admissible as evidence before a court.

38—Insertion of heading

This clause inserts a division heading into the Act.

39—Amendment of section 65—Stay of proceedings

This amendment is consequential.

40—Repeal of section 66

Section 66 is repealed.

41—Insertion of Part 9 Division 1B

New Part 9 Division 1B is proposed to be inserted:

Division 1B—Designated alternative dispute resolution

66—Notice of designated alternative dispute resolution

This section provides that the Commission may determine that a dispute will be dealt with in an alternative dispute resolution process, and provides for how parties are to be notified of such a determination.

66A—Commission may require attendance at alternative dispute resolution processes and production of documents

This section gives the Commission the power to require attendance at an alternative dispute resolution process, and to require a person to produce documents.

66B—Power to issue certificates

Provision is made for the Commission to certify the outcome of alternative dispute resolution processes.

42—Amendment of section 67—Power to intervene

This amendment is consequential.

43—Insertion of section 68A

New section 68A is proposed to be inserted:

68A—Result of alternative dispute resolution may be enforced

This section provides that the results of alternative dispute resolution may be enforced through application to the Magistrates Court in certain circumstances.

44—Amendment of section 70—The Fund

45—Amendment of section 72—Accounts and audit

These amendments are consequential.

46—Amendment of section 76—Abandoned goods

This amendment inserts a definition for use in the section, clarifies the application of the section and makes a consequential amendment.

47—Amendment of section 77—Exemptions

48—Amendment of section 78—Annual reports

49—Amendment of section 80—Regulations

These amendments are consequential.

Part 4—Amendment of *Fair Trading Act 1987*

50—Amendment of long title

51—Amendment of section 3—Interpretation

52—Amendment of section 4B—Administration of Act

53—Amendment of section 16—Meaning of generic terms used in Australian Consumer Law

54—Amendment of section 28F—Regulations relating to industry codes

55—Amendment of section 28J—Compliance with applicable code of conduct

56—Amendment of section 28L—Regulations

57—Amendment of section 46—Interpretation

58—Amendment of section 47—Conduct of legal proceedings on behalf of consumers

59—Amendment of section 48—Public warning statements

60—Amendment of section 49—Immunity from liability

61—Amendment of section 76—Authorised officers

62—Amendment of section 78A—Use and inspection of books or documents produced or seized

63—Amendment of section 79—Assurances

64—Amendment of section 80—Registration of deeds of assurance

65—Amendment of section 81—Offence

66—Amendment of section 82—Enforcement orders

67—Amendment of section 83—Injunctions

68—Amendment of section 85—Orders for compensation

69—Amendment of section 86—Sequestration orders

70—Amendment of section 86B—Civil penalties

71—Amendment of section 86D—Civil expiation notices

72—Amendment of section 86E—Late payment

73—Amendment of section 86H—Withdrawal of civil expiation notices

74—Amendment of section 91—Evidentiary provisions

75—Amendment of section 96A—Confidentiality

76—Amendment of section 96B—Delegation by Minister responsible for administration of Small Business Commissioner Act

77—Amendment of section 97—Regulations

The amendments to the *Fair Trading Act 1987* made by this Part are consequential to the establishment of the Small Business Commission.

Part 5—Amendment of *Farm Debt Mediation Act 2018*

78—Amendment of section 4—Interpretation

79—Amendment of section 8—Notice of availability of mediation to be given

80—Amendment of section 9—Farmer may request mediation

81—Amendment of section 10—Creditor may agree to or refuse mediation

82—Amendment of section 12—Application by farmer for issue of prohibition certificate

83—Amendment of section 13—Issue of prohibition certificate

84—Amendment of section 14—Application by creditor for issue of exemption certificate

85—Amendment of section 15—Issue of exemption certificate

86—Amendment of section 17—Duration of exemption certificate

87—Amendment of section 18—When is a farmer or creditor presumed to have refused to participate in mediation?

88—Amendment of heading to Part 3

89—Amendment of heading to Part 3 Division 1

90—Amendment of section 19—Administration of Act

91—Amendment of section 20—Functions of Commissioner

92—Amendment of Section 21—Functions of mediators

93—Amendment of section 22—Commissioner must arrange mediation

94—Amendment of section 23—Conduct of mediation

95—Amendment of section 25—Mediation fees

96—Amendment of section 32—Regulations

The amendments made to the *Farm Debt Mediation Act 2018* made by this Part are consequential to the establishment of the Small Business Commission.

