LEGISLATIVE COUNCIL

Tuesday, 12 November 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:18 and read prayers.

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

Bills

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

Assent

Her Excellency the Governor assented to the bill.

MOTOR VEHICLES (PREVIOUS OFFENCES) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—
- Australian Health Practitioner Regulation Agency
- Coast Protection Board (Addendum)
- National Health Practitioner Ombudsman
- Premier's Climate Change Council

Regulations under Acts—
- Construction Industry Training Fund Act 1993—Miscellaneous
- Fire and Emergency Services Act 2005—Conduct and Discipline of Members
- Late Payment of Government Debts (Interest) Act 2013—Calculation of Interest
- Tobacco and E-Cigarette Products Act 1997—Smoking Bans—Residential Aged Care Facility
- Unclaimed Money Act 2021—General

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

Reports, 2023-24—
- Administration of the Freedom of Information Act 1991 (Addendum)
- Audit of Compliance with Criminal Law (Forensic Procedures) Act 2007
- Summary Offences Act 1953
- Suppression Orders

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

Reports, 2023-24—
- Dairy Authority of South Australia
- Dog Fence Board
- Stony Point Environment Consultative Group
- Veterinary Surgeons Board of South Australia

By the Minister for Forest Industries (Hon. C.M. Scriven)—

Forestry SA, Report—2023-24

ANSWERS TABLED

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

Question Time

QUESTIONS ON NOTICE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I seek leave to provide a brief explanation before asking a question of the Leader of the Government in this place regarding overdue and unanswered questions on notice.

Leave granted.

The Hon. N.J. CENTOFANTI: As of today, 13 questions on notice are overdue in this place, with some of those questions being overdue by over three months. My questions to the Leader of the Government in this place are:

1. Does the leader believe he is above standing order 98c?

2. What instructions does the leader provide to officers and departments and his fellow ministers in regard to the prioritising of questions on notice?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): I thank the honourable member for her question. I think, compared to the pages and pages, often, of questions left unanswered by Liberal governments of years gone by—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: As I said, of Liberal governments gone by. I am happy to have a look at the 13 questions—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —the honourable member refers to and to see from where they have come and to look to bring them back as soon as possible, as we always endeavour to do.

QUESTIONS ON NOTICE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): Supplementary: what instructions, if any, does the leader provide to officers and departments in relation to those questions on notice?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): We always endeavour to have these things answered as timely as possible.

Members interjecting:

The Hon. K.J. MAHER: Sir, I need some protection.

The PRESIDENT: I don't think you do, at this point. The honourable Leader of the Opposition, your second question.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries in relation to the tomato brown rugose fruit virus.

Leave granted.

The Hon. N.J. CENTOFANTI: During a Budget and Finance hearing, the Chief Executive of PIRSA stated, when asked about whether PIRSA can guarantee a 10-day turnaround time for testing results, that—and I quote:

> As I said, within the 10-day period we have we make sure we get the samples result to them [the growers], so somehow they can still transport their goods to the destinations.

However, the opposition has heard, as recently as this morning, from growers who have passed the 10-day period and have not received test results. Because WA will not allow movement of fruit into the state without the negative test result and corresponding certificates, it means that these growers are now stuck with their fruit without a home. My questions to the minister are:

1. Has the minister been briefed on this incredibly important issue? If so, when and by whom?

2. Given the words of the CE about how critical this testing turnaround time is, will the minister concede that she continues to fail the tomato growers in this state?

3. What is the minister doing to ensure her department is delivering test results on time?

4. Will the government be compensating growers for their loss of income from the fruit they now can no longer send to WA because of their inability to deliver timely test results?

5. Given the minister continues to fail in her government's response, will she resign as Minister for Primary Industries?

Members interjecting:

The PRESIDENT: Order! Order, the Hon. Mr Hunter, the honourable Leader of the Opposition and the Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): I thank the honourable member for her question, in spite of the parts of it that are rather ridiculous. The majority of it I am happy to answer. In late October I announced the first South Australian-based testing laboratory for tomato brown rugose fruit virus at the Waite campus of the University of Adelaide, and I can advise that it has now commenced a significant next step in the ongoing response to this highly contagious plant disease. It is being managed by the South Australian Research and Development Institute (SARDI) at its Molecular Diagnostics Centre, and samples therefore on the whole will no longer need to go interstate to be tested. That will assist in terms of the timeliness of being able to get results back.

Members may recall that previously there were only two labs in Australia that were accredited to test for this tomato brown rugose fruit virus. That meant that our testing, our samples, had to go to New South Wales or to Victoria and be processed there, so there was the time for travel of those samples, as well as obviously those labs dealing not only with samples coming from South Australia but their other usual workload as well.

Being able to test for the virus at SARDI will further support the growers who are seeking to meet the confirmed Western Australian and Queensland certification protocols, allowing the continuation of trade from South Australian businesses that have tested negative for the virus. I remind members that the state government is absorbing the costs of any required sampling and testing that producers may need to undertake as part of this certification process, contrary to some of the mischievous remarks made by those opposite.

The development, in terms of the lab, follows biosecurity accreditation from the Australian Department of Agriculture, Fisheries and Forestry for the laboratory that is conducting the testing. As

soon as it became clear that there was something of a bottleneck that was having significant impact on South Australian growers, we moved to start the process to get that national accreditation.

Response measures are continuing, with a strong focus on sampling crops to delimit and contain the extent of the spread and commencing measures to remove affected crops so that glasshouses can be decontaminated. The diagnostic process is very thorough, with two separate PCR tests, one for each sample submitted and, as I have mentioned previously, the decontamination between the testing of the samples is also quite time consuming.

From the latest situation report the response has received results of almost 4,000 samples. The quality assurance process has now been completed at the laboratory, so the laboratory is fully operational. The lab throughputs are starting at approximately 160 samples a day. There will be avenues to provide surge capacity that will increase the operating hours of the lab as necessary to work with the number of samples that may come in, and PIRSA is continuing to work with industry in regard to those outcomes. Growers, as I mentioned, will not and have not been charged for these tests. Further testing requirements to meet market access needs is something that normally growers would pay for, but in this circumstance the government is absorbing that.

In terms of compensation, as we know, quarantine orders have been issued under the provisions of the Plant Health Act 2009. Under the same act, people who have suffered loss or damage as a direct consequence of such an order may make application for compensation. Whilst I acknowledge that the minister, myself, is not compelled to make payment of compensation under that provision, we have been liaising throughout this with the commonwealth government and the other jurisdictions.

The detection is currently subject to consideration under the national Emergency Plant Pest Response Deed, which also considers how compensation should be managed for deed signatories. Quarantine orders have been issued under provisions of the Plant Health Act, and under that act people who have suffered loss or damage as a direct consequence of such an order may make application for compensation, and the government is currently considering that and will be in a position to brief me further soon.

Members interjecting:

The Hon. C.M. SCRIVEN: I do note how those opposite ask a question and then are not sufficiently interested in the answer to listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Instead of actually wanting to have a deep understanding of the issue, clearly they want to make political points. I am advised that the national Emergency Plant Pest Response Deed includes guidance for industry bodies, states and territories that have signed up to the deed. This guidance includes how owner reimbursement costs, sometimes called compensation, should be managed. Because the fresh tomato industry has not signed up for the deed, further discussion is needed, and has been and is happening at a national level before a decision can be made as to how that may apply in this response. Through PIRSA, we are continuing to explore these and continuing to have those discussions at a federal and other state and territory jurisdiction level.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: how often is the minister being briefed on the reliability of the testing turnaround times by her government in its surety of that 10-day testing turnaround time?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I think, in her original question, the member opposite mentioned claims of some tests that were not coming back in that time. If she would like to provide those details to my office, I am happy to have that followed up for her.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Further supplementary: when was the latest situation report given to the minister?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I don't directly receive the situation reports. I have regular briefings. Sometimes they are oral; sometimes they will be in writing.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): Supplementary: why hasn't the minister requested the situation reports, given the severity of the situation the growers are currently in?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I am updated on the situation regularly. I would point out that the laboratory, according to my advice, has not been fully operational for 10 days as yet so I do query the accuracy of the way that the member opposite has posed her question.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): Supplementary, Mr President.

The PRESIDENT: Final supplementary question, the honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: Is the minister suggesting that growers have not been waiting more than 10 days for testing to be turned around by her department?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I am suggesting that the member opposite frequently comes to this place with half-truths and half-accuracies. I have no doubt—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: Point of order: I ask that the minister withdraw that comment.

The PRESIDENT: Well, half-truths—I am not sure that that is as offensive as some things I have heard in this place. Minister, conclude your answer.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Is that correct, the Hon. Ms Girolamo? I see. I couldn't work that out for myself. Minister, conclude your answer so we can move on.

The Hon. C.M. SCRIVEN: I am certainly happy to do so, Mr President. I have no doubt that the growers are relaying information according to their experiences. What I query is the way that is then presented in this place by those opposite.

EMISSIONS REPORTING SCHEME

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): I seek leave to make a brief explanation before asking the Minister for Primary Industries a question on the emissions reporting scheme?

Leave granted.

The Hon. N.J. CENTOFANTI: In an article in *The Advertiser* on 4 November 2024, entitled 'You can't eat carbon', it was reported that a $2.3 billion mandatory carbon emissions reporting burden was being passed on to farmers. No other country is putting this type of burden on its farmers. The article states, and I quote:

South Australian farmers warn they face huge costs and crippling red tape, compromising their mission to produce world-leading food.

This burden on farmers will inevitably be passed on to consumers. National Farmers' Federation president, David Jochinke, has said that the changes would 'lead to more red tape and higher costs, but the full extent of the burden remains unknown'. My questions to the minister are:

1. Has the minister expressed any concerns to her federal counterpart relating to the onerous nature of the reporting requirements on South Australian farmers and the costs of compliance?

2. Given food and fibre production is fundamental to this state, does the minister support an exemption in carbon emissions reporting for our food and fibre producers here in South Australia and, if not, why not?

3. What measures does the minister have in place to assist farmers with the cost of compliance?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): Again, we have those opposite running out of questions about state government actions and state government activities to instead bring into this place—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I note that the Leader of the Opposition in this place shouts out that this is a South Australian article.

The PRESIDENT: Interjections are out of order.

The Hon. C.M. SCRIVEN: I sometimes read *The Advertiser*, and I see things about the American elections.

The PRESIDENT: Responding to interjections is out of order.

The Hon. C.M. SCRIVEN: Perhaps we should be responsible for the American elections as well. Sometimes in *The Advertiser*—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —I see articles about Tasmania or Queensland. Perhaps South Australia is responsible for those as well. This is a scheme that has been developed by the federal government. I don't know if the member is aware—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that only large companies listed under the Corporations Act are directly impacted by this and that the stated goals are consistency and clarity to make it easier for those large companies listed under the Corporations Act. If she wants to talk about federal matters, again, I suggest she talks to her mate Tony Pasin about getting federal preselection.

The PRESIDENT: Sorry, you can refer to Tony Pasin as the federal member for Barker, thanks.

The Hon. C.M. SCRIVEN: I suggest she speaks to her mate the federal member for Barker about getting preselection.

EMISSIONS REPORTING SCHEME

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): Supplementary: can the minister confirm that supply chains, including South Australian producers, will be affected by her federal colleagues' scope 3 emissions by January 2027?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): Was that arising from the original answer, Mr President?

The PRESIDENT: Minister, I deem it does, yes, because we were talking about the federal government in your answer.

The Hon. C.M. SCRIVEN: Indeed. As I have said, this is being developed by the federal government.

HOWE, PROF. J.

The Hon. R.P. WORTLEY (14:41): Pursuant to standing order 107, my question is to the Hon. Mr Ben Hood. Does the honourable member denounce the actions taken in this chamber last month by Professor Joanna Howe during debate on the Termination of Pregnancy (Terminations and Live Births) Amendment Bill?

The PRESIDENT: The Hon. Ben Hood.

Members interjecting:

The PRESIDENT: Order! Order! I take it that you are declining to answer, so I will move on to the Hon. Ms Franks.

The Hon. R.P. WORTLEY: No, sir, can I get a supplementary?

The PRESIDENT: No, you can't get a supplementary question out of that, specifically for a non-answer, the Hon. Mr Wortley. Really? Come on.

WHALERS WAY ORBITAL LAUNCH COMPLEX

The Hon. T.A. FRANKS (14:42): I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Climate, Environment and Water on the topic of water sources for experimental rocket launches.

Leave granted.

The Hon. T.A. FRANKS: Last week, the planning minister granted the final state government approval required for a controversial proposed rocket launching complex on Eyre Peninsula at Whalers Way, despite significant local opposition and concern from environmental, agricultural and tourism groups and, of course, local residents who believe that Whalers Way, a tourism and environmental treasure, is simply the wrong place for space.

The company behind the proposed Whalers Way orbital complex, Southern Launch, says it aims to have the site operational by the end of 2025, with reports that the proponent wants to launch 36 times a year, each and every experimental launch undertaken by Southern Launch needing a significant volume of water for sound deluge purposes. Meanwhile, basic water security for Eyre Peninsula is a serious and pressing concern.

It is well understood on Eyre Peninsula that the Uley South Basin, Eyre Peninsula's main source of potable water, supplying 68 per cent of the region's water, is increasingly at risk of overextraction, yet it is less well understood that the water-based acoustic suppression systems, which are common on rocket launch pads, reducing acoustic energy by injecting large quantities of water below the launch pad into the exhaust plume and in the area above the pad, are incredibly water intensive. My questions, therefore, are:

1. Why is the state government, at the same time the Uley Basin is at breaking point and Eyre Peninsula is running out of water, approving a wasteful, water-guzzling exercise such as launching experimental rockets?

2. How much water is anticipated to be required per launch?

3. Will the minister rule out the taking of any of that water coming from the Uley South Basin or, for that matter, even a drop from the Murray?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I thank the honourable member for her questions. I will refer those to the minister in another place and bring back a reply.

WORKERS COMPENSATION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:44): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector about workers compensation.

Leave granted.

The Hon. J.S. LEE: A recent judgement handed down by the South Australian Employment Tribunal found that a woman who tripped over a temporary puppy fence while working from home would be eligible for workers compensation. It was found that while the woman had created the risk in her home that did not exclude her injuries from being work related. My questions to the minister are:

1. Have any public sector employees received workers compensation due to injuries sustained while working from home, and if so, how many cases have been reported?

2. Has the minister been briefed about the implications the tribunal's decision will have on public sector agencies that have formal work-from-home agreements?

3. What measures has the minister put in place to ensure that agencies have the ability to adequately assess their remote work policies to consider the specific risks in employees' homes?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:45): I thank the honourable member for her question about making sure we all have the ability to go about our work in a safe workplace. In relation to the specific matter the honourable member raised, I am happy to seek some further advice about that particular matter. Of course, many issues that come up within the SAET at original jurisdiction are appealed to the Full Bench of the SAET and are often then appealed to the Supreme Court of South Australia. I regularly receive reports on significant issues but particularly once they make their way through the system at levels where decisions become binding on future decisions.

In relation to a safe work environment, every employer or every person who is a PCBU—a person conducting a business or undertaking—has a responsibility to provide a safe workplace.

HOWE, PROF. J.

The Hon. M. EL DANNAWI (14:46): Pursuant to standing order 107, my question is to the Hon. Ben Hood. Has the honourable member spoken to his colleague the Hon. Jing Lee, apologised to her and taken responsibility for the environment which was created last month during debate on the Termination of Pregnancy (Terminations and Live Births) Amendment Bill?

The PRESIDENT: The Hon. Ben Hood has declined to answer.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter! I would like to hear the Hon. Mr Pangallo's question, please.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (14:47): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Energy and Mining in the other place, yet another question about the Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: In September in this place, I revealed I had received information from an FOI application my office submitted through FOI expert and transparency warrior Rex Patrick, seeking all correspondence from the state government's Steel Task Force that relate to current and future steelmaking in Whyalla. That information contained nothing, nil, zilch—no documents exist, if you can believe that.

There is now another revelation. Just yesterday, Mr Patrick informed me of the results of his latest FOI seeking information about the steelworks, this time the royalties due to the government since 1 January this year to the end of September. Mr Patrick's application to the Department of Treasury specifically requested, and I quote:

> Submissions, briefings, talking points, or correspondence provided by the Department to Treasurer Stephen Mullighan since 1 Jan 2024 relating to payment of mining royalties by GFG Alliance. [Date Range: 1 January 2024 to 27 September 2024.]

The freedom of information officer has advised, and again I quote:

> …that following extensive searches conducted throughout the Department of Treasury and Finance, I have been unable to locate documents in scope of your [interest].

My questions to the minister are:

1. How is it possible that absolutely no correspondence exists between the government and GFG Alliance since 1 January this year about royalties—millions in royalties—due on top of the Steel Task Force having no records?

2. Given that GFG still owes who knows how many millions in royalties to the state government, do you support calls to the Premier by Senator Jacqui Lambie and Mr Patrick to place the Whyalla Steelworks into involuntary administration, so crucial and timely discussions about the future of the steelworks are taken away from Sanjeev Gupta and put in the hands of the state government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for his question. I will refer the question to the minister in the other place, but I might talk more generally about FOIs and how sometimes they can be characterised in a way that is not necessarily reflective of the accuracy. For example, I had an FOI directed to me or my department seeking correspondence between I think it was the Chief Veterinary Officer to myself. Now, of course, that turned up that there was no correspondence in the timeframe that was outlined—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —because the Chief Vet wouldn't directly correspond with me. They would go through the chief executive, and the chief executive to me. That is just one example of where—and I recall in that particular instance the opposition spokesperson decided to try to make a story out of that when, in fact, what she was revealing was that she doesn't understand some fairly basic lines of authority within a department.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.A. SIMMS: Point of order.

The PRESIDENT: What is your point of order, the Hon. Mr Simms?

The Hon. R.A. SIMMS: My point of order relates to relevance. I fail to see how this is relevant to the question the Hon. Mr Pangallo asked.

Members interjecting:

The PRESIDENT: Order! The reality is the question was about FOIs, and I am very interested to hear how sometimes FOIs are not answered, but I know that the minister is about to conclude, aren't you, minister?

The Hon. C.M. SCRIVEN: Yes, I am. Thank you, Mr President. I simply use that as one example of where the wording of an FOI request can actually mean that there will be no results forthcoming. It doesn't necessarily imply that there is no correspondence in existence of relevance to that matter, simply that the wording put forward by the requester of the FOI—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —is not appropriate.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (14:52): Supplementary: is the minister describing a method of evading FOIs that are made to the government and ministers?

The PRESIDENT: Minister, you can answer if you want.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): Not at all. What I am referring to is that FOI requests are very specific and therefore the scope will be very specific.

AUTISM INCLUSION TEACHERS

The Hon. H.M. GIROLAMO (14:52): I seek leave to provide a brief explanation before asking questions of the parliamentary secretary to the Premier in her capacity as Assistant Minister for Autism on the topic of autism inclusion teachers.

Leave granted.

The Hon. H.M. GIROLAMO: On 14 October 2024, the parliamentary secretary posted an image on her Instagram page of her delivering a press conference regarding autism inclusion teachers. I quote from the caption: 'Autism Inclusion Teachers are heading into secondary schools'. My questions to the—

Members interjecting:

The Hon. H.M. GIROLAMO: It is a pretty important topic, and I would like to get an update from the parliamentary secretary, thank you. My questions to the parliamentary secretary in her capacity as Assistant Minister for Autism are:

1. What stakeholders were consulted during the process for making it mandatory for educational support workers to undertake autism learnings?

2. How many autism inclusion teachers are there currently in South Australia, and how many vacancies are there?

3. Can one autism inclusion teacher be appointed at multiple schools?

4. How many South Australian autism inclusion teachers are living with autism?

The Hon. E.S. BOURKE (14:54): I thank the member for her question. I did just miss the start of it when you said—was it regarding autism inclusion teachers going into secondary schools?

The Hon. H.M. GIROLAMO: Yes.

The Hon. E.S. BOURKE: So that is a question for the education minister. It was an announcement just—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: —recently, but you have—

Members interjecting:

The PRESIDENT: Order! Sit down. The Hon. Mr Hunter, the Hon. Ms Girolamo and the honourable Leader of the Opposition, order!

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: The Hon. Ms Girolamo!

The Hon. K.J. Maher: You're testing our patience.

The PRESIDENT: You are testing my patience. Parliamentary secretary, can you please answer so we can hear.

The Hon. E.S. BOURKE: I would love to answer so you can hear.

The PRESIDENT: I am sorry, go on.

The Hon. E.S. BOURKE: Thank you for the question. Autism inclusion teachers have been incredibly successful in our primary schools, and we are now looking at options to go into high schools, but, as you would be aware, I am not the Minister for Education. You have asked for quite a range of data and that relates to the education minister, so I will refer that to him.

HOWE, PROF. J.

The Hon. R.B. MARTIN (14:55): Pursuant to standing order 107—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.B. MARTIN: —my question is to the Hon. Ben Hood. Will the honourable member undertake to no longer appear beside—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Martin, start again with your question.

The Hon. R.B. MARTIN: Will the honourable member undertake to no longer appear beside Professor Joanna Howe at public events in the future?

Members interjecting:

The PRESIDENT: Order! The honourable member has declined to answer the question, which is within his right.

VICTIMS OF CRIME FUND

The Hon. R.A. SIMMS (14:56): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of the Victims of Crime Fund.

Leave granted.

The Hon. R.A. SIMMS: Earlier this year, the Adelaide *Advertiser* reported that the Victims of Crime Fund was holding approximately $200 million in funds even though only $16.9 million was provided in victim compensation in 2021-22. The fund is financed by fines paid by offenders and levies on offences. The current maximum compensation available for victims is $129,000. It currently costs $147,000 per year to house prisoners in South Australia. In the Netherlands, the prison population reduced by 44 per cent between 2005 and 2015 by introducing rehabilitation methods and programs that reduced recidivism. My questions to the Attorney-General therefore are:

1. What is the current amount of money in the Victims of Crime Fund?

2. Would the government consider increasing the percentage that is made available as compensation to victims and also allocating additional money to reduce offending in our state?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for his questions. Of course, the victims of crime regime is a very important regime that provides an ability for funding to be paid to those who have suffered as a consequence of criminal offending against them.

I do not have a figure in front of me, but I think the balance stands in the order of $200 million in the Victims of Crime Fund. From memory, the amount that was paid into the scheme in the 2022-23 financial year was exceeded by the amount that was paid out of the scheme in that financial year. One of the reasons in that financial year was a further substantial contribution to the National Redress Scheme made from the Victims of Crime Fund to cover future liabilities.

I believe that in the 2023-24 financial year there were a similar number of applications made, if not a slightly higher number than the year before, and a slightly higher quantum paid out in total to

victims of crime but not an amount paid for future liabilities for the National Redress Scheme. I think it is very likely, before the National Redress Scheme applications close in 2028, that further payments from the Victims of Crime Fund will be needed, which will, I suspect, in total get towards, if not exceed, a couple hundred million dollars as South Australia's contribution to that.

