

LEGISLATIVE COUNCIL

Thursday, 31 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.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.B. MARTIN (14:18): I bring up the report of the committee on House of Assembly petition No. 84 of 2021, SA Ambulance Service Resourcing.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—

Auditor-General's Department
Closing the Gap
Cross Border Commissioner
Department for Health and Wellbeing
Department of the Premier and Cabinet
Electoral Commission of South Australia
Infrastructure SA
Office of the South Australian Productivity Commission
Official Visitors Report
Premier's Delivery Unit
Principal Community Visitor
South Australian Medical Education and Training Health Advisory Council
South Australian Motor Sport Board
State Bushfire Coordination Committee

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

Reports, 2023-24—

Administration of the Freedom of Information Act 1991
Administration of the State Records Act 1997
Legal Services Commission
Office of the Director of Public Prosecutions
Surveillance Devices Act 2016 Annual report by Independent Commission Against Corruption South Australia
Surveillance Devices Act 2016 Annual report by South Australia Police

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

Return to Work SA: Report, 2023-24

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

Reports, 2023-24—

Adelaide Cemeteries Authority
 Department for Child Protection
 Department for Infrastructure and Transport
 National Heavy Vehicle Regulator
 Office for Recreation, Sport and Racing
 Office of the National Rail Safety Regulator
 State Planning Commission
 The Guardian for Children and Young People Training Centre Visitor Child and
 Young Persons Visitor Youth Treatment Orders Visitor
 The South Australian Government
 West Beach Trust

Question Time

BIOSECURITY LEGISLATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development about her media release, dated today, Thursday 31 October 2024.

Leave granted.

The Hon. N.J. CENTOFANTI: The minister has today gone out publicly with a lengthy press release titled 'Liberals at odds with agricultural industries', stating that, and I quote:

Despite the pleas of industry groups, the Shadow Minister for Primary Industries and Regional Development, the Hon. Nicola Centofanti MLC, is pressing ahead with her ill-thought-out tactic.

This is despite yesterday in this chamber, sitting across from the minister, I said in my second reading speech that, in regard to my contingency motion to send the bill to a select committee, and I quote:

I acknowledge and appreciate the sentiments from industry bodies that they want to see this bill debated on the floor of parliament forthwith, given it has been four years in the making, so I have decided not to move that motion, as I respect the voice of industry bodies who speak on behalf of their members across the state.

So my questions to the minister are:

1. Why is the minister spreading untruths about the opposition in the community?
2. Why wasn't the minister paying attention yesterday in the chamber? If she had been, she would have heard my clear comments about not progressing with a contingency motion for an inquiry.
3. Will she publicly apologise and correct the record?

The Hon. L.A. Henderson: It's a bit embarrassing. Clearly, she is not listening.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I thank the honourable member for her question. It is embarrassing for the Leader of the Opposition because this is a backflip that she has had to do.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: She announced a few weeks ago that she would move this contingency motion that would result in the Biosecurity Bill being delayed potentially for months because of sending off to a committee. What happened that week is Primary Producers SA, the peak industry body for the other industry bodies in this state, wrote a letter to members of this place saying that this was not an appropriate thing to do, that the Biosecurity Bill was important, the Biosecurity Bill needed to progress—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and the Biosecurity Bill should not be delayed by this sending off to a committee. Yesterday, the Leader of the Opposition in this place made some comments to indicate that she might not do that. So a couple of weeks ago, she said she will do this—she will send it off to a committee. Yesterday, she said maybe she won't. Had she sent any correspondence to any of the stakeholders who wrote to her?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Did she send any correspondence to say, no, she would not be progressing with this?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Well, in terms of stakeholders that I spoke to today—

The Hon. H.M. Girolamo: So why did you lie in your press release?

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —none of them indicated to me that she had sent them correspondence saying that, no, she would listen to agriculture and she wouldn't pursue. So what sorts of things were the agricultural industries saying? What were they saying? The independent chair of Primary Producers SA, Professor Simon Maddocks, says:

Effective biosecurity arrangements are fundamental to the prosperity and sustainability of our \$18.5 billion primary production sector in South Australia.

PPSA's members have been very clear that they do not support any actions that may further delay or frustrate the delivery of the overdue reforms provided by the new Biosecurity Bill.

Members interjecting:

The PRESIDENT: Order! I am not sure I heard the interjection, so it won't be recorded, but she will be very careful what she says.

The Hon. C.M. SCRIVEN: I quote from Mr Nathan Paine, from the Australian Forest Products Association, who talks about the importance of the industry and various outbreaks that are currently being faced:

Following the extensive consultation and engagement, the critical need for a modern biosecurity framework, we cannot afford any further delays and call on the Liberal Opposition to bring this Bill to the floor of Parliament and not push it off for a further, unnecessary inquiry.

It is time to debate this Bill on the floor of Parliament, it is not a time to hold another inquiry.

The President of the Horticulture Coalition said:

Industry has been actively engaged in consultations on the new biosecurity bill for a number of years. It is imperative that we avoid any further delays in passing this legislation.

Members interjecting:

The PRESIDENT: The question referred to the press release.

The Hon. C.M. SCRIVEN: The President of Livestock SA said:

Livestock SA has worked constructively with successive governments on the new Biosecurity Act, as modern biosecurity legislation is an important step in the evolution of biosecurity management in South Australia.

It is important that our state's biosecurity legislation and system modernises and aligns with the approach already in place in other jurisdictions to become more responsive to the increasing biosecurity challenges facing the livestock industry.

Then there is this quote from Mr Brad Perry, CEO of Grain Producers SA:

The Biosecurity Bill has been years in the making and after numerous rounds of consultation, it's time to join other Australian states with a consolidated act that ensures that South Australia can best prepare and respond to biosecurity threats and incursions.

So we have Primary Producers SA, we have the Forest Products Association, we have the Horticulture Coalition, we have Livestock SA, we have Grain Producers SA. That is a very remarkable set of commodity groups and industry associations which are all indicating, not just to those opposite but to the crossbenchers here and to the public, that the actions of the Leader of the Opposition in this place have not been in the interests of biosecurity, have not been in the interests of agriculture across our state, have not been in the interests of the people of South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: Point of order: the minister misrepresented me when she was talking about today, on record, may or may not be taking the Biosecurity Bill to a parliamentary committee.

The PRESIDENT: I understand that's correct, so minister, you might want to—

Members interjecting:

The PRESIDENT: Order! Minister, you might want to just correct the record with that. Now, continue and conclude, please.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I am happy to look at what *Hansard* said specifically yesterday in terms of 'may' or 'will'.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I think the point is, first of all she says she is going to—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter! Sit down, minister. The Hon. Mr Hunter and the Hon. Ms Girolamo, at the very least I need to be able to understand and listen to the minister so, please, I want some silence. The Hon. Ms Bonaros is on her feet.

The Hon. C. BONAROS: A further point of order: to be fair, which we like to be, the Leader of the Opposition did read from the *Hansard* itself and indicated that she said she will not be taking her committee to a vote.

Members interjecting:

The PRESIDENT: Order! Minister, have you concluded your remarks?

Members interjecting:

The PRESIDENT: Order! Attorney-General and the Hon. Ms Girolamo, if you want to have a discussion go outside.

The Hon. K.J. Maher: I'm scared of her.

The PRESIDENT: And so you should be.

Members interjecting:

The PRESIDENT: Order! Now please conclude so we can move on.

The Hon. C.M. SCRIVEN: We have seen the Leader of the Opposition in this place flip-flopping. Industry needed certainty, they needed to know that this would not be sent off for delay to a parliamentary committee, that biosecurity was far too important for the Leader of the Opposition in this place to be playing petty politics. I think the answer is that those opposite, the Leader of the Opposition, has been embarrassed into backflipping over this, and finally she is listening to agricultural industries across the state that just want the Liberal opposition to let the government get on with doing the job.

BIOSECURITY LEGISLATION

The Hon. D.G.E. HOOD (14:31): Supplementary: does the minister acknowledge that the Hon. Ms Centofanti has made it abundantly clear that it is not her desire to send the matter to an inquiry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I think she has said two different things in this place on two different occasions.

Members interjecting:

The PRESIDENT: Order!

BIOSECURITY LEGISLATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Supplementary: what was the last position in this chamber?

Members interjecting:

The PRESIDENT: Order! The government benches will listen in silence.

Members interjecting:

The PRESIDENT: Order! Minister, sit down for a second. Attorney-General, you have way too much to say today; it is typically out of character.

Members interjecting:

The PRESIDENT: Order! Minister, please.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): The difficulty with members who flip-flop on issues means you have to wait and see what is the most recent thing said. I will conclude with one particular question: why, if the opposition leader was seriously not going to proceed with this, didn't she send correspondence to all those stakeholders who had written to her about it?

Members interjecting:

The PRESIDENT: Order!

BIOSECURITY LEGISLATION

The Hon. D.G.E. HOOD (14:32): Supplementary question, sir.

Members interjecting:

The PRESIDENT: Order! A final supplementary question, the Hon. Dennis Hood.

The Hon. D.G.E. HOOD: Has the minister ever changed her position on a matter?

The PRESIDENT: It's not really a supplementary question related to this—

Members interjecting:

The PRESIDENT: Order! Attorney-General, just be quiet.

Members interjecting:

The PRESIDENT: Order! Honourable Leader of the Opposition, let's have a crack at your second question.

DROUGHT ROUND TABLES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question around drought round tables.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday, the minister stated in this chamber:

I am advised that the second round table is actually being held today, so that obviously prevents me from attending, given I have to be here in parliament.

It is the opposition's understanding that the Mid North dry seasonal conditions round table is to be held in the Jamestown Bowling Club tomorrow, Friday, at 12.30pm. My question to the minister is: given the round table is, in fact, not being held on a sitting day, will the minister be attending?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): I was acting on advice I had received that the round table was going to be yesterday. Tomorrow, I do have—

Members interjecting:

The PRESIDENT: Order! I cannot hear what the minister is saying. I can't rule on anything that the minister says because I can't hear.

The Hon. C.M. SCRIVEN: As I said, the advice I received yesterday was that that was when the meeting was going to be. I am happy to have that checked. If indeed it is tomorrow at the time the Leader of the Opposition has mentioned, I believe I have a national agriculture ministers' meeting; however, I am happy to check my diary and see what might be able to be arranged.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries on the topic of the tomato brown rugose fruit virus.

Leave granted.

The Hon. N.J. CENTOFANTI: There have been some concerns raised by growers about the testing in terms of the disparity between positive test results despite absence of phenotypic symptoms, differential results between official testing and shadow testing carried out by growers and, most pertinent, the turnaround time taken for test results to come back. Some growers have reported waiting six weeks for test results to come back, and that was when only 18 trace properties were being tested. I note that there is now a local testing lab which is in operation, which is most welcome news to growers.

To access the WA markets, growers are required to test within 10 days of the planned harvest date. As we near peak harvest season, there are concerns about the ability of the testing labs to be able to cope with the volume of testing required. It was said at the meeting at Virginia Horticulture on 10 October that there were only two labs working interstate and then the additional lab now here in South Australia. Growers were discouraged from testing unless absolutely necessary for fear of overloading those testing laboratories.

One grower has asked how it will be possible that the laboratory, even working around the clock, will be able to keep up with the testing within 10 days of harvest to enable that WA market access. He has been told that PIRSA has been inundated with calls for testing, and the lead time for testing is still unknown. My questions to the minister are:

1. When will the new laboratory in South Australia be at peak capacity?
2. Can the minister provide an assurance that the required tests will be completed within the timeframes to meet the WA market access requirements without growers being made to wear a loss?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. It is quite true that I was recently able to announce that we do now have a laboratory here in South Australia, under the auspices of SARDI, that has been accredited by the federal government to be able to test for the tomato brown rugose virus. That is a very welcome step forward.

As I think I have mentioned in this place before, as soon as it became clear that there were bottlenecks in the interstate labs, in Victoria and New South Wales, PIRSA took steps to begin the

process of being able to have an accredited laboratory here in South Australia. I am very pleased that that has now been able to occur.

It will still remain an option to send samples to those two interstate laboratories as well if the South Australian laboratory is not able to cope—in terms of cope with the volumes. Obviously, that is not the preference. The purpose of having a local lab is to cut down on the travel times required to be able to send the samples interstate and also to reduce the risk of having to wait in line, if you like, because obviously those interstate labs have other work that they are also responsible for. I would certainly like to extend my thanks to SARDI and to the department for all the work they have put into being able to get this laboratory up and running and accredited.

In terms of when the peak capacity will be, obviously that is not going to be an exact science. We are heading into the prime time for tomatoes, and there will be a number of growers who either already export or wish to export to Western Australia. The process for them is to be able to meet the requirements that Western Australia has put onto the export of tomatoes to their state. They need to prove that their product is free of the virus through the following sampling method and certification process.

The WA conditions specify that crops must be sampled no more than 10 days prior to harvest and return a negative result for the tomato brown rugose virus. They must be certified by a PIRSA plant health inspector for each consignment of produce, confirming that it is free from that virus. During the eradication and proof of freedom elements of the response, as I have mentioned before, PIRSA is absorbing the costs of any required sampling and testing that takes place here that producers may need to undertake as part of this process to enable market access.

PIRSA has developed an expression of intent form for the growers who are wishing to access the Western Australian market and that form was distributed to industry on 22 October. The other two accredited diagnostic labs continue to operate and I would certainly hope that, with the increased workforce that will be at the South Australian lab, we will be able to manage what is an important process for the very important tomato-growing industry in South Australia.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: has the minister corresponded with her WA counterpart—that is, the WA agriculture minister—about the large numbers of samples required and the stringent requirements for that 10-day testing prior to harvest?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): First of all, I have spoken with the Western Australian minister about these matters. Secondly, Western Australia in effect closed their borders to South Australia, so that meant that all South Australian tomato growers could not access the Western Australian market. That means not just those who are directly affected because they had an infection of tomato brown rugose disease but all South Australian growers.