Part 6—Amendment of *Late Payment of Government Debts (Interest) Act 2013*

97—Amendment of section 7—Disputes

This amendment is consequential to the establishment of the Small Business Commission.

Part 7—Amendment of *Work Health and Safety Act 2012*

98—Amendment of section 274—Approved codes of practice

This amendment is consequential to the establishment of the Small Business Commission.

Schedule 1—Transitional provision

1—Transitional provision

Provision is made such that a reference in an instrument or document to the Small Business Commissioner will, unless context requires, be taken to be a reference to the Small Business Commission.

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

## CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION (MISCELLANEOUS) AMENDMENT BILL

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:00):** I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation and explanation of clause into *Hansard* without my having to read them.

Leave granted.

The purpose of this Bill is to modernise the *Climate Change and Greenhouse Emissions Reductions Act* (the Act) to provide a more contemporary legislative framework to deliver South Australia's climate change policy objectives.

The Bill will enshrine in legislation South Australia's short term and long term emissions reduction targets to help limit the extent of climate change. Importantly it also strengthens policy and planning provisions in the Act to allow the targets to be achieved.

The Bill also provides for improved climate risk assessment and climate adaptation measures, including sector planning, to support South Australians to respond and adapt to the impacts of climate change that are already in train.

When the Act came into operation in 2007, it was the first of its kind in Australia. It has guided policy and planning in our state to achieve world leading outcomes in renewable energy generation and climate mitigation.

Over time we have learnt more about the seriousness of climate change and the imperative to drastically reduce emissions and prepare ourselves for climate-related impacts, including more frequent and severe extreme weather events and long term changes in temperatures, rainfall and sea levels.

The 2023 United Nations Emissions Reduction Gap report calls for all nations to accelerate economy-wide, low-carbon development transformations to limit warming to 1.5 degrees Celsius.

If current policies are continued, global warming is estimated to be limited to 3 degrees Celsius. At this level of warming the Intergovernmental Panel on Climate Change predicts dire consequences for health, livelihoods, food security, water supply, human security, and economic growth.

South Australians are already experiencing more frequent and severe weather-related events including floods, heatwaves and bushfires as well as warming temperatures, changing seasons and rising sea levels.

Reducing greenhouse gas emissions, understanding climate related risks and pro-active adaptation planning will be critical to limit the impact of climate change and associated natural disasters on communities, the economy and environment.

In May 2022, the South Australian Parliament declared a climate emergency and committed to restoring a safe climate by transforming the economy to zero net emissions.

This Bill is an important part of the South Australian Government's broader policy agenda to deal with climate change and respond to the declaration of a climate emergency.

The Bill replaces the South Australian target of at least 60% reduction in greenhouse gas emissions (on 1990 levels) by 2050 with our current state target to achieve net zero emissions by 2050. A net zero target was first adopted by the Weatherill government in 2015 and aligns with Australia's national target and commitments under the 2015 Paris Agreement.

A short-term target for at least 60% reduction in net greenhouse gas emissions by 2030 (from 2005 levels) will also be enshrined in the Act.

The Bill legislates a state target of 100% net renewable electricity generation by 2027. Outdated targets for at least 20% renewable electricity generation and use by 2014 are removed from the Act. These targets were achieved by 2011, well ahead of time.

Latest data shows nearly 74 per cent of South Australia's electricity is generated from renewable sources which is among the highest of any major grid in the world. The state's remarkable transition to renewable energy highlights the importance of target setting and effective public policy and planning, for which the Act and this amendment Bill provide a sound legislative framework.

The targets in the Bill are a 'floor not a ceiling' and there is nothing to prevent South Australia from achieving greater reductions sooner.

To keep our State on track to achieving net zero emissions by 2050 and prevent last-minute and costly interventions, the Bill requires interim emissions reduction targets to be set every five years between 2030 and 2050. An indicative ten-year target must also be set to guide longer term planning. Before the end of 2030, the next interim target will be set for 2035 with an indicative target set for 2040.

Each target must build upon the last to constitute a greater reduction in net greenhouse gas emissions than any preceding target. This approach to setting interim targets will constrain the cumulative emissions over the whole of the trajectory to 2050.

In setting interim targets, the Minister responsible for the Act (the Minister) must seek to provide consistency with best national and international practices, seek advice from relevant experts, and undertake consultation.

Targets are only as good as the policies, plans and programs that support them.