So whilst there is a significant balance in the Victims of Crime Fund, we have seen in recent history, in the last decade and certainly even in the last couple of financial years, tens of millions of dollars being paid out to things like the National Redress Scheme, which I suspect there will be further calls on before the National Redress Scheme accepts final applications in 2028.

RARE EARTH MINING

The Hon. B.R. HOOD (14:59): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding rare earth mining.

Leave granted.

Members interjecting:

The Hon. B.R. HOOD: Rare earth mining.

Members interjecting:

The PRESIDENT: Order!

The Hon. B.R. HOOD: Last sitting week in the other place, the member for MacKillop asked a question of the Minister for Energy and Mining as to whether the Malinauskas government would approve a mining licence for Australian Rare Earths at Koppamurra. The minister in his answer responded:

> Our adversaries in the region are working very hard to exploit their natural resources and get hold of these rare earths; if we have them, we should too. If that means making a decision in the national interest, this government will.

In a question directed to the Minister for Primary Industries and Regional Development last week, I outlined the extreme concern from the community around Naracoorte regarding rare earth mining. My questions to the minister are:

1. Does the minister consider food and fibre production is also in the national interest?

2. Have she and her office as yet reached out for a meeting with the Limestone Coast Sustainable Futures Association to discuss their grave concerns?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): I thank the honourable member for his question. Certainly, I have been on the record in many different fora talking about the importance of food and fibre to our state. I have talked on many occasions about the fact that it is both the foundation and also the future of our state. We need to be able to ensure that we have a viable primary production sector across all of the different subsectors. As Minister for Primary Industries and Minister for Forest Industries, I clearly have a strong dedication to these sectors and to their importance to South Australia.

Rare earth elements are, I am advised, important components in modern technologies, with a diverse range of applications, including high-power magnets, LED lights and batteries. The area that is subject to exploration licences, according to my advice, includes a significant mix of high-value primary production enterprises, including sheep and beef production, irrigated cropping, broadacre cropping, horticulture, viticulture and plantation forestry.

I am advised that Australian Rare Earths, known as AR3, is actively undertaking rare earth element exploration in the region and has signalled an intention to apply for a mining lease in the area. The Mining Act 1971 provides a process to guide interactions between exploration and mining companies and landholders in regard to exploration and mining.

To assist with understanding the mining exploration and mining lease approval process, a Landholder Information Service is available through Rural Business Support. This is a service funded through the state government and is an impartial, free of charge resource available to landholders to

seek information on their options, rights and obligations under the Mining Act. I certainly encourage landholders to reach out to the Landholder Information Service to support them to navigate the mining exploration and mining lease process.

I am advised that the Department for Energy and Mining undertook a specific Limestone Coast community engagement process through YourSAy in relation to mining, quarrying or energy projects, and that a report is either going to be made available later this year or may have recently been made available. In terms of meetings, I have had a number of people raise this issue with me at meetings.

RARE EARTH MINING

The Hon. B.R. HOOD (15:03): Supplementary: given the minister referred to herself by her correct title as the Minister for Forest Industries, has the minister met with the South Australian Forest Products Association to discuss this issue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I meet with the South Australian Forest Products Association on a regular basis. In fact, I meet with all of the peak bodies that have requested it on a regular basis, either quarterly or three times a year for the majority of them. Incidentally, that's something that I think is in stark contrast to the former government. It is certainly something I receive very positive feedback about.

HOWE, PROF. J.

The Hon. J.E. HANSON (15:03): Pursuant to standing order 107, my question is to the Hon. Ben Hood.

Members interjecting:

The PRESIDENT: Order! I would like to be able to hear the question.

The Hon. J.E. HANSON: Does the honourable member consider targeting female MPs as 'baby killers' an appropriate form of respectful campaigning?

The PRESIDENT: The Hon. Ben Hood.

Members interjecting:

The PRESIDENT: Order!

COVID-19 RESPONSE

The Hon. S.L. GAME (15:04): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health and Wellbeing, regarding the COVID inquiry report.

Leave granted.

The Hon. S.L. GAME: The recent release of the commonwealth government's COVID-19 response inquiry outlined some of the mistakes made by all Australian governments during the COVID years, including by state governments. According to the report, vaccine mandates, including those enforced by our state government and our public servant bureaucrats, were shown to have contributed to distrust in government and increased vaccine hesitancy and taken a social and economic toll on those who chose against taking a COVID vaccine.

The recent report says the unnecessary closure of schools in the face of recommendations against the measure had a significant and ongoing impact on the mental health of children. The report also speaks of, and I quote, 'the disproportionate impacts of the virus and response measures'. My questions to the Attorney-General are:

1. In light of the findings released in the COVID inquiry report, does the government concede that South Australia's COVID response was disproportionate and caused unnecessary harm and distress to thousands of people living in this state?

2. Will the government apologise to all those people who lost their livelihoods for refusing to take the COVID vaccine or who have taken ill after being forced to undergo a medical procedure, which offered no protection against catching COVID nor against spreading it, against their better judgement or who are still counting the cost of lockdowns?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for the question. In relation to governments' response generally to the COVID-19 pandemic—and we were in opposition during the time the then Liberal government responded—I think it needs to be noted that governments were responding in a way and in a context where it was unlike anything any government had had to respond to before.

I know as an opposition we took the view that we would not do what oppositions sometimes do and needlessly criticise the way that responses were being managed but be constructive. Occasionally we would have some disagreements with a particular element of the response, but actually very, very rarely. Indeed, when there was legislation that was needed to pass this chamber to protect South Australia we would occasionally have legislation briefed an hour or two before—a very unusual step—and, I think supported by much of the crossbench as well, pass that legislation within hours of it being presented to us because of the unprecedented nature of the crisis that was being faced.

In hindsight I'm sure all governments around the world would have done some things differently, but not knowing what was being faced at the time, governments were responding largely informed by medical advice on what was the best way to keep people as safe as possible. In relation to vaccine mandates in certain areas, most health bodies regard vaccinations as one of the greatest medical breakthroughs in terms of the prevention of disease and the saving of lives.

SERIAL CHILD SEX OFFENDERS

The Hon. D.G.E. HOOD (15:07): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding serial child sex offenders.

Leave granted.

The Hon. D.G.E. HOOD: It was recently reported that Brandon Michael Jacobs, a serial sex offender who communicated with numerous undercover police believing they were the parents of children he was attempting to seduce, was denied assistance from an intervention centre for sex offenders a year prior to this offending. Jacobs pleaded guilty to five counts of communicating to make a child amenable to sexual activity, three counts of disseminating and one count of possessing child exploitation material. He was arrested in May this year after police searched his home and seized his electronic devices which contained the messages and child exploitation material.

Jacobs was sentenced, appropriately, to five years and six months in prison with a non-parole period of four years and five months, which was backdated to his arrest in May. During the judgement—and this is the most important point I wish to make—the judge stated:

> In 2022, you attended at Owenia House to seek assistance. Regretfully, you were not accepted into the program on account of your substance abuse and an apparent belief that you would not be able to complete the program due to the potential for you committing further offences and [also] being convicted. It is unfortunate in that you realised you needed help to prevent you from offending the way that you have done.

My questions to the Attorney are:

1. Is the Attorney aware of any other cases of child sex offenders being denied treatment prior to their offending in South Australia?

2. If so, is the Attorney concerned that potential child sex offenders are being turned away from treatment in these circumstances prior to their reoffending?

3. What action will the state government take to ensure that this is eliminated?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I understand it is a health or medical rehabilitation facility that the honourable member is referring to. It certainly hasn't been brought to my attention

that someone who qualifies for receiving programs has been turned away, but if there is someone I would be keen to understand that.

In terms of whether the person the honourable member refers to would have qualified, I think the honourable member in his question referred to issues of substance abuse. I don't know the details of that particular program and about whether it would in fact have someone having difficulties undertaking a program if they were abusing substances at the time—and it may well do—because that is obviously not an ideal rehabilitation environment.

In terms of serious child sex offenders, the government takes this extraordinarily seriously. We have legislation that has passed and has been implemented that is by far the harshest anywhere in the nation. For a person who receives jail time for a second serious child sex offence, that is then indefinite detention. That is that the person will not get out of jail until two court-appointed independent experts say that the person is now willing and able to control their sexual instincts.

With the help of other members in this chamber, we now have much harsher laws on the ability of registrable serious child sex offenders to be in a work environment with children. We have passed legislation that we are implementing now for a child sex offender register in South Australia. It is an issue we take extraordinarily seriously as a government.

HOWE, PROF. J.

The Hon. R.P. WORTLEY (15:11): Pursuant to standing order 107, my question is to—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Pursuant to standing order 107, my question is to the Hon. Mr Ben Hood. What does the honourable member understand to be the obligations of members in relation to the conduct of guests they invite into parliament? Is the member aware that by not answering my first question today it would indicate that he supported the actions of Professor Joanna Howe in the chamber last month?

Members interjecting:

The PRESIDENT: Order! The Hon. Ben Hood, the second part of that question was basically opinion, I think, so I will rule that out of order.

Members interjecting:

The PRESIDENT: Order! I have a crossbench question. Is there a crossbencher who would like to ask a question? The Hon. Ms Franks.

HOWE, PROF. J.

The Hon. T.A. FRANKS (15:12): Pursuant to standing order 107, and noting that he is not the only member in this place to have received death threats in regard to abortion law debate, my question to the Hon. Ben Hood is: will he now take this opportunity to disavow Professor Joanna Howe's 'baby killer club' social media posts made in support of his bill?

The PRESIDENT: The Hon. Ben Hood has declined to answer the question, so we will go to the Hon. Mrs Henderson.

VOLUNTARY ASSISTED DYING

The Hon. L.A. HENDERSON (15:12): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding voluntary assisted dying.

Leave granted.

The Hon. L.A. HENDERSON: In September of this year, my office submitted FOI requests that asked for, and I quote, 'the number of individuals that have been convicted and sentenced to a term of imprisonment or charged and awaiting sentencing, that have been approved for Voluntary Assisted Dying since the legislation has come into effect' and 'the number of applications that have been made to access Voluntary Assisted Dying by individuals who are serving a term of

imprisonment or charged and awaiting sentencing, since the legislation has come into effect and the status of those applications'.

The determination showed that the answer was two for each of those FOI requests. My question to the minister is: since it was the Attorney-General's private member's bill that had passed the previous parliament, does he now believe that the legislation should be re-evaluated to ensure that those who are convicted of a crime and imprisoned, or those who are awaiting a conviction, would not be able to access voluntary assisted dying?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I understand that, and I will have this double-checked, the Minister for Health, who is responsible for the legislation, has referred these questions to the Voluntary Assisted Dying Review Board.

HOWE, PROF. J.

The Hon. M. EL DANNAWI (15:14): Pursuant to standing order 107, my question is to the Hon. Ben Hood. Did the honourable member sign Professor Joanna Howe into the building as his guest on the evening of Wednesday 16 October 2024?

Members interjecting:

The PRESIDENT: Order!

GOVERNMENT CONTRACTS

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

Leave granted.

The Hon. R.A. SIMMS: This morning, *The Advertiser* reported that Ventia, a company that holds a $4 billion contract with the state government to look after buildings such as schools, hospitals and office blocks, has been criticised in a report by the Auditor-General for allowing contractors to overcharge and for taking too long to carry out repairs. The Auditor's findings came after allegations that some regional schools are being forced to use the government-mandated company rather than local tradies, costing them tens of thousands of extra dollars for simple jobs.

The Auditor-General's Report concluded Ventia was engaging subcontractors who charge above the maximum trade ceiling rates established under the contract, with participating agencies charged at higher rates than those allowable for some work. In one instance, a school in the state's South-East was quoted $65,000 to build a fence that a local contractor estimated would cost just $2,000. My questions to the Minister for Primary Industries and Regional Development therefore are:

1. Is the minister concerned that the government's contract with Ventia is driving up costs for critical building and maintenance work in the regions?

2. Would the government support a public builder who could undertake this work?

3. What steps is the minister taking to address this issue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for his question. Of course, this is a contract that was put together under the former Liberal government. This contract is, of course, currently in force. I think those opposite should talk about taking the blame for some of the issues that are the result of that contract. We talked, if I recall correctly, when we were in opposition and raised some of these concerns, with some suppliers from Murray Bridge who were out the front of Parliament House when this was being put forward by those opposite, or their predecessors, in the previous government.

It is very concerning that the sort of contract that was put together by the former Liberal government is potentially having very detrimental impacts. The relevant minister in the other place I heard on radio this morning describing this contract as such that he feels like he has one hand tied behind his back in trying to address the issues that have come from this. I think it is most unfortunate.

I know that the minister is doing what he can in terms of reviewing the contract to be able to see how we can get a better outcome for our regional communities, despite the absolutely appalling situation brought about by the former Liberal government.

GOVERNMENT CONTRACTS

The Hon. R.A. SIMMS (15:18): Supplementary: rather than playing the blame game, will the minister consider a public builder so that this doesn't happen again?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): Contracts that are in place are obviously legally binding documents, but I know the minister in the other place is keen to see what can be done to address the issues that have been raised.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:18): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of the tomato brown rugose fruit virus.

The PRESIDENT: Is leave granted?

The Hon. T.A. FRANKS: No; leave is not granted.

The PRESIDENT: No brief explanation, just ask your question, the honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: My questions to the minister are:

1. Before accusing the opposition of mischief-making and given that the minister was not at a meeting held on 10 October in Virginia in regard to tomato brown rugose virus, did the minister view the video recording at the meeting to confirm what was actually said by her department?

2. Does the minister agree that, given the true record of events, the opposition was justified in asking if growers would pay for the cost of testing and was not guilty of mischief-making?

3. Does the minister regret being so assertive of her version of events given that she was not even present at the meeting?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for her question. She is referring to a meeting that was set up by PIRSA for and with industry to be able to inform growers. What happened at that meeting was a couple of Liberal politicians decided that they could get involved, not for productive, constructive purposes, but to see what kind—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —not for productive and constructive purposes from those opposite but instead to try to get a cheap political headline. What I viewed was a transcript of the meeting.

TERMINATION OF PREGNANCY BILL

The Hon. R.B. MARTIN (15:21): Pursuant to standing order 107, my question is to the Hon. Ben Hood. Did the honourable member speak to the leader of his party, the Hon. Vincent Tarzia, about the Termination of Pregnancy (Terminations and Live Births) Amendment Bill and has he spoken to him since about the events in the chamber this past month?

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. F. PANGALLO (15:21): I will wing one here since we had nothing of consequence from the Labor people today. I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about tomato rugose virus and testing.

Leave granted.

The Hon. F. PANGALLO: Last week, before Budget and Finance, the head of Primary Industries informed the committee about testing procedures underway currently with a number of growers and also indicated that there were tests underway and that there would be a 48-hour turnaround on those tests. I received a call from a grower last week who is desperate to start picking his crop of tomatoes because they need 10 days' notice to allow Primary Industries to come in and take their tests before he can pick. The grower said to me that he was expecting the results within 48 hours, yet after more than 10 days he still hasn't received those results and doesn't know when he can pick his fruit. Can I ask the minister:

1. Why is there such a long delay for results to be given to growers to enable them to pick their fruit and then be able to freight it to markets interstate?

2. Why was a 48-hour deadline given to them?

3. Is it correct that there are hundreds of growers who will be expecting a 48-hour turnaround, a deadline that may not be able to be met?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:23): I thank the honourable member for his question. If he has details of the particular grower, as I indicated to the Leader of the Opposition earlier in this question time, if he would like to provide that to my office we can follow up the situation. However, I would point out that the South Australian lab has not yet been operational for 10 days. The 10-day requirement is being put in place by those interstate jurisdictions and the goal is to have the quickest turnaround possible. In terms of the exact wording that was used or what was stated, I am happy to take that on notice and bring back a more fulsome reply.

DROUGHT

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:24): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of drought.

Leave granted.

The Hon. J.S. LEE: It was reported in *The Advertiser* on 29 September that a PIRSA Limestone Coast drought round table agreed that the government needed clearer messaging on how drought is defined and the support available. My questions to the minister are:

1. How can her government deliver clearer messaging on how drought is defined?

2. Can the minister provide how clearer messaging can support growers when it comes to a drought definition?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:25): I thank the honourable member for her question. It is actually an important question because there is still a misunderstanding in the community that there are drought declarations and that there needs to be some definition of drought before assistance kicks in. This hasn't been the case now for over a decade.

My advice is that since 2013 there have no longer been formal drought declarations. What that means is that we don't need to wait for such a declaration before landowners and producers are able to access assistance. That sort of assistance is available all the time, without waiting for some declaration.

This is particularly important to understand because I have had a number of people write to me asking for a drought declaration or had people raise with me, 'Why haven't we made a drought declaration?' It's part of an agreement through the federal government and the other states and territories under the National Drought Agreement that assistance should be available at all times.

Previously, what might occur is that drought was declared in a particular region, and yet across the road in a different region obviously the conditions were very similar and yet they wouldn't necessarily be eligible for drought assistance. The drought declarations and associated definitions have not been enforced now for over a decade.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I move:

That standing orders be so far suspended as to enable the Report of the Auditor-General 2023-24 to be referred to a Committee of the Whole and for ministers to be examined on matters contained in the report for a period of one hour.

Motion carried.

In committee.

The CHAIR: I note the absolute majority.

The Hon. L.A. HENDERSON: In the Auditor-General's Report for the year that ended on 30 June 2024 under heading AGD on page 26 of Part C, under income it indicates that funding victims of crime levies income increased by $2 million, from $40 million in 2023 to $42 million in 2024. On the same page, it shows that victims of crime payments decreased by $20 million to $30 million in 2024 compared to $50 million in 2023. Can the minister advise why there was a significant decrease of $20 million in victims of crime payments, despite there being an increase in the income?

The Hon. K.J. MAHER: I thank the honourable member for her question. It was in relation to a question in question time today that I was able to outline pretty much exactly what the honourable member has asked, but I have further figures in front of me, so I am happy to go over again what I answered less than an hour ago.

Very specifically, the Auditor-General's Report refers to a decrease in victims of crime compensation and in legal payments from $50 million in 2022-23 to $30 million in 2023-24. The honourable member has asked what gives rise to a decrease of $20 million being paid out. The main reason—in fact, the reason for the whole of that $20 million and a little bit more—is a one-off payment in the 2022-23 year of $25 million to support the state's participation in the National Redress Scheme.

I will note, putting aside the one-off payment of that $25 million for the National Redress Scheme in the 2022-23 financial year, both the underlying value and the number of compensation payments—that is, the total dollar amount for compensation payments and the number of those payments—continues to increase. In the last financial year, 2023-24, $24.2 million in compensation payments were made compared with $20 million in 2022-23, an increase of $4.2 million in compensation payments to victims of crime from the one before that; and when you compare it to the year before that, it was $13.5 million in 2021-22. So from the financial year 2021-22 to the financial year 2023-24, it is a couple million dollars shy of double the amount that has been paid for compensation payments.

In terms of the amount of each payment, the average payment in the 2023-24 financial year was $20,600, which compares with an average payment the year before of $18,300 in the 2022-23 financial year and $14,800 in the 2021-22 financial year. In terms of the actual number of applications that were approved, 1,175 applications were approved in the 2023-24 financial year compared with 1,091 in 2022-23 and 912 in 2021-22. So the number of applications approved, the value of each one of those applications and, of course, very significantly, the total value of compensation payments to victims of crime have increased in each of those years. As I have said, the total value of compensation from 2021-22 of $13.5 million to 2023-24 of $24.2 million is just shy of double the amount over a couple of financial years.

In relation to why it was $20 million less in this year than the last year, that relates to the $25 million payment in the financial year before to the National Redress Scheme.

The Hon. L.A. HENDERSON: Referring still to page 26, can the minister advise the number of people who were asked to repay victims of crime payments prior to receiving compensation in an out-of-court settlement, as was reported in relation to the family of the Hillier murders?

The Hon. K.J. MAHER: I am happy to check, but I am not aware of anyone who was asked to repay an amount that had been paid. In relation to the particular case the honourable member

refers to, I want to be very clear again that no-one was asked to repay an amount that was paid in relation to that case. A victims of crime compensation amount was paid; no-one was asked to repay that amount. That amount was kept and on top of that there was a civil action against the state where further compensation was awarded.

The idea that someone has received money that they have had to pay back to the government was certainly not the case in the matter the honourable member is referring to, and I am not aware of a case where an amount has been asked to be repaid. I am happy to check, but I am certainly not aware of that occurring.

The Hon. L.A. HENDERSON: Can the minister advise how many matters he has been asked to intervene in where there have been victims of crime payments and where there is a question around out-of-court settlements interfering with any victims of crime payments that may have already been paid?

The Hon. K.J. MAHER: I think what the honourable member is asking about is ex gratia payments; that is, a payment where a payment has either already been made or where there does not exist a method from under the act to have a payment made. The example that the honourable member was referring to was a request for an ex gratia payment. I want to be very clear about that because there was already a payment made in accordance with the operation of the scheme and, in that particular matter, there was a request for a second payment as an ex gratia payment. In relation to the 2023-24 financial year, I am informed 23 ex gratia payments were made under the Victims of Crime Act, and the total value of these payments was just over $1 million.

The Hon. L.A. HENDERSON: Perhaps if I can provide context for the Attorney-General, I would appreciate his response. The way it was reported in *The Advertiser* was that the Attorney-General had been asked to personally intervene in the matter for the money to be returned. Can the Attorney-General please confirm that where there have been victim of crime payments already received, and then later consideration in relation to an out-of-court settlement, that is deemed as an ex gratia payment in those instances?

The Hon. K.J. MAHER: My advice is, in relation to the matter the honourable member is referring to, that there was a payment made from the victims of compensation scheme—as the scheme is intended to operate—after a matter was settled in relation to a civil claim. My advice is that the request was for a further payment in the form of an ex gratia payment. Ex gratia payments are occasionally made in circumstances where a conviction was not recorded or in other circumstances. I am advised that in this particular case there was a request for a second payment—that is, an ex gratia payment—on top of the original payment that was made.

The Hon. L.A. HENDERSON: In the Auditor-General's Report for the year that ended 30 June 2024, on page 28 of Part C it states that the Attorney-General has discretion to make ex gratia payments to a claimant where an offence has not been established. Can the minister please advise how much was paid in total for the year 2023-24?

The Hon. K.J. MAHER: I am very happy to go back about 4½ minutes into the past and two questions ago where I gave that exact figure. If I was being churlish I would advise the honourable member to read *Hansard* in relation to it, but I am happy to repeat it. Two questions ago, or three questions ago, I said that there were 23 ex gratia payments at a value of just over $1 million, as I answered the honourable member as she will find when I am sure she consults *Hansard* to remind herself why she would ask the same question within a few minutes of each other.

The Hon. L.A. Henderson: It is a different question.

The Hon. K.J. MAHER: I said it was a value of just over $1 million. In fact, I have the exact value. It is $1,003,106.51. So when I said it was 23 payments of just over $1 million, it was $3,106.51 short of being the exact amount.