The important part of the negotiations with the other states is to be able to open up the markets as much as possible to those who are not directly impacted by the disease. We have heard from those opposite—again, a bit of a theme around flip-flopping, I think. Do they want people to be looking at eradication and, therefore, abiding by the regulations, or do they want with this disease to let it rip? They kind of flip-flop around that by asking this question and then an opposing question.

The Hon. N.J. CENTOFANTI: Point of order: the minister is misrepresenting what has been said in this chamber.

The PRESIDENT: There is no point of order. Continue, but please conclude so we can move on.

The Hon. C.M. SCRIVEN: Thank you, Mr President. The officials have been working at their level. Obviously the scientific input on a national level has been key, and I am certainly happy to acknowledge that it has been frustrating that we haven't been able to get to the nationally agreed protocols. That is not something that PIRSA can decide. That is something that has to be agreed on by the federal government and all the states and territories—

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: All the states and territories.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Getting those agreed protocols is an absolute priority. It has been incredibly frustrating that some of the other jurisdictions have not been able to reach agreement on that. However, I do acknowledge the large amount of work that has gone into that. I think it is also worth pointing out again that this is an exotic disease for Australia. This is a disease that hasn't been detected in Australia until this time. The scientific input is work that has to occur and then be considered. The protocols are being worked through and I look forward to being able to see those come to fruition as soon as is possible.

GLADYS ELPHICK PORTRAIT

The Hon. R.B. MARTIN (14:42): My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council on the unveiling of the Gladys Elphick portrait to be displayed in Parliament House?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for his question. I would be most glad to inform the council about the latest portrait that has been commissioned to be hung on the walls of Parliament House. It depicts Aboriginal trailblazer and leader, Gladys Elphick. I was very privileged last year to be the Gladys Elphick orator to deliver a speech about Aboriginal representation in South Australia, and I am also a regular presenter at the Gladys Elphick annual awards, which I have spoken in this chamber about. The Gladys Elphick annual awards recognise excellence and achievement of Aboriginal women in South Australia.

Gladys Elphick was certainly a remarkable Aboriginal activist whose name resonates with courage, determination and unwavering passion for her people. Aunty Glad achieved many things in her life which remain a legacy today to Aboriginal communities and organisations in this state. Most notably, way back in the 1940s, Aunty Glad was a member and contributor to the Aboriginal Advancement League South Australia and an active member of the Aboriginal Progress Association until a group of very committed Aboriginal women started an organisation, the Council of Aboriginal Women of South Australia, that only consisted of Aboriginal people, unlike some of the earlier organisations.

It was a remarkable group of trailblazers who started that Council of Aboriginal Women of South Australia. People like Ruby Hunter, some of the Colebrook girls—Faith Thomas, Maude Tongerie and Lowitja O'Donoghue—along with Aunty Gladys Elphick founded the Council of Aboriginal Women of South Australia.

The council in the 1970s amalgamated with the Aboriginal Cultural Centre, of which Aunty Glad was the inaugural president. That centre was instrumental in setting up and initially accommodating some of the most well-known Aboriginal Community Controlled Organisations (ACCOs as we call them today), including such institutions that are now coming on half a century old: the Aboriginal Legal Rights Movement, the Aboriginal Sobriety Group, the National Aboriginal Congress and Aboriginal Hostels, to name a few that came out of the Aboriginal Cultural Centre.

A few iterations of the Aboriginal Cultural Centre over the years has seen it today in a service delivery form to community members, and that centre has eventually evolved into what we know now as Nunkuwarrin Yunti, the Aboriginal health service providers in Adelaide. Aunty Glad was also instrumental in the establishment of the College for Aboriginal Education in 1973, which we now know today as Tauondi College, one of the three oldest centres for Aboriginal education anywhere in this country.

At the unveiling of the portrait today, Uncle Lewis O'Brien welcomed everyone to country, which is exceptionally fitting to have Kaurna elder Uncle Lewis O'Brien, who is now 94 years old. When you think about the creation of the colony of South Australia in 1836, Uncle Lewis has been here for exactly half of the time that this colony has been established on his Kaurna country, and it

was fitting with Uncle Lewis welcoming people this morning. It was Uncle Lewis's mum, Gladys O'Brien, who had Gladys Elphick live with her when Gladys's first husband died at Point Pearce, and Gladys Elphick came to live for some time in Adelaide with her cousin, Gladys O'Brien, Uncle Lewis's mother.

Finishing the unveiling of the portrait today was Professor Paul Hughes, who has a direct link to Gladys Elphick and is, I think, the closest living relative today of Aunty Glad. I have mentioned some of the remarkable achievements of Aunty Gladys Elphick. Her son, Tim Hughes, was a trailblazing reformer himself, having returned from World War II after winning medals for meritorious service, settled in the Lucindale area—having originally come from the Point Pearce area—and was aghast at the treatment of Aboriginal returned soldiers compared to non-Aboriginal returned soldiers.

Tim Hughes was an activist who fought for the rights of Aboriginal people to do things like be able to leave mission communities without having to get a licence. Tim Hughes, Aunty Glad's son, eventually became the founding Chair of the Aboriginal Lands Trust, which was created in 1966 by Don Dunstan, who was Aboriginal affairs minister at the time and a very close friend and campaigner with Aunty Glad.

Tim Hughes's son, Paul Hughes, went on to become a teacher and returned back to where he grew up in the Lucindale area of the South-East. He was the very first Aboriginal person to become a professor at a South Australian university when he became the Professor of Education at the University of South Australia. Paul Hughes unveiled the portrait of Gladys Elphick today.

I look forward to when the portrait of Aunty Glad hangs right next to the portrait of Doug Nicholls, which was previously commissioned in this place, and we start seeing Aboriginal faces looking down at the kids who come through here in parliament. That idea of you can't be what you can't see I think will start to be reflected much more fairly in the diversity we see in South Australia.

I would particularly like to thank members of the art acquisition committee of this parliament, Nici Cumpston from the Art Gallery who, I think as we said today, what she doesn't know about Aboriginal art probably isn't worth knowing; the member for Unley in another place, David Pisoni; but particularly the Labor Party's member of that committee, the member for Badcoe, Jayne Stinson, who was instrumental in making sure that Aunty Glad was the person who was honoured with this portrait by the artist known as Blak Douglas, Adam Douglas Hill, who was the second Aboriginal person very recently to win an Archibald Prize.

I think the portrait of Aunty Glad that will hang in Parliament House is probably the first portrait we will have here painted by an Archibald Prize winner and it is very fitting that that is an Aboriginal person as well. So I commend that to the chamber and I encourage everyone to have a look and walk down the main corridor of the House of Assembly side to see those two Aboriginal trailblazers now adorning our walls.

APY LANDS GENERAL MANAGER

The Hon. F. PANGALLO (14:49): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the appointment of a general manager to the APY lands.

Leave granted.

The Hon. F. PANGALLO: *The Advertiser* yesterday reported a group of former APY lands board members had made serious allegations about the lack of transparency around the recruitment process in the lead-up to the recommended reappointment of controversial general manager, Richard King, and backed my calls for an independent investigation into the selection process. When I first raised my concerns about Mr King's impending reappointment, the minister said:

...I have not approved terms and conditions. I have asked for further information, including how the process previously ran and the decision in relation to the new board, who are, within their power, capable of making a different decision to the old board who have put this forward.

Several respected Aboriginal leaders have now raised with me additional concerns about the recent APY lands board elections, overseen by the Electoral Commission of South Australia, and the alleged bullying and harassment of some of those who voted. My questions to the minister are:

1. Did you get the further information you asked for and what was it?
2. Will you investigate if recent board elections were conducted without any bullying or harassment of voters?
3. Have you now approved Mr King's terms and conditions and, if so, on what grounds, given your decision not to renew his terms and conditions earlier?
4. Was Mr King involved in the employment of his wife's sister-in-law and brother-in-law, who are also employed by the APY lands, which would be a significant conflict of interest and nepotism?
5. Given the concerns raised by the former APY lands board members, will you now refer, in the interests of transparency, an inquiry and investigation into the selection process to the Ombudsman?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for his questions. As I have said previously a couple of times in response to questions on this topic, the selection of the general manager for the Anangu Pitjantjatjara Yankunytjatjara executive is a matter for the elected representatives of that executive.

The role of the minister is and has been—both as myself as minister now and previously I think it was the Hon. Steven Marshall who held the responsibilities but not the title of Minister for Aboriginal Affairs I think when Richard King was last appointed—only to approve terms and conditions. They are not the relevant person who makes the decisions on who will be appointed. It is up to that board. If that board wants to come to a decision that is for them to do.

In relation to the appointment of Richard King, as I have previously said and as the honourable member has pointed out in his question, I have sent correspondence back for some further information. As the honourable member has stated and pointed out, I have not received a response to the further information I asked for. I expect to do so at some stage in the not too distant future. So in response to whether I approved the terms and conditions, no, I am still waiting on a response to the correspondence I have sent.

In relation to the conduct of elections, one of the features of elections, particularly run by the Electoral Commissioner, is an ability to have those elections scrutinised and to have action looked at. I think it is the Court of Disputed Returns in relation to elections for the APY lands and the executive board. I think it is a matter of public record that, I think, there was a four-vote difference for one of the candidates for the Pukatja region that has been lodged with the Court of Disputed Returns and that is the appropriate place for these sorts of matters to be adjudicated.

What I can tell the honourable member is that, having spent most of last week on the APY lands meeting with dozens of elders and Anangu and Pitjantjatjara Yankunytjatjara community members, I did not have any of them, not a single person, that I met with across Iwantja, Indulkana, Mimili, Fregon, Kaltjiti, Pukatja, Ernabella, Kenmore Park, Umuwa or Amata raise this issue with me. But I do note the article the honourable member has referred to and I await the response from the questions I have sent back to the APY Executive.

APY LANDS GENERAL MANAGER

The Hon. F. PANGALLO (14:54): Supplementary: did you meet with Mr Richard King when you were there?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): No. I met with community members and elders in the four or five communities that I spoke of.

CONSTRUCTION INDUSTRY, BUSINESS CONFIDENCE

The Hon. H.M. GIROLAMO (14:55): I seek leave to provide a brief explanation before asking the Minister for Industrial Relations a question regarding business confidence in the construction industry.

Leave granted.

The Hon. H.M. GIROLAMO: In the latest Roy Morgan Business Confidence survey, business confidence in South Australia has plummeted 13.4 points across the last 12 months. Further, the construction industry has the fifth-worst confidence outlook of any business sector in Australia.

In an *Australian* article from 7 October, it was reported that construction industry employers are demanding the Albanese government ban egregious pro-CFMEU clauses from enterprise agreements, warning that the business-as-usual approach to bargaining by the union administrator will not address the union's disgraceful illegal tactics. My question to the minister is: does the minister believe that the business confidence level in the South Australian construction sector has declined due to the influence of the CFMEU?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I will repeat what I have said a number of times before in here. When the honourable member talks about clauses in contracts or industrial agreements in the private sector—I am sure the honourable member will have this understood at some stage—in the private sector, it is the federal system that is involved: it is not the state system. So when the honourable member refers in her question to what happens in a private sector industrial agreement, that is governed wholly by the federal system. It has been for a couple of decades now in South Australia.

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I understand it is sometimes a struggle to find questions. If you read something that morning in the newspaper, even if you know it has nothing to do with South Australia, I understand the temptation to go, 'I'd better ask about that because I've got nothing else to ask about.' I understand how tempting it is when you have nothing else to ask about. We are only 2½ years in; it is probably not enough time to learn how to do these things properly.

In relation to business confidence, what I will note is I think recently we came in a close second in the Commonwealth Bank State of the States Report. That is after, for the first time ever in the history of our economy, having a couple of first places. I think the South Australian economy is ranked compared with other states much better than at any time the Liberal Party has been in government for the whole of this century—it is a long time.

Members interjecting:

The PRESIDENT: Order!

CONSTRUCTION INDUSTRY, BUSINESS CONFIDENCE

The Hon. H.M. GIROLAMO (14:57): Supplementary: does the Minister for Industrial Relations agree that it is his responsibility to be monitoring the handling and effects of union bullying in the construction industry?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): Here we go. I am glad that has been asked. We had legislation—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —that is no longer in this place about the administration of the state counterpart to the CFMEU. Do you know how keen the Liberal Party were for that to happen? Keen enough to filibuster on that bill for hours and hours last night. We are the ones serious about making sure there is industrial harmony in this state, not those opposite.

FORESTRY CENTRE OF EXCELLENCE

The Hon. J.E. HANSON (14:58): My question is to the Minister for Forest Industries. The minister certainly can, but will the minister update the council on the recent launch of the Forestry Centre of Excellence?

Members interjecting:

The PRESIDENT: Order! Attorney-General!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question. He displays a particular interest, as I think do all on this side, in the very valuable forestry sector of South Australia, unfortunately unlike those opposite.

As I mentioned last sitting week in this place, we have had an exciting few weeks for the forestry industry here in South Australia. We have seen a \$90 million investment by OneFortyOne in their Jubilee sawmill in Mount Gambier, and the appointment of distinguished Professor Emeritus Jeff Morrell as the inaugural Forestry Centre of Excellence director, who will start in the role in January.

While in Mount Gambier recently with the Premier, we had the opportunity to formally launch the Forestry Centre of Excellence, release the design plans for the building and reveal the corporate branding that will be used for the centre. The centre needs a dedicated facility, a building suited to its research and other needs, and I am so pleased that they are getting one. The state government is funding \$3.5 million and the University of South Australia over \$2 million for the build of the centre.