The Bill introduces a requirement to prepare a publicly available state-wide emissions reduction plan within 2 years of commencement that sets out the government's objectives, policies, programs and initiatives for reducing, limiting or preventing greenhouse gas emissions.

The Minister must review the state-wide emissions reduction plan in line with the setting of the interim target for 2035 and at least every five years aligned with the setting of subsequent interim targets.

In both preparing and reviewing the state-wide emissions reduction plan, the Minister must undertake consultation as the Minister thinks fit.

The Bill also addresses climate risk and adaptation planning.

A new section 14A requires the Minister to prepare a statewide climate change risk assessment to help governments, business, and communities prioritise planning and actions that support adaptation to the impacts of climate change. The state-wide risk assessment can provide a foundation for more in depth risk assessment and management at a regional, sectoral and organisational level.

The state-wide climate change risk assessment must include an assessment of the economic, social and environmental implications of climate change and associated risks to economic activity, communities, the natural environment and the health and well-being of the people of the State. The risk assessment must seek to take into account the most up to date and best available information on the projected impacts of climate change in the state. The risk assessment will be reviewed every five years.

In both preparing and reviewing the state-wide climate risk assessment, the Minister must undertake consultation as the Minister thinks fit.

The Act already provides the Minister with ability to develop policies that promote or implement measures to facilitate adaptation to climate change. The state-wide climate change risk assessment will inform and help target this policy development.

New section 14B allows the Premier to nominate one or more public sector entities to prepare an agency or sector plan that addresses climate change mitigation, climate change adaptation or both. Where considered beneficial, agencies can work with a relevant sector of the state's economy or another related group or area of activity to develop plans for reducing emissions and/or adapting to climate change.

The Bill does not generally mandate agency or sector planning. The intention is for agency or sector planning to be undertaken where there is an identified need and public value in doing so.

The provisions do not exclude government agencies preparing agency or sector plans without nomination.

The section for preparation of agency or sector plans complements existing provisions for sector agreements under section 16 of the Act. The Minister may enter into sector agreements with other parties to facilitate strategies to meet targets. Under the Bill a clarifying amendment makes it clearer that sector agreements can include climate change adaptation measures.

Importantly, the Bill will guide the South Australian Government to lead by example in addressing climate related risk and reducing emissions in its own operations and activities.

The Bill provides the Minister with the power to make a policy that outlines how government agencies should consider and manage climate related risks in relation to their operations and activities. This amendment complements an existing provision in the Act to develop policies that demonstrate the government's leadership in dealing with climate change through the management and reduction of its own greenhouse gas emissions.

The Bill requires agencies to include in their annual reports, a report on the manner in which they are addressing climate change impacts and reducing greenhouse gas emissions. This reporting will help support the transparency and accountability needed to drive change.

This requirement is complemented by a provision allowing the Minister to create guidelines that could contain detail to guide agencies in their reporting. The benefit of including this detail in guidelines is that it can be easily varied to keep up with rapidly evolving climate change reporting standards.

This reporting will complement existing reporting requirements in the Act under sections 7 and 21 which review progress against the targets and Objects of the Act.

Other amendments are included in the Bill to clarify the status and effect of policies and plans under the Act, and other consequential amendments have been made as a result of the primary amendments. The objects of the Act remain essentially unchanged apart from minor consequential amendments.

A few key terms are defined in the Bill, including 'climate change adaptation' and 'climate change mitigation' which are designed to improve consistency across South Australian legislation, aligning with the terms in the

*Environment Protection Act 1993*. Similarly, the definition of 'public sector agency' is aligned with the term in the *Public Sector Act 2009*.

The Bill defines 'net greenhouse gas emissions'. This is a term used throughout the Act, including in relation to the emissions reduction targets. The intention is that when setting a target or measuring emissions reductions against a target, the term 'net greenhouse gas emissions', which includes references to offsets, will be subject to the procedural requirements in section 5 of the Act, as amended by clause 4 of the Bill. These procedural requirements say that the Minister must seek to take into account relevant methodologies and principles that apply within other Australian jurisdictions and seek to provide consistency with best national and international practices insofar as may be reasonably practicable and relevant to the state.

The Bill has been informed by extensive community and industry engagement over the last 18 months.

An inaugural Industry Climate Change Conference held in April 2023 brought together 857 industry, business and government representatives from across South Australia to discuss pathways towards a net zero future.

Community climate conversations were held between May and December 2023. More than 750 people from across the state were involved in discussions about how South Australia transitions to a clean, green and net zero greenhouse emissions future.