The Hon. L.A. HENDERSON: Can the minister please advise what the average of those payments were, and what percentage of these matters were for unknown offenders or where no-one had been charged, and what the offences committed were?

The Hon. K.J. MAHER: Certainly, I am happy to. The amount will be, the average will be, $1,003,106.51 divided by 23. I do not have the average amount.

The Hon. L.A. HENDERSON: I am not asking for the average of the total. I am asking for what the average of your payments were.

The CHAIR: Order! The Hon. Mrs Henderson, you do not need to interject because you can ask the question next.

The Hon. K.J. MAHER: The average of the payment will be the total amount divided by the number of payments. That will be the average value of each payment.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: In relation to those 23 ex gratia payments in 2023-24, I am advised that 13 per cent related to matters where no-one was charged. The other figure that I have in front of me was almost 70 per cent were concerning alleged sexual offending.

The Hon. L.A. HENDERSON: Can the Attorney-General please advise what the average of each payment made was, as opposed to the average of the total payments? We are capable of working out the average of the total. What is the average individual payment that is made? It is a pretty simple question.

The Hon. K.J. MAHER: I think the honourable member is going to have to explain the question. I understand it as what the average of each payment is, not what the average payment is. I just do not understand the difference.

The Hon. L.A. HENDERSON: You just gave me the total payment. I am wanting to know the average each individual member has received.

The Hon. K.J. MAHER: On average, there was $1,003,106.51. I have said there were 23 payments, so if you are looking for the average amount for each of those payments you would divide just over $1 million by 23, and I reckon you would get about $43½ thousand as the average amount of each payment. If the honourable member means something different by 'the average amount of each payment' than the average amount of each payment, I am happy to try to understand the difficulty she is having explaining the question.

The Hon. L.A. HENDERSON: Can the minister please advise what each of those 23 payments were?

The Hon. K.J. MAHER: Of the 23 payments, I do not have a breakdown of each individual payment. As I have said, the average amount will be about $43½ thousand. I am happy to go away and have a look at the actual amount of each payment, but for the four or five times the member was asking the question she was asking for the average amount, and it is about $43½ thousand.

The Hon. L.A. HENDERSON: Can the minister please take on notice the amount of each payment made?

The Hon. K.J. MAHER: I am more than happy and always obliging.

The Hon. L.A. HENDERSON: In the Auditor-General's Report for the year that ended 30 June 2024, under the statement of administered financial position, liabilities, on page 27 of Part C, it states that total liabilities increased by $75 million to $143 million, mainly due to the new lease liability for the State Rescue Helicopter Service. Could the minister please advise why the funding for emergency aircraft is being provided by the Attorney-General's budget instead of through SAPOL or emergency services?

The Hon. K.J. MAHER: My advice is that there are a number of different agencies that are involved in this particular procurement. The AGD administers the contract management in effect and the procurement on behalf of a number of different agencies.

The Hon. L.A. HENDERSON: How long will this funding support the State Rescue Helicopter Service?

The Hon. K.J. MAHER: As I said, because we administer it on behalf of a number of different agencies, I will have to take that on notice. I do not have details of that, but I am happy to bring back a reply for the honourable member.

The Hon. L.A. HENDERSON: Will this funding continue to come from the Attorney-General or be more assumed by the police and emergency services budget going into the future?

The Hon. K.J. MAHER: My advice is that the current funding arrangements and the way the contract is managed is intended to continue into the foreseeable future.

The Hon. L.A. HENDERSON: Could the minister please advise why the government has decided to lease rather than purchase the state rescue helicopters?

The Hon. K.J. MAHER: Once again, I am happy to take that on notice. Again, because it is a number of different agencies, in my experience with these sorts of procurements there is a lot of work that goes into what is the best value for money for taxpayers, but, as I said, I am happy to consult with the other agencies involved, which includes police and emergency services.

The Hon. L.A. HENDERSON: On that, could the Attorney-General please advise what the cost benefit is to the taxpayer in leasing these helicopters instead of purchasing the aircraft?

The Hon. K.J. MAHER: As I said, I am happy to take that on notice but in my experience there is a lot of work that occurs to make sure these procurements are done in the way that best benefits the taxpayer.

The Hon. L.A. HENDERSON: A media release highlights that the SRHS is shared between SAPOL and SA Ambulance Service to provide critical emergency response across the state. Could the Attorney-General please advise how this resource is being managed and shared between SAPOL and the Ambulance Service?

The Hon. K.J. MAHER: Once again, I am very happy to take on notice how something is managed between departments.

Members interjecting:

The ACTING CHAIR (The Hon. R.B. Martin): Order!

The Hon. K.J. MAHER: The honourable member has referred to the—

Members interjecting:

The ACTING CHAIR (The Hon. R.B. Martin): Order! The Attorney has the call.

The Hon. K.J. MAHER: The honourable member has referred to police and the South Australian Ambulance Service. As Minister for Industrial Relations and the Public Sector, Minister for Aboriginal Affairs and Attorney-General, neither of those two things fall under my portfolio of responsibility. There are a number of things in the Attorney-General's budget areas, including things like Consumer and Business Services, that don't fall under my portfolios either, but being the obliging sort of minister I am, I am happy to take that on notice, refer it to the ministers whom the honourable member ought to be referring her questions to and bring her back a reply.

The Hon. L.A. HENDERSON: Can the Attorney-General please confirm that in the Auditor-General's Report under Attorney-General's Department on page 27 it states:

> Total liabilities increased by $75 million to $143 million, mainly due to the new lease liability for the State Rescue Helicopter Service.

And as such that it does fall under his purview?

The Hon. K.J. MAHER: I can confirm that the honourable member has cited the right page. I can confirm that to the best of my knowledge and belief the honourable member has read the words in the correct order and has read all those words correctly, so that does appear to be what it says on the page.

The Hon. L.A. HENDERSON: Referring to the liability that is cited under the Attorney-General's Department, Auditor-General's Report, can the minister please advise when the Airbus H145 D3 helicopter was brought online?

The Hon. K.J. MAHER: I am happy to seek a response from the minister who is responsible for that particular piece of aircraft that the honourable member is so interested in and bring her back a reply.

The Hon. L.A. HENDERSON: Can the minister advise if the Bell 412-EP is still due to arrive in December 2024 and when it will go online, noting that it is provided for within his budget?

The Hon. K.J. MAHER: I thank the honourable member for her question. I don't know what the word is for trainspotting for aircraft, but regarding the Bell helicopter that the honourable member refers to, I am happy to find out from the agency and the minister directly responsible for it about that particular aircraft as well.

The Hon. L.A. HENDERSON: Does the funding that has been provided by the Attorney-General's Department also go towards the four additional pilots hired to provide a third line of flying for 24/7 operators, or is it just going to the lease for the helicopters themselves?

The ACTING CHAIR (The Hon. R.B. Martin): I think I know where this is going, but I call on the Attorney.

The Hon. K.J. MAHER: I think we are all a bit bamboozled. I understand the honourable member is still quite new and has a bit of difficulty being flexible enough to pivot to something else when it is apparent that it is not going very well. I am happy to refer that to the honourable member who is actually responsible and bring back a reply, and if there is another sort of helicopter or a different group of pilots that the honourable member wants to know about, I am happy to save time to say I will pass them on also.

I would invite the honourable member to keep reading out, keep going the way we are, because this has to be one of the easiest Auditor-General Reports I have ever had the pleasure of sitting down and having misdirected questions for.

The Hon. L.A. HENDERSON: The Auditor-General's Report—

Members interjecting:

The ACTING CHAIR (The Hon. R.B. Martin): Order! Attorney!

The Hon. L.A. HENDERSON: —for the year ending 30 June 2024, under the heading of AGD on page 28 of Part C, under recoveries from offenders, indicates that outstanding amounts subject to a judgement that are actively managed decreased by only $200,000 to $13.3 million in 2024, down from $13.5 million in 2023. Can the minister advise why only $200,000 was recovered?

The Hon. K.J. MAHER: I thank the honourable member for her question in relation to something that is in my portfolio responsibilities. I am pleased and confused that this is a tactic that is now being embarked upon. As the Auditor-General Report states, recovery from offenders is difficult, as much compensation relates to unknown offenders or where the offender is known but has limited means to pay. The report also mentions that outstanding amounts subject to a judgement that are being actively managed fell by $200,000 to $13.3 million. This reflects the obvious difficulty in recovering these amounts from offenders. I am pleased to say that I am advised that the amounts recovered from offenders increased from $1.2 million in 2022-23 to $1.7 million in 2023-24.

The Hon. L.A. HENDERSON: Can the minister please advise what is being done to pursue recovery of these outstanding amounts?

The Hon. K.J. MAHER: As I said, the Auditor-General Report says and acknowledges the difficulty in recovery from offenders, as much of the compensation relates to unknown offenders or where the offender has limited means to pay. But as evidenced by the fact that there has been an increase in the amount recovered from offenders from $1.2 million to $1.7 million, by quick arithmetic I reckon that is about a 45 per cent increase in the year. Clearly, good work is being done to do so.

The Hon. L.A. HENDERSON: In the Auditor-General's Report for the year that ended on 30 June 2024 under the heading AGD on page 20 of Part C, under highlights from the financial statements, administered items, recoveries and other incomes went from $56 million in 2022 to $21 million in 2023, and this year's report for the year that ended on 30 June 2024 showed that it decreased a further $2 million to $19 million. Can the minister explain why we are seeing a decrease year by year?

The Hon. K.J. MAHER: Page 20 in my Auditor-General's Report is headed Adelaide Venue Management Corporation. It talks about gross box office receipts and the funding for Rec and Sport, so I am not sure how that relates. I know the previous line of—

The Hon. L.A. HENDERSON: Page 26, sorry.

The Hon. K.J. MAHER: In the previous line of questioning we had a tenuous relationship to AGD, but Rec and Sport, box office receipts—

Members interjecting:

The Hon. K.J. MAHER: Page 26? Given I was looking at page 20, as the honourable member asked it, maybe I can get her to summarise the question again.

The Hon. L.A. HENDERSON: Going from the commentary from the minister just then, before I re-put my question—

The CHAIR: Just ask.

The Hon. L.A. HENDERSON: —can the minister advise whether he is the minister responsible for almost $150 million of budget spend in his department? I am referring to page 27. It is the line of questioning that I was referring to earlier that you just referred to.

Members interjecting:

The CHAIR: Order! The Hon. Ms Bourke!

Members interjecting:

The CHAIR: Order! Sit down, the Hon. Mrs Henderson. Right; let's start again. You ask a question. You provide an answer.

The Hon. L.A. HENDERSON: In the minister's commentary in reference to questions—

Members interjecting:

The CHAIR: Yes, okay; order!

The Hon. L.A. HENDERSON: I am about to give it to you.

The CHAIR: The Hon. Mrs Henderson—

The Hon. L.A. HENDERSON: Page 27—

The CHAIR: Thank you.

Members interjecting:

The CHAIR: Order, order!

The Hon. L.A. HENDERSON: —under liabilities—

Members interjecting:

The CHAIR: Order, order!

Members interjecting:

The CHAIR: Order! Sit down. You will ask the question. You will start with the page number. You will answer the question. And the rest of you will stay silent.

The Hon. R.P. Wortley: You'll get better as time goes on.

The CHAIR: The Hon. Mr Wortley, do you want me to name you today? In Auditor's question time, really?

Members interjecting:

The CHAIR: Order!

The Hon. L.A. HENDERSON: I refer the minister to page 27, under liabilities, following on from his commentary there: is the minister the minister who is responsible for $150 million of budget spend from his department?

The Hon. K.J. MAHER: I am responsible for many millions of dollars of expenditure from my department. In relation to—

The Hon. L.A. Henderson interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: —the $143 million of expenditure, those are the liabilities referred to—if the honourable member is going back to a line of questioning from a number of questions ago—in relation to the State Rescue Helicopter Service, which is a number of different departments that I think we have discussed, including SAPOL, under Minister Cregan and others.

The Hon. L.A. HENDERSON: In the Auditor-General's Report for the year that ended on 30 June 2024, under the heading of—

An honourable member interjecting:

The Hon. L.A. HENDERSON: Heading AGD on page 22 of Part C, under other audit findings it indicates that outstanding unclaimed residential tenancy bonds—

Members interjecting:

The CHAIR: Order, the Hon. Mr Hunter!

The Hon. L.A. HENDERSON: I just gave them the page number. It is page 22 in the Auditor-General's Report of the year that ended on 30 June 2024, under the heading of AGD. Again, I will give you the page number: page 22. Under other audit findings it indicates that outstanding unclaimed residential tenancy bonds continue to rise as previously indicated in the 2023 annual report. Can the minister advise how much is outstanding unclaimed residential tenancy bonds?

The Hon. K.J. MAHER: I thank the honourable member for her question. I give her great credit that she got the page number correct.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: —and got the words in the right order absolutely correctly.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: However, the only thing I cannot give her credit for is getting the right minister. It is residential tenancies, which is Minister Michaels for Business and Consumer Services. I am happy to refer that to the actual minister who has responsibility in this portfolio.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: As I explained already during this Auditor-General's examination, Business and Consumer Services is part of the Attorney-General's Department but falls under another minister. That would have been the big hint to the honourable member in relation to asking this question. So, good, right page number. Great that the words were read in the right order; not so good the wrong minister.

Members interjecting:

The PRESIDENT: Order! Do you have another question, the Hon. Ms Henderson?

The Hon. L.A. HENDERSON: Those are all my questions.

Members interjecting:

The CHAIR: Order! We have finished questions here. Do we have another minister?

The Hon. N.J. CENTOFANTI: Page 293, audit findings: the Auditor-General's Report indicated that PIRSA's research projects were either not reviewed or not reviewed promptly. Can the minister identify which research projects were not reviewed? Can the minister advise what procedures and additional controls PIRSA has implemented to improve the review of project milestones?

The Hon. C.M. SCRIVEN: I am advised that a number of actions have been taken in regard to this finding. The SARDI Contract Pathways document and associated processes have been updated to reflect the updated titles of responsible officers: two responsible administration officers (RAO), including name and contact details of officers and areas of responsibility. The RAOs have also been provided with individual training on project milestone reporting.

For research agreement schedules between SARDI and university partners a new report has been developed for quarterly distribution to indicate outstanding financial milestones greater than three months. This will be sent by the relevant RAO to the corresponding university for follow up. Where a milestone appears on a quarterly overdue milestone report for two consecutive quarters, the relevant program leader will be copied into the email to the principal investigator to assist with compliance.

RAO supervisors attend regular contract team meetings to ensure continued implementation of documented processes. Agreed further actions were that progress would be monitored with RAOs and the research partnership business manager as part of the next quarterly milestone review, and program leaders and subprogram leaders will be provided access to Minuet, the program used within PIRSA to monitor the status of individual project milestones. I am advised that access has been provided to these staff.

The Hon. N.J. CENTOFANTI: I am happy for the minister to take it on notice, but can she identify which research projects were not reviewed as opposed to not reviewed promptly—just simply not reviewed?

The Hon. C.M. SCRIVEN: My advice is that all were reviewed, but some were not within the timeliness outlined. We will double-check that, but that is my advice at this stage.

The Hon. N.J. CENTOFANTI: If the minister can double-check that and, if there are any that were not reviewed, can she take it on notice and bring back the projects that were not reviewed?

The Hon. C.M. SCRIVEN: Yes.

The Hon. N.J. CENTOFANTI: Referring to page 294, appropriations from the South Australian government, in 2023-24, how much of the $4 million of additional funding for the On-Farm Emergency Water Infrastructure Rebate Scheme has been spent, and can you break down the spend into projects? I am happy for you to take it on notice.

The Hon. C.M. SCRIVEN: I am happy to take that on notice and bring back a response.

The Hon. N.J. CENTOFANTI: Similarly, page 294, under appropriations from the South Australian government, in 2023-24, in terms of the $3 million Future Drought Fund, was it expended in its entirety and, if so, what was the drought fund spent on?

The Hon. C.M. SCRIVEN: I am advised that the funding was to continue the Farm Business Resilience Program and the Regional Drought Resilience Planning Program and the state's contribution to the South Australian Drought Hub.

The Hon. N.J. CENTOFANTI: Was that $3 million expended in its entirety?

The Hon. C.M. SCRIVEN: My advice is that, yes, it was.

The Hon. N.J. CENTOFANTI: Again, under appropriations from the South Australian government, same page, can the minister break down the spend for the Lower Murray Reclaimed Irrigation Area assistance, noting the appropriation from the South Australian government was $4 million?

The Hon. C.M. SCRIVEN: I am advised that we do not have the breakdown of that.

The Hon. N.J. CENTOFANTI: Supplementary: was the $4 million expended in its entirety?

The Hon. C.M. SCRIVEN: My advice is that yes, it was.

The Hon. N.J. CENTOFANTI: On page 295, grants and subsidies expense, in 2023-24 the state's contribution to the varroa mite response plan was $2 million. Can the minister indicate what will be the likely contribution in 2024-25?

The Hon. C.M. SCRIVEN: Mr Chair, I will seek your guidance but my understanding is that questions in regard to 2024-25 are not subject to this Auditor-General's Report, and therefore the question falls outside of the scope.

The Hon. N.J. CENTOFANTI: Referring to page 295, grants, subsidies and transfers, why did the transfer revenue from industry increase from $39 million in 2023 to $43 million in 2024?

The Hon. C.M. SCRIVEN: My advice is that grants, subsidies and transfers increased by $5.7 million from $59.7 million in 2022-23 to $65.4 million in 2023-24, primarily due to additional externally funded programs in 2023-24, including the Kangaroo Island sterile blowfly rearing facility, the Snapper Science Program, UTAS Southern Australia Moorings, and an increase in transfers from the fisheries research and development fund and aquaculture fund.

The Hon. N.J. CENTOFANTI: Again, under grants and subsidies, same page, can the minister advise what initiatives and research SARDI is working on with state, national and international collaborators?

The Hon. C.M. SCRIVEN: I am advised that we will need to take that on notice.

The Hon. N.J. CENTOFANTI: In taking that on notice, can the minister indicate whether those initiatives and research are part of the net zero agriculture that is in line with the Carbon Farming Roadmap implementation growing carbon pilot?

The Hon. C.M. SCRIVEN: I have just been provided with some additional information which may answer the first part of that question. SARDI delivered over 300 research projects during 2023-24. These included the effective control of pest snails in Australian grain crops funded by the Grains Research and Development Corporation; management and diagnosis of grapevine trunk disease funded by Wine Australia; effective genetic and sustainable management of ascochyta blight of chickpea funded by the Grains Research and Development Corporation, Snapper Science Program, estimates of biomass funded by the Fisheries Research and Development Corporation; and South Australian Integrated Marine Observing System funded through the National Collaborative Research Infrastructure Strategy.

The Hon. N.J. CENTOFANTI: Just going back to page 294, in regard to fire ants. In 2023-24, the state's contribution for the red imported fire ants response was $5 million. How was the funding used to ensure that treatment efforts are efficient in prevention of further spread of the fire ants into the southern regions of Australia?

The Hon. C.M. SCRIVEN: I am advised that, in regard to red imported fire ants, they were discovered in south-east Queensland in 2001 and Australia is committed to eradicating fire ants through the National Fire Ant Eradication Program. It is funded by all state and territory governments and the Australian government, with South Australia's share being 3.56 per cent of the total cost. Queensland is the lead jurisdiction and they sought commitment to a new response plan for 2023 to 2027. The total cost of the new plan is $593 million, with South Australia's contribution being 3.56 per cent. In 2023-24, South Australia's contribution was $4.738 million under the new response plan, and South Australia's total contribution over the 10-year period from 2017-18 to 2026-27 is $29.9 million.

The Hon. N.J. CENTOFANTI: Supplementary: how is the percentage of contribution determined?

The Hon. C.M. SCRIVEN: My understanding is there is a nationally agreed formula. I am not sure, off the top of my head, whether that is based on population or some other mechanism, but it is a nationally agreed formula.

The Hon. N.J. CENTOFANTI: How will the effectiveness of spending be measured to ensure that the $5 million is spent wisely and achieves the desired result?

The Hon. C.M. SCRIVEN: If I recall correctly, there is a national monitoring group or steering committee or similar, which is made up of representatives who report back to the jurisdictions to ensure that that is occurring. I visited the red fire ant facility in Queensland I think it was the year before last, or it might have been last year, to get a sense of the work that they are doing and also to see the level of risk, which became quite clear simply by having a visit, where they had detector dogs indicating the location of red fire ants in a suburban area. It certainly is a significant risk to South Australia and to the lifestyle of Australia, in addition to the impacts it would have on our primary production sectors.

The Hon. N.J. CENTOFANTI: As part of that program, are there plans to establish a permanent monitoring or management program to track the status of fire ants over the coming years?

The Hon. C.M. SCRIVEN: I do not believe that forms part of the Auditor-General's examination.

The Hon. N.J. CENTOFANTI: Red fire ants.

The CHAIR: We are talking about what has actually occurred and the Auditor-General reporting on what has occurred.

The Hon. N.J. CENTOFANTI: What lessons have been learnt from Queensland's experience with fire ant management.

The Hon. I.K. Hunter: That's not to do with the Auditor-General's Report. Stick to the Auditor-General's report!

The CHAIR: Order!

The Hon. N.J. CENTOFANTI: It says 'fire ants' as a program.

The Hon. I.K. Hunter: It's a program. Expenditure—ask questions about that, not about policy issues.

The CHAIR: Order!

The Hon. I.K. HUNTER: Goodness gracious!

The CHAIR: Order, the Hon. Mr Hunter! The honourable Leader of the Opposition, ask your next question, please.

The Hon. N.J. CENTOFANTI: I refer you to page 295, commonwealth grants. Funding for the National Water Grid funding program increased from $2 million to $5 million. Can the minister outline what that funding was used for?

The Hon. C.M. SCRIVEN: During 2023-24, the Department for Environment and Water took the whole-of-government lead on all future proposals to the National Water Grid Authority from South Australia, including in relation to water science, feasibility, projects and business cases. PIRSA remains responsible for project management, including project closure for its existing NWGA projects.

I am advised, for reference, that a number of connections pathway projects experienced delays due to River Murray flooding, which subsequently pushed out some project milestone dates and completion dates into 2023-24 and 2024-25.

The Hon. N.J. CENTOFANTI: Page 295, under expenses: can the minister explain the increase from 751 FTE for 30 June 2023 to 815 FTE at 30 June 2024?

The Hon. C.M. SCRIVEN: I am advised that the increase primarily reflects a higher FTE count with the filling of previously vacant positions following completion of the department's functional realignment in 2022-23. Additionally, according to my advice, an improved labour market in 2023-24 contributed to shorter lead times in filling vacancies.