This investment will help the building achieve both its ambitious functional requirements and for it to be a showcase for the local and contemporary timber materials from which it will be constructed. I also want to acknowledge and thank industry for their work and support in the development of the centre. They are contributing timber products in the build of the centre, which will allow the very best of the Green Triangle to be showcased, which we hope will become a centre that is world-leading in research, for which it already has a strong track record.

The designs are now available and they are impressive. I understand they include laboratories, meeting rooms, workstations and office space to allow for extensive research and development to take place. We want this area to be a thriving space for the healthy and unique mix of education, training, industry and community activities. I encourage members in this place to have a look at the branding that has been released for the Forestry Centre of Excellence, which can be found at forestrycoe.com.au.

The launch of the Forestry Centre of Excellence was attended by a large suite of stakeholders from the forest industry, with over 100 people from industry attending the event. I will not name everyone, but it was wonderful to see such a wide range and variety of attendees from all aspects of the forest industry. The Premier spoke about the vision for the centre as an international leader in forest industry research, education, product and market development, enhancing the Green Triangle region through built capacity and national collaboration.

The government recognises the important and significant role that forest-related industries play in contributing to the state's economy. That is why we have committed \$16 million over 10 years for the new Forestry Centre of Excellence, to create a long-term forestry research and development capability based in Mount Gambier. The funding agreement is in place and funds are flowing to the centre already.

The centre has initially been established within the University of South Australia, and I thank the university for their hard work in seeing this come to fruition, with oversight by a transitional board and an independent chair while the final governance structure is designed and determined. Once determined, operations will be transitioned to a permanent structure and the transitional board replaced with a skills-based board.

The new Forestry Centre of Excellence in Mount Gambier is fostering collaboration across jurisdictions and disciplines, including forest industries, academia and government, to undertake

research that boosts innovation, creates more jobs and develops long-term capacity of the industry to take on both the challenges and the opportunities of local and global scale.

At the launch I spoke at length of the importance of collaboration, because that is within the project and why I am so pleased to see such investment by government, academia and industry, who are working closely together to ensure the development of the centre achieves its potential. I thank all parties for their continued support. I look forward to being able to once again provide an update as the project progresses further.

PARAQUAT

The Hon. R.A. SIMMS (15:03): I seek leave to make a brief explanation before directing a question without notice to the Minister for Primary Industries on the topic of paraquat.

Leave granted.

The Hon. R.A. SIMMS: On Monday, the ABC reported that leading neurologists and movement disorder specialists have made submissions to the Australian chemical regulator, calling for a ban on paraquat over its links to Parkinson's disease. The minister has stated that the use of the chemical paraquat sits with the medical regulator, APVMA. Twenty-eight independent studies from the last 15 years have shown that animals injected with paraquat develop signs of Parkinson's disease.

In August, the ABC revealed that the report that the APVMA have relied on for their advice in relation to the connection between Parkinson's and paraquat was based on an unpublished paper by the maker of the chemical, Syngenta. The APVMA had told the ABC that they are due to make their final decision on paraquat in February next year.

My question to the Minister for Primary Industries therefore is: what is the government doing to protect the community from the risks associated with this chemical in the meantime? In particular, is she concerned about the welfare of people living in the regions who may be exposed to this chemical?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I thank the honourable member for his question. I think the claims that he has made in regard to a single paper certainly are not something that appear in my briefings on this.

Paraquat is a herbicide registered for use in a range of agricultural and horticultural situations for weed control. It's considered a particularly important herbicide for use in field crop situations due to its extensive use in low-tillage farming systems and in managing weeds with chemical resistance.

The APVMA is the independent national regulator of agricultural and veterinary chemicals (agvet chemicals) up to the point of sale. The APVMA makes science-based decisions on the registration of agvet products. Paraquat has been under reconsideration by the APVMA due to concerns relating to the safety of people, including the public and users of the chemical, safety for the environment, and impact on trade.

On 30 August this year, the APVMA published its proposed regulatory decision on paraquat. The proposed regulatory decision was open for public consultation until 29 October, so just this week, with the APVMA inviting submissions of additional data to help inform the final decision. Based on the weight of evidence, the APVMA's regulatory decision proposes removing a number of current paraquat uses at high rates of application that pose an unacceptable risk to the environment. The APVMA also proposes removing the use of paraquat at high rates where the short-term risk of poisoning can't be adequately mitigated.

The APVMA considers that there is no imminent risk to human health or the safety of food. I am advised that the APVMA would have taken immediate action if there was considered to be an imminent risk identified.

This proposed regulatory decision has of course attracted interest and public comment from a range of stakeholders. Grain bodies, such as Grain Producers SA and its relevant state bodies, have been publicly supportive of the need for certain uses of paraquat to be retained, with appropriate

label instructions to protect users. Medical bodies, including leading neurologists and movement disorder specialists, have, I am advised, been calling for paraquat to be banned. It's understood that a number of these stakeholders have made submissions to the APVMA on the proposed regulatory outcome.

The proposed and final regulatory decisions regarding paraquat registration and changes to label directions are for the APVMA to make. South Australia supports the APVMA as the independent science-based national regulator of agvet chemicals that determines what products can be used and how to use them safely.

The Department of Primary Industries and Regions (PIRSA) will closely monitor the final APVMA decision and appropriately enforce registration and label requirements in accordance with our state-based control-of-use legislation. I am advised that the APVMA is due to make its final regulatory decision on paraquat by 28 February 2025, and in the meantime the current registrations and label instructions remain applicable for paraquat.

YOUTH OFFENDING

The Hon. D.G.E. HOOD (15:08): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding youth offenders and bail conditions in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: It has been reported recently in the media—in fact, just last week—that fresh arrests have been made through South Australia Police's anti-gang initiative, Operation Mandrake, which was established back in 2003. Six people who were arrested most recently allegedly had involvement in four separate crime sprees in August and are facing dozens of charges, including serious criminal trespass of 16 residential and business premises, illegal use of vehicles, petrol theft and the use of stolen credit cards as well.

SA Police Operations Service Assistant Commissioner Scott Duval has stated that police were frustrated that young offenders who are reoffending are doing so whilst on bail, on numerous occasions after being released by the Youth Court. In fact, Assistant Commissioner Duval has said, and I quote directly:

[Young alleged offenders] are breaking into houses, they are breaking into business premises, they are stealing cars...and they do drive at high speeds in stolen vehicles, often filming their exploits and posting to social media. This activity is clearly a risk to other road users, their behaviour is dangerous and extreme.

My questions to the Attorney are:

1. Does the Attorney share the assistant commissioner's frustration that repeat offenders are continually offending whilst on bail and are released from their bail?
2. Does the Attorney-General share the South Australia Police operations service assistant commissioner's concerns with the level of crime that is being perpetrated by youths who are continually being released on bail?
3. What reform is required by this parliament in order to ensure that this matter is put to a stop?

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 and his often-displayed genuine interest in the safety of the community in South Australia. As I have said recently in relation to a question about youth offending in this state in this chamber, we are always happy to have a look at laws that can make South Australia safer. It is a reasonably regular occurrence when the police or other bodies will put something to the government that we will have a look at, we will consult on, and then we will make suitable changes directly aimed at keeping South Australians as safe as we possibly can.

We have talked in this chamber this week about some of those reforms in relation to knife crime, the potential for wider use of metal detectors, and the potential use for further designations of areas that attract higher penalties other than just primary schools and high schools. We have talked about the introduction in South Australia, that we are going out to consultation on, of workplace

prohibition orders that would apply equally to younger people as it does to adults. If there is something that can be identified with SAPOL, we are always happy to have a look at how that might help to keep South Australia safe.

In relation to the specifics and the individual circumstances of a particular offender, that's not something, even if I had the details, I would be able to comment on about the decisions that are made in relation to bail in the Youth Court, but the Youth Court does apply the law as we have set it down in this place.

Often, when people are or are not granted bail across a whole range of jurisdictions, whether that be police bail or court bail, particularly in the Magistrates Court, that is something that is not infrequently looked at and potentially appealed by the authorities. If there was something before, we are more than happy to look at how we can continue to make South Australia as safe as possible.

YOUTH OFFENDING

The Hon. D.G.E. HOOD (15:11): Supplementary: I thank the Attorney for his answer. Attorney, is there a specific category of data that is kept that monitors offences whilst on bail?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): Sorry, I neglected to answer that part of the question. I am not, off the top of my head, aware of it, but I am happy to go away and ask to see if anything is kept and if I can bring something back will do so.

WOMEN LAWYERS ASSOCIATION

The Hon. M. EL DANNAWI (15:12): My question is to the Attorney-General. Will the Attorney-General inform the council about the recent networking event that he co-hosted with the Women Lawyers Association?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I sure will and I thank the honourable member for her question today as like yesterday, and her lifelong work advocating for women in the workplace. It was a great honour recently to co-host an event with female lawyers with the Women Lawyers Association in South Australia, held within the Attorney-General's Department.

I have spoken a number of times in this place of the critical work the Women Lawyers Association do in South Australia. It is made up of many dedicated female members of all sectors of the legal profession, ranging from law clerks and associates, partners in firms and judges to private lawyers and public sector lawyers at places like the Crown and the DPP, each with the collective aim of promoting justice and equality for all women both within the law and beyond.

South Australia's Women Lawyers Association is rightly a very highly regarded organisation for its efforts to improve the experiences and career prospects of women working in law and supporting each other as they navigate the profession at all stages. It is very beneficial for the work that I do and the work of the government that I am able to have regular meetings with the Women Lawyers Association in South Australia and their leadership team and hear from them about matters that they want to raise but also be able to consult directly with them about reforms the government is considering.

The recent co-hosted event was an opportunity to showcase the wide impacts and opportunities for the Women Lawyers Association and expand their membership and what they can provide for women in the legal profession in public sector areas such as the Crown or the DPP. The event was well attended and was a good opportunity for current members to speak with other women working particularly in public sector law about opportunities and the support that the Women Lawyers Association can provide.

I would particularly like to thank the leadership board: Marissa Mackie, Michelle Williams, Courtney Chow, Antonella Rodriguez and Kristy Zander, as well as the organisation collectively, for this event and for the work they do day in, day out in pursuing important advocacy for women in this sector.

LOCAL GOVERNMENT ELECTIONS

The Hon. S.L. GAME (15:14): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, representing the Minister for Local Government, regarding voting eligibility in local government elections.

Leave granted.

The Hon. S.L. GAME: Section 14 of the Local Government (Elections) Act 1990 sets out the categories of people and businesses who can vote in local government elections. Many citizens living in South Australia might be surprised to learn that people who cannot vote in state or federal elections are eligible to vote in local government elections. These people include individuals who have been here for less than a month, like international students, visitors on holiday visas, and visitors on working visas. All these people can vote in council elections.

There have long been rumours of voter manipulation related to international students in the City of Adelaide council elections, including blank votes being collected from high-rise buildings known to be occupied by high numbers of international students. My questions to the minister representing the Minister for Local Government are:

1. Does the government accept the increase in the number of international students in Adelaide today compared to 1999, when the Local Government (Elections) Act was introduced, creates the opportunity for manipulation of outcomes in some local government elections? If so, what is the government going to do about it?

2. Does the government believe people who have been in Australia for less than a month because they are visitors or international students should be allowed to vote in local government elections? If so, why is their vote equal in weight to that of an Australian citizen?

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

FRONTLINE WORKERS

The Hon. L.A. HENDERSON (15:16): My question is to the Attorney-General in relation to frontline worker abuse. In light of recent reports of abuse towards SAPOL officers, does the minister believe that bail should be available to those who abuse frontline workers?

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 her question. Similar to answers I have answered earlier this week, including today, if there are reforms to laws to make the community safer we are happy to look at those.

Certainly, in relation to frontline workers we have reformed significant laws since we have been in government. I have spoken about retail workers as frontline workers, in particular. The increase in fines for a basic assault has been two years and is now five years, and aggravated—

The Hon. L.A. Henderson interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —from three years to seven years. As I have mentioned already today, we will be looking to introduce legislation early next year in relation to workplace protection orders to make sure that frontline workers are protected. However, we are always open to ways that we can protect the community.

ILLEGAL FISHING ACTIVITY

The Hon. R.P. WORTLEY (15:18): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about recent fisheries patrols that have detected illegal fishing activity?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for his question. As the

warm weather approaches each year we see many of the estimated 360,000 recreational fishers in South Australia head for their nearest jetty, boat ramp or beach and go fishing or crabbing as well as a range of other marine activities.

It is a much loved part of our way of life and a fantastic activity for our wellbeing and staying active. That is why the state government has supported programs to increase the numbers of recreational fishers, particularly women and children, so that they too can experience the benefits fishing provides.

It probably goes without saying that the vast majority of South Australians do the right thing when they go fishing or crabbing, with sustainability being so important to all fishing sectors, particularly the recreational fishing community. Unfortunately, as I have outlined in the chamber before, there are some who take no notice of the rules, disregarding the vast amount of information available to the public on bag and boat limits and sustainable fishing practices. When our fisheries officers eventually catch up with them, as they so often do, they pay a heavy price for their poor decisions.

Over the recent long weekend at the start of the month, fisheries officers patrolled our northern beaches that are so popular for crabbing in the warmer months. Over 500 checks were conducted, and while most of those checks found people to be doing the right thing there were still, unfortunately, far too many who did the wrong thing, taking more than the bag limit, and in some cases significantly so, as well as taking undersized crabs.

Seventy-eight notices were issued over the October long weekend, with 28 of those resulting in expiation notices totalling nearly \$17,000 worth of fines issued and over 1,200 crabs seized from individuals who were offending. In one particularly disturbing incident a group of three were found with 389 crabs, 344 of which were undersized. The bag limit is 20 legal sized crabs per person. The largest on-the-spot fines were over \$1,400, which serves as an important reminder of how seriously this kind of offending is taken. Though some offenders may not see it that way the reality is that it is offending; it is breaking the law.