These engagements highlighted that industry and community want policy and regulation to be strengthened to drive the scale of climate change action, including legislated emission reduction targets and short term targets before 2050. The feedback highlighted the importance of government leadership, policy and information to lead others to a net zero emissions future. These matters are addressed in the Bill.

Public consultation was undertaken through yourSAy from February to April 2024 on a draft amendment Bill supported by two information sessions. This consultation indicated broad support for the amendments, the need to be ambitious in this space, bring community and business along and have government lead by example.

Four First Nations engagement workshops were also undertaken during this time on climate change projects that are currently planned or underway, including amendments to the Act. The feedback received from First Nations people highlighted the need to continue to listen to Truth Telling, and the Bill accordingly includes a new function for the Minister responsible for the Act to promote consultation with First Nations people in relation to climate change. A change has also been made to the objects of the Act to reflect this. This Bill modernises the Act and strengthens climate change action to transition to a net zero future and enable our state to adapt to the changing climate.

I commend the Bill to the Council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Climate Change and Greenhouse Emissions Reduction Act 2007*

2—Amendment of section 3—Objects of Act

This clause amends section 3 of the Act to update the reference in the objects to the setting of targets to reflect the new targets proposed under this measure. It also makes consequential amendments to include references to plans and not just policies and programs. It also updates some of the stated objects, including to extend their application to preventing greenhouse gas emissions (and not just reducing or limiting such emissions). In seeking to further the objects of the Act, it also includes, as a guiding principle in relation to the achievement of ecologically sustainable development, that recognition be given to the importance of the agricultural industry to the State and that there is a fluctuation of greenhouse gas emissions in relation to this industry.

3—Amendment of section 4—Interpretation

This clause inserts various definitions which are consequential on other proposed amendments, including definitions of climate change adaptation, climate change mitigation, and net greenhouse gas emissions.

4—Amendment of section 5—Targets

This clause amends section 5 to insert new and updated targets for the purposes of the Act. The principal target, or *SA target*, is to achieve zero net greenhouse gas emissions by the end of 2050.

The amendments also set out a target to be reached by the end of 2030 (the *2030 target*) to reduce net greenhouse gas emissions in the State to a level of at least 60% below 2005 levels. In addition, the proposed amendments provide for the setting of 5 yearly interim targets by the Minister for the reduction of greenhouse gas emissions to be achieved by the end of 2035, 2040 and 2045. In setting the interim targets, the Minister must also include an indicative interim target for the subsequent 5 year period and must also undertake such consultation as the Minister determines to be reasonable and appropriate and have regard to any relevant advice of the Premier's Climate Change Council.

The amendments also include a further target (the *renewable electricity target*), to achieve 100% net renewable electricity generation in South Australia by the end of December 2027.

Subsection (3) is amended to clarify that the Minister may determine the method for calculating the removal of greenhouse gas emissions from the atmosphere and greenhouse gas emissions offsets (taking into account the requirements of subsection (4)).

Subsection (4) is also amended by this clause to update the matters to which the Minister must have regard in setting targets and interim targets and making other determinations under this section. The references to a baseline year are also amended to refer to 2005, rather than 1990. The amendments make other consequential amendments and also provide for the publication of any determination or target that applies under the section on the Department's website.

5—Amendment of section 6—Functions of Minister

This clause makes consequential amendments to the various functions of the Minister set out in this section to refer to plans in addition to policies and programs. In relation to the function of promoting the commercialisation and use of technologies for reducing or limiting greenhouse gas emissions, the amendments extend this to technologies that prevent greenhouse gas emissions. The clause also inserts as a function of the Minister, promoting consultation with First Nations people about issues associated with climate change.

6—Amendment of section 7—Two-yearly reports

Section 7 provides for reporting by the Minister every 2 years on the operation of the Act and sets out the matters that must be included in the report. This clause makes consequential amendments to those matters by referring to the new targets set by or under the proposed amendments to section 5. The amendment to delete subsection (2)(d) is consequential on the amendment to subsection (2)(c) to refer to the targets set by or under section 5. The amendments also update the language in subsection (2)(f) in relation to the requirement to include in the report, a summary of the use of renewable energy, so that it refers to the use of renewable energy sources.

7—Amendment of section 11—Functions of Council

The proposed amendments to section 11 update the language to include a reference in subsection (1) to the generation, and not just the use, of renewable energy. It also updates the language in subsection (3)(a) to refer to the concepts of climate change adaptation and climate change mitigation.