I am advised that the actual FTE for PIRSA as at 30 June 2024 is 815, which is an increase of 65 compared to 750 as at 30 June 2023. The increase relates to a couple of matters: first of all, there were lower staffing numbers in 2022-23 while the department undertook a review and realignment of its structure and functions; there was an increase in FTEs in 2023-24 for the fruit fly eradication response following further outbreaks across the Riverland and metropolitan Adelaide; and there was an increase in FTEs in 2023-24 for the Future Drought Fund to continue the Farm Business Resilience Program and the Regional Drought Resilience Planning Program to 30 June 2026, as well as for the On-Farm Emergency Water Infrastructure Rebate Scheme. There was an incremental increase in FTEs in 2023-24 to enhance the state's capability and capacity to address the increased risk of emergency animal diseases.

The Hon. N.J. CENTOFANTI: I refer to page 294 and the revenue decline. What specific factors contributed to the decrease in sale of goods and services from $15 million in 2023 to $12 million in 2024? On that, were there any external factors, such as regulatory changes or supply chain disruptions, that negatively impacted the ability to generate sales?

The Hon. C.M. Scriven interjecting:

The Hon. N.J. CENTOFANTI: What specific factors contributed to the decrease in sale of goods and services from 2023 to 2024?

The Hon. C.M. SCRIVEN: My advice is that the decrease in sale of goods is mainly due to a lower sale of biological assets with lower harvest of crops due to the poorer seasonal conditions and unfavourable market conditions for livestock in 2022-23.

The Hon. N.J. CENTOFANTI: Is the minister suggesting that she does not believe there were any regulatory changes or supply chain disruptions, it was just purely climatic?

Members interjecting:

The CHAIR: Order! Do you want to repeat the question so I can hear it, please?

The Hon. N.J. CENTOFANTI: I asked about factors contributing to the decrease in the sale of goods. The minister suggested a reduction in output due to climatic variations and I am asking now, as a supplementary—

The CHAIR: There are no supplementary questions; you will just ask another question.

The Hon. N.J. CENTOFANTI: Were there regulatory changes or supply chain disruptions in addition to climatic factors?

The Hon. C.M. Scriven interjecting:

The Hon. N.J. CENTOFANTI: Negatively impact the ability to generate sales.

The Hon. C.M. SCRIVEN: The advice that I have had does not refer to any regulatory changes having an impact.

The Hon. N.J. CENTOFANTI: I refer to page 295, employee-related expenses. Can the minister explain why workers compensation expenses increased from $334,000 to $449,000 over the past year? That is an increase of 34.4 per cent.

The Hon. C.M. SCRIVEN: I will take that matter on notice and bring back a response.

The Hon. N.J. CENTOFANTI: I refer to pages 296-297, inventories. Can the minister identify what type of research on agricultural activities was carried out in this section and how it is conducted on a commercial basis?

The Hon. C.M. SCRIVEN: I am happy to see if there is additional information that can be provided on notice.

The Hon. N.J. CENTOFANTI: Under the same heading, can the minister also provide an answer to the chamber as to the aim of the research and how that research is beneficial to the South Australian community?

The Hon. C.M. SCRIVEN: My understanding is that most, if not all, of that information would be available in other publicly available documents, and those specifics are not referred to in the Auditor-General's Report.

The Hon. N.J. CENTOFANTI: Can the minister indicate where I might find this publicly?

The CHAIR: That is not a question.

The Hon. C.M. Scriven interjecting:

The Hon. N.J. CENTOFANTI: I just thought she might be helpful, Mr Chairman. Page 297, 'Other financial assets', Australian Grain Technologies Pty Ltd is involved in research to assist with wheat breeding programs. Can the minister advise what are these wheat breeding programs, what are they trying to achieve, and will it bring down the cost of food whilst yielding a larger wheat production?

The Hon. C.M. SCRIVEN: Certainly, I cannot provide speculation on impacts on prices. What I can say is that PIRSA recognises unlisted private company shares in Australian Grain Technologies Pty Ltd (AGT) as other financial assets in the financial statements. AGT is an Australian-based plant breeding company specialising in wheat varieties. The investments are held for strategic rather than financial or for trading purposes. For information, the department holds 14.9 per cent of shares in AGT, and the other shareholders are the University of Adelaide, the Grains Research and Development Corporation and Vilmorin and Cie.

PIRSA's shareholding in AGT had its historical origins back in 2002. This consisted of a series of cash payments or share purchases, and agreements around the lease of buildings, equipment and facilities aggregated over time to $4.5 million. In 2023-2024, all shareholders agreed to engage Ernst and Young to provide an independent valuation on AGT's shares to meet the financial reporting requirements. In 2023, PIRSA received a $1.63 million dividend from AGT, and it is used to fund research activities.

The Hon. N.J. CENTOFANTI: Page 295, grants, subsidies and transfers, which mainly comprised of $14 million from the Fisheries Research and Development Fund and the Aquaculture Fund administered by PIRSA. Can the minister indicate what this funding was used for?

The Hon. C.M. SCRIVEN: The Fisheries Research and Development and the Aquaculture administered funds partially fund the Fisheries and Aquaculture Division and SARDI research activities, as per the cost-recovery agreement with F and A industries.

The Hon. N.J. CENTOFANTI: Page 295, again under commonwealth grants. The commonwealth revenues increased by $13 million to $19 million, and part of that was due to new funding of $9 million for building resilience to manage fruit fly. Can the minister indicate to the chamber how that funding was utilised in the 2023-24 period?

The Hon. C.M. SCRIVEN: A federal funding agreement titled Building Resilience to Manage Fruit Fly (BRMFF) was approved in 2023 to the value of $20 million in total. The following projects make up the BRMFF:

- the expansion of Queensland fruit fly sterile insect technique facility at Port Augusta;
- additional quarantine checkpoints to maintain the integrity of pest-free areas, and the east-west distribution profile;
- national rollout of a new electronic plant health assurance certificate system;
- updated interstate certification assurance protocols (ICA); and
- contribution towards the post-harvest treatment infrastructure delivered by the South Australian Produce Market Ltd.

The South Australian government has completed work on the expansion of the Q-fly sterile insect technology facility in Port Augusta in September 2023. The expanded facility was scheduled to produce up to 40 million sterile flies every week, which is double the previous capacity. Since April, I am advised the facility has been producing up to 50 million sterile pupate, which is above expectations. Those additional sterile flies are important in combating the multiple outbreaks of Queensland fruit fly that are currently under management in the South Australian Riverland.

The Hon. N.J. CENTOFANTI: I refer to page 295 under grants and subsidies expense. Total grants and subsidies increased by $9 million to $69 million. Obviously, PIRSA operates many grant programs and one of those is the Thriving Regions Fund of $15 million for grants for the enabling infrastructure for the Thriving Regions and Strengthening Industries programs. Can the minister indicate whether that $15 million was fully expended during that period of time and can the minister provide a breakdown as to the projects that fell under the Thriving Regions Fund and the amounts per project? You can take it on notice.

The Hon. C.M. SCRIVEN: No, that is alright. I am happy to provide them. That gets you off the hook because you are running out of questions, I appreciate that.

The Hon. N.J. Centofanti interjecting:

The CHAIR: Order!

The Hon. C.M. SCRIVEN: I can tell. The Thriving Regions Fund is a $15 million per annum commitment to support regional projects that act as enablers to regional industries to grow jobs and strengthen regional communities. Assessment criteria considers alignment with state and regional plans and priorities and benefits of the project to the region. The long-term outcomes from investment through the Thriving Regions Fund are identified as improved quality of life for regional communities; thriving, resilient and sustainable regional communities that attract and retain people to live and work; a pipeline of regional leaders providing a voice for their regions; and regions creating job opportunities and improved career options by capitalising on regional growth potential and stronger regional economies.

Grant payments under the Thriving Regions Fund increased by $2.9 million, from $11.9 million in 2022-23 to $14.8 million in 2023-24. It is important to note that payments are made on achievement of milestones by grant recipients. To the extent that the milestones are not met in the year the allocation was approved, the balance is carried forward to be distributed to the applicant in a subsequent year on achievement of milestones. Therefore, it is fair to say that, whilst the amounts may be committed, they may or may not be fully expended in each year because of the milestones perhaps being delayed by the applicants.

The Thriving Regions Fund is made up of four subprograms. In 2023, the state government allocated money to the Thriving Communities Program to support community projects in regional South Australia. It was immensely popular and there was a total of $1,400,000 provided in funding. A total to be exact of $1,443,200 in funding was awarded to the following 39 projects:

- Glencoe Woolshed Branch National Trust, $36,000;
- 54 31 Collective, $44,379;
- Naracoorte District Men's Shed Incorporated, $21,000;
- Millicent Golf Club, $28,802;
- Bundaleer Forest Community Areas Association, $50,000;
- SA ICPA, $30,209;
- Kingscote Football Club, $50,000;
- Hahndorf Bowling Club Incorporated, $26,000;
- Callington A&H Society Incorporated, $50,000;
- Hardwicke Bay and District Progress Association, $20,000;

- Wilmington Progress Society Incorporated, $25,000;
- the Riverton Community Management Committee, $22,250;
- Barngarla Aboriginal Corporation, $47,635;
- Barossa Valley Community Kids, $28,621;
- National Trust of South Australia, Willunga Branch, $31,196;
- Girl Guides South Australia Incorporated, $50,000;
- Loxton Netball Club, $38,000;
- Fisherman Bay Progress Association, $35,000;
- Kyancutta Community Club Incorporated, $45,000;
- Ngarrindjeri Ruwe Empowered Communities, $50,000;
- Foodbank of South Australia Incorporated, $35,000;
- Snowtown Progress Association, $47,000;
- Price Progress Association Incorporated, $47,485;
- Millicent Men's Shed, $30,000;
- St Vincent de Paul Society of South Australia Incorporated $22,500;
- SYP Community Hub, $34,686;
- Kalangadoo Community Club, $50,000;
- Milang & District Community Association, $50,000;
- Southern Yorke Peninsula Agricultural Society, $35,000—

The CHAIR: Minister, if you would like to table that, time has expired for today's session.

Bills

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:30): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

Second Reading

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

That this bill be now read a second time.

Today, I introduce the Electoral (Accountability and Integrity) Amendment Bill 2024. This bill, which amends the Electoral Act 1985, is the culmination of years of working to develop a scheme to implement the state government's electoral commitment to ban political donations from state elections.

South Australia has a long and proud history of democratic reform. In 1894, we became the first jurisdiction in the world to grant adult women the right to both vote and stand as a member of parliament. In doing so, South Australia ensured that the subsequently federated Australia would follow our state's example.

We have led the world in some of the most significant changes to the betterment of democracy. It was a 24-year-old Englishman turned South Australian, William Boothby, who in 1854 single-handedly redesigned the ballot paper itself, with his new system now standard across the

world. It was South Australian author and activist Catherine Helen Spence who in 1861 began a lifelong campaign for the adoption of preferential voting in her state and later her country. This work contributed to a system by which representatives are not selected by the largest minority of voters but are chosen because they have earned a majority of support from the electorate.

Consistent with this reformist tradition, the South Australian government now seeks to introduce legislation to ban political donations. Democracy in South Australia has a strong history, but that does not mean it faces no risk. Democracy worldwide is in a crisis of confidence. Trust in democratic institutions and leaders is at an all-time low.

The Centre for the Future of Democracy at the University of Cambridge published a study titled 'Youth and satisfaction in democracy', which combined data from close to five million respondents in over 160 countries. The study concluded that current millennials—18 to 34 year olds—are the first generation in living memory where the majority are dissatisfied with the way that democracy functions. Among the larger democracies recording their highest ever level of democratic dissatisfaction were the United Kingdom, Brazil, Mexico, the United States and Australia. It is incumbent upon democratic leaders to act.

Democracy has been described as a work in progress, an ever-evolving and living system, which can and should be continually refined and improved to better serve the people it represents. Complacency is not an option. The pervasive impact of private donations in our electoral and political processes contributed to this trust deficit.

Private money impacts our politics in a variety of ways. In its most corrosive form, private donations made with the aim of securing a particular outcome from members of parliament or ministers can have a corrupting effect. Whilst, fortunately, blatant attempts to purchase favourable decision-making may be rare, a ban on donations has a prophylactic effect of reducing the opportunity for such criminality. Less extreme but nonetheless very troubling is that private money may be gifted to members of parliament or ministers not with a view to securing any particular result but rather in the expectation that decision-makers will be more favourably disposed to generous donors.

As uncomfortable as it may be for those of us who are politicians to admit, the truth is that money can and does buy influence. As the Premier said in his Hawke lecture when he announced that he would be taking this policy to the 2022 election, and I quote the Premier today, (at the time the opposition leader) 'the truth is, every insider has some questions to answer about how we do our job, who we listen to, who we think matters, whose voice we think counts the most'.

It is a well-known feature of our current system that powerful lobbyists can, by making donations, purchase access to decision-makers. Yet no-one should be able to gain additional access to a politician or leader on the basis of their bank account balance. No-one should be able to cut the queue because they are willing to fork out to attend fundraisers to try to gain access.

The decisions taken by members of parliament and ministers must always be made in the public interest and should never be influenced by the private interests of political donors or those who can afford access. A ban on political donations will prevent wealthy donors from purchasing influence or access.

Perhaps the most pervasive and therefore insidious impact of private money on our political system is not the actual impact it has on the process or outcome of decision-making but the perception that it creates. Even where the making of a donation has no impact at all on decision-making, many quarters of the electorate remain sceptical. One need only look at the recent media scrutiny about flight upgrades offered to federal politicians to understand the degree of community concern about the impact that even relatively modest gifts have. For these reasons political donations engender distrust in our politics.

However, political donations give rise to a further, related problem. As touched upon already, members of parliament and ministers can be inundated with requests for their attention. People can and should have the opportunity to engage with their leaders, share their concerns, express their views and advocate for their passions. It is how democracy is intended to work.

Time, however, is a finite resource. When our members of parliament and ministers are beholden to donors, the fundraising activities, which they must necessarily engage in under the rules as they stand in order to compete, distract them from their duties as representatives and decision-makers. If a politician attends a fundraising event, that is time taken away from meeting with a constituent or a small business with a complaint, attending a community sporting event, participating in a departmental policy briefing or meeting with a company CEO to discuss the state's economic objectives. A ban on political donations will go a long way towards both restoring trust in politics and relieving our leaders and representatives from fundraising, which distracts them from serving South Australians.

It may be argued that a ban on donations is unnecessary or that it goes too far. It may be said that a cap on large political donations would be sufficient to restore trust in politics because relatively small donations will not impact on the integrity of political decision-making. This, in our view, is wrong for two reasons. First, it does not address the perception problem discussed above. Levels of trust in politics are such that even small donations raise suspicions in the minds of many electors. Second, a cap on large donations exacerbates the fundraising problem discussed above. In a system where politicians can only secure small donations, they will be required to spend potentially even more time in fundraising in order to compete.

The bill has been drafted in pursuit of these purposes. Although the purposes of the bill are clear, the implementation of the government's policy must be nuanced. A ban on donations prevents the flow of private money that would otherwise be available to fund political communication by participants in our political system. In this way the ban potentially impacts free political communication which is protected under the Commonwealth Constitution. Therefore, the publicly funded scheme that replaces the status quo must be implemented in a manner that balances the interests of the major parties and minor parties, parties and Independents, incumbents and new entrants, and political candidates and third-party campaigners. Crucial to the balancing approach is the need to ensure that the voices of all the different participants in our political process can be meaningfully heard.

I understand that this speech has been circulated to members earlier today along with the report entitled 'Review of the Electoral (Accountability and Integrity) Amendment Bill 2024 (SA)' by a panel of experts comprising the Hon. Greg Parker PSM, Professor John Williams AM and Mr Steven Tully, dated 24 October 2024. I seek leave to have the expert report tabled in parliament for the information of members.

Leave granted.

The Hon. K.J. MAHER: Also, in the interest of time and given there has been prior circulation of an advance copy of this speech, I seek leave to insert the remainder of my second reading explanation and the explanation of clauses in *Hansard* without my reading them.

Leave granted.

With these principles in mind, the Government instructed the drafting of a Bill with the following features:

- In order to prevent well-resourced participants from drowning out other voices, the Bill imposes caps on electoral expenditure for all parties, candidates and other participants.
- The Bill prohibits absolutely political donations to incumbent members of Parliament and registered political parties, and replaces it by expanding the existing system of public funding. That funding is based upon the number of votes garnered at previous elections.
- New entrants into the electoral process, such as independent candidates or registered parties without parliamentary representation, will still be permitted to accept donations, as will third party campaigners. However, anonymous donations of $200 or more are unlawful and the amount of any individual donation is capped at $5,000. Further, donations cannot be accepted above the amount of the participant's expenditure cap for the election.
- The Bill provides for payments to be made to all registered political parties, candidates and groups in advance of a general election, in order to enable them to have sufficient funds to run a campaign.

Having drafted the Bill, the Government then embarked upon an extensive consultation process. The draft Bill was released in order to garner the views of the various stakeholders who would be affected by this reform. The process elicited 55 responses from electors, registered political parties, former Members of Parliament, academics

and political advocacy groups as well as comments and feedback on the YourSAy website—being the State Government's online consultation forum.

In addition to public consultation, the Government commissioned an expert panel to review the reform proposals contained in the consultation Bill and the various consultation responses. The Panel was asked to advise on matters such as appropriate levels for expenditure caps and donations, public funding, and candidate and party registration thresholds.

The panel was comprised of the Hon Gregory Parker PSM, Professor John Williams AM, and Mr Steven Tully.

The Hon Gregory Parker was a Judge of the South Australian Supreme Court from 2013 – 2022, and before then the Crown Solicitor of the State of South Australia. He has extensive experience in public and constitutional law and the processes of government. Professor Williams is the Provost of Adelaide University and a Pro-vice Chancellor, Foundation Director of the South Australian Law Reform Institute, and a former Dean of the Adelaide Law School. He is widely recognised as a leading expert on Australian constitutional law. Mr Steven Tully has extensive experience in the management and administration of elections. He was the South Australian Electoral Commissioner from 1997-2005, and was then the Victorian Electoral Commissioner from 2005 – 2012.

Collectively, the Panel possesses a significant body of experience and expertise in public and constitutional law and electoral matters.

In its Executive Summary of the Report, the Panel endorsed the need for this reform, noting 'the growing concern about the power of unregulated expenditure on the probity and fairness of the electoral contest', and that 'the power of ideas and policy, can too easily be overwhelmed by the megaphone of money.'

The Panel's report made 19 recommendations to the Government. Having considered the consultation responses and the Panel's recommendations, the Government has now made substantial revisions to the consultation Bill. Those changes have picked up many of the suggestions made through the consultation process and generally reflect the recommendations of the Panel. The relatively minor respects in which the Government has departed from the Panel's recommendations are discussed below.

The Government would like to thank all of those who contributed a submission in the consultation process. The Government would also like to thank the Panel for its careful and detailed consideration of the many issues arising from the implementation of this reform.

One of the most important things that the Panel was asked to consider were the appropriate expenditure caps for political parties and candidates. After carefully reviewing the figures contained in the consultation Bill, the panel endorsed the figures contained in the draft Bill, concluding that, '[t]he panel does not consider the proposed caps upon expenditure will unreasonably prevent any class of candidate from presenting their case to the electorate.'

Next the Panel considered the position of third party campaigners, which had received significant attention in the public consultation process. The Panel expressed the view that, 'upon the imposition the proposed prohibition on donations to political parties, there will be a flow of donations to third party campaigners.' The Panel considered that 'unregulated third party expenditure can be harmful to the democratic process.'

The Government accepts the Panel's reasoning, and has incorporated into the Bill caps to regulate the expenditure of third party campaigners. As the Panel acknowledged, 'the purpose of such a cap is not to prevent loud and vociferous voices from being reasonably able to present their case but rather to facilitate a level playing field for third parties.'

The Panel considered that a cap of $375,000 applicable to State-wide campaigns at general elections was appropriate. Having made some adjustments to the administrative and campaign funding for candidates (which I will outline later), the Government considers that it is appropriate to allow for a modest increase to the cap for third party campaigners to $450,000. This is intended to maintain the relativities between candidates and third parties within the same range as that proposed by the Panel. For the same reason, the Government has increased the proposed donation cap applicable to third party campaigners from $2,700 to $5,000, to ensure that third party campaigners are not unduly hampered in their ability to fund their campaigning.

Another significant issue raised during public consultation, and addressed by the Panel, was the effect of the reforms on new entrants. Given that the scheme for public funding under the Bill operates generally by reference to the number of votes garnered at the last election, a different model of funding is required for new entrants. Some advanced funding is provided for new entrants in the Bill.

In preparing the consultation Bill, the Government considered that there was a risk that too many new entrants may register to seek advance funding which may lead to a blow out in costs and voter confusion through a multiplicity of candidates. Accordingly, the consultation Bill proposed an increase to the registration requirements for parties and independents.

The Panel did not accept the increased registration requirements were necessary based on the material available. The Government accepts the Panel's recommendation on this issue. The first election undertaken under the new system will be taken into account in reviewing the operation of the Act and if any subsequent changes become necessary.

The Bill provides for administrative funding for political parties and independent candidates. The consultation Bill had provided that a proportion of this funding could be spent on political campaigning. The Panel, however, noting that this is not permitted in other jurisdictions, recommended that operational funds should be prohibited from use for political purposes. The Government accepts this recommendation.

The Panel also recommended that, in order to address the problem of advantaging incumbents, non-incumbent parties and candidates should also be able to access administrative funding. The Government also accepts this recommendation.

As to the quantum of funding, the Panel recommended a reduction in administrative funding for political parties to $600,000 each half-year. The Panel made this recommendation following a review of the historical expenditure of the major parties. Following receipt of the Panel's recommendation, the major parties have queried the financial conclusions reached by the Panel in arriving at this conclusion. The parties maintain that their administrative expenditure has historically been in the order of $800,000 each half-year.

In order to address this concern, the Government has commissioned an expert accountant report concerning the historical expenditure of the major parties. It was never the Government's intention to deprive political parties of the funds necessary for administrative purposes. The Bill as presented contains funding for $800,000 based upon representations made by the major parties. The accountant report is expected to be available very shortly and before the Bill passes both Houses. Ultimately, the Government will be guided by the expert independent accounting advice on this issue.

In order to afford parity to minor parties and independent candidates, the Government also proposes to increase the administrative funding available to them. Accordingly, the Bill increases the base administrative funding for minor parties from $225,000 to $245,000, and that for independents from $15,000 to $20,000.

Acceptance of the Panel's recommendation that administrative funding should not be available for political purposes has required another change to the Bill. The allowance of expenditure of a portion of administrative funding for political campaigning contemplated by the consultation Bill, would have allowed for limited political spending prior to the pre-election campaign period (commencing on 1 July in the financial year before the election is held). The prohibition of administrative funding for this purpose, as recommended by the Panel and accepted by the Government, leaves a funding gap for those parties and independents who cannot receive donations or advance funding, before the commencement of the pre-election campaign period. However, political campaigning is not something to be restricted only to the election campaign.

Accordingly, provision is made in the Bill for parties and independents to be able to draw upon a small amount of their permitted election expenditure in advance of the formal pre-election period. This provides necessary flexibility, but does not constitute additional funding or allow a party greater relative advantage, because any such expenditure will count towards the maximum election expenditure cap.