Our fisheries officers do a fantastic job in educating the public and, where required, enforcing the law to protect our marine resources. As South Australians we are fortunate that we can enjoy our state's incredible fishing opportunities the length and breadth of our coastline, and as I mentioned a moment ago the vast majority do so in a sustainable and legal way. What these examples show, though, is that there are still too many who are willing to take the risk in breaking the law, thinking they won't get caught. I would certainly encourage those people to consider and reconsider before they do so again. It can be a very expensive day out if you are caught doing the wrong thing, and our fisheries officers may well be waiting as you come back to shore.

Sustainability for our fishing sector has to be paramount. The marine environment is one that has to be preserved, and as a common community resource the importance of making fish available, both for commercial sectors and the recreational sector, whilst maintaining sustainability is key.

MEMBERS, CONFLICTS OF INTERESTS

The Hon. C. BONAROS (15:21): I seek leave to make a brief explanation before asking the Attorney, representing the Special Minister of State, a question about travel.

Leave granted.

The Hon. C. BONAROS: Given recent revelations surrounding the Prime Minister's close ties with Qantas there are concerns about influence regarding travel perks such as flight upgrades granted to government officials. Reports indicate the Prime Minister received complimentary upgrades on Qantas flights, raising concerns about potential conflicts of interest. Furthermore, Qantas's involvement in recent government decisions, such as its opposition to granting additional flights to competitor Qatar Airways, has intensified public scrutiny in relation to this issue and those relationships.

In light of this I ask the Attorney, representing the minister: given what is unfolding federally is the government considering any reforms to establish clear guidelines or restrictions on things like complimentary upgrades and benefits to members of parliament and senior government officials?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I thank the honourable member for her question. I will be more than happy to refer those questions to the minister in another place and bring back a reply. I would note that we all are bound, not just ministers but all members of parliament, by declarations of various things on our members' register of interests, and I have no reason to believe that members aren't operating diligently in fulfilling their obligation.

Parliamentary Procedure

PRESIDENT'S GALLERY VISITORS

The PRESIDENT (15:23): Members will recall that I made a statement to the council on Thursday 17 October concerning the reported behaviour of visitors to the parliament on the night of Wednesday 16 October. On Tuesday this week, the Hon. Jing Lee gave a personal explanation to the council relating to the events of that night and her personal experiences, particularly with, in her words, 'a very persistent visitor'. The Hon. Jing Lee expressed that she felt very vulnerable on the night and felt that she was put in a compromising situation. The Hon. Ms Lee also expressed that the situation on that Wednesday was escalated in having an external person attempting to inappropriately influence the voting of members.

In addition to the statement made in this house by the Hon. Ms Lee, I have received a number of complaints and accounts, both in writing and verbal, from multiple members of the council in respect of the behaviour of visitors on that night. Those complaints relate to the behaviour displayed in the galleries, particularly in the President's gallery during debate on the Termination of Pregnancy (Termination and Live Births) Amendment Bill, but also the behaviour of visitors in areas adjacent to the chamber, including areas where visitors should not have access unless accompanied by a member or their staff.

Of the complaints that have been provided, of the highest concern is the suggestion that the visitor was attempting to improperly influence the free performance by members of their duties as a member. Accounts have been given of the behaviour of one particular visitor seated in the President's gallery during the division on the second reading of the bill. The members providing accounts have identified that visitor as Dr Joanna Howe.

During the division, it was claimed that Dr Howe was observed yelling at the Hon. Dennis Hood to discourage him from vacating the chamber in order to provide a pair for the vote. Further accounts have been provided of the behaviour members had witnessed or experienced in the corridors and adjacent areas by Dr Howe and other visitors. Members have claimed to witness insults and threatening and intimidating tactics employed by Dr Howe towards some members.

It is entirely unacceptable for visitors to roam the corridors and other areas adjacent to the chamber unaccompanied. It is even more unacceptable that any member should feel intimidated or threatened by visitors while carrying out their free performance as a member of the council. Various examples of attempts of molestation, reflection or intimidation of members in carrying out their duties in the house which can be considered a contempt have been identified in *Erskine May* as well as *Oggers and House of Representatives Practice*.

I thank members who have provided their complaints and accounts of the behaviour they experienced or witnessed that evening. Members must feel safe in carrying out their parliamentary duties and have confidence that they are free to do so without interference, intimidation or undue influence from visitors.

In considering these accounts, I have decided that Dr Howe behaved in a manner that did not afford members that right and risked compromising the effective functioning of the chamber. As such, I advise the council that Dr Howe will not be permitted to attend the public or President's galleries of this chamber nor be permitted to access the areas adjacent to the chamber, such as the corridors, as well as other shared areas in the Legislative Council.

Finally, I again 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, the powers and the immunities of the parliament.

*Bills***STATUTES AMENDMENT (ADMINISTRATIVE REVIEW TRIBUNAL) BILL***Introduction and First Reading*

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): Obtained leave and introduced a bill for an act to make amendments to various acts consequential to the enactment of the Administrative Review Tribunal Act 2024 of the commonwealth. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Administrative Review Tribunal) Bill 2024. The bill amends several South Australian acts to substitute all references to the Administrative Appeals Tribunal with references to the Administrative Review Tribunal due to the recent legislative reforms by the commonwealth government.

In May 2024, the commonwealth government passed legislation to establish a new Administrative Review Tribunal, which replaced the Administrative Appeals Tribunal as the new federal tribunal responsible for conducting merit reviews of administrative decisions. The Administrative Review Tribunal has the same jurisdiction as the Administrative Appeals Tribunal.

The commonwealth legislation establishing the Administrative Review Tribunal came into effect on 14 October 2024. The Administrative Appeals Tribunal has now ceased operations, with all matters transferred to the Administrative Review Tribunal. As a result of these changes, a review of South Australian legislation has been conducted and has identified a number of consequential amendments to South Australian acts that are required in order to reflect the establishment of the Administrative Review Tribunal.

Parts 2 to 13 of the bill make technical changes to the affected South Australian acts and substitute all references to the Administrative Appeals Tribunal with references to the newly created Administrative Review Tribunal. In addition, references in South Australian acts to certain provisions in the Administrative Appeals Tribunal Act 1975 (Cth) have been replaced with the equivalent provisions in the Administrative Review Tribunal Act 2024 (Cth).

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Agricultural and Veterinary Chemicals (South Australia) Act 1994*

3—Amendment of section 3—Definitions

This clause amends the definition of *Commonwealth administrative laws* to substitute the reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

4—Amendment of section 16—Application of Commonwealth administrative laws in relation to applicable provisions

This clause amends section 16 of the principal Act to substitute the reference to section 28 of the *Administrative Appeals Tribunal Act 1975* with a reference to section 268 of the *Administrative Review Tribunal Act 2024* of the Commonwealth.

5—Substitution of section 18A

Proposed section 18A is inserted into the principal Act.

18A—Construction of references to Part 7 of Administrative Review Tribunal Act (Cwth)

This clause substitutes section 18A to replace references to Part IV of the *Administrative Appeals Tribunal Act 1975* with references to Part 7 of the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 3—Amendment of *Biological Control Act 1986*

6—Amendment of section 54—Appeals to Supreme Court

This clause amends section 54 of the principal Act to substitute a reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 4—Amendment of *Competition Policy Reform (South Australia) Act 1996*

7—Amendment of section 29—Definition

This clause amends the definition of *Commonwealth administrative laws* to substitute the reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

8—Substitution of section 33A

Proposed section 33A is inserted into the principal Act.

33A—Construction of references to Part 7 of Administrative Review Tribunal Act (Cwth)

This clause substitutes section 33A to replace references to Part IV of the *Administrative Appeals Tribunal Act 1975* with references to Part 7 of the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 5—Amendment of *Controlled Substances Act 1984*

9—Amendment of section 11A—Application of Commonwealth therapeutic goods laws

This clause amends section 11A of the principal Act to insert a reference to the Administrative Review Tribunal.

Part 6—Amendment of *Corporations (South Australia) Act 1990*

10—Amendment of section 3—Definitions

This clause amends the definition of *Commonwealth administrative laws* to substitute the reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

11—Substitution of section 36A

Proposed section 36A is inserted into the principal Act.

36A—Construction of references to Part 7 of Administrative Review Tribunal Act (Cwth)

This clause substitutes section 36A to replace references to Part IV of the *Administrative Appeals Tribunal Act 1975* with references to Part 7 of the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 7—Amendment of *Federal Courts (State Jurisdiction) Act 1999*

12—Amendment of section 3—Interpretation

This clause amends the definition of *Commonwealth administrative laws* to substitute the reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 8—Amendment of *Gene Technology Act 2001*

13—Amendment of section 19—Review of certain decisions

This clause amends section 19 of the principal Act to substitute a reference to the Administrative Appeals Tribunal with a reference to the Administrative Review Tribunal.

Part 9—Amendment of *Marine Safety (Domestic Commercial Vessel) National Law (Application) Act 2013*

14—Amendment of section 4—Interpretation

15—Amendment of section 13—Application of Commonwealth administrative laws to applied provisions

These clauses amend the principal Act to substitute references to the *Administrative Appeals Tribunal Act 1975* with references to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 10—Amendment of *New Tax System Price Exploitation Code (South Australia) Act 1999*

16—Amendment of section 28—Definition

This clause amends the definition of *Commonwealth administrative laws* to substitute the reference to the *Administrative Appeals Tribunal Act 1975* with a reference to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

17—Substitution of section 32A

Proposed section 32A is inserted into the principal Act.

32A—Construction of references to Part 7 of Administrative Review Tribunal Act (Cwth)

This clause substitutes section 32A to replace references to Part IV of the *Administrative Appeals Tribunal Act 1975* with references to Part 7 of the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 11—Amendment of *Research Involving Human Embryos Act 2003*

18—Amendment of section 21—Interpretation

This clause amends section 21 of the principal Act to provide a definition of *Administrative Review Tribunal* and repeal the existing definition of *Administrative Appeals Tribunal*.

19—Amendment of section 22—Review of decisions

This clause amends section 22 to substitute references to the Administrative Appeals Tribunal and the *Administrative Appeals Tribunal Act 1975* with references to the Administrative Review Tribunal and the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 12—Amendment of *Sports Drug Testing Act 2000*

20—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to provide a definition of *Administrative Review Tribunal* and repeal the existing definition of *Administrative Appeals Tribunal*.

21—Amendment of section 10—Review by the Administrative Appeals Tribunal of Agency's decisions

This clause amends section 10 of the principal Act to substitute references to the Administrative Appeals Tribunal with references to the Administrative Review Tribunal.

22—Amendment of section 11—Removal of entries from Register

This clause amends section 22 to substitute references to the Administrative Appeals Tribunal and the *Administrative Appeals Tribunal Act 1975* with references to the Administrative Review Tribunal and the *Administrative Review Tribunal Act 2024* of the Commonwealth.

Part 13—Amendment of *Water Efficiency Labelling and Standards (South Australia) Act 2013*

23—Amendment of section 3—Interpretation

24—Amendment of section 14—Application of Commonwealth administrative laws to applied provisions

These clauses amend the principal Act to substitute references to the *Administrative Appeals Tribunal Act 1975* with references to the *Administrative Review Tribunal Act 2024* of the Commonwealth.

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

INDEPENDENT COMMISSION AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30): Obtained leave and introduced a bill for an act to amend the Independent Commission Against Corruption Act 2012 and to make related amendments to the Ombudsman Act 1972 and the Public Finance and Audit Act 1987. Read a first time.

*Second Reading***The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31): I move:**

That this bill be now read a second time.

Today, I introduce the Independent Commission Against Corruption (Miscellaneous) Bill 2024. As members in this place are aware, in 2021 significant changes were made to the Independent Commission Against Corruption Act 2012, with the passage and then commencement of the Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021. This bill is designed to address a small number of omissions or unintended consequences from that amendment act.

At the outset, I want to make clear that this bill is in no way designed to significantly change or reform the way the integrity scheme in South Australia currently works. Many of the amendments in the 2021 amendment act, such as the creation of the Office of the Inspector, have only been in operation for a relatively short time. The government would like to see these amendments in operation and allow time for agencies to develop their practices and procedures, as they have been doing.

Further, I understand the Crime and Public Integrity Policy Committee of this parliament intends to commence a review of the operation of the ICAC Act, as it is required to do so by the Parliamentary Committees Act, toward the end of this year. That will be an appropriate forum for exploration of other ideas to amend the integrity legislation. The government is not closed off to the possibility of further amendments in the future, but today we seek to progress a small number of issues.

The bill will amend schedule 5 of the ICAC Act to change the criteria for the reimbursement of legal costs under the ICAC Act. The amendment will ensure that a public officer who has been convicted of any offence is precluded from reimbursement. There have been differing views expressed regarding the application of the fee reimbursement provisions of the 2021 amendments, and this bill aims to put these matters beyond doubt.

The 2021 amendment act inserted section 39A into the ICAC Act, which requires the disclosure of certain information following the completion of an investigation under the ICAC Act to the person who was the subject of that investigation. Concerns have been raised about the mandatory operation of this section being too restrictive.

The bill will amend section 39A to allow an application to be made to the Supreme Court for an authorisation not to disclose that information. The Supreme Court could then grant the application if it is satisfied that informing the person who was the subject of an investigation will:

- be likely to compromise another investigation by the ICAC, a law enforcement agency or a public authority; or
- give rise to an imminent risk to the safety of a person or persons; and
- the making of the order is reasonable in all the circumstances.

The amendment act abolished the office of ICAC reviewer and created the office of inspector under schedule 4 of the ICAC Act. The inspector's functions include conducting reviews of the operations of the Office for Public Integrity and the ICAC and other reviews at the request of the Attorney-General. There is currently no ability for the inspector to delegate their powers or functions. This omission is impractical and inconsistent with other statutory officers. It could also undermine the inspector's integrity oversight role if the inspector had a conflict of interest in undertaking their powers or functions. The bill therefore inserts a delegation power in relation to the inspector's powers and functions.