8—Amendment of heading to Part 4

This amendment amends the heading to Part 4 to include a reference to plans (as well as policies). This is consequential on the proposed amendments to section 14 to include a statewide emissions reduction plan and the proposed insertion of section 14B.

9—Amendment of section 14—Policies

Section 14 provides for policies to be developed by the Minister for various purposes in relation to the Act. This clause amends section 14 to update the terminology in relation to climate change mitigation and adaptation and to include reference to the fact that the policies may assist in outlining how public sector entities should (as or to the extent specified in the policy) consider and manage climate related risks in relation to their operations and activities.

The amendments also provide for the development of a statewide emissions reduction plan by the Minister within 2 years of the commencement of the measure. The statewide emissions reduction plan must set out the Government's objectives for the reduction of greenhouse gas emissions for the State and the Government's policies, programs and other initiatives for reducing, limiting or preventing greenhouse gas emissions. The statewide emissions reduction plan must be reviewed every 5 years, to coincide, insofar as is reasonably practicable, with the setting of the interim targets under proposed section 5(2a). In preparing and reviewing the statewide emissions reduction plan, the Minister must undertake such consultation as the Minister considers appropriate. The clause also makes other amendments that are consequential on the inclusion of the plan in order to extend any references to policies to include reference to plans.

10—Insertion of sections 14A and 14B

This clause proposes to insert 2 new sections in the Act as follows:

14A—Climate change risk assessment for the State

This clause provides for the requirement of the Minister to prepare a climate change risk assessment for South Australia (the *statewide climate change risk assessment*) to support planning by the Government, local government and various sectors of the economy and the community, and the community more generally, to manage climate related risk. The risk assessment is required to be prepared within 2 years of the commencement of this provision, and must include an assessment of the economic, social and environmental implications of climate change and the associated risks to economic activity, communities, natural environments and ecosystems, and the health and well-being of the people of South Australia. The risk assessment must be reviewed at least once every 5 years. In preparing the risk assessment, and conducting the review, the Minister must seek to take into account the most up-to-date and best available

information on the projected impacts of climate change in the State, and undertake such consultation as the Minster considers appropriate. An up-to-date copy of the risk assessment is also required to be made reasonably available to the public.

14B—Plans prepared by public sector agencies

This clause provides for the preparation of plans by public sector agencies nominated by the Premier to address matters regarding climate change mitigation or climate change adaptation (or both) relating to the agency, or a particular sector. If the Premier considers it appropriate, 1 or more public sector agencies may be nominated to prepare a joint plan. The nomination by the Premier may specify the scope and application of the plan, including by identifying the sector or sectors to which the plan will apply. A plan must be prepared in accordance with the nomination and any guidelines developed by the Minister. The plan should, so far as is reasonably practicable, provide for policies, programs and other initiatives relevant to the functions, activities or areas of responsibility, operations or interests of the agency or the sector. The plan must be developed having regard to the climate related risks that are relevant to the agency or sector (including any risks identified in the statewide climate change risk assessment), the targets set under the Act and any other relevant plans or sector agreements or policies under the Act. In preparing or varying a plan, the nominated agency must undertake appropriate consultation after taking into account any guidelines of the Minister, and must ensure that an up-to-date copy of the plan is made reasonably available to the public. The public sector agency must prepare a report each year on the implementation of the plan in accordance with any guidelines developed by the Minister.

The clause also provides that a public sector agency that is not the subject of a nomination, may, after consultation with the Minister, voluntarily prepare a plan (which may be jointly with 1 or more other public sector entities) to address matters relating to climate change mitigation or climate change adaptation relating to the agency or sector. The plans may provide for policies, programs and other initiatives that are relevant to the functions, activities or areas of responsibility, or the operations or interests of the agency or sector. In preparing or varying a plan, the agency must undertake such consultation as the agency considers appropriate after taking into account any relevant guidelines developed by the Minister.

11—Amendment of section 16—Sector agreements

This amendment amends section 16 of the Act so that the current provisions regarding voluntary sector agreements (which relate to recognising, promoting or facilitating strategies to meet any targets set under the Act) extend to climate change mitigation and climate change adaptation. Subsection (2) sets out the various things a sector agreement may provide for and this clause amends paragraph (a) to include references to climate change adaptation and climate change mitigation as matters to which the objectives of the agreements may relate.

The amendments also remove subsections (4) and (5) which refer to matters that were to be progressed by July 2008 and are no longer required.