The Panel reviewed the dollar per vote funding proposed in the consultation Bill, and concluded that the proposed funding was insufficient. The Panel recommended an increase of $1 per vote funding. The Government agrees. In fact, the Government, in order to ensure that these reforms succeed in providing sufficient funding for all candidates to campaign, proposes to go further and increase party funding to $5.50 per vote, from the current amount (with indexation) of approximately $4.00 per vote for registered political parties. To ensure this increase in funding does not operate to the relative advantage of parties over independents, the Government proposes to increase funding to independents to $8.50 per vote and impose a cap on a party's funding by reference to 33% of the primary vote. The Government expects that these funding levels will ensure that these important reforms will not unduly restrict the capacity of candidates to be heard.

The Panel recommended that the proposal contained in the consultation Bill, that the threshold for the receipt of per-vote funding for Legislative Council members should be increased from 2% to 4%, could not be justified. The Government accepts this recommendation.

The Panel discussed a problem that had been referred to in submissions received in the public consultation process as a 'funding trap'. That problem may arise where minor parties perform badly at an election, thereby leaving them with little, or no, public funding to engage in the next campaign. The Panel recommends that a minor party that finds itself in that position should be able to elect whether to obtain public funding, or to be treated as a non-incumbent party, and therefore able to receive donations.

The Panel identified a similar situation that arises for independents, although in reverse. The consultation Bill would have treated them as equivalent to new entrants, meaning they could always engage in fundraising but the amount of their advance funding would be that for a first-time candidate and not be based on their previous vote performance (if they had previously stood for election). The Panel also recommended that independent candidates in this situation should be able to choose whether to be treated as an incumbent or a new entrant for funding purposes. In accordance with the need to ensure that these reforms do not shut out voices of minor parties and independents, the Government has accepted these recommendations.

Finally, the Panel recommended that these reforms would benefit from further consideration and additional evidence when it becomes available following the next State election. The Government agrees. Accordingly, the Bill contains a statutory review process.

I will now explain the major reforms within the Bill:

Definitions (Sections 4 and 130A)

The Bill includes new definitions and concepts to accompany the reforms, including the following terms describing different classes of electoral participants:

- Entitled candidate
- Entitled group
- Entitled registered political party

An entitled candidate is a candidate which is not elected or endorsed by a registered political party. An entitled registered political party is a registered political party without any sitting members.

The definition of associated entity has been amended to exclude a registered industrial organisation or an entity wholly comprised of registered industrial organisations.

Ban on electoral donations (New Division 6A, Part 13A)

The Bill proposes to prohibit the giving and receiving of an electoral donation to a registered political party, member of Parliament, group, candidate or third party.

The Bill removes the definition of 'gift' to be replaced by the definition of 'donation'. The definition is broad and contains certain exclusions and a regulation making power to include or exclude dispositions of a prescribed kind or in prescribed circumstances.

The Bill introduces the concept of an 'electoral' donation, which is:

- A donation made to or for the benefit of a registered political party or group; and
- A donation (or such part of a donation) made to or for the benefit of a member of Parliament, candidate or third party which was used or intended to be used solely or substantially for State electoral purposes (and in the case of a member of Parliament – duties as a member of Parliament); or to enable the participant to make an electoral donation or incur political expenditure; or to reimburse those participants for making an electoral donation or incurring political expenditure.

The intent of this provision is not to capture incidental items which may be considered a 'donation' but are not an electoral donation – for example, in circumstances where a Member of Parliament is gifted a drink bottle, tickets to an event, a meal or a similar type of item.

A third party that is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* is only prohibited from receiving an electoral donation from a foreign entity. No other limitations will apply. This decision was made with consideration to the limitations imposed on the political activities of registered charities and in recognition of their inherent reliance on donations to operate. The intent of this provision, and of others which may impact on the operation of not-for-profit community advocacy groups, is to not suppress the voices of community advocates in the political process.

A recontesting participant (an entitled registered political party, entitled candidate or entitled group that elects to be treated as a recontesting party, candidate or group for the purposes of advance payments), will be prohibited from receiving electoral donations from the capped expenditure period. In exchange, these recontesting participants will be eligible for advance funding on the basis of their previous (unsuccessful) election result. This is to better allow recontesting participants to demonstrate and build on support within the community. A defence applies should the recontesting participant have received donations and subsequently lodged their certificate after the day the capped expenditure period commences.

An electoral donation made to an associated entity is taken to be a donation to or for the benefit of the party to which the entity is associated.

Self-funding by certain participants is allowed subject to certain limitations outlined in the Bill.

Ban on electoral loans (New Division 6A, Part 13A)

The Bill proposes to prohibit the giving and receiving of an electoral loan to a registered political party, member of Parliament, group, candidate or third party.

The Bill includes a definition of loan which does not include a loan provided by a financial institution.

The Bill introduces the concept of an electoral loan, which is:

- A loan made to or for the benefit of a registered political party or group; and
- A loan (or such part of a loan) made to or for the benefit of a member of Parliament, candidate or third party which was used or intended to be used solely or substantially for State electoral purposes (and in the case of a member of Parliament – duties as a member of Parliament); or to enable the participant

to make an electoral loan or incur political expenditure; or to reimburse those participants for making an electoral loan or incurring political expenditure.

A third party that is a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* (Cth) is only prohibited from receiving an electoral loan from a foreign entity. No other limitations will apply.

A recontesting participant (an entitled registered political party, entitled candidate and entitled group that elects to be treated as a recontesting party, candidate or group for the purposes of advance payments), will be prohibited from receiving electoral loans from the capped expenditure period. However a defence applies should the recontesting participant lodge their certificate after the day the capped expenditure period commences.

An electoral loan made to an associated entity is taken to be a loan to or for the benefit of the party to which the entity is associated.

Limitation on electoral donations (New Subdivision 3, Division 6A, Part 13A)

An entitled registered political party, entitled candidate, entitled group and third party (defined as a regulated designated participant) may receive an electoral donation up to the individual cap of $5,000 (2026 indexed) per donor each financial year.

A regulated designated participant is prohibited from accepting an electoral donation from a foreign entity.

It will be an offence for a regulated designated participant to receive an electoral donation of more than the individual cap. There is a defence for a regulated designated participant if certain actions are taken.

In addition to the individual cap, an entitled registered political party, an entitled candidate or an entitled group (defined as a relevant regulated designated participant) is subject to a general cap in respect of total electoral donations received during the capped expenditure period in an election. The general cap for a relevant regulated designated participant in relation to an election is the amount equal to the relevant regulated designated participant's applicable expenditure cap for the election.

It will be an offence for a relevant regulated designated participant to receive electoral donations that exceed the general cap. In addition to the offence, twice the excess may be recovered as a debt due to the Crown. There is a defence for a relevant regulated designated participant if certain actions are taken.

Limitation on electoral loans (New Subdivision 3, Division 6A, Part 13A)

An entitled registered political party, entitled candidate, entitled group and third party (defined as a regulated designated participant) may receive an electoral loan up to the individual cap of $5,000 (2026 indexed) per lender each financial year.

A regulated designated participant is prohibited from accepting an electoral loan from a foreign entity.

It will be an offence for a regulated designated participant to receive an electoral loan of more than the individual cap.

In addition to the individual cap, an entitled registered political party, an entitled candidate or an entitled group (defined as a relevant regulated designated participant) is subject to a general cap in respect to total electoral loans received during the capped expenditure period in an election. The general cap for a relevant regulated designated participant in relation to an election is the amount equal to the relevant regulated designated participant's applicable expenditure cap for the election.

It will be an offence for a relevant regulated designated participant to receive electoral loans that exceed the general cap. In addition to the offence, twice the excess may be recovered as a debt due to the Crown. There is a defence for a relevant regulated designated participant if certain actions are taken.

Nominated Entities (New Division 2A, Part 13A)

The Bill introduces the concept of a nominated entity and a register of nominated entities.

A registered political party may, by notice in writing, appoint no more than two associated entities as the nominated entities of the registered political party. A nominated entity must be an associated entity of the registered political party.

The Electoral Commissioner must establish and maintain a register to be known as the Register of Nominated Entities, which must be published on a website maintained by the Electoral Commissioner. The Register must include the following details in relation to each nominated entity:

- the name and address of the entity;
- the registered political party of which the entity is the nominated entity; and
- any other details prescribed by regulation.

A disposition of property made by a registered political party to a nominated entity of the registered political party is not a donation. A donation to a registered political party from the nominated entity of the registered political party that is used for administrative expenditure is not an electoral donation and is not subject to the ban. .

Similarly a loan made by a registered political party to the nominated entity of the registered political party is not a loan. A loan to a registered political party from a nominated entity of the registered political party that is used for administrative expenditure is not an electoral loan and is not subject to the ban.

The purpose of the nominated entity scheme is to provide a practical vessel for political parties (which can, on occasion, consist of nothing more than an unincorporated association) to exchange assets or funds with a dedicated company which holds those assets or funds (for example, an asset holding company which has legal ownership of a party's headquarters). As an associated entity of a registered political party, a nominated entity cannot receive outside political donations. In recognition of the possibility that there is potential for a nominated entity to entrench an existing financial advantage, amounts received by a political party from a nominated entity can only be used for administrative expenditure. This will prevent a party using legacy assets to build a long-term political advantage over more-limited new entrants.

Administrative Funding (Division 5, Part 13A)

Registered political party

The Bill proposes to amend the operation of the existing 'special assistance funding' in section 130U of the Act. It will be renamed 'administrative funding'.

Under the Bill, a registered political party meeting the current criteria in section 130U(1), including that at least 1 member of the party is a member of Parliament will be entitled to administrative funding. Whilst the entitlement does not operate on a reimbursement basis, a claim must still be submitted to the Electoral Commissioner in accordance with the requirements in the Bill.

The amount to be paid for a half yearly period is:

- If the registered political party has 1 member who is a member of Parliament—$85,000 (2026 indexed)
- If the registered political party has 2 members who are members of Parliament—$245,000 (2026 indexed)
- If the registered political party has more than 2 members who are members of Parliament, the lesser of the following:
- the amount of $245,000 (2026 indexed) in respect of 2 members of Parliament plus $55,000 (2026 indexed) for each additional member of Parliament;
- $800,000 (2026 indexed).

A registered political party will also be entitled to a one-off payment (available on a reimbursement basis) of up to $200,000 if:

- the party has received a half yearly entitlement payment;
- a claim is submitted by the prescribed date and in a form determined by the Electoral Commissioner; and
- expenditure was incurred on prescribed administrative expenditure.

Proposed section 130W limits the purpose for which administrative funding may be used by a registered political party.

Independent Member of Parliament

Under the Bill a non-party, or independent, member of Parliament will be entitled to be paid a half yearly administrative funding if the member is a member of Parliament for all or part of the half yearly period and a claim is submitted to the Electoral Commissioner. The amount of the entitlement for a half yearly period is $20,000 (2026 indexed) and it is not on a reimbursement basis. This funding is subject to the same limitations as that which is made available for registered political parties in section 130W – namely that it can only be used for administrative purposes.

In addition to the half yearly entitlement, a non-party member of Parliament will be entitled to a one-off payment of up to $50,000 if:

- the non party member is a member of Parliament at the commencement of the section;
- a claim is submitted by the prescribed date and in a form determined by the Electoral Commissioner; and
- expenditure was incurred on prescribed administrative expenditure.

Repayment of Administrative Funding

The Bill provides that administrative funding must be repaid if it has not been spent and the Electoral Commissioner becomes aware of certain matters triggering the repayment provision.

Policy Development Funding (Division 5A, Part 13A)

The Bill introduces policy development funding for an entitled registered political party. Under the reforms an entitled registered political party will be entitled to policy development funding of up to $20,000 (2026 indexed) per year if:

- it was an entitled registered political party for all the year to which the funding relates;
- a claim is submitted to the Electoral Commissioner in the form determined by the Electoral Commissioner; and
- expenditure was incurred on policy development expenditure.

The policy development expenditure scheme seeks to provide a mechanism for the better development of a contest of ideas, by assisting non-incumbent parties in the development of new policies and concepts.

Advance Payment Scheme (new sections 130PA – 130PG)

The Bill introduces an advance payment scheme for participants so that funding is available prior to an election campaign.

Under the Bill, electoral participants will be eligible for an advance payment of election funding in respect of a general election, or a Legislative Council election. A different scheme applies for a by-election. There will be two payments of advance funding and there is a requirement to lodge a certificate with the Electoral Commissioner for the provision of the advance payments.

In respect to by-elections, only entitled registered political parties and entitled candidates will be eligible for advance payments.

The level of advance payment is dependent on the class of the participant and the type of election for which the funding is required.

For registered political parties, incumbent non party members of Parliament and groups not endorsed by a registered political party with a member of Parliament, the advance payments will be calculated based on the results of the relevant previous election.

For an incumbent independent member of Parliament that was, at the previous House of Assembly general election, endorsed by a registered political party, the level of advance payments will be based on the number of first preference votes given for that member at the previous general election (in accordance with item 3 of section 130PA). The registered political party would be entitled to advance funding based on the first preference votes won by that former member in the previous election along with all the other first preference votes of candidates endorsed by that party in the House of Assembly (in accordance with item 2 of section 130PA).

For an incumbent independent member of Parliament that was at the twice preceding Legislative Council general election endorsed by a registered political party, additional provisions in relation to the level of advance payments will be provided for in the regulations.

An entitled registered political party, entitled candidate or entitled group may elect to be treated as a recontesting party, candidate or group and therefore be entitled to advance payments calculated based on the results of the relevant previous election. In other words, they can choose whether to receive the fixed amount of funding provided in the Bill or funding based on previous election results. A participant who opts for funding based on previous results will be subject to the electoral donations and electoral loans ban.

The Bill provides a limit on the amount of advance payments being up to the applicable expenditure cap of the participant.

A registered political party (other than an entitled registered political party) or non party member may request the early payment of an advance payment, being before the start of the capped expenditure period. Certain requirements apply including a limitation on the portion of the advance payment that can be provided earlier.

There are additional provisions relating to advance payments applying to a Legislative Council minor party as outlined in the Bill.

The quantum of the total of advance payments provided to an electoral participant will be deducted from the amount payable under section 130P.

Any amount provided by way of advance payment will need to be repaid where:

- In all cases – the registered political party, candidate or group does not contest the election or is not entitled to payment given in the election by virtue of section 130Q(1) or (2).

- In the case of a registered political party – before polling day for the election, the party ceases to operate or be registered or it has been, or is being dissolved or wound up.

Election Funding (Section 130P)

The Bill proposes a change to the amounts and the structure of the per vote funding in section 130P.

The amount per-vote has been raised to $5.50 (2026 indexed) for candidates of registered political parties with a member of Parliament, with candidates of entitled registered political parties remaining eligible for an additional 50 cents per vote for the first 10 percent of first preference votes received.

An additional amount is provided for independent members of Parliament, with incumbent independents eligible for $8.50 (2026 indexed) per vote, and entitled non party candidates also eligible for an additional 50 cents for the first 10 percent of first preference votes.

A separate value applies for by-elections, with $8.50 (2026 indexed) per vote being adopted for candidates of registered political parties with a member of Parliament. Other candidates are eligible for an additional 50 cents per vote for the first 10 percent of first preference votes received.

A limit of electoral funding will apply for registered political parties. There will be a 33% limit on the number of primary votes which can be counted in determining the dollar-per-vote funding under section 130P. The limit is applied by deducting the excess above the 33% limit from the funding payable. This is referred to as the deductible amount in section 130Q.

Expenditure limits (Section 130Z)

The Bill proposes there will be mandatory application of expenditure caps. The amounts in current section 130Z have been adjusted.

The amounts will be reduced to their pre-indexed amounts which is indicated by the reference to '2026 indexed' in the Bill. Indexation will be retained going forward.

Expenditure caps have been introduced for a third party. The limits are:

- For a general election (including in relation to a simultaneous Legislative Council election)—$450,000 (2026 indexed)
- In relation to an election for a House of Assembly district (other than 1 held as part of a general election)—$60,000 (2026 indexed)
- A limit of $60,000 (2026 indexed) applies for expenditure relating to an election in a House of Assembly electoral district at the general election.

For a group of non party candidates in a Legislative Council election the cap will be $100,000 (2026 indexed) multiplied by the number of members of the group but up to a maximum of 5.

State campaign accounts (Division 3, Part 13A)

The requirement to keep a State campaign account will remain for a registered political party, third party, candidate and group.

The Bill outlines the categories of money received or funding provided that must be paid into the State campaign account.

Payments of money for political expenditure must be paid from or attributed to the relevant participant's State campaign account in accordance with any requirements of the Electoral Commissioner.

The Bill also recognises that donations may be received for a federal purpose under the *Commonwealth Electoral Act 1918* (Cth) and provides for those circumstances.

The Electoral Commissioner will be required to establish and maintain a register of State campaign accounts. An agent will also be required to provide details relating to the account on the request of the Electoral Commissioner.

Disclosures (Division 7, Part 13A)

The disclosure requirements have been amended to reflect the prohibition and limitation on electoral donations and electoral loans.

- Section 130ZF has been amended to apply to an entitled candidate, including a member of an entitled group.
- Section 130ZG has been amended to apply to those making a donation or loan to an entitled candidate or a member of an entitled group.
- Section 130ZH has been amended to apply to those making a donation to an entitled registered political party.

- The threshold for disclosure has changed in sections 130ZF, 130ZG and 130ZH to apply a tiered approach for reporting requirements, where detailed disclosure is required for donations and/or loans of more than $1,000.
- New section 130ZHA has been introduced applying to those making an electoral donation to a third party. There is a tiered approach for reporting requirements where detailed disclosure is required for electoral donations of more than $1,000.
- The threshold for anonymous loans in section 130ZK has been reduced from $1,000 to $500.

Returns (Division 8, Part 13A)

Sections 130ZN (return by a registered political party), section 130ZO (return by an associated entity) and section 130ZP (return by a third party) have been amended to apply a tiered approach to reporting. In respect to a return by a registered political party and an associated entity detailed disclosure is required for amounts received and outstanding amounts of more than $1,000. In relation to a return by a third party, detailed disclosure is required for electoral donations and loans incurred solely or substantially for State electoral purposes or for the purpose of political expenditure of more than $1,000.

Party Registration and Candidate Nomination (sections 39, 42AA and 53A)

The Bill:

- Introduces additional information requirements for applications by a party, that is not a parliamentary party, for registration.
- Removes the requirement for incumbent independent candidates to provide elector signatures for nomination.

A new provision has been introduced to disapply certain entitlements to registered political parties until the period of 8 months after the date of registration of the political party.

Audits by the Electoral Commissioner (new section 43C and 130ZWA)

The Bill proposes further requirements and powers to assist the Electoral Commissioner in monitoring the activities and documents of applicable entities. Applicable entities are defined as, an entity to whom funding is payable under Part 13A, an associated entity or third party.

The Bill also provides the Electoral Commissioner with additional audit powers for the purpose of determining whether the political party, continues to be eligible for registration.

Offences – Donations and Expenditure Limits (Section 130ZZE)

The Bill inserts penalty provisions in relation to acts or omissions under Division 6 (division relating to political expenditure) and Division 6A (division relating to electoral donations).

There are two new sections which distinguish between an offence where the person knows of the facts that result in the act or omission being unlawful as opposed to an offence where the person ought reasonably to know of the facts that result in the act or omission being unlawful.

New section 130ZZE(a1) provides that a person who does an act or makes an omission that is unlawful under Division 6 or Division 6A is guilty of an offence if the person knows of the facts that result in the act or omission being unlawful. The maximum penalty is $20,000 or imprisonment for 4 years.

There is another penalty provision in section 130ZZE(a2) applying where the person ought reasonably to know of the facts that result in the act or omission being unlawful under Division 6 or Division 6A. The maximum penalty is $10,000 or imprisonment for 2 years.

There is a specific penalty provision in section 130ZZE(a3) relevant to persons participating in schemes to circumvent Division 6 and Division 6A. That provision provides that:

A person must not knowingly participate, directly or indirectly, in a scheme to circumvent:

(a) a prohibition or requirement under Division 6 relating to political expenditure; or

(b) a prohibition or requirement under Division 6A relating to electoral donations.

Maximum penalty: $50,000 or imprisonment for 10 years.

A transitional power for the Electoral Commissioner (applying within the 2 years after commencement) to informally caution or require a person to undertake training, if the person admits to the commission of the offence.

Statutory Review (new provision)

The Bill inserts a statutory review provision requiring the Special Minister of State to cause a comprehensive review of the operation and impact of the reforms to be conducted and a report on the review to be submitted to the

Minister. The report must be laid before both Houses of Parliament within 6 sitting days after the report is received. The provision includes other details in relation to the statutory review.

Electoral Commission Report

The Electoral Commission of South Australia, Report into the *Operation and Administration of South Australia's Funding, Expenditure and Disclosure Legislation* (July 2019), incorporated the review undertaken after the 2018 State election, which was the first election after the commencement of Part 13A and being the first time that participants received public funding and had to satisfy compliance and disclosure requirements. The 2019 Electoral Commission Report made 44 recommendations for legislative change. The following reforms in the Bill implement some of those recommendations:

- Conferral of agent powers (new section 130HA) – An agent will have the ability to confer official functions and powers to the acting agent during a temporary absence or unavailability.
- Clarification in relation to the agent appointment provisions (sections 130H and 130I) –These changes are technical in nature.
- Details of associated entities (section 130ZWB) – The agent of a registered political party must provide the Electoral Commissioner with details of each associated entity on a yearly basis. In addition, notification to the Electoral Commissioner is required within 30 days of when an entity becomes an associated entity.
- Appointment of agents for associated entitles (section 130F) – Associated entities will be able to appoint an agent.
- Registration of third parties (new Division 8A) – A scheme for the registration of third parties as been introduced, including a requirement for the Electoral Commissioner to publish the register of third parties.
- Definition of designated period (section 130ZG, 130ZH and 130ZHA) – The time for donor returns to be lodged for donations made during the designated period has been extended to allow lodgement up to 7 days after the end of the designated period.
- Annual political expenditure return (section 130ZR) – The separate expenditure threshold for a third party of $10,000 for the provision of an annual return relating to political expenditure has been removed. The amount applying to all cases, including third parties, will be $5,000.
- Entitled group returns (section 130ZF(5a)) – Members of an entitled group will not be required to lodge a donation return if it is a nil return. Due to the deeming provisions in section 130A(5) a gift or loan to a member of a group will be deemed to be a donation or loan to the group if it is made for the benefit of all members of the group. Due to the deeming provision, the individual campaign donations return of members of a group will, in most cases, be nil returns.
- Definition of State electoral purposes (section 130A) – A definition of State electoral purposes has been included in the Bill.
- Investigations (section 130ZZB) – The investigation powers of authorised officers have been extended in scope to include using the powers for the purpose of finding out whether agents of a candidate or group have complied with Part 13A.