The bill also clarifies the inspector's ability to investigate the exercise of power under the ICAC Act as it existed prior to 25 August 2021. The amendment act changed the title of the act from the Independent Commissioner Against Corruption Act 2012 to the Independent Commission Against Corruption Act 2012. The bill inserts additional provisions into schedule 4 of the ICAC Act to make

the scope of the inspector's jurisdiction clear in light of the change in the name of the act, such that the inspector may examine exercises of powers occurring prior to 25 August 2021.

The bill will also amend schedule 1 of the Ombudsman Act to change the criteria for reimbursement in relation to ministers and members of parliament to align with the changes made to the ICAC Act to preclude reimbursement for a minister or member of parliament who has been convicted of an offence. This is intended to reflect the unique decision-making role often played by members of parliament and ministers.

The bill will amend schedule 5 of the ICAC Act and schedule 1 of the Ombudsman Act to ensure that legal costs may be reimbursed in relation to criminal proceedings following an investigation under those acts, as well as costs associated with investigations under those acts, provided that the other criteria set out in the ICAC Act and the Ombudsman Act, as the case may be, are satisfied. Importantly, those criteria include that no criminal conviction has occurred as a result of the relevant investigation.

A related amendment is also made to the Public Finance and Audit Act 1987 to provide a regulation-making power to deal with the reimbursement of costs incurred by public officers in engaging independent legal practitioners. Except to the extent that the ICAC Act or the Ombudsman Act deals with costs incurred where there have been investigations under those acts, reimbursement of legal costs incurred in responding to or participating in certain civil and criminal proceedings, including coronial inquiries, is currently dealt with by way of Legal Bulletin 5, the government's policy for approval of reimbursement of legal fees by the Attorney-General in accordance with Treasurer's Instruction 14: Ex Gratia Payments. It is intended that the matters dealt with by Legal Bulletin 5 will instead be dealt with by regulation under the Public Finance and Audit Act.

Concerns have been raised about leaving the ultimate discretion to a minister on the question of the reimbursement of legal costs incurred by current or former members of parliament and ministers, as is currently the case with Legal Bulletin 5. In effect, the framework as it stands today means political decision-makers have discretion over the reimbursement of legal fees to their political opponents. To address this, the bill restricts the exercise of ministerial discretion over such decisions involving reimbursement to current and former ministers and members of parliament.

As I said at the outset, this bill is designed to address a small number of operational and technical issues identified in the ICAC Act, as well as making related amendments to other acts. As I have said, while the government is not opposed to considering further amendments in future, we believe this small set of issues should be addressed as a priority. I commend the bill to members, and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal. Clause 4(2) and (3) are to be taken to have come into operation on 5 December 2022.

Part 2—Amendment of *Independent Commission Against Corruption Act 2012*

3—Amendment of section 39A—Information to be provided

Section 39A of the Act requires the Commission, or an agency or authority (as the case may be), to take reasonable steps to ensure that a person who was the subject of the investigation is informed of a determination to take no further action. This clause amends the section to allow the Supreme Court to authorise the withholding of such information in certain circumstances.

4—Amendment of Schedule 4—Inspector and reviews

This clause inserts a delegation power for the Inspector and also provides clarity in relation to some transitional arrangements arising out of the enactment of the *Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021*.

5—Amendment of Schedule 5—Reimbursement of Legal Fees Policy

This clause makes some minor clarifying amendments and limits the right to reimbursement of legal fees by providing that a Government employee, Government Board appointee, Minister or Member of Parliament that is convicted of any offence as a result of the relevant ICAC investigation will not be entitled to reimbursement.

Schedule 1—Related amendments and transitional provisions

Part 1—Related amendment of *Ombudsman Act 1972*

1—Amendment of Schedule 1—Reimbursement of Legal Fees Policy

This clause makes amendments for consistency with the changes being made to Schedule 5 of the *Independent Commission Against Corruption Act 2012*.

Part 2—Related amendment of *Public Finance and Audit Act 1987*

2—Amendment of heading to Part 2 Division 4

This clause makes a consequential change to a heading.

3—Insertion of section 20B

This clause inserts a new section as follows:

20B—Legal assistance costs

This clause provides for the making of regulations to prescribe a scheme for the reimbursement of costs associated with the engagement of an independent legal practitioner by a Government employee, Government Board appointee, Minister or Member of Parliament.

Part 3—Transitional provisions

4—Application of amendment to Schedule 5 of *Independent Commission Against Corruption Act 2012*

This transitional provision ensures that the new rule on reimbursement of legal fees in Schedule 5 clause 3(a) of the *Independent Commission Against Corruption Act 2012* will apply in relation to any claim for reimbursement of costs that is certified by the Crown Solicitor (or another authorised person) after commencement of the relevant amendments contained in the measure.

5—Application of amendment to Schedule 1 of *Ombudsman Act 1972*

This transitional provision ensures that the new rule on reimbursement of legal fees in Schedule 1 clauses 3(a) and 6(1)(a) of the *Ombudsman Act 1972* will only apply in relation to any claim for reimbursement of costs that have been incurred after commencement of the relevant amendments contained in the measure.

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

BIOSECURITY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:39): I would like to thank all the members who made contributions at the second reading to this very important bill. I also note that the shadow minister has now indicated that she will withdraw her intent to refer the bill to an inquiry. I am certainly very pleased to see that the state opposition, which is at odds with the agriculture industry and groups across South Australia, has now backflipped on that, because it is important that we have the passage of this key biosecurity legislation without any unnecessary delay.

Clearly, she made the decision initially without consulting broadly across the agricultural industry. This really should have been done before giving notice in this place because it has caused concern in many of our agricultural and horticultural sectors. I think it might have been worthwhile for her to formally respond to all the agricultural stakeholders, advising them of her backflip. She may also want to reflect on why she waited until the second reading to address their concerns despite multiple letters from many agricultural peak bodies to members of this place.

However, I am pleased that the shadow minister will no longer seek to play politics by delaying the passage of this bill. It is too important for that. Key stakeholders from across agricultural commodities indicated that they were opposed to any delay of the Biosecurity Bill, such as would have been caused by referral to a committee, including Livestock SA, the South Australian dairy

association, the South Australian Forest Products Association, the South Australian Horticulture Coalition, Grain Producers South Australia and the Wine Grape Council of South Australia.

The state government is pleased that the shadow minister has now finally listened to both industry as well as statements from this government and agreed that the passage of the bill is vital to the safety and security of our state's agricultural sector. The Biosecurity Bill was introduced into parliament on 29 August and has undergone extensive consultation through the drafting phase and earlier feedback processes, which have taken place over the last four years. Current legislation needs to be updated in order to be fit for purpose to manage emerging biosecurity risks in a dynamic environment.

The Biosecurity Bill adopts a contemporary legislative approach to preventing, eliminating, minimising, managing and controlling biosecurity risks. It consolidates the Plant Health Act 2009, the Livestock Act 1997, the Dog Fence Act 1946, the Impounding Act 1920 and relevant provisions of the Fisheries Management Act 2007 to provide a consistent and flexible framework to deal with emerging and ongoing biosecurity challenges.

The need for robust biosecurity legislation is highlighted by recent biosecurity incidents in South Australia and interstate. Here in South Australia, we have had the detection and management of abalone viral ganglioneuritis (AVG) in the South-East. We have had the ongoing fight against fruit fly and the recent detection of tomato brown rugose fruit virus in the Northern Adelaide Plains. Interstate, they have experienced avian influenza and varroa mite. We have developed modern, flexible and responsive biosecurity legislation to strengthen our primary industries, maintain our natural environment and safeguard plant and animal health.

I will take the opportunity to address a few specific areas that have been raised through the second reading phase of the Biosecurity Bill. The Hon. Ms Franks asked a question in regard to interaction with the Landscape SA legislation. Specifically, she asked:

If an invasive animal or plant is posing a significant biosecurity risk but is not yet declared, could there be an amendment, perhaps, to clarify that the general biosecurity duty can be applied to enforce control in that situation?

The response that has been provided to me is that, in relation to the intersection between the Landscape South Australia Act 2019 and the Biosecurity Bill, it is important to firstly reiterate that the day-to-day management of vertebrate pests and weeds will remain within the remit of the Landscape SA Act. It is only in the event of a biosecurity response, where these pests may also need to be managed to prevent the spread of other pests or diseases, that the biosecurity act would take effect.

With particular reference to undeclared pest animals and plants and the operation of the general biosecurity duty, PIRSA, the landscape boards and the Department for Environment and Water have already committed to a process of working closely together during development of the regulations and implementation of the act to define and clarify these matters and identify and resolve any remaining gaps or issues. I am advised that this matter can be effectively managed through this process within the existing provisions of the Biosecurity Bill. Of course, I would be happy to have further discussions with the honourable member in regard to that matter.

Members also raised the issue of abandoned orchards, and I am aware that neglected and abandoned orchards and vineyards are a significant concern, particularly for the horticultural industry. I am pleased to say that the bill provides a framework to take actions and follow up compliance to address biosecurity risks and impacts, such as those that may be posed by abandoned orchards. This framework provides a range of compliance tools that may be used, such as directions, general or individual, that may require a person or class of people to do a particular thing. There are penalties for not complying, as well as provision for the work to be carried out and costs recovered, if that should be necessary.

The new concept in this bill of the general biosecurity duty also comes into play here, as it would require everyone to take reasonable measures to prevent, eliminate, minimise, control or manage biosecurity risks, of which they ought to be aware. We will continue to work closely with industry on this issue during implementation, including development of the regulations and relevant policy.

In conclusion, the state government will continue to prioritise collaboration with industry and the community as part of our reform agenda, including our work to develop the regulations and policies to support implementation of this important legislation, once passed. It is a significant bill and there will be significant work involved in the process for developing regulations. I thank members for their consideration and contributions to this critical legislation for our state. I commend the bill to this chamber and look forward to the committee stage.

Bill read a second time.

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

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. S.L. GAME (15:47): I rise to briefly offer my support for the Criminal Law (High Risk Offenders) (Miscellaneous) Amendment Bill 2024. This proposal refines and clarifies elements of the High Risk Offenders Act 2015, which was designed to manage high-risk offenders and enhance community protection. This is worthwhile and necessary legislation. I welcome the opportunity to support these current amendments to improve the effectiveness and clarity of the 2015 act.

Under these proposals the definition of 'high risk offender' is expanded to include those under federal or immigration detention and offenders with a history of serious, violent or sexual offences, as well as terror suspects. Such offenders should be encompassed by this legislation, and I fully support this measure to reduce the risk these offenders pose to the safety of the community.

I also welcome the allowance for stricter supervision orders and the restrictions on travel, as well as closing the current loophole surrounding an offender's intention to leave the state. These measures, combined with the increased flexibility offered by interim orders, will allow further room for the Parole Board and courts to make decisions that uphold community protection.

The establishment of protocols for data sharing between state agencies is another useful measure in coordinating a uniform and consistent approach that will improve the quality of cross-state communication and ultimately the capacity to monitor the movement of high-risk offenders in our community. I can only hope that in future this level of cooperation between agencies will be expanded beyond New South Wales to include other states. I commend all the parties involved in refining this legislation and join with them in remaining vigilant in doing all we can to safeguard our community against the ongoing risk posed by these offenders.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:49): I thank all members who have contributed to this important debate, and I look forward to the committee stage and passing these, although minor, important law reforms to the high-risk offenders regime.

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) (15:51): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PLASTIC SHOPPING BAGS (WASTE AVOIDANCE) REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:52): I want to thank members for their contributions on this bill. This bill is a simple bill in terms of repealing one act, but the scheme that sits under the need to repeal this bill is indeed an important one for South Australia, and I look forward to the passage of the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Just to make clear, I am not asking any questions. I just want to put on the public record the Greens' support for this bill—which is hardly surprising—as I missed my opportunity to speak during the second reading stage yesterday.

I particularly want to recognise the leadership of the minister, the Hon. Susan Close, and her team, but I also note that actually it has been a multiparty effort in South Australia to move away from single-use plastics. I recognise as well the leadership of the former environment minister, the Hon. David Speirs, for his work in this space and also the Hon. Heidi Girolamo, who recently chaired the committee looking at trying to reduce waste in this area as well.

There are lots of members of parliament who are passionate about this issue. We have a good track record of working together to reduce the scourge of plastic waste in our state. I see this bill as being yet another positive advancement. I commend the government for the leadership in this area and indicate that it has the Greens' support.

The Hon. C. BONAROS: We must have been busy that day because I, too, did not get the opportunity at the second reading to speak on this bill but would like to echo the sentiments expressed by the Hon. Robert Simms and indicate my support for the bill, and in so doing this might be something the Attorney addresses when he speaks at clause 1.

Whilst I am supportive of the bill, one of the things that struck me when we were having discussions about this bill was now the increased use of paper bags. There seems to be an explosion of paper bags everywhere. Yes, they are different. They are certainly not as sturdy as plastic bags, as we have all heard in this place. The straws are getting better.

I guess one of the issues I am keen to hear from the minister on is the sort of education campaign that is going to accompany this bill in terms of getting us into the habit of taking our bags with us because now, if you pop over to Myer, you are going to get a nice big heavyweight paper bag instead of the plastic bag and we are ending up with cupboard loads of paper bags, particularly those of us who are always forgetful when it comes to taking their bags with them when they return to the shops—we do not always do that. If you go for a walk down the mall, you are not likely to take a bag with you. You might drop into Myer and you might make a purchase and end up with these bags.