12—Insertion of section 18A

This amendment inserts proposed section 18A as follows:

18A—Status and effect of policies and plans

This clause provides that policies and plans under the Act are an expression of policy and do not affect rights and liabilities. It clarifies that the no action can brought on the basis that an entity has acted in a way that is inconsistent with a policy or plan under the Act, or on the basis that another instrument is inconsistent with a such a plan or policy.

13—Amendment of heading to section 20

This clause amends the heading to section 20 and is consequential on the insertion of proposed section 20A.

14—Insertion of section 20A

This clause inserts proposed section 20A as follows:

20A—Reports of public sector agencies

This clause provides that the annual report of a public sector agency must include a report on the manner in which the agency is addressing matters relating climate related risks and the reduction of greenhouse gas emissions to the extent these are relevant to the operations or activities of the agency. In preparing the report, the agency must have regard to any guidelines developed by the Minister. This clause will have effect in relation to the first full financial year following the commencement of the measure onwards.

15—Amendment of section 22—Regulations

This amendment is consequential on the insertion of the definition of public sector entities.

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

## HIGHWAYS (WORKS FOR RESIDENTIAL DEVELOPMENTS) AMENDMENT BILL

*Second Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:01):** I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation and explanation of clauses into *Hansard* without my reading them.

Leave granted.

I am pleased to introduce the Highways (Works for Residential Developments) Amendment Bill 2024 which amends the *Highways Act 1926*. The introduction of this Bill aims to avoid situations where the Government needs to step in, undertake works and construct for common infrastructure at residential developments at a cost.

The introduction of this Bill supports the announcement by the Premier, Hon Peter Malinauskas MP, in August 2023, for this Government to provide an infrastructure solution to ensure builders could complete work on 20 unfinished homes in O'Halloran Hill after the builder Felmeri Builders and Developers Pty Ltd (formerly known as Felmeri Homes) entered into liquidation.

The Bill provides the Commissioner of Highways (the Commissioner) with the power to undertake prescribed works on residential developments, on approval from the Minister for Infrastructure and Transport, after notice has been provided to the relevant council and the landowners.

Prescribed works includes roadworks, and the supply of water, gas, telecommunications, provision of stormwater, wastewater, sewerage management or other facilities and services prescribed by the regulations.

The Bill allows the Commissioner to recover the costs of these works from either the:

- Relevant developer being the person granted development authorisation under the *Planning, Development and Infrastructure Act 2016* or the *Development Act 1993*, or any other person that is in the opinion of the Minister for Infrastructure and Transport, responsible for undertaking the development and can include any related body corporate.
- Relevant council provided the council was the relevant authority for the development under the *Planning, Development and Infrastructure Act 2016*, or the *Development Act 1993*, and the development on the land is for residential purposes.

The Bill also restricts the council from passing on the costs to ratepayers, by restricting recovering through a rate, charge, levy, fee or other mechanism.

The Bill also provides the Commissioner with the authority to undertake these works without the need for a licence agreement from the community corporation, which occurred in O'Halloran Hill.

I seek the support of Members to progress the Bill through the House as expeditiously as possible.

I commend the Bill to the Council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Highways Act 1926*

3—Amendment of section 26—Powers of Commissioner to carry out roadwork etc

This clause amends section 26 so that the Commissioner is authorised to carry out prescribed works in a designated residential development area (both of which are defined). Power to recover costs for such works is provided for. The opening and closing of roads in designated residential development areas is also provided for. The clause provides for the Minister (by notice in the Gazette) to designate an area as a *designated residential development area*. The clause also provides an exemption from the application of the *Planning, Development and Infrastructure Act 2016* for prescribed works carried out by the Commissioner in a designated residential development area.

4—Amendment of section 27F—Power of entry on land

5—Amendment of section 32—Application of Highways Fund

These amendments are consequential.

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

## GREYHOUND INDUSTRY REFORM INSPECTOR BILL

*Introduction and First Reading*

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

## STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

*Final Stages*

The House of Assembly disagreed to the amendments made by the Legislative Council.

## CHILD SEX OFFENDERS REGISTRATION (PUBLIC REGISTER) AMENDMENT BILL

*Final Stages*

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

## TRANSPLANTATION AND ANATOMY (DISCLOSURE OF INFORMATION AND DELEGATION) AMENDMENT BILL

*Introduction and First Reading*

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

At 17:04 the council adjourned until Tuesday 29 October 2024 at 14:15.