Other Changes

The Bill also makes other changes including:

- Technical changes
- Changes consequent on the reforms
- Minor changes necessary to support the reforms; and
- Changes to penalties

In concluding, I would like to thank the many people who have contributed to this process, both in making this election commitment and in formulating this Bill.

While there are too many to name them all, I would like to particularly acknowledge the efforts of the numerous officers who have contributed to this work – particularly Anna Markou of Legislative Services and Mark Emery of Parliamentary Counsel. This reform would not have been possible without their tireless and dedicated work over many months.

I commend this significant reform to Members, and look forward to the debate.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

3—Amendment of section 4—Interpretation

Certain definitions are inserted for the purposes of the measure.

4—Amendment of section 39—Application for registration

Amendments are made to the information required in an application for registration of a political party.

5—Insertion of section 42AA

New section 42AA is inserted:

42AA—Entitlements resulting from political party registration not available until 8 months after registration

A political party (other than a parliamentary party) that becomes registered under the Part is deemed not to be a registered political party until 8 months after the date of its registration for the purposes of specified provisions.

6—Amendment of section 43A—Annual returns and other inquiries

This clause makes amendments related to annual returns and other inquiries relating to registered political parties.

7—Insertion of sections 43B and 43C

New sections 43B and 43C are inserted:

43B—Notification of certain changes

This provision requires parties to provide notification of certain changes.

43C—Audits by Electoral Commissioner etc

This provision provides for audits by the Electoral Commissioner in relation to the registration of a political party.

8—Amendment of section 53A—Nomination of candidate by a person

These amendments relate to requirements with respect to the nomination of candidate by a person.

9—Amendment of section 130A—Interpretation

Certain definitions are inserted for the purposes of the measure.

Other interpretative provisions are amended or inserted for the purposes of the measure.

10—Amendment of section 130B—Objects of Part

The objects of the Part are amended for the purposes of the measure.

11—Amendment of section 130C—Application of Part

This amendment is consequential.

12—Amendment of section 130F—Third parties and associated entities may appoint agents

These amendments relate to the appointment of agents by third parties and associated entities.

13—Amendment of section 130H—Registration of agents

These amendments relate to the registration of agents.

14—Insertion of section 130HA

New section 130HA is inserted:

130HA—Conferral of agent's functions and powers

This provides for the conferral of an agent's functions and powers.

15—Amendment of section 130I—Termination of appointment of agent

These amendments relate to the termination of appointments of agents.

16—Insertion of Part 13A Division 2A

New Division 2A is inserted. Division 2A relates to nominated entities (which is defined) and the keeping of a register of nominated entities.

Division 2A—Nominated entities

130JA—Register of Nominated Entities

130JB—Appointment of nominated entities

130JC—Registration of nominated entities

130JD—Revocation etc of appointment and removal from Register of Nominated Entities

17—Insertion of section 130KA

New section 130HA is inserted:

130KA—Register of State campaign accounts

Provision is made in relation to the keeping of a register of State campaign accounts.

18—Substitution of sections 130L to 130N

Sections 130L to 130N are substituted. The new sections relate to State campaign accounts.

130L—Amounts to be paid into State campaign account

130M—Political expenditure to be paid out of State campaign account

19—Amendment of section 130P—General entitlement to funds

These amendments relate to the general entitlement to funds for votes in elections.

20—Insertion of sections 130PA to 130PG

New sections 130PA to 130PG are inserted. They relate to advance payments of funding for elections.

130PA—Advance payments relating to House of Assembly districts at general elections

130PB—Advance payments—other House of Assembly elections

130PC—Advance payments—Legislative Council election

130PD—Early payment of certain advance funding

130PE—Payments of advance funding to be deducted from public funding

130PF—Certificate for advance payments

130PG—Special provisions relating to certain advance payments

21—Substitution of section 130Q

Section 130Q is substituted.

130Q—Payment not to be made or to be reduced in certain circumstances

Provision is made in relation to the requirements relating to payments under the Division.

22—Amendment of section 130R—Making of payments

23—Amendment of section 130S—Death of candidate

24—Amendment of heading to Part 13A Division 5

These amendments are consequential.

25—Amendment of section 130T—Preliminary

Definitions are inserted for the purposes of the Division.

26—Amendment of section 130U—Entitlement to and claims for half yearly entitlement to special assistance funding

These amendments relate to the entitlement to and claims for half yearly entitlement to administrative funding (previously special assistance funding).

27—Insertion of sections 130UA and 130UB

New sections 130UA and 130UB are inserted. They relate to entitlements to and claims for one-off payments of administrative funding

130UA—Entitlement to and claim for one-off payment of administrative funding

130UB—Entitlement to and claim for one-off payment of administrative funding

28—Amendment of section 130V—Making of payments

These amendments are consequential.

29—Substitution of section 130W

Section 130W is substituted:

130W—Use of administrative funding

Provision is made in relation to the use of administrative funding.

30—Insertion of section 130WA

New section 130WA is inserted:

130WA—Repayment of administrative funding

Provision is made in relation to the repayment of administrative funding.

31—Insertion of Part 13A Division 5A

New Division 5A is inserted. It provides for policy development funding for certain political parties.

Division 5A—Policy development funding for certain political parties

130WB—Preliminary

130WC—Entitlement to and claims for annual entitlement to policy development funding

130WD—Making of payments

130WE—Use etc of policy development funding

32—Amendment of section 130X—Interpretation

Definitions are amended for the purposes of the measure.

33—Repeal of section 130Y

Section 130Y, which provided for certificates for 'opting into' expenditure caps, is repealed.

34—Amendment of section 130Z—Expenditure caps

Expenditure caps under the Part are amended.

35—Amendment of section 130ZB—Regulation of political expenditure by parties and candidates endorsed by parties

This amendment changes when political expenditure *relates to the election of a candidate*.

36—Insertion of section 130ZBA

Section 130ZB is inserted:

130ZBA—Prohibition on political expenditure by nominated entities

New section 130ZBA provides that an associated entity must not incur political expenditure during any period in which it is the nominated entity of a registered political party.

37—Substitution of section 130ZC

Section 130ZC is substituted:

130ZC—Recovery in relation to political expenditure in excess of cap

Previous section 130ZC, which prohibited arrangements to avoid an applicable expenditure cap, is proposed to be provided for in section 130ZZE. New section 130ZC relates to the recovery of political expenditure that is in excess of a cap.

38—Insertion of Part 13A Division 6A

New Division 6A is inserted. Subdivision 1 includes definitions for the purposes of the Division, including *electoral donation* and *electoral loan*. Subdivision 2 prohibits electoral donations and loans to registered political parties, members of Parliament, groups, candidates and certain third parties. Donations and loans from foreign entities are also prohibited. Subdivision 3 provides for a scheme for limited electoral donations and loans (other than from foreign entities) to be made to regulated designated participants.

Division 6A—Regulation of donations etc

Subdivision 1—Preliminary

130ZCA—Interpretation

130ZCB—Meaning of *electoral donation*

130ZCC—Meaning of *electoral loan*

Subdivision 2—Prohibition on donations and loans for certain parties, candidates etc

130ZCD—Donations to certain parties, candidates etc prohibited

130ZCE—Loans to parties, candidates etc prohibited

Subdivision 3—Limitations on donations etc to regulated designated participants

130ZCF—Application

130ZCG—Individual cap on electoral donations

130ZCH—Prohibition on electoral donations that exceed individual cap

130ZCI—General caps on electoral donations

130ZCJ—Individual cap on electoral loans

130ZCK—Prohibition on electoral loans that exceed individual cap

130ZCL—General caps on electoral loans

39—Amendment of Part 13A Division 7—Disclosure of donations

The word 'gift' is substituted throughout the Division with the word 'donation'.

40—Amendment of section 130ZD—Interpretation

This provision is amended to insert that *donation* (in the Division) does not include a donation that is a disposition by will.

41—Amendment of section 130ZF—Returns by certain candidates and groups

These amendments relate to returns by certain candidates and groups.

42—Amendment of section 130ZG—Gifts, loans to candidates etc

These amendments relate to returns for donations and loans to certain candidates and groups.

43—Amendment of section 130ZH—Gifts to relevant entities

These amendments relate to returns for donations to certain parties.

44—Insertion of section 130ZHA

New section 130ZHA is inserted:

130ZHA—Donations to third parties

This provision relates to returns for donations to third parties.

45—Repeal of section 130ZI

Section 130ZI is repealed as a consequence of new Division 6A.

46—Amendment of section 130ZJ—Certain gifts not to be received

These amendments relate to donations requiring certain details.

47—Amendment of section 130ZK—Certain loans not to be received

These amendments relate to anonymous loans requiring certain details.

48—Repeal of section 130ZL

Section 130ZL is repealed as a consequence of new Division 6A.

49—Amendment of section 130ZM—Interpretation

This amendment is consequential.

50—Amendment of section 130ZN—Returns by registered political parties

These amendments relate to returns by registered political parties.

51—Amendment of section 130ZO—Returns by associated entities

These amendments relate to returns by associated entities.

52—Amendment of section 130ZP—Returns by third parties

These amendments relate to returns by third parties.

53—Amendment of section 130ZQ—Returns relating to political expenditure during capped expenditure period

This amendment removes the indexation of the amount in subsection (1).

54—Amendment of section 130ZR—Annual returns relating to political expenditure

This amendment relates to annual returns relating to political expenditure.

55—Amendment of section 130ZS—Annual returns relating to gifts received for political expenditure

These amendments relate to annual returns relating to gifts received for political expenditure.

56—Insertion of Part 13A Division 8A

New Division 8A is inserted. It provides a scheme for registration of third parties.

Division 8A—Registration of third parties

130ZU—Interpretation

130ZUA—Political expenditure by third parties

130ZUB—Register of Third Parties

130ZUC—Application for registration

130ZUD—Registration

130ZUE—Third party must notify Electoral Commissioner of change in particulars

130ZUF—Variation and cancellation of registration

57—Amendment of section 130ZV—Audit certificates

These amendments relate to audit certificates under the Part.

58—Insertion of sections 130ZWA and 130ZWB

New sections 130ZWA and 130ZWB are inserted. Section 130ZWA provides for audits of applicable entities (which are defined) by Electoral Commissioner. Section 130ZWB provides for registered political parties to provide details of associated entities.

130ZWA—Audits by Electoral Commissioner etc

130ZWB—Registered political party to provide details of associated entities

59—Amendment of section 130ZZ—Nil returns

This amendment is consequential.

60—Amendment of section 130ZZB—Investigation etc

The investigation powers for the purposes of the Part are amended.

61—Amendment of section 130ZZE—Offences

Certain offences are provided for in connection with the measure. Procedural provisions relating to offences are also provided for.

62—Amendment of section 130ZZH—Regulations

These amendments relate to regulation making powers for the purposes of Part 13A.

63—Amendment of section 139—Regulations

An existing power to modify the application of Part 13A by regulation is amended. An additional power to modify the application of Part 13A for a limited period by regulation is inserted. Another amendment relates to the power to make transitional and savings regulations.

64—Review

Provision for a review of the measure is inserted.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:40): I rise on behalf of the opposition as the lead speaker on the Electoral (Accountability and Integrity) Amendment Bill 2024. This bill aims to make a number of broad changes to the electoral funding scheme in South Australia.

This bill introduces substantial changes to the way each of us in this chamber, as elected members of parliament, fundraise our efforts to best represent our constituents. The bill proposes banning donations to members of parliament or candidates if the funds are intended primarily for state election purposes or to cover political expenses, including reimbursements. Instead, it would introduce a system where registered political parties receive ongoing administrative funding based on their parliamentary representation as well as per vote public funding, which already exists.

To align with these proposed changes of an outright ban on political donations, the bill would set mandatory spending caps for participants, both statewide and by electorate, replacing the current optional capped expenditure for the public funding system. This is a significant change. A $100,000 cap per House of Assembly seat, or $3.5 million statewide, and a cap of $500,000 per party for the Legislative Council, or a cap of $125,000 for an Independent is indeed a substantial difference, in the region of a 20 per cent decline upon indexing.

The bill would allow exemptions for new Independent or unaffiliated participants in the political process, permitting them to receive donations of up to $5,000 and offering advance payments to offset the advantages of incumbents. Importantly, the ban on political donations would extend to third parties, which would now be required to register with the Electoral Commission if they intended to incur more than $10,000 in political expenditure. These third parties would include unions, businesses, think tanks, industry bodies and other entities. Registered third parties would be subject to a statewide cap of $450,000 and a per electorate cap of $60,000.

I would like to spend a few moments reflecting upon the fundamental ideological changes that this bill makes. The scheme removes all private funding of political parties, replacing it with taxpayer funds. Effectively, it turns political parties, which the Liberal Party believes should be supported and funded by private citizens, into state-funded entities. It then bases the administrative funding amount on the number of parliamentarians a political party has in the South Australian parliament. By doing this, we believe there is a risk of entrenchment for established political parties; this is inclusive especially of minor parties, who change more than major parties.

Political parties should rise or fall based on their broad support from the public, and that support can change over four years of a government term. However, this bill picks a notional figure for per vote public funding based on the immediate prior election result. Obviously, in the Legislative Council that means eight years ago for a candidate, which is quite a substantial timeline for a member in this place to wax or wane in the public eye.

To date, the government has furnished no examples of how donations in politics have affected public policy in South Australia. It has consistently spoken about perception but has made no real case for this substantial policy. In fact, on the ABC just this morning, the Premier could not highlight any example of a political donation that has influenced public policy.

On ABC online an article from June this year states, 'South Australian Premier Peter Malinauskas says that donations distract politicians from issues they should be focusing their attention on'. It does beg the question: what exactly has the Minister for Police been focusing on this month, I dare ask? It certainly does not seem that he and his office have been focused on youth violence or knife crime.

Further to this, the government has not outlined how small donations, say in the range of $10, $50 or even $100, affect the perception of money influencing policy. I would note for the chamber that the majority of donations to the Liberal Party of South Australia fall under $100. We are a grassroots democratic party. I do not mind sharing this information as, as part of the government consultation on this, we submitted 10 years of audited financials for scrutiny into the expert report, which was tabled with this bill. Transparency and democracy are important, so we will not be shying away from facts in this place.

It is concerning for transparency and democracy as to why this bill needs to be completed in this chamber today. The speed at which this reform has been produced and will be passed is, unless

the Attorney-General notes otherwise, unwarranted. Whilst we acknowledge the government has been consultative with all parties, the final bill for this landmark reform was released less than 24 hours ago, and this is far from ideal. However, I do wish to thank the staff, who I understand have worked at length and under considerable pressure, to what is perhaps an unnecessary timeline, for their extensive consultation with our team.

The expert report, which I mentioned earlier, is over some 100 pages, the bill itself close to 90 pages. This leaves limited time for members to read and understand the various technical, legal and constitutional points made in that report. The Liberal Party is a vast democratic organisation. It comprises over 150 individual party units, including branches, conventions, councils, committees and state and federal parliamentary parties. Each of these party units has their own office bearer, president, treasury, secretaries, and so forth. These grassroots members of the Liberal Party are largely responsible for the running of their own affairs, and their participation is the heart of the Liberal Party, which stretches back over 100 years to the Liberal Union in South Australia. We have always held our own and paid our own way.

Our compliance with the current state and federal electoral law requires the reporting of some 200 individual Liberal bank accounts multiple times per annum. Our party and our membership are always transparent. While I understand the bill provides the approximate quantum of administrative funding to the Liberal Party, we stand steadfast in our belief that it is inadvertently attempting to fix a problem that does not exist, and using taxpayer funds to do so.

It is our understanding that this bill would come into effect as of 1 July 2025, in time for the next state election. We have concerns that there remains a number of unknowns in this bill, and that will have to play out between now and March 2026. The inclusion of a statutory review is an important safeguard in ensuring the scheme is fit for purpose.

While the Liberal Party does not agree with the ideological changes set out in this amendment bill, we still give our thanks to the hardworking staff who developed this, along with the expert report, and we will not oppose the Electoral Accountability and Integrity Amendment Bill 2024. That concludes my remarks.

The Hon. F. PANGALLO (16:48): You have heard the saying so many times: there's no such thing as a free lunch. It can have many connotations. It can be a reminder there is always a trade-off involved in making decisions, so even if it appears to be free there is always going to be a cost somewhere. Take politics, for instance, if some organisation or lobby group invites you to a free lunch or dinner because you are a member of parliament, there just might be a reason behind it or an expectation of influencing your thoughts or decisions on something they might be promoting or supporting.

Of course, this does not occur all the time. These invitations can often be genuine demonstrations of courtesy and respect. Political donations to parties or individuals are another thing altogether and, personally speaking, I felt uncomfortable having to even seek them for election campaigns I have been involved in. I will say categorically that not one person who has ever provided me or the party I was once involved with, has ever expected nor asked me for a quid pro quo. They believed in the democratic process and the principles and policies I stand for rather than an attempt to influence my decision-making.

I fully understand and support the intent of the Premier in bringing this bill to parliament. I believe he genuinely wants to see transparency in our democratic process in keeping wads of private money out of the political spectrum. We have seen what can happen in the recent US presidential elections where billions of dollars are raised by political candidates. Sometimes money can buy influence. It can also make it difficult for candidates vying for positions in congressional elections if they do not have the resources to help fund their campaigns. It is no different in Australia. The major parties will always have the advantage in attracting donations.

The debate over banning political donations is a complex one with strong arguments on both sides. Arguments for banning political donations include:

- reduced corruption: it is argued that large donations can lead to undue influence and corruption as donors may expect favours or policy changes in return for their contributions;
- increased fairness: a ban could level the playing field allowing smaller parties and independent candidates to compete more effectively; and
- reduced influence of wealthy donors: this could reduce the power of wealthy individuals and corporations to shape political outcomes.

Arguments against banning political donations include:

- freedom of expression: some argue that banning donations restricts the freedom of individuals and groups to support the causes they believe in;
- practical difficulties: implementing a ban is challenging as it might lead to donations being disguised as other forms of support or channelled through external parties. I note the government will try to address this, but it remains to be seen if it is workable; and
- reduced campaign funding: parties and candidates rely on donations to fund their campaigns and a ban could limit their ability to reach voters.

So what are the alternative approaches? You could start with requiring greater transparency in political donations such as disclosing the source and amount of all contributions. It could be similar to the setup of the federal Independent Parliamentary Expenses Authority but for donations, and could help to mitigate the risks associated with them. Another way is setting limits on the amount of money that individuals and organisations can donate to political campaigns. This could also help to reduce the influence of wealthy donors. I believe this is the type of model now being or about to be put forward by the federal Labor government.

Or what we have before us today: public funding. That is, providing public funding for political parties and candidates, thereby reducing reliance on private donations and ensuring that all parties have access to resources. I am still unsure whether it will be an even playing field, particularly for individuals or other parties contemplating throwing their hat in the ring in 2026. It is comforting to know there will be a statutory review following that election.

I note the Premier has said there will be a cap on third-party donations. That is all well and good, but what he does not mention is the considerable support the Labor Party can still count on from the very powerful union movement in South Australia. The unions, not defined as third parties, are something that the Liberal opposition, minor parties and Independents are unable to utilise or count upon for political support.

To be honest, I am also unclear how this is all going to pan out for incumbent Independents, such as myself and the other Independents in the House of Assembly. Even the Premier seemed to still be getting his head around how it is going to work out, going by his interview on ABC 891 radio today. I do not think the media has got its head around it either. The public, which is going to be funding this, may not have had time to consider it and could also be scratching their heads wondering why around $17 million of taxpayers' money is going to fund all this.

We are heading into uncharted waters. There is not anything like this anywhere else. How will it be policed, who will police it and how much will it cost? A Labor kingpin has told me he does not like this model. He believes it is fraught with anomalies and is not confident it could work or survive a High Court challenge on restricting political communications, and where there already is a precedent.

The Premier says he expects there may be a legal challenge and has set aside money to fight it in case it does make its way to the High Court. As I said earlier, there is an entirely different Labor-designed model about to be put to our federal parliament. The question that comes straight to mind is: why, if the federal parliament has taken a completely different approach to this legislation, are we here dealing with this legislation today?

We know no legislation is perfect and could have unintended consequences, but with the obvious risk of challenge, and while we remain with so many unanswered questions, why does this

need to be rushed through on the same day it is introduced? We are just going to have to see how this one plays out. I will be supporting it, although I do have some significant reservations. In the meantime, as 2024 closes out, the Premier can at least tick off another one of his election vanity projects.

The Hon. R.A. SIMMS (16:57): I rise to speak in favour of the Electoral (Accountability and Integrity) Amendment Bill and indicate that the Greens will be supporting this bill. I want to start by saying how excited I am that we are finally at this point. It is interesting timing for me. If you will forgive me on a brief indulgence, this week is actually my 10th anniversary in frontline SA politics. I was elected to the Adelaide City Council back in November 2014. As you know, I went into the Senate before I came here.

One of the issues that I have consistently campaigned on is the need to get money out of politics, to end its corrosive influence on our democracy, and indeed this has been a core mission of the Greens for many years in this place. After all, in our democracy, he who pays the piper so often plays the tune. If we are going to tackle the inequality crisis and the climate crisis that is gripping our state, we need to get money out of politics and end the undue influence of vested interest groups, groups that are strangling our democracy.

In Town Hall, I pushed for a developer contact register to log councillor contact with developers, which was opposed by the Team Adelaide faction. Here in the state parliament, I have moved to amend the Local Government Act to move towards continual disclosure of donations to candidates. I have also pushed for the publication of ministerial diaries and, of course, reforms to crack down on government advertising. The fight for those things continues, but today is a positive step forward. This is a reform that has the capacity to really strengthen our democracy.

The bill not only reduces the capacity for vested interests to potentially influence our decision-makers by making donations, it also reduces the capacity of these groups to exert undue influence over election campaigns, pouring huge amounts of money into election campaigns in an effort to sway election outcomes. We have seen examples of that here in our state in the past and I will highlight some of those examples for the benefit of *Hansard*.

When the government first introduced this proposal back in June, the Greens indicated that we would carefully consider the details of the bill and that the devil would always be in the detail. We have spent many months working through the details with the government. We undertook our own consultation with stakeholder groups, including the Centre for Public Integrity and SACOSS, and we have also sought the advice of legal academics; indeed, I have met with a few constitutional law experts to seek their views on the bill that the government put forward.

I also sought the views of Greens SA party members and supporters via an online survey. I received many responses to the survey and the respondents encompassed a broad cross-section of Greens SA members, extending from those who are active at grassroots level to our office bearers to members whose involvement is limited to simply donating to the Greens or volunteering on election day. There was strong support for restricting donations and further regulation and compliance requirements for political parties and third-party campaigners.

Overwhelmingly, members of the Greens indicated to me that they supported a ban on donations to political parties from harmful industries in particular, and also regulations on third-party campaigners to limit their spending. It is clear that members wanted us to work with the government to improve this bill and to secure its passage through the parliament; indeed, that is what I have attempted to do in engaging with the government over the last few months.