Yes, we are doing our bit to recycle them, but I am mindful of the fact that we are now using a whole lot of other bags, and they may be more sustainable and environmentally friendly but I would like to know from the Attorney what we are doing in terms of reminding people to take their bags, if you like, or whatever we are doing in that space to ensure that we are not blowing out paper bags in place of plastic bags.

The Hon. K.J. MAHER: I am getting a little bit of advice on education campaigns, but speaking from my experience, and I am guessing many other people's experience, it will be their experience that will dictate their behaviour in the future. I know when you go shopping now and have a paper bag, it is not as convenient as your many-use bag that you buy for a couple of bucks from a supermarket. I think South Australians are well used to reusable bags after 15 years of banning the lightweight single-use plastic bags.

I think many South Australians, when they go shopping now, take bags with them. I think many of us will have a selection of bags in our car, from having forgotten once or twice before, or,

particularly when you have teenage kids at home, some of whom are now on their Ps and driving in each car that you have at home, many accumulated reusable bags.

On your question specifically of any further education, this probably goes some way to answering the question: I have advice that there was research commissioned by Green Industries South Australia in July 2023—so reasonably recently—that found that 98 per cent of South Australian survey respondents already use their own reusable shopping bags and 25 per cent of respondents do not use plastic shopping bags at all. I know if I only have half a dozen things at a shop I think I can just carry them out without needing a bag, which sometimes is the case. Often I find it is not the case, and I have to pick one up as I fumble with them on the way out. Prior to the 1 September 2024 ban—

An honourable member interjecting:

The Hon. K.J. MAHER: Sorry; I think interjections are out of order, sir.

The Hon. J.E. Hanson interjecting:

The Hon. K.J. MAHER: I might need your protection here, sir; I am getting it from each side. Prior to 1 September 2024 the three major Australian supermarket chains had already moved to offering paper bags to customers instead of heavyweight plastic bags, as well as a large variety of sturdy, reusable bags made from a range of materials. Our national retailers have also moved to offering non-plastic shopping bags in response to bans on plastic bags in Western Australia and the Australian Capital Territory.

The following shopping bags will be permitted under the single-use plastics act, providing a range of alternatives:

- AS-certified compostable, bioplastic carrier bags clearly labelled with certification details;
- shopping bags made wholly from nonplastic material such as paper, calico, hemp, canvas and jute; and
- reusable bags made in whole or part of one or more of the following fabrics—nylon, polyester, woven polypropylene and nonwoven polypropylene if the bag has sewn rather than heat-welded seams and the fabric has a minimum weight of 90 grams per square metre measured as a single layer of fabric.

South Australians are leading the nation, as they often have in these sorts of environmental initiatives, and are very well used to these measures. I know that if I am in another jurisdiction it is almost a shock to see items in the supermarket put into another bag, after being used to the situation here.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (PREVIOUS OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 September 2024.)

The Hon. B.R. HOOD (16:03): I rise as the lead speaker on this bill and indicate the opposition's support. This bill aims to address the existing gaps in our road safety laws, particularly

around handling repeat offences like drink driving. The proposed amendments will ensure that when an individual commits a new offence their past offences are properly taken into account, even if these earlier offences have not yet been fully processed.

The significant change in this bill is in the treatment of multiple offences: instead of addressing them simultaneously they will be dealt with in sequence, which may lead to extended licence disqualification periods for habitual offenders. This bill also grants the registrar increased authority in managing disqualification periods, especially in circumstances where the offender faces considerable hardship.

The opposition recognises that this bill essentially resolves an existing anomaly, empowering the registrar to apply disqualification periods that consider previous offences, even if those offences have not yet been fully expiated. These amendments are set to apply to offences committed before the bill's passage ensuring that repeat offenders are comprehensively held into account.

In essence, this bill reinforces our road safety laws, especially in the area of drink driving, and is expected to be widely supported in the community. The South Australian Liberal Party endorses this bill as it promotes safer driving practices and delivers appropriate penalties for those who disregard our road regulations.

The Hon. S.L. GAME (16:04): I rise briefly to support the government's Motor Vehicles (Previous Offences) Amendment Bill. The penalty provisions are designed to deter offending on our roads and enhance road safety by disqualifying people who repeatedly engage in risky behaviour.

These amendments have been introduced to give effect to this purpose by addressing an administrative anomaly and permitting the Registrar of Motor Vehicles to impose disqualification periods regardless of the timing of the commission and expiation of the alleged offences. The amendments also address the escalating penalty structure for the South Eastern Freeway heavy vehicle speeding offences, which has been removed and replaced with a six-month flat penalty regime to avoid some of the harsh outcomes imposed under the previous structure.

The bill also intends to address intended outcomes in relation to penalties for the following offences: alcohol and drug dependency assessment tests, drink-driving offences and drug-driving offences. The bill also inserts a new section upholding the duty of the registrar to ensure that any person who commits multiple offences will undertake an alcohol or drug dependency assessment.

These measures are important in maintaining public safety on our roads and enforce fair and reasonable penalties on those who put others in the community at risk with their irresponsible behaviour.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:05): I thank all honourable members who have contributed to the debate, 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) (16:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RETURN TO WORK (PRESUMPTIVE FIREFIGHTER INJURIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. S.L. GAME (16:08): I rise briefly to support the amendments contained in the Return to Work (Presumptive Firefighter Injuries) Amendment Bill. The government's bill is designed to expand the range of presumptive liability provisions available for firefighters diagnosed with certain cancers to include cervical, ovarian and uterine cancer. This effectively recognises the growing number of women working as firefighters and is an important measure to recognise the changing nature of this workforce.

Through these amendments, female firefighters who suffer from one of these prescribed cancers and meet the qualifying period will have access to support and presumptive compensation for workplace injuries. 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.

In speaking to the United Firefighters Union today our office learned that the addition of several more conditions via amendments introduced by the Hon. Frank Pangallo would help bring South Australia in line with other states and would be welcomed by firefighters statewide. I will be supporting those amendments. Finally, I note this presumption will include volunteer firefighters who meet the relevant qualification period.

Hopefully members are aware of the vital role volunteer firefighters play across regional and rural South Australia in keeping their communities safe and therefore the need to remove any possible hurdles to volunteering. This sentiment was also enthusiastically reinforced by the UFU when speaking to them earlier today.

The Hon. F. PANGALLO (16:09): I rise to speak in support of this bill and I have flagged amendments which I am pleased to hear have the support of the opposition, the government and also the Greens and the other crossbenchers. I could not think of two more dangerous jobs that serve to protect our community than police work and firefighting. Both professions are held in high esteem and rightly so, and they deserve to be recognised, protected and supported through occupational hazards they encounter during their careers and beyond.

This bill deals with extending presumptive firefighter injuries to include three prescribed cancers for women firefighters in a designated list of cancers which will make it easier for them to have compensation claims readily accepted. However, it needs to go a lot further to cover other cancers that are included elsewhere in Australia. My amendments will bring South Australian firefighters into line with their Queensland counterparts where the previous Labor government passed legislation with bipartisan support to increase the scheme to include malignant mesothelioma and other asbestos-related diseases, as well as primary site liver, lung, pancreatic, penile, skin and thyroid cancers.

It is unfathomable to think that only as recently as 30 or 40 years ago, adequate personal protections for firefighters were either minimal or non-existent. On a recent visit to SACAT, a photograph hanging on one of the walls caught my attention. It was from 1948 and showed firemen attending a city blaze. What particularly struck me was that they were only wearing their dark navy woollen tunics and the old-style brass helmets. I could not see any wearing breathing apparatus but I imagine they would have had the basic gas mask, which would have offered little protection from the toxic chemicals that were burning around them.

That same year those same firefighters would have been battling the biggest blaze ever seen in the city at the time which engulfed the Charles Moore department store, which is now of course the Samuel Way court building. In more recent times, the use of per- and polyfluoroalkyl substances (PFAS) in all kinds of stain-resistant protective sprays, cleaning products, cosmetics, sunscreen and some non-stick cookware can cause health complications such as cancer, liver damage, thyroid disease and fertility issues. Firefighters would encounter these substances on a daily basis, particularly PFAS firefighting foam which is now banned but was used extensively in fire stations around the state.

Max Adlam from the United Firefighters Union says that even wearing thick protective clothing does not prevent exposure to toxic chemicals because pores of the skin can open up from the heat that is generated around them. I would like to read a statement that the UFU put out today calling for the Malinauskas government to support my amendments. It goes on to say:

The UFU calls upon the Government to stop playing games with the well-being of cancer suffering Firefighters, and to support and pass the amended Bill on Thursday.

Max Adlam says that:

The Government made a show of suggesting that their bill was in support of women in Firefighting. It seems that some members of the Malinauskas Government think women only get cancer in their reproductive systems. Women Firefighters have lungs, they have livers, they have pancreases, they suffer from disease if exposed to asbestos. Women in Firefighting will contract these life destroying diseases the same as men. If the Malinauskas Government wants to support women in Firefighting, it must support the Pangallo amendments and provide support for the 23 cancers listed.

If the Government isn't willing to do the right thing by Firefighters on their own, and if the Premier won't meet with Firefighters, the least that his government can do is make sure that their own legislation reaches a vote in Parliament. Let the other elected members of the Legislative Council do what the public expects and show their support for our Firefighters suffering from cancer.

Firefighters have died doing their work, whether in cities, in suburbs, or battling raging bushfires in the regions. When the Twin Towers of the World Trade Center came down in New York in September 2001, 340 firemen lost their lives. Firefighters also die from their work. Here is a more disturbing statistic: a further 370 have died over the past 23 years from related illnesses as a result of attending the Twin Towers' collapse. More are expected, and the US Congress recently passed legislation to increase funding by \$675 million to make up an expected shortfall for the World Trade Center Health Program.

Smoke inhalation of toxic chemicals, dust and other pollutants increase risk of cardiovascular disease and cancer diseases. The World Health Organization has officially declared firefighting to be a cancer-causing profession based on exposure to smoke and other hazardous substances. Sadly, there is little historical data to ascertain just how many South Australian firefighters had health complications leading to their death because of their work in the years before more stringent workplace safety requirements came into force.

It is so disappointing that, in coming up with this bill, the government's intent was more on penny-pinching by keeping an eye on the likely implications to the Return to Work scheme if the list of cancers was increased. Firefighters put their lives on the line every day. They have to deal with a range of challenging incidents, including entering blazing buildings full of dangerous toxic chemicals and confronting incidents like cleaning up horrific accident sites.

The majority of us will never see that kind of activity in our lives and, while I will not go into any detail of just what firefighters have experienced, I was given a couple of examples of the kind of work that they are called out for. Not only is it hazardous to their health but, in a lot of instances, what they have to attend is really heartbreaking, because they are also required to attend accident scenes and incidents that may involve families and children. They are relied upon to carry out that work, and we never really think of the impact it may have on them.

The impact of their workplace, as I said, presents all sorts of stress, anxiety and mental health issues. Expanding the legislation to include other cancers is just plain common sense. I will thank the Attorney-General for calling me this morning and for telling me that the government will be supporting the amendments, and I do understand that there is work to do in going through the process with the Return to Work scheme.

I am hoping they do not just park this bill in the House of Assembly like they have with my post-traumatic stress disorder legislation we passed in this place earlier this year and which deals with the presumptive recognition of mental health related illnesses for first responders like firefighters, police and other emergency frontline workers. I urge the Premier to show his support and compassion for these changes posthaste and, in doing so, demonstrate that he and his government are sincere in recognising the outstanding service this state receives from firefighters in keeping us all safe.

In closing, I would like to acknowledge and thank Max Adlam and her team at the United Firefighters Union, some of whom are here in the gallery today, for their strong advocacy for their members and also for raising with me their desire to extend the list of cancers covered. With that, I commend the bill.

The Hon. C. BONAROS (16:19): I rise to very briefly speak on the Return to Work (Presumptive Firefighter Injuries) Amendment Bill and of course to commend the government for its introduction to this place. At the outset, I echo the Attorney's and other honourable members' comments in acknowledging the service that our firefighters perform, often putting themselves and their welfare and safety at risk. As we have heard, those risks are not just limited to a burning fire and that is in a nutshell what this bill seeks to address: the long-term impacts of occupational exposure to carcinogens that make it statistically more likely for them to develop particular cancers than the rest of us.

By extension, the bill recognises the impacts on female firefighters in particular by extending the scope of presumptive liability to female-specific cancers, namely, primary site ovarian cancer, primary site cervical cancer and primary site uterine cancer. In so doing, the bill and the policy underpinning are an acknowledgement of the fact that what was traditionally a male-dominated occupation has of course shifted, with women now representing, as I understand it, something like 11 per cent of paid firefighters and 25 per cent of volunteer firefighters.

I acknowledge and thank, as other honourable members have done, the United Firefighters Union and especially Ms Max Adlam for the ongoing advocacy and persistence in this space and in so doing I note the contributions made by witnesses who have appeared before the return to work committee on this same issue. I also commend the government members of that committee, especially the Hon. Ms Bourke, who I know was very attentive when we heard that evidence in terms of the impacts on female firefighters, for the influence she had over this policy.

Members may recall that in April last year *The Advertiser* reported on the union's calls on the state government to add female cancers to presumptive legislation in addition to the 12 already on the list, arguing that female firefighters are fighting a shocking new gender bias that must be rectified. As I said at the time, the law was, is and remains until hopefully now grossly outdated and this is obviously an area that requires urgent and robust attention to ensure that female firefighters who are afflicted with female reproductive cancers are appropriately protected similar to their male colleagues.

This brings us to this bill and I want to take the opportunity to acknowledge, importantly, that this has been a multipartisan approach. I acknowledge the work of former Minister for Emergency Services Joe Szakacs on this issue and of course the work of the Greens and Adam Bandt nationally. I understand that it was indeed Mr Bandt who moved the first piece of legislation of this sort in the nation. It is a great outcome all-round.