Like Greens rank-and-file members, one of the issues that I was most concerned about in the government's original draft was the lack of regulation of third-party campaigners and interest groups. I did not want to see the emergence of US-style super PACs here in South Australia, and this has been a long-term concern of the Greens. If we turned off the tap for political donations to political parties there was, under the government's previous proposal, the potential for these groups outside of the parliament to have a disproportionate impact on our elections—because, of course, there would be nothing that political parties could do to be able to compete with those sorts of campaigns.

This was a key issue that stakeholders raised and one that the Greens raised with the government in our negotiations, so I am very pleased that the government agreed to improvements to the bill in that regard. As a result of these discussions, the government has agreed to impose a limit of $450,000 on statewide spending by lobby organisations. That is a $60,000 cap on expenditure in lower house seats for lobby groups and a $5,000 cap on donations to individuals by these groups. These third-party organisations or lobby groups will be required to register prior to incurring political expenditure. Exemptions for some of the work of civil society groups and charities have also been negotiated and that means that they will be able to carry on their important work without being unduly impacted by this new regulatory regime.

There is also going to be an advance post-election funding scheme. A reduction in the threshold for receipt of public funding for Legislative Council candidates from 4 per cent to 2 per cent has been proposed, allowing Legislative Council minor parties that have two members to be able to draw up to 50 per cent of their advance funding entitlement at the next election. We will also have some access to additional administrative funding and there will also be an increase in donation cap amounts for new entrants from $2,700 to $5,000. I consider that to be an important change because I note the concerns that have been expressed by some members around the potential impact on new and emerging players.

I do agree the last thing we want to do through this new regime is actually discourage new people from getting into our political system. But, might I say, I think giving new candidates the opportunity to accept $5,000 donations does mean that they are still able to build a base for themselves and compete at an election. They will also have access, potentially, to some advance funding as well. Again, I think that is a good thing, and I would imagine most donations that small emerging parties receive or, indeed, individual candidates receive would not be in excess of $5,000 in any case, so that is a positive improvement.

There has also been a switch to a decreasing marginal rate model for operational funding, which will provide adjusted funding for additional party members. As I mentioned before, a political party like the Greens that has two members will get a little bit more funding in recognition of the fact that a party like the Greens might have additional operating expenses. I should indicate that the Greens, in our negotiations with the government, made our financial statements available to the government. In the spirit of transparency, we made our statements available to them, and they have taken those into consideration in framing this model.

Critically though, as the Hon. Mr Pangallo has identified, there will be a statutory review that will occur after the next election. This is a significant undertaking, and a significant experiment in many ways. It is one that I think has the potential to really strengthen our democracy but, of course, we have to make sure we get it right, and so a statutory review that will occur after the next state election will give the parliament the opportunity to revisit this, and make changes if we have it wrong.

There are lots of other elements of this bill. I do not wish to touch on all of those because I feel the government members will delve into that in more detail, but I think it is important to talk about some of the principles that are at stake here, and why this particular reform is worthy of support. Is this the model that I would have chosen if I was coming up with my own bill? No, it is not. It is the government's proposal, and that was the basis for the discussions, but I think it is absolutely worthy of support because it addresses so many of the problems we have within our current political system.

One of the significant challenges we face at the moment in Western democracies is a lack of faith in governments and in politics. Part of this is based on the belief that parliament and governments are too captive to powerful vested interests. Indeed, the Social Research Institute at Ipsos conducted a study back in 2018 on this very point. It found that, and I quote from *The Conversation*:

> Just 31% of the [Australian] population trust federal government. State and local governments perform little better, with just over a third of people trusting them. Ministers and MPs (whether federal or state), rate at just 21% [trust], while more than 60% of Australians believe the honesty and integrity of politicians is very low.

What are the three biggest beefs that the broader community have with politicians? Well, the public says they are not accountable for broken promises; they do not deal with the issues that really matter;

but also, big business has too much power. Why would people say that? It is not hard to see why this is the case, because big business does have too much power in our democracy.

Why do we not see the action on the climate crisis that we desperately need? Why can we not crack down on the predatory tactics of big food retailers and corporations? Is it because they bankroll the campaigns of our major political parties? Why do we have a planning system that serves the interests of developers rather than the interests of the community? These are the questions that people ask out in the community. That is why people want to see money being taken out of politics: they want to be assured that the people in this place actually serve their interests rather than the interests of the big donors.

There is a useful article that I want to highlight that comes from the website Market Forces and they release this every year looking at the contributions to the major political parties from the fossil fuel industry. This one came out on 1 February 2023. It asks the question:

> So why do all three major political parties—

and by that they mean Labor, Liberal and the Nationals—

> continue to back the fossil fuel industry at the risk of catastrophic climate change? A trawl of the latest political donations data, released on 1 February, offers some clues.
>
> …fossil fuel companies donated $2 million to the ALP, Liberal and National parties [last year]. Yet given Australia's reputation for woefully inadequate political disclosure and 'dark money' donations, with 35% of all contributions coming from unknown sources, the true figure could be significantly higher.

Well, that should concern all members of the community. Here in South Australia, the government is presenting us with an opportunity to actually do something about it and to help restore some of the trust in our politics. Looking at some of those political donations that are of particular concern to me, Adani, in the year 2021-22, donated just over $107,000 to the Liberal Party. Alinta, in the same year, donated $12,000 to the ALP. Ampol, in the same year, donated $56,500 to the ALP and $32,250 to the Liberal Party.

APA donated $27,500 to the ALP and $30,000 to the Liberal Party. APPEA donated $56,700 to the ALP and $23,500 to the Liberal Party. The Australian Pipelines and Gas Association donated $27,500 to the ALP and $30,000 to the Liberal Party. BHP donated $16,704 to the Liberal Party. Cartwheel Resources donated $50,000 to the ALP. Chevron donated $45,470 to the ALP and $43,000 to the Liberal Party.

It is a disgrace and it needs to end and we are bringing it to a close here in South Australia, thanks to the Malinauskas government's work on these reforms. It is an important reform and it is time we take action on this and that is one of the reasons why the Greens are supportive. We do need to break the nexus between big money and politics.

I also think it is important to identify some of the examples of the nefarious influence, the unfair influence, that big money has had on our politics over the last few elections. I understand the concern that the Hon. Mr Pangallo flagged, but his party, the Xenophon Party, in 2018, was a great casualty, might I say, of the undue influence of external groups in our democracy. The state's gambling lobby in that state election contributed $100,000 to party coffers to campaign against Mr Xenophon and his team because they did not want to see them get a foothold here in the South Australian parliament. There was a huge amount of money that was given to other political parties so they could campaign against the Xenophon team. I quote from an InDaily article at that time. The AHA boss, Ian Horne, told InDaily that:

> …over the 2017 calendar year the lobby group had provided $43,534 to the ALP, $49,973 to the Liberal Party and $20,000 to the Australian Conservatives…

They must have been desperate not to have Mr Xenophon in parliament if they gave money to that outfit.

This is an example of vested interest groups trying to influence our elections. It is not right that they should be able to give money to try to deny a party like Mr Xenophon's political party positions in the parliament. It is not right that they should seek to do that, and that is one of the things that we need to stamp out in our democracy, because that should not be the way that things work here.

I note the concerns of Mr Xenophon at that time, when he slammed the AHA not just for donating to the major political parties so that they could actually run in opposition to the Xenophon party but also for running television commercials saying that a vote for SA-Best would put thousands of jobs in the hotel sector at risk.

Again, I know the Hon. Connie Bonaros is passionate about the role of small parties, and I share her passion. I know the Hon. Frank Pangallo is passionate about that as well, and I share their concerns. The reality is that we in small parties can never compete with the deep pockets of these vested interest groups. At least under these reforms there will be a cap imposed on what these groups can do and they will be prevented from being able to make donations to political parties. I think that is a really good thing and a positive advancement in our democracy.

I also note some of the views of different stakeholder groups. I note in particular the report of the Australia Institute that came out in November 2023, where they talked about sweeping changes needed to reduce the influence of money in our politics. They push for a 'mega-donor cap that prevents any one entity from contributing election-distorting amounts of money'. They also talk about the need to consider a ban on donations from companies receiving large government contracts and the tobacco, liquor, gambling and fossil fuel industries.

I know many places around the world, and indeed here in our own country, have taken the approach of trying to exclude particular classes of donors, but I think what the government is doing here is they have gone a step further and said they are not accepting donations from anybody and they are levelling the playing field in that regard.

I note that over the last few days I have had the opportunity to talk to many members in the community who are deeply concerned about the events that have unfolded in the United States and the election of Donald Trump. I am concerned about that for a range of different reasons. One of the things that I think is really terrifying people about democracy in the United States is the influence of these super PACs, political action committees.

I looked up recently to see how much money these super PACs were receiving in donations and what kind of influence they were having on the US presidential election. Between January 2023 and April 2024, US political campaigns collected around $8.6 billion for the 2024 house, senate and presidential elections. A total of 65 per cent of that money—$5.6 billion—came from political action committees.

That is a huge amount of private donations flowing into that system. I think the risk with the previous bill that the government put forward was that we could open the door for those super PACs, or some kind of similar structure, to be rolled out in South Australia. We have closed the door on that, and I think that is a really good thing.

I talked about what we saw before, with the campaign that was run against the Xenophon team by the gambling industry and by the Hotels Association. I do not support that and I thought that was really appalling at the time, but we have seen it also happen at a federal level, with the mining tax campaign that was run by Gina Rinehart, Twiggy Forrest and others in an attempt to destroy the Rudd government. We have seen it here locally, with the campaign run against the former Liberal government's land tax reforms.

We also saw it with the campaign run by the big banks against the former Labor Party's big banks levy, which was a bold, progressive initiative that was opposed vociferously by the big banks. They went out there and said, 'We can't possibly do this. It's going to be ruinous for the South Australian economy,' and ran a huge campaign which people could not compete with. Again, those days are numbered in South Australia because at least there is going to be some level of regulation. I think that is a significant improvement.

I think it is important to address, before I conclude, some of the responses from key stakeholder groups. I note the media release from the Australia Institute that has been issued earlier today where they say that this bill will not improve trust in politicians. I think it references the phrase that the bill has backfired, there has been no public inquiry and a secretive consultation process, and they identify some of their concerns with the bill.

I have a huge amount of respect for the Australia Institute and the work that they do. I think they are a very influential advocacy organisation, but I do not think it is true to say that there has been insufficient consultation in relation to this bill. The government came out with a draft bill six months ago. They asked members of the community their views, and they have also undertaken ongoing consultation with civil and society groups and tried to address many of their concerns.

The challenge, I guess, for the government, and it is for them to articulate the rationale for the approach they have taken, but my guess would be that were this bill to be delayed into the new year then we run out of time in terms of being able to put forward this reform in time for the next state election, and of course then we run up against the federal election. So I understand that concern, but in this instance to delay the bill into the new year means we really are missing the opportunity for this reform to take effect, and that means another state election under the old regime where we see potentially the influence of these vested interest groups continuing without any regulation. This is an opportunity for us to fix that.

As I say, I respect the work of the Australia Institute, but I remember when I was in the federal parliament dealing with Senate voting reform. They were concerned about that at the time, but I maintained it was the right thing to do. Indeed, there was concern at that time that Senate voting reform could see the Greens being wiped out of the parliament. Well, fast forward years ahead and actually the Greens have their strongest ever representation in the parliament.

In that circumstance we voted with the Liberal Party to make that reform happen, so I am open to working with Labor or the Liberals if they come to the table with sensitive ideas to try to improve our democracy. That is the approach we have taken in this regard.

I want to also reference some of the comments that have been made by the Centre for Public Integrity, which I also had the opportunity to meet with when the government put forward their draft legislation. They note in their press release that very substantial improvements have been made to the original draft bill through what they call a rigorous, vigorous and constructive consultation process. They note the quantum of administrative funding that will be available to major party incumbents via not only generous taxpayer-funded payments but up to two nominated entities is substantial, and they reference the independent audit they understand is currently in process to find if it is justified, and they urge the government to amend the bill accordingly if it finds that there is a need to do so.

I share that view. If the auditor comes back and identifies issues with the funding model that we need to look at, well of course we extend an opportunity to the government to work with the Greens to try to get that right. They note one of the most important improvements to the original bill is the addition of a robust statutory review clause, which will see an independent panel examine its impacts after the 2026 election and provide a report to parliament. I think that is a really welcome safeguard in this bill.

They also referenced some of the key improvements that have been made to the bill as a result of the public consultation. There are now third-party expenditure caps. There is a statutory review clause. There is policy development funding. There is the provision for volunteer labour and professional services being treated equally, regardless of recipients. There is administrative funding only able to be used for administrative purposes, not political campaigning. There are donation caps for new entrants. There is a threshold of 2 per cent retained for public funding of candidates in Legislative Council elections. There is administrative funding scaled at a decreasing marginal rate.

These are all, I think, really important safeguards in this legislation. Is the bill perfect? Of course not. Are there things that I would have liked to see in the bill? Of course. Could we have gone further or adopted a different approach? Of course we could have. But my view is that this is an advancement on the status quo, and it is worthy of support. It is a bit of a leap of faith, in many ways, for our democracy. It is going to be a grand experiment at the next state election in 2026, but I feel optimistic that this is something that could really enhance our democracy.

Before concluding, I also want to touch on one of the elements that has come up in discussion around this bill, and that is the significant amount of public funding that has been put on the table here. I understand members of the community will be concerned about the large amount of public funding that is being put forward, particularly in the context of a cost-of-living crisis. I totally

understand that. But my view is that one of the best ways that we can get action on inequality in our state is to actually break the nexus between big money and politics and to actually get political outcomes that serve people and our environment, rather than setting up a system that is so reliant on donors.

I guess the fundamental question for South Australians is: who would you rather politicians be responsive to: donors and big corporations, or the citizens? This new model I think ensures that our political parties are responsive to the people whom they should always serve: the South Australian taxpayers, not their donors. I understand the concerns about the public funding model, but lots of places around the world do this, and I think it is a better direction for us to go in in our democracy, rather than seeing us drift further and further in the direction of the United States and all the catastrophic outcomes that flow from that.

In concluding, as has been observed by the Hon. Nicola Centofanti, there has been a huge amount of work that has been done behind the scenes to get this bill to this point, particularly on a very tight timeframe. I want to acknowledge the staff who have done a huge amount of work to make this happen, in particular of course the drafters, who I think have been working very hard to make a range of changes to enhance the bill. I want to acknowledge the Premier, the Hon. Peter Malinauskas, for the collegial and collaborative way in which he has engaged with the Greens on these reforms, and Minister Dan Cregan. I have enjoyed working with both of them on this; we have had lots of discussions over the last few months.

I also want to thank Victoria Brown from the Premier's office and Lukas Price from Minister Cregan's office. I also thank my staff, Melanie Selwood and Sean Cullen-Macaskill in particular, who spent a lot of time over several weeks getting their heads around all the details of what is being proposed.

In closing, it is a leap of faith, but sometimes in life you have to take risks, and when opportunity comes, when the train comes, you get on. My hope is that it is going to carry us to a good destination for our democracy. Let's view this as an opportunity to do something positive. One thing I am hearing in my discussions in the community at the moment is that people are desperate for politicians to do things differently to shake up the system. I see this as an opportunity for us to do that.

The Hon. S.L. GAME (17:29): I rise to offer my support for the government's Electoral (Accountability and Integrity) Amendment Bill 2024. This is a significant and complex reform. It has been a challenging task to wrestle with this bill's complexities and to fulfil my due diligence to the South Australian community.

The government's stated intention with these reforms is to protect and improve our democratic practices by removing the money from politics. The government has declared that public confidence in our democracy is in decline and that these proposed measures will address public concerns about the influence of political donors on our democratic system.

The fundamental components of these reforms are the strict conditions and restrictions on the giving and receiving of electoral donations and gifts to registered political parties, members of parliaments and candidates. It is difficult to deny that individuals and organisations who make large donations to political parties expect to benefit in some way from party policy and decision-making, so the capping of donations and increasing accountability measures in this bill aim to reduce the influence of wealthy donors.

The increased restrictions on private donors will create a shortfall in funding for political parties that will be covered by a substantial increase in public funding. According to the Australia Institute report, 'Money and power in South Australian elections', released in August this year, the cost of party and candidate campaigns in the 2022 state election exceeded public funding by $3.3 million, and this shortfall was covered with private funding, including political donations.

This report also states that the government's proposed bill would increase public funding by $14 million per election cycle. While I appreciate that a vibrant democracy requires a certain amount of public funding, as a member of this chamber I do take my duty to South Australian taxpayers very

seriously. This is the public's money, and as such I am committed to ensuring it is spent with the appropriate level of care and diligence, hence my inquires on this matter.

With the intended removal of private donors, the South Australian community will be the ones paying to protect and improve our democracy, so it is only fair that the people be informed about how this new funding model works. The bulk of the funding is allocated to a political party on the basis of how many within the party are elected members of the South Australian parliament, and this means both major parties will receive the lion's share of the funding, with other sitting members also standing to receive some benefit. As a sitting member in this chamber representing a minor party, I am grateful for any additional funding the party receives to advocate for our constituents.

I previously held concerns about the possible future impacts of these reforms on minor parties and Independents, given their relative lack of resources, but the government has addressed these concerns. This brings me to the second fundamental component of this proposal, which is the mandatory spending caps on all political parties, MPs and candidates. At first glance this appears fair and equitable as the spending caps apply to all candidates equally. However, not all candidates are equal, especially when you compare the standing, status and influence of the two major parties to minor parties and Independents.

The advantageous position of the major parties is most apparent when you consider the role of third-party organisations, such as unions, corporations and other advocacy groups who traditionally have supported the major parties, and under the original reform proposals were not subjected to any caps on campaign expenditure. This could potentially have led to well-funded third parties using their uncapped funds to run parallel campaigns supporting a key policy of one of the major political parties, or potentially running a campaign against a minor party or Independent.

This potential for the major parties to circumvent these spending caps through third parties was a legitimate concern, and it was raised by the Australia Institute report in the joint submission from the Australian Democracy Network and by the South Australian Council of Social Service, as well as the submission from the Centre for Public Integrity. However, my office is pleased to report that, through a consultation process with the stakeholders, the government has addressed these concerns by placing a spending cap on third parties, and this, combined with stringent disclosure requirements, will close loopholes associated with these reforms.

I would like to extend my appreciation also to Catherine Williams from the Centre for Public Integrity, who kindly offered time from her busy schedule to confirm with our office that the government has engaged in an effective and collaborative consultation process with stakeholders to address most of the initial and legitimate concerns when this bill was first drafted. I also commend the government for its commitment to negotiate and compromise with stakeholders to address key concerns and reach an effective outcome.

With the establishment of an independent statutory panel of experts due to review these reforms after the next election cycle in 2026, I am hopeful that if this bill is enacted it will be subjected to appropriate and expected levels of political scrutiny and accountability.

The Hon. C. BONAROS (17:34): I rise to speak on the Electoral (Accountability and Integrity) Amendment Bill 2024 and I do so with some degree of caution, mainly I guess because I have not been as involved in some of those discussions as others and here we are debating this bill today. I do not say that flippantly. I say that because I suppose that is a valuable lesson that has been learnt in this place previously, and certainly a valuable lesson that I learnt after another debate that we had in this place, which has turned my mind to the perceptions around these sorts of pieces of legislation.

The Hon. Robert Simms has outlined those issues I think well in terms of what the alternative to getting money out of politics is, and the potential for criticism that we face, not just from the public but from where I sit from minors and Independents, in terms of the funding arrangements that are in this bill. I think what are absolutely clear are two things: I was extremely critical of the first bill that the government proposed back in June and I would like to think for good reason. There is absolutely no question that it was heavily weighted against the minor parties and Independents.

The Premier, I think, acknowledged when I heard him yesterday on radio say that there were deficiencies. I do not think they were deficiencies; they were a bit more than that and I think that it was fair to be as harsh as we were when that bill was first touted because it did not create a level playing field at all. I think I have referred to this bill as everything in the last 48 or 72 hours from *Sophie's Choice* to *Hobson's Choice* to being concerned about voting in favour of the leopard that eats your face off.

An honourable member interjecting:

The Hon. C. BONAROS: —yes, that happens—because all of us want the same thing and that is to get money out of politics. I do not question the intent when it comes to that but when we are talking about taking money out of politics, we have to be careful, of course, not to silence the very voices that keep our democracy vibrant and diverse. Of course, there were concerns that I have expressed about the major parties and perhaps—I do not know, maybe it is PTSD. I have heard the Hon. Rob Simms talk about the 2018 election today, and I get anxious every time I hear the 2018 election referred to because it was brutal in terms of the impacts it had on us.

I will not repeat the quotes that the Hon. Rob Simms has referred to, but having two major parties pour all their attention and effort and resources at a minor party that I am a part of at SA-Best, because of the Xenophon threat, left you with nowhere to turn. It was absolutely brutal and it was something that we have never seen in this state before and hopefully something we will never see again. So perhaps there is some element of PTSD when it comes to that issue.

I guess the other point is, just on that, the minor parties and Independents are always, as other members have expressed, up against it when it comes to the major parties but we have never seen anything like that before. Frankly, I do not think we are ever going to see anything like that again. I am under no illusion—or delusion, I should say—as to how I got elected into this place in the first instance, but it was an extraordinary campaign and one that in my view never should have been allowed to occur in the way that it did.

I have also been here for a very long time around these corridors—this is my 21st year, I think—and I have seen changes to our electoral reforms before, and each and every time they have been targeted at the minor parties and Independents. So it is again with that degree of hesitancy maybe that I have approached this bill today, because it is hard to accept that there is a piece of legislation here that is supposed to create a level playing field for Independents and minor parties in particular against the major parties when I can count pretty much every attempt that has been made in the last 20 years as doing the polar opposite.

So it does leave you thinking, 'What is next? There must be something else coming. There has to be something else coming. There is a catch.' I guess that is what I have been waiting for: where is the catch? I still do not know where the catch is or if, indeed, there is a catch. I am very hopeful that everything that the Hon. Rob Simms has said today is accurate.

There is no question, like I said, that taking money out of politics has clear benefits and that we do have the potential to do something transformative here in South Australia, but that can only be achieved if the right balance is struck and this is genuinely aimed at strengthening our democratic system, not at keeping the winners winning and short-term sugar hits in terms of money that keep us all thinking that this is a good thing for democracy when in fact long term it does the polar opposite.

I was very critical in relation to the issue of third parties when it came to this, and I think rightly so. Do I still think that there are elements of that that could have been addressed better? I think there are lots of elements in this bill that could have been addressed better. Like the Hon. Mr Simms said, if we were starting from scratch, I do not think this is the model, necessarily, that we would be looking at.

Overwhelmingly, I share the sentiment that has been expressed today in terms of taking money out of politics. I guess we will have to rely on the goodwill of this government, and let's call a spade a spade—and I apologise to the opposition—I expect anyone who is elected to this place at the next election to be dealing with the exact same government that they are dealing with today.