I note also the amendments that have been filed to expand the list of cancers that will be subject to the presumptive liability, based again on the advocacy of the UFU, a measure which I support, without of course detracting from the importance of this bill when it comes to females specifically.

I think the Hon. Heidi Girolamo summed it up well in her second reading speech when she said, 'This is a good bill and they are good amendments.' It would be a crying shame if we did not take this opportunity to address this issue appropriately, not only for female firefighters but for all firefighters who put their lives at risk every day, whether they are paid or voluntary, to keep us and our communities safe. Like other members, I thank them once again for everything they do for us and indicate my support for the bill and the amendments.

The Hon. R.A. SIMMS (16:23): I rise briefly to speak in favour of this bill. Members would be aware that this is the portfolio responsibility of my colleague the Hon. Tammy Franks. She is absent today and so I just want to save us some time in the committee stage and indicate where the Greens sit in relation to the amendments of the Hon. Frank Pangallo.

It will not be surprising to members that of course we are supportive of the honourable member's amendments. While the Greens acknowledge and thank the government for bringing this bill forward, as my colleague the Hon. Tammy Franks alluded to in her second reading speech, the government has not brought forward the full list of changes that stakeholders, including the UFU, the United Firefighters Union, have asked for. I want to briefly reference some of the correspondence I understand my colleague the Hon. Tammy Franks has received from the UFU:

The Queensland Parliament recently passed the Workers' Compensation and Other Legislation Amendment Act 2024. That Act significantly increased the number of cancers that are covered by presumptive workers compensation provisions for professional firefighters. The total number of cancers covered by the Queensland scheme is 23. Significantly, the proposal in Queensland enjoyed bipartisan support. Disappointingly, to date we have not received support for equivalent legislation from the Malinauskas Government.

That is disappointing. For clarity, that correspondence was received on 18 October this year. The correspondence goes on to point out that, while South Australia's current scheme is in alignment with Queensland's on 16 cancers, the bill as it stands would only add an additional three to the list. Of course we welcome that, and the government should be commended for doing that, but we do need to go a bit further, and that is what the amendments of the Hon. Frank Pangallo do. These amendments would add eight more cancers to the list and bring a further one in line with the length of service required under the scheme that operates in Queensland.

Once again, I think this does demonstrate the power of the crossbench in this place in terms of coming up with important contributions, putting forward the concerns of stakeholder groups. I commend the Hon. Frank Pangallo for his work on this and also the UFU and others who have been advocating in this space. This bill will be strengthened by the amendments not only for career firefighters but also volunteer firefighters. As the Hon. Tammy Franks mentioned in her second reading speech, while the Greens have consulted with the CFS Volunteers Association, it is not clear to us whether the government has actually consulted with these groups when developing this legislation.

With that, I indicate the Greens will support both of the Hon. Frank Pangallo's amendments. I might also use this opportunity to recognise the long-term work and leadership of my colleague the Hon. Tammy Franks, who has been a long-term advocate for the CFS and firefighters and addressing their needs. I want to commend her as well for her work.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:27): I thank members for their contributions during the second reading stage. I think it speaks to the absolute regard in which firefighters are held in our community that every member who has spoken on this bill in this council has spoken about their incredible service and sacrifice, regularly putting themselves in harm's way for the safety of others.

Members have also spoken about the work of the union that represents firefighters, representing and standing up for their interests, the United Firefighters Union. I would also like to thank them for their steadfast commitment in standing up for their members. In the nearly three decades that I have been involved in the labour movement, the people from the United Firefighters Union have been some of the finest trade unionists I have met over my time. They have consistently put their members' interests at the very heart of what they do.

What is reflected in this bill reflects the standing in which firefighters are held and the work that the United Firefighters Union does in standing up for their interests. It makes important changes to our workers compensation system so it operates more fairly for the significant and growing number of women who join our firefighting service, either as professionals or volunteers. Many members in their contributions have addressed the request of the United Firefighters Union to expand the presumptive liability for a broader range of diseases under schedule 3 of the act. That is reflected in the amendments put forward by the Hon. Frank Pangallo.

The position of the government is certainly not to reject those proposals. We have been clear in our commitment to ongoing dialogue about the further expansion of presumptive liability provisions. Indeed, I think towards the end of next week I am very pleased to have a meeting with the United Firefighters Union, secretary Max Adlam and some of her members, where I have absolutely no doubt that it will be discussed. I hope to get out of the meeting without my other arm in a sling.

However, there is a practical difficulty posed in the Hon. Frank Pangallo's amendments for the government at this time in that, although we have commenced obtaining advice on the impacts of some of the proposed changes, for a few in there we have not yet commenced looking at the impacts that were recent additions in Queensland, but that is something we will do.

The government has brought this bill into the parliament at this time because we are in a position right now to definitively support the amendments with respect to the ones that are in the government bill. The amendments to the act would expand that presumptive liability beyond those three cancers affecting women—that is, primary site cervical cancer, primary site ovarian cancer and primary site uterine cancer.

Given that we can commit to that reform, our position is that we want the bill passed as soon as we possibly can, which is why we are bringing it to a vote today and not delaying it, but we understand the Hon. Frank Pangallo is equally committed to moving his amendments today, which we respect, and we also understand that a majority of members in this chamber are committed to supporting those amendments. The government will not stand in the way of that approach.

I confirm that we will not be opposing the amendments to be moved by the Hon. Frank Pangallo and will reserve our position as we do further work, as the bill finds its way to the other place, to obtain the necessary advice on the amendments. What that will necessarily mean, though, is that, for the three that are the subject of this bill, if it were unamended it would necessarily take more time to be implemented as we seek advice on those other amendments. I thank members again for their second reading contributions and look forward to the committee stage of this bill and further consideration of it in the other chamber.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 2, after line 10—Insert

- (1) Schedule 3, table headed 'Description of Injury', entry relating to 'Primary site oesophageal cancer'—delete '25 years' and substitute '15 years'

This is to insert in schedule 3, description of injury, entry relating to primary site oesophageal cancer, and delete '25 years' and substitute it with '15 years' of service, which brings it in line with most of the other listed cancers.

The Hon. H.M. GIROLAMO: The opposition will support this amendment and we thank the Hon. Frank Pangallo and the United Firefighters Union for raising these concerns to ensure that it is in line with Queensland.

Amendment carried.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 2, after line 15—Insert:

- Asbestos related disease (15 years)
- Malignant mesothelioma (15 years)
- Primary site liver cancer (15 years)
- Primary site lung cancer (15 years)
- Primary site pancreatic cancer (10 years)
- Primary site penile cancer (15 years)
- Primary site skin cancer (15 years)
- Primary site thyroid cancer (10 years)

This is to insert other cancers and asbestos-related disease with 15 years of service; malignant mesothelioma, 15 years; primary site liver cancer, 15 years; primary site lung cancer, 15 years; primary site pancreatic cancer, 10 years; primary site penile cancer, 15 years; primary site skin cancer, 15 years; and primary site thyroid cancer, 10 years. In doing so, this brings the list of cancers in line with those that have been adopted interstate, particularly in Queensland.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PARLIAMENT - EXECUTIVE OFFICER AND CLERKS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 September 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:35): I rise today to indicate the opposition's support for the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill 2024. This bill seeks to introduce administrative changes to the Parliament (Joint Services) Act 1985 and the Remuneration Act 1990, aiming to enhance the internal management of our parliamentary services.

The primary feature of this bill is establishing an executive officer position for the Joint Parliamentary Service. This new role will carry responsibility for the overall management and coordination of our parliamentary services, reporting directly to the committee. The addition of an executive officer clarifies leadership within the parliamentary service, centralising oversight and aligning this management role with the broader standards of the Public Service Code of Conduct. The role is intended to support efficient administration and ensure consistency in operations, especially as our parliamentary service evolves to meet current and future needs.

Furthermore, the bill includes provisions to streamline remuneration practices. Under clause 9, the remuneration of clerks in both the Legislative Council and the House of Assembly will now fall under the purview of the independent Remuneration Tribunal. By assigning responsibility to the tribunal, the bill aims to establish a transparent and consistent approach to setting remuneration for these roles, reflecting the professional standards of other Public Service positions.

We recognise that these are primarily procedural changes designed to support and improve the internal workings of the parliamentary service. Though the measures are principally administrative, they serve to modernise some of the fundamental operational structures, clarify leadership roles and align the remuneration process with independent oversight. These adjustments may seem minor, but they represent a constructive step towards ensuring that our parliamentary services remain well-organised and capable of supporting the legislative process effectively.

The opposition supports the bill as a measure to enhance the efficiency and transparency of our parliamentary operations. This is a positive move to strengthen the underlying frameworks that keep our parliament functioning smoothly and professionally.

The Hon. F. PANGALLO (16:37): I rise to say that I will be supporting the bill.

The Hon. I.K. HUNTER (16:38): I rise in support of the bill, and I wish to make a very brief contribution to this debate. This bill amends the Parliament (Joint Services) Act 1985 in order to significantly reform the management structure of the Joint Parliamentary Service. The bill establishes the office of the executive officer of the Joint Parliamentary Service.

The proposed executive officer will be responsible to the Joint Parliamentary Service Committee for the efficient management of the Joint Parliamentary Service. The executive officer will be the chief officer in relation to the Joint Services Division of the Joint Parliamentary Service and must report to the committee on any aspect of the management or operation of the Joint Parliamentary Service. The executive officer will provide those secretarial services to the Joint Parliamentary Service Committee that are currently provided by the clerks of the Legislative Council and the House of Assembly—very ably, as they do.

The executive officer will sit on the advisory committee, which is responsible for making recommendations to the Joint Parliamentary Service Committee, the President of the Legislative Council or the Speaker of the House of Assembly in relation to the management and working conditions of the staff of the parliament. The chief officers of each division of the Joint Parliamentary Service will report to the newly established executive officer in relation to the efficient management of their respective divisions.

The establishment of this new office will modernise and centralise the executive and organisational operation of the Parliament of South Australia. It is appropriate that a dedicated executive officer be the central person with a responsibility of a range of functions currently divided between various other officers. It offers an opportunity for improved regulation of the conditions of service for those officers who serve both houses of parliament.

In relation to the proposed amendments to the Remuneration Act 1990, I am pleased to support a bill which will increase transparency and oversight by conferring jurisdiction on the Remuneration Tribunal to determine the remuneration of the clerks and deputy clerks of the Legislative Council and the House of Assembly, just as it does for judges and members of parliament. I commend the bill to the house.

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

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

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:40): I move:

That this bill be now read a second time.

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

Leave granted.

I rise today to introduce the Transplantation and Anatomy (Disclosure of Information and Delegation) Amendment Bill 2024.

The Bill will amend the South Australian *Transplantation and Anatomy Act 1983* to make it easier for the families to share their stories about their deceased loved one's donation or transplant, and to make minor administrative amendments.

The *Transplantation and Anatomy Act 1983* relates to the donation of human tissues including solid organs, eye and other tissues, and blood, for transplantation or other therapeutic, medical, or scientific purposes, and to body donation and post-mortem examination.

The legislation aims to protect identifying information about a donor or recipient from becoming publicly known, except with the consent of that person. The legislation does not currently allow for consent to be provided on behalf of a deceased person.

Some families of deceased donors currently consider they may be in breach of the legislation for sharing stories about their loved one's donation, particularly for the purposes of commemoration or raising awareness about organ and tissue donation.

The amendments clarify that restrictions on the disclosure of information will apply only to persons involved in an activity, function or service relating to the removal of tissues, body donation, and post-mortem examinations, and will allow for a next of kin or personal legal representative (or a parent or guardian in the case of a child) to consent to the disclosure of information on behalf of a deceased donor or recipient. It is also proposed to modernise the legislation by updating the language and providing for the delegation of Ministerial powers or duties.

Consultation on the draft Bill was undertaken over a four-week period from 25 July to 16 August 2024. Detailed information on the proposed changes and a survey inviting feedback was made publicly available on the YourSAy website and promoted on the SA Health website and through social media.

Targeted stakeholder consultation was also undertaken with local and national donation and transplant service providers, government departments and advisory groups, the Commonwealth Organ and Tissue Authority, DonateLife SA, advocacy and charity groups, and representatives of South Australian donor families.

I would like to sincerely thank the stakeholders for their contributions to the consultation process. In total 85 responses were received, with 82 survey responses and 3 written submissions from both local and national respondents.

Overall, there was strong support for families of deceased persons who were a donor or transplant recipient being able to share stories about their loved one. Over 95% of survey respondents supported the proposed changes.

The South Australian legislation forms part of a nationwide set of human tissue laws. Some jurisdictions have undergone similar legislative amendments to provide legal clarity to families who wish to share stories about their deceased loved one's donation or transplant. Nationally, health professionals and governments maintain confidentiality and protect the identity of organ and tissue donors and recipients. These arrangements are not changed by the Bill.

I would like to thank the Department for Health and Wellbeing Public Health Division and the Department's Blood, Organ, and Tissue Program staff for their work in developing the Bill and undertaking extensive consultation with stakeholders and the community.

The *Transplantation and Anatomy (Disclosure of Information and Delegation) Amendment Bill* will ensure greater legal clarity for donor families acknowledging their loved ones publicly, and in-person at events for the purposes of remembrance, commemoration, or raising awareness about organ and tissue donation.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Transplantation and Anatomy Act 1983*

3—Amendment of section 39—Disclosure of information

Currently, section 39 of the principal Act provides that a person must not disclose information or a document about a person in respect of whom certain activities or functions under the Act have been undertaken if the identity of the person may become publicly known as a result of the disclosure (other than in specified circumstances). This clause restricts the operation of section 39 to disclosure by specified persons, being those who have knowledge of, or access to, that information or document only by reason of their work in undertaking an activity or function, or performing a service, under the Act (but not those who undertake a function under the Act by reason of being the next of kin of the person to whom the disclosure relates) or—

- through working for or with such a person at the time of the activity, function or service, or later; or
- being an entity (that is a legal person) that engages such a person to work at, or on behalf of, the entity; or
- through working at or for an entity that engages such a person to work at, or on behalf of, the entity at the time of the activity, function or service, or later.

This clause also clarifies that the restriction on disclosing information and documents applies in respect of information or documents that may result in the identity of a person who is deceased becoming publicly known.

It also amends section 39 to allow a child's parent to consent to the disclosure of information or documents related to the child. In the case of a deceased person, the deceased person's next of kin or legal personal representative can provide consent for the disclosure of such information or documents.

4—Insertion of section 40A

This clause inserts a new section.

40A—Delegation

Proposed section 40A is a standard power of delegation for the Minister.

Schedule 1—Statute law revision amendment of *Transplantation and Anatomy Act 1983*

The Schedule makes various amendments of a statute law revision nature to the principal Act.

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

PREVENTIVE HEALTH SA BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:41): I move:

That this bill be now read a second time.

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

Leave granted.

I rise today to introduce the *Preventive Health SA Bill 2024*.

Whilst many South Australians experience good health, rates of chronic conditions are increasing, with some population groups and communities experiencing poorer health outcomes compared to others.

Combined with an ageing population this is having an impact on escalating demand and costs on our health care system and more importantly the impact in terms of the human cost of illness and lost productivity.

According to recent research:

- 8.7% of South Australians aged 15 years and over currently smoke;
- 68% of adults and 27.5% of children across South Australia are currently overweight or obese; and
- more than 29% of South Australian adults consume alcohol that puts them at risk of harm from alcohol related disease or injury.

When you consider population growth, projections indicate that without intervention the number of people experiencing these risk factors will increase.

It is expected that by 2029 an additional 1,900 children and 48,000 adults will be overweight or obese.

For adults aged 18 years and older it is projected that an additional:

- 9,800 females and 15,000 males will be exceeding alcohol consumption guidelines;
- 7,800 females and 4,900 males will report high to very high levels of psychological distress; and
- 2,600 females and 3,300 males will report suicidal ideation.

We all know the adage 'prevention is better than cure' and we must ensure attention is given to taking comprehensive action to reduce this growing burden of ill-health and disease.

We must ensure preventive health effort is a key component of our overall health response because we know its proven impact on reducing health risk factors such as smoking tobacco and UV sun exposure, and how such changes reduce rates of chronic disease and improve the health and wellbeing of individuals, families and the community as a whole.

We know that targeted preventive health action must occur to improve the health and wellbeing of priority population groups, especially Aboriginal and Torres Strait Islander persons who experience a burden of disease that is 2.3 times greater than other Australians.

Under previous South Australian Governments, reviews of non-hospital-based services have led to reductions in primary prevention funding and uncertainty in relation to resourcing and priorities for prevention work in South Australia.

Such changes have resulted in South Australia not sustaining preventive health infrastructure that can deliver coordinated and comprehensive strategies to prevent ill-health and downstream costs to the South Australian health system.

Despite this, good work has continued to take place to promote preventive health initiatives in South Australia.

In 2020 Wellbeing SA was established to support the physical, mental and social wellbeing of South Australians, using a population health approach to improve the health of the entire population.

While this agency included many important priorities and functions that have continued to be delivered today, it was also responsible for other integrated care services that supported public hospitals with system-wide demand activities.

Preventive health functions relating to smoking, vaping and alcohol also sat separately as part of Drug and Alcohol Services South Australia.

Earlier this year, Preventive Health SA was established, strengthening the prevention agenda in South Australia through the consolidation of these key prevention functions into a single agency.

The *Preventive Health SA Bill 2024* is the first of its kind in South Australia, formally recognising preventive health as an important area of health policy and ensuring it becomes a permanent part of the infrastructure of the health system in South Australia.

The *Preventive Health SA Bill 2024* demonstrates the South Australian Government's commitment to embedding systems and structures in legislation for long term, sustainable health system enhancements to support positive health and wellbeing outcomes which, over time, will reduce pressure on the acute health system.

The Bill provides the legislative infrastructure required in South Australia to build a sustainable prevention system for the future and help drive long-lasting, positive health and wellbeing change for current and future generations.

Over the past 40 years legislation has been critical to taking action on complex public health challenges, playing a key role in reducing fatalities and injuries on roads and reducing smoking prevalence.

We have been fortunate in South Australia to lead the way with contemporary preventive health legislation over the past couple of decades.

The *South Australian Public Health Act 2011* which replaced the *Public and Environmental Health Act 1987* provided the State with a modernised, flexible legislative framework, supporting a better response to emerging and traditional public health challenges.

The *Suicide Prevention Act 2021* is another example of unique and nation leading preventive health legislation, the first of its kind for any jurisdiction in Australia which aims to reduce the incidence of suicide in the State.

The *Preventive Health SA Bill 2024* strengthens and compliments the *South Australian Public Health Act 2011* and other key prevention legislation in South Australia relating to suicide prevention, controlled substances, alcohol and tobacco.

In February this year the Preventive Health SA Establishment Advisory Council was established to provide expert advice on the drafting of this Bill.

Chaired by the Honourable Nicole Roxon, members of the Council had expertise in epidemiology, public health policy, Aboriginal health and health equity, preventive health strategy, Government policy making and business.

The Council sought community and stakeholder input into the drafting of this Bill, with a range of individuals and organisations providing feedback through public consultation held earlier this year.

There were high levels of support for enshrining preventive health policy and action in legislation and the Bill was further strengthened following consultation feedback.

The *Preventive Health SA Bill 2024* contains a number of Objects which outline the intent of the Bill to:

- ensure a dedicated focus on improving the health and wellbeing of South Australians by preventing and reducing the burden of non-communicable health conditions through addressing preventable risk factors and the associated determinants of health;
- improve health equity for Aboriginal and Torres Strait Islander persons as well as other priority population groups;
- lead preventive health action and strengthens collaboration across government, non-government and other key sectors; and
- embed the prevention agenda for long term and sustainable outcomes.

Within 18 months of the legislation being assented to, the Chief Executive will ensure a strategic plan for preventive health action in South Australia is available, identifying preventive health policies, priorities and measures in order to further the Objects of the legislation.

The Preventive Health SA Council will also be established under this legislation and will include members with diverse preventive health knowledge, expertise and experience.

I am very pleased that this legislation is one of the first to be considered by the South Australian Voice to Parliament and has been strengthened following their feedback.

The Objects include a focus on improving health equity for priority population groups, but of note is the specific Object focussing on healing and wellbeing for Aboriginal and Torres Strait Islander persons through preventive health action.

The Council established under this legislation will have strong representation with at least two Aboriginal and Torres Strait Islander persons as members.

The Bill also enshrines the strong commitment to working together with Aboriginal and Torres Strait Islander communities through the requirement for the Chief Executive to consult and collaborate with Aboriginal and Torres Strait Islander persons and their representative bodies in performing their functions.

There are a number of provisions in the Bill that support the Government's commitment to create an independent prevention agency, ensuring the ability to lead and engage across government agencies on preventive health action, while providing impartial, evidence-informed advice and information.

Independence of the Chief Executive and the Council is essential for transparency and influencing and driving positive change in decision making and action.

The challenge ahead of us is great and Government cannot do it alone.

I would like to thank and acknowledge the work of partners that have supported the prevention agenda.

Organisations such as the

- South Australian Health and Medical Research Institute
- Cancer Council SA
- Heart Foundation
- Diabetes SA
- University of South Australia
- Flinders University
- Adelaide University
- Public Health Association of Australia
- Australian Health Promotion Association
- South Australian Council of Social Service
- Local Government and
- The South Australian Aboriginal Community Controlled Organisation Network

are just a few of the organisations who share our commitment towards improving the health of all South Australians.

I would also like to thank members of the Establishment Advisory Council who have provided advice to help draft this important Bill including:

- Hon Nicola Roxon, Chair;
- Dr Michelle Atchison;
- Todd Harper;
- David Pearson;
- Professor Caroline Miller;
- Associate Professor Odette Pearson;
- Kim Morey;
- Dr Rhiannon Pilkington;
- Andrew Culley; and
- Dr Alison Edwards

I would also like to acknowledge and thank all the staff of Preventive Health SA for their continued work since the establishment of this agency earlier this year, including Marina Bowshall, who has recently been appointed Chief Executive of Preventive Health SA.

This is an important and much needed piece of legislation. I believe the Bill will play a significant role in South Australia becoming an even healthier State through strengthening collaborative and evidence-informed preventive health policy and action.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects and key principle

The objects and key principles of the measure are set out.

4—Interpretation

Certain terms are defined for the purposes of the measure.

5—Interaction with other Acts

The measure is in addition to, and does not derogate from, any other Act or law.

Part 2—Office for Preventive Health SA

6—Office for Preventive Health SA

The Minister is required to designate an administrative unit of the Public Service as the Office for Preventive Health SA.

Consultation with the Preventive Health SA Council under the measure is required before the engagement, transfer or termination of the employment of the Chief Executive of that administrative unit under the *Public Sector Act 2009*.

7—Functions

The functions of the Chief Executive of the Office for Preventive Health SA are set out.

8—Exercise of functions

The Chief Executive is required to act independently, impartially and in the public interest in performing their functions. The Minister is authorised to give the Chief Executive a direction in relation to the performance of the Chief Executive's functions, except in relation to certain specified functions.

9—Strategic plan

The Chief Executive is required to prepare a strategic plan for preventive health action in South Australia and review it at least once in every 4 years. Other provisions relate to preparing, reviewing and publishing the plan.

10—Annual report

An annual report on the performance of the Chief Executive's functions under the measure is required to be prepared and tabled in Parliament.

11—Delegation

Provision is made for the Chief Executive to delegate their functions.

Part 3—Preventive Health SA Council

12—Establishment of Preventive Health SA Council

The Preventive Health SA Council is established. The Council consists of the Chief Executive and at least 8 other members appointed by the Minister on the recommendation of the Chief Executive, of whom at least 2 must be Aboriginal or Torres Strait Islander persons.

The collective knowledge, expertise or experience required of members of the Council is set out.

13—Terms and conditions of membership

The terms and conditions of appointment of members of the Council are to be determined by the Minister.

14—Vacancies or defects in appointment of members

This clause is technical.

15—Remuneration

The remuneration of a member of the Council is to be determined by the Minister.

16—Functions

The functions of the Council are provided for.

17—Committees

The Council is authorised to establish committees.

18—Delegations

Provision is made for the Council to delegate its functions.

19—Procedures

Procedures of Council meetings are provided for.

Part 4—Miscellaneous

20—Resources for preventive health

This clause makes provision in relation to the Minister determining the resourcing that the Chief Executive reasonably needs to carry out the Chief Executive's functions under the measure.

21—Regulations

A regulation-making power is set out for the purposes of the measure.

Schedule 1—Transitional provision

1—Transitional provision

A transitional provision relating to the first strategic plan is provided for.

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

**TOBACCO AND E-CIGARETTE PRODUCTS (E-CIGARETTE AND OTHER REFORMS)
AMENDMENT BILL**

Final Stages

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

FAIR WORK (REGISTERED ASSOCIATIONS) AMENDMENT BILL

Final Stages

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

RETURN TO WORK (EMPLOYMENT AND PROGRESSIVE INJURIES) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No.1—New clause, page 4, after line 17—Insert:

4A—Insertion of section 17A

After section 17 insert:

17A—Employer and Corporation not to be present at examination or treatment of worker without consent

- (1) Subject to this section, a worker's employer or the Corporation must not be present while a worker is—
 - (a) being physically or clinically examined, or treated, by a health practitioner; or
 - (b) undergoing any diagnostic examination or test required for the purposes of the worker's treatment by a health practitioner.
- (2) A worker's employer or the Corporation may be present while the worker is at an examination, treatment or testing referred to in subsection (1)(a) or (b)—

- (a) if the worker gives written agreement to their presence in the designated form; or
 - (b) in circumstances prescribed by the regulations.
- (3) Nothing in this section prevents a worker's employer or the Corporation from being present during a consultation involving the worker and a health practitioner for the purposes of discussing the worker's recovery and return to work.

No. 2—Clause 8, page 10, after line 34—Insert:

- (a1) Section 22(6a)—delete 'If' and substitute 'Subject to subsection (6b), if'
- (a2) Section 22—after subsection (6a) insert:
 - (6b) If the Impairment Assessment Guidelines are amended or substituted, the guidelines in operation immediately before the commencement date of the amendment or substitution will continue to apply in relation to the assessment of permanent impairment of a worker's injury if, before that commencement date—
 - (a) the worker's injury satisfies the requirements of section 22(7)(a) of the Act; and
 - (b) the worker attended an appointment with an accredited medical practitioner selected in accordance with the Impairment Assessment Guidelines for the purposes of an assessment of permanent impairment of that injury.

No. 3—New Clause, page 12, after line 30—Insert:

9A—Amendment of section 37—Prescribed benefits

Section 37—after paragraph (b) insert:

- (ba) any prescribed amount ordered by the Tribunal to be paid to the worker by the employer under section 18(5e);

No. 4—Schedule 1, clause 5, page 15, lines 1 to 3 [Schedule 1, clause 5(4)]—Delete subclause (4)

No. 5—Schedule 1, clause 5, page 15, after line 24—Insert:

- (12) To avoid doubt, a reference to an injury being at MMI in a report prepared (whether before or after the commencement of this clause) for the purposes of an assessment of permanent impairment is to be taken to be a reference to the injury being stabilised.

Consideration in committee.

The Hon. K.J. MAHER: I move:

That the House of Assembly's amendments be agreed to.

Motion carried.

At 16:44 the council adjourned until Tuesday 12 November 2024 at 14:15.