So there is a lot riding on the commitments that they have given in terms of the review clause that accompanies this bill, because these are hugely, extraordinarily complex changes that we are

navigating. I do not think that any of us are in a position to say that we know whether they will work or not. They have not been tested. The data is not there. They have not been put through an election cycle, and that is notwithstanding all the criticisms that can be poked and are, indeed, being poked about politicians with their snouts in the trough and the rest of it.

But the model has not been tested anywhere, not just here. It just has not been tested, so we do not know what the impacts are going to be. There is a very important element of this bill in terms of the review, which I have sought to strengthen by way of an amendment which will actually try to strengthen that a little further to ensure that the government of the day is actually committed to coming back to this place—and we cannot force any future government to do anything but we are trying to get the commitments from the government to come back to this place and actually say, 'Now we have been through an election cycle. We know how this has or has not worked, not just for the major parties but in particular for the minor parties and Independents,' and then be genuine about making some reforms around that.

Strengthening that review clause is critically important because we want to make sure that it actually looks at the objectives of the bill that are before us. This is supposed to be about transparency, accountability, integrity, and public confidence in the electoral process.

All of us accept that there is a two major party system but the worst thing that we could do in this jurisdiction, the absolute worst thing that we could do in South Australia of all states, is to adopt measures that make it more difficult for minor parties and Independents to be elected, particularly in the upper house, because we have seen the benefits of having that representation in the upper house for decades here in South Australia. We do not want the major parties to be looking at this as a way of futureproofing themselves at the expense of those minor parties and Independents.

Of course, there are minor parties that benefit greatly, mine included, out of this bill, and that is not lost on me—in fact, it is not lost on me at all—but by the same token we do not want to be doing something that is going to have that same effect on other minor parties and Independents who are looking to come into the electoral system. That is where a lot of my focus has been.

I do take comfort from the fact that we have had the feedback that we have had from the Centre for Public Integrity and the acknowledgement that this has moved a long way since it was first proposed, but I also note again the criticisms that have been levelled at the government. I think the Australia Institute in particular has said that far from transforming or getting money out of politics, the new laws usher in record spending, and they are things that we need to be very mindful of.

I foreshadow again, for members who have not had the benefit, that I have circulated that amendment which I will speak to when we get to it. I look forward to the debate of this bill where we can flesh out a few of these issues more thoroughly.

The Hon. R.B. MARTIN (17:46): I rise to support this legislation. I will not go into the technical details of the bill but I would like to go into some of the principles behind it. If you go back prior to 2013, there was no South Australian legislation that governed donations within South Australia, it was all captured under the federal system—which was at the time, and continues to be, very generous and not all that transparent.

Within the Labor Party, discussion had been happening at many of our AGMs about reforming it and introducing more transparency, and a lot of those discussions and debates were led by the now Premier, Peter Malinauskas, well before he became a member of this place, let alone the Premier of South Australia. The reforms that we have before us today have a long history within the Labor Party and have had one consistent thing behind them, and that is the drive of the Premier, Peter Malinauskas, to make these changes.

In 2010, I was lucky enough to go to the United States to observe a mid-term election in Washington state. It was an eye-opening experience to see how much money was spent on that campaign, but there were two things in particular that really stood out for me. Firstly, in the race that I was observing, the Democratic candidate won the Democratic primary by putting $350,000 of his own money into his campaign account, which was enough money to scare off all the other candidates and they all dropped out of the race because they knew that they could not keep up with him financially.

To an Australian, and someone who is a product of the Labor Party, it was shocking that basically the biggest chequebook enabled you to be preselected as a candidate in that election. The candidate told me this with pride and he was right to be proud that he had had a successful business that had done really well, but, as I said, it did not quite ring correct to me that the biggest chequebook could get you the candidacy as a Democrat. We then discussed the campaign proper and I was able to go into one of their campaign offices.

In America, in this race—and, I understand, in many races—the campaign manager actually requires the candidate to sign a contract, not the other way around. It is not a candidate hiring a campaign director, but the other way around. In this contract that was signed, the congressional candidate was required to spend 31 hours every week dialling for dollars, ringing people up, asking them for donations—31 hours a week, which was quite an amazing amount of time to be spent doing that.

After that, with the discussions within the Labor Party, Labor proposed some reforms to introduce South Australian legislation to cover donation reforms, and that is the current system that we have today. They went a long way to creating a better system, and the principle that we started with was that a party or a candidate should be in the best position to win based on how good a candidate they are, their ideas, and the kind of campaign that they will run, not by how deep their pockets were.

While there were a lot of discussions, and the Hon. Mr Parnell had a different view about how that could be achieved, we decided to cap the amount of expenditure that could be spent. So it did not matter how much money you raised, every party would only be able to expend about $4 million on their campaign. I think that system has served us well, but where we are heading today I think is an even better result, and that is to get rid of donations in their entirety.

For 10 years I ran the Labor Party head office and election campaigns, and a big part of my job was fundraising, seeking donations, and I know some of those that the Hon. Mr Simms mentioned before. I was involved in getting some of those donations that he mentioned, but the one thing that I can say with all honesty is never once in the 10 years that I was in that role did any donation come with any strings attached to it. I can understand why there may be a perception that it was, but certainly in my time there we never received a donation that came with any obligations. It was always a straight-out donation, and we had rules in place to make sure that no candidate could actually receive a donation. It was only the party that could receive that donation.

In the lead-up to the last election, the Premier boldly announced that he would continue that tradition of donation reforms by getting rid of donations. That was a big call, obviously, and many of us wondered if it was possible. It turns out, after what I am advised is something like 75 different drafts of legislation, we have now got there with the bill before us today, and I think it does strike the right balance.

I think we do need to appreciate that it is a significant amount of public funding that is going into this election, but it is being done for the right reasons, and that is to remove that perception of the influence of donations, and also, as I mentioned with the American candidate, to make sure that us, as members of parliament, can solely focus on our job of delivering for the people of South Australia and not have to spend time trying to receive donations so that we can contest the next election. I think it is a really important reform. I think it has been done in the right way for the right reasons, and I support the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:52): I thank the honourable members who have contributed on this bill: the Leader of the Opposition, the Hon. Frank Pangallo, the Hon. Robert Simms, the Hon. Sarah Game, the Hon. Connie Bonaros and, just now, the Hon. Reginald Martin. I think many valid points have been made during the course of the debate and I think, as the Hon. Reggie Martin has just pointed out, it is not necessarily the facts of donations and what they entail but it is a perception of what it might entail, and major parties and minor parties alike—I think the Greens a bit over a decade ago held the record for the single biggest corporate donation. It was about $1.6 million at the time.

The Hon. R.A. Simms: And I was so nice to you.

The Hon. K.J. MAHER: I am not suggesting there was anything that the Greens did differently, but it certainly is the case that it leads to that perception that there might be, which I think we all suffer from that critique that the public has of us, and we all suffer from the fact that it happens even if there is no misfeasance or strings attached, as the Hon. Reggie Martin talked about. The fact that it occurs, I think, casts a shadow over all of us, so I look forward, perhaps after the dinner break, to the committee stage of this bill, to passing this bill, and for Australia to continue, as I mentioned at the start of my second reading explanation earlier this afternoon, for South Australia to continue a leadership role in democratic reform, not just in Australia but across the globe.

Bill read a second time.

Sitting suspended from 17:54 to 19:46.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: My question is to the Attorney. During the second reading stage of this bill, there was some suggestion from some honourable members that the bill may be subject to a High Court challenge and I am interested to know what legal advice the government has had in that regard. In particular, I refer the minister's attention to the review of the Electoral (Accountability and Integrity) Amendment Bill conducted by the panel of experts, the Hon. Greg Parker PSM, Professor John Williams AM and Stephen Tully, and the bearing that that might have on any potential constitutional challenge.

The Hon. K.J. MAHER: I thank the honourable member for his question. Certainly, the prospect of a High Court challenge on the implied freedom of political communication is something that was taken into account during the process of designing, consulting and then making changes to this bill. The honourable member would not be surprised that legal advice was sought and received and taken into account along the way.

The report the honourable member refers to, the review of the bill by the panel of experts, certainly is in part designed to improve how the bill works, but also to take into account that expert panel's recommendations to inform us of what ought to be done, according to the panel of experts, in relation to any potential challenge that hypothetically could be made.

The Hon. R.A. SIMMS: How many of the recommendations from the expert panel have been taken up?

The Hon. K.J. MAHER: I am advised that all of them have been taken into account. They have all been accepted to some degree. There are minor variations in amounts for reasons that take into account the needs and nature of the participants in the South Australian democratic system, but my advice is that to some degree all of them have been taken into account.

The Hon. R.A. SIMMS: There was some discussion in the second reading stage of this debate about the funding model for political parties. Can the Attorney advise how the funding model has been arrived at?

The Hon. K.J. MAHER: Recommendations, particularly recommendations 11 and 13 of the expert panel report, talk about funding. There are, obviously, two forms of funding. There is the administrative funding, and the dollar per vote funding to fund campaign activity. In relation to the first part, the administration funding, I am advised that that was heavily informed by the costs that are incurred by parties, and discussions with parties.

I think the honourable Leader of the Opposition quite unusually talked about the fact that the Liberal Party were able to talk about the actual costs in the administration of the party—I think as all parties have—so that administration funding part, I am advised, was heavily informed by the actual costs of what it costs to administer a party. The per dollar vote funding has been largely informed by what it costs to run a campaign, noting that, as I understand it and as I am advised, there is a slight lowering in expenditure caps, but informed by what it costs to run a campaign.

The Hon. R.A. SIMMS: It was suggested in the second reading stage that the new caps on third parties or vested interest groups would not apply to unions; is that the case?

The Hon. K.J. MAHER: I am advised if any organisation or group, such as a union, such as a lobby group, such as an industry association, spends more than $10,000 of political expenses they are captured as a third party and they all will be subject to the spending caps that this bill imposes.

The Hon. R.A. SIMMS: The bill is subject to a review and, indeed, there is a clause in the bill that will ensure that it is reviewed after the next state election. Is it the government's intention to work with members of the parliament to remedy any issues that may emerge as a result of that review process?

The Hon. K.J. MAHER: With these sorts of bits of legislation, it is always better that people's views are taken into account. Over the last few months, the close work that I understand has gone on between the relevant different groups and the parties, I think, demonstrates the government's willingness to do that and, of course, the government will be willing to do that again, and that will make the whole scheme more robust in taking into account those different perspectives.

The Hon. N.J. CENTOFANTI: The Attorney stated during his second reading speech that someone's bank account should not determine their access to politicians. Can the Attorney indicate whether this includes the Labor Party's SA Progressive Business fundraising program and will this program cease in 2025?

The Hon. K.J. MAHER: As I understand it, once this is proclaimed and comes into force, fundraising models—and I cannot remember the name of the Liberal Party business fundraising model, Future SA, or SA Progressive Business—that can be membership-based organisations where there is a fee paid or a fee paid for events, that sort of model for the purposes of state election campaigning funding will not be able to occur. This takes out donations of those sorts of kinds for state elections.

Members interjecting:

The CHAIR: Order! Let's get on with this.

The Hon. N.J. CENTOFANTI: What is the maximum amount that parties without a sitting member and non-incumbent Independent candidates are permitted to receive in donations?

The Hon. K.J. MAHER: I am advised that in the circumstances the honourable member refers to the cap under the bill is $5,000.

The Hon. N.J. CENTOFANTI: How much can they as individuals commit to their own campaigns?

The Hon. K.J. MAHER: I am advised that a candidate, and that is a candidate not endorsed by a registered political party during the 12 months preceding polling day, can make contributions up to a total not exceeding the applicable expenditure cap.

The Hon. N.J. CENTOFANTI: Can the Attorney indicate how much funding can incumbent members or candidates from a registered political party contribute to their own election campaign?

The Hon. K.J. MAHER: My advice is a candidate, if they are a candidate of a registered political party, cannot make those contributions to their campaign.

The Hon. N.J. CENTOFANTI: Can they contribute to their party more generally?

The Hon. K.J. MAHER: From the honourable member's last question, I cannot remember if it answers the current one, but just for clarity my advice is for a candidate for a registered political party, if there are sitting members of the party you cannot make contributions, but if it is a registered political party that does not have a sitting member a contribution can be made, up to 50 per cent of the applicable cap, for the House of Assembly. For the Legislative Council, in that situation I am advised it would be up to $100,000.

The Hon. N.J. CENTOFANTI: So my supplementary to that is: can they contribute to their party more generally?

The Hon. K.J. MAHER: Just so I have the question correct, as I understand the question, is the honourable member asking if you are—I will let you.

The Hon. N.J. CENTOFANTI: My first question is: can they contribute to their own election campaign? My second question is: can they contribute to their political party more generally for it to be—

The Hon. K.J. MAHER: My advice is just to their own campaign.

The Hon. C. BONAROS: I am just seeking some clarity. Is the question that the member opposite is putting in relation to levies that are payable by—

The Hon. K.J. MAHER: It is what a person can contribute to their campaign.

The CHAIR: Is that different to a levy?

The Hon. C. BONAROS: Contribute to their campaign.

The Hon. K.J. MAHER: In their own right.

The Hon. C. BONAROS: In their own right?

The Hon. K.J. MAHER: They are not levies. Levies are allowed.

The Hon. C. BONAROS: Levies are allowed?

The Hon. N.J. CENTOFANTI: Yes.

The Hon. C. BONAROS: So they can contribute to their own campaign, which is allowed. Can we just confirm also—because there was some confusion under the previous draft of the bill—that loans themselves from financial institutions are also allowed under the model that is being proposed?

The Hon. K.J. MAHER: My advice is that loans from financial institutions are allowed under this model.

The Hon. N.J. CENTOFANTI: Are loans from financial institutions allowed if they are taken out by an individual who is contributing to their own campaign and they are an incumbent member?

The Hon. K.J. MAHER: Can you repeat that?

The CHAIR: Slowly and loudly, the Hon. Ms Centofanti.

The Hon. C. Bonaros: Maybe use an example.

The Hon. N.J. CENTOFANTI: Are loans from financial institutions that are taken out by individual members who are incumbent members or candidates from a registered political party to contribute to their own election campaigns allowed?

The Hon. K.J. MAHER: As an example, could a Liberal member in a lower house seat take out a loan to fund their campaign in that lower house seat, if you are Labor or Liberal, for example? My advice is we have said that it is possible to do so.

The Hon. R.A. SIMMS: Can the Attorney outline some of the options that will be available to new entrants, and in particular Independents who might be contesting election, particularly for the first time?

The Hon. C. BONAROS: And in so doing could the Attorney perhaps provide a comparison of what they would be eligible for now, compared to what they would be eligible for under the bill?

The Hon. K.J. MAHER: In relation to a new entrant—someone who is running, for example, as an Independent for the first time for a lower house seat—the support that would be available is advance funding of up to two payments of two and a half thousand dollars, so a total advance payment of $5,000. In relation to the Hon. Connie Bonaros's question—how does that compare to the current situation?—there is no advance funding at all in relation to that.

In addition to that there is the possibility of, depending on at the election how such a new entrant candidate performs of course, the public funding for reimbursement of costs that are associated, that is at a higher rate than it is now.

The Hon. R.A. SIMMS: Just so I am clear, those candidates—those new entrants or Independents—could also take donations of $5,000 from individuals to help them run their campaign; is that the case?

The Hon. K.J. MAHER: I am advised that is correct.

The Hon. C. BONAROS: Just so we are absolutely clear, those same individuals no longer will have a threshold—a non-disclosable or disclosable threshold—well, it is $200; is that right? Is that the new limit, $200? What was the threshold previously, and what is it now?

The Hon. K.J. MAHER: My advice is in terms of the threshold for the declaration of the identity of the person who is making the donation. Under the current regime if it is over $200 it cannot in effect be anonymous. I am advised that what is being proposed keeps that in place—that is, if it is a donation of over $200 the identity has to be disclosed.

The Hon. R.A. SIMMS: Is the Attorney aware of any other jurisdiction in the world that provides advance funding for someone standing for parliament for the first time?

The Hon. K.J. MAHER: I do not have advice of where that occurs anywhere else. That is not to rule the possibility out completely, but I do not have advice of other jurisdictions that do that.

The Hon. C. BONAROS: What are the disclosure requirements for individuals who make those donations now of up to $200? Have there been any requirements on individuals, previously, who were under the threshold? If you were under the threshold there was no disclosure requirement, and if you were over the threshold there was a disclosure requirement. What are the disclosure requirements with respect to the $200?

The Hon. K.J. MAHER: Below two hundred?

The Hon. C. BONAROS: Below and above.

The Hon. K.J. MAHER: Just to be clear—and I am not sure if this answers the whole question asked—my advice is, as we discussed earlier, that no-one can accept a donation of more than $200 if it is not disclosed who the donor is.

The Hon. R.A. SIMMS: Just to circle back to this question around new entrants, is the intention behind that advance funding scheme for new entrants to encourage new players into South Australian politics and ensure that they are not being disadvantaged by the new regime?

The Hon. K.J. MAHER: My advice is that, in effect, that is exactly right. It is to not disadvantage and in fact provide a more level playing field for those who wish to participate in our state elections.

The Hon. C. BONAROS: There were previously rules in place in relation to those same threshold issues of whether you are over and above and donations being effectively amalgamated. So what are the rules now in relation to the $5,000 donations and the amalgamation of those by donors?

The Hon. K.J. MAHER: I thank the honourable member for her question. As I understand it, the question is: if the donations are under that $200 where the identity does not have to be disclosed, given that new entrants can receive up to the $5,000 mark, what if you made 10 donations of $200 and it was cumulatively $2,000? That is a question, as I understand it, when you are a new entrant and can receive those donations. My advice is that if, in a financial year, the cumulative donations are more than $1,000 those requirements apply. So even if each amount is below $200, if it is above $1,000 cumulatively in a financial year there is a disclosure requirement.

The Hon. C. BONAROS: If Connie Bonaros had five companies—

The Hon. R.A. Simms: Lucky Connie Bonaros.

The Hon. C. BONAROS: Well, lucky her—and they all had $200 each, or $1,000 each, and they all chose to make a donation and there was a director who was effectively connected to five different companies, does that also accumulate in the same way? Or is it that as long as they are separate entities—so Connie Bonaros 1, Connie Bonaros 2, Connie Bonaros 3, Connie Bonaros 4, Connie Bonaros 5—each can make those donations without it being cumulative?

The Hon. K.J. MAHER: My advice is that if they were separate companies, legal entities, they would not accumulate, but if they are not they would accumulate.

The Hon. C. BONAROS: If they are owned by the same person?

The Hon. K.J. MAHER: As I said, the initial advice was that, if they are separate legal entities, they would be separate, but if they are owned by the same person—I am happy to take that on notice and provide an answer for the honourable member.

The Hon. C. BONAROS: On from that, the $5,000 under the current rules—so moving away from the $200 to the $5,000—

The Hon. K.J. Maher: Under what is being proposed in this bill?

The Hon. C. BONAROS: Yes. At the moment, under the same scenario, if I own five companies, will they be accumulated for the same reason in terms of the $5,000 cap? Will somebody be in breach of the $5,000 cap by accepting from the same person, who effectively has separate legal entities under their name, multiple cheques of $5,000?

The Hon. K.J. MAHER: Leave aside the separate legal entities because, as I said, I need to take some further advice, but I will take that on notice and come back to the honourable member. I assume the question the honourable member is raising is: if someone gave—even if it was a natural person doing it—six lots of $1,000, would they be captured by the $5,000 cap? If they gave six lots of $1,000, so they are at $6,000 but each donation was only $1,000, my advice is, yes, they would have clicked over the permissible amount of $5,000 in that respect.

The Hon. C. BONAROS: I know I am not being very articulate, but at the moment there is a threshold and if you go over that threshold it is a disclosable donation.

The Hon. K.J. Maher: The $200?

The Hon. C. BONAROS: No, I am talking about at the moment. Under the bill that changes to $200, and there is a cap of $5,000 per donation that a new entrant can collect. If I have five companies or if I am associated with five different businesses, but I give a person five cheques for $5,000, will they be accumulated to say, 'Well, you've gone over the $5,000 cap'? I am talking about the $5,000 cap now. So $5,000 is the limit, and if you receive five lots of $5,000 what are the consequences or limitations in terms of who they can be received by?

Similarly, if I have five brothers and they each chose to give the same person $5,000, so John, Steve, Harry, Paul and Terry all give me $5,000—they all have the same surname and the same address—are they all treated as $5,000 donations and, if they all reside at the same address, are they all treated as separate donations or will someone look at this and say, 'Actually, that is one person trying to give you $25,000; therefore, you have breached your cap'? That is what I am trying to establish.

The Hon. K.J. MAHER: As I think I understand the question, you have five brothers—John, Steve, Harry, Paul and Terry was the example—even if they lived at the same address but were giving their own money, even as brothers, my advice is that they would be individual donations. There is still applicable, I am advised, the spending cap.

The Hon. C. BONAROS: So you are nowhere near the cap.

The Hon. K.J. MAHER: Yes, you are nowhere near the cap with five lots of $5,000 from John, Steve, Harry, Paul and Terry, brothers who, if they are mad enough to, with all of their own money, want to give you $5,000, but if you tried to replicate that over and over again, you would pretty quickly come up against the overall spending cap that you are allowed to spend.

The Hon. C. BONAROS: What if Paul is 16 and he chooses to give you $5,000?

The Hon. K.J. MAHER: I will have to go away and double-check, but there is nothing in there that I am advised deals with the age of the donor.

The Hon. R.A. SIMMS: Looking at this issue of new entrants, what happens if a new entrant stands in an election and they are not successful? If they contest a subsequent election down the track, are they then able to access advance funding on the basis of their vote, or how would that work?

The Hon. K.J. MAHER: My advice is if you are a new entrant, so you are an Independent running for a lower house seat, and you ran in one election and you got whatever percentage of the vote that you got, if you are then running again, having been unsuccessful, you can choose whether you want to have your advance funding based on the result you got last time or, for someone who is not a member of parliament, avail yourself to those potential two lots of $2,500.

The Hon. R.A. SIMMS: Just so I am very clear, Independent Joe Bloggs runs for the upper house in 2022, they get 4 per cent of the vote and they miss out. They run again in 2026. They can elect whether they get the up-front payment of just $5,000 or they can get the pre-payment of a percentage of what they got at the previous election; is that correct?

The Hon. K.J. MAHER: I am advised that is correct.

The Hon. C. BONAROS: I am just going to go back to the brothers. It is a legitimate question I am trying to resolve because you might have someone who wants to come into politics and they have five affluent family members around them, and those five affluent family members have kids. So instead of going out to do the fundraising in the general public, Aunty Mary, Aunty Sophie, Aunty Tina and Aunty Wendy say, 'We will each put in $25,000,' but they know they cannot put in $25,000 because it goes over the cap, so they then say, 'We will give $5,000 to each of the kids to put towards the campaign.'

So across four families you have spread $100,000. That is effectively what I am trying to say. Is the commission going to look at this and say, 'Hold up a minute here, all this money has effectively come from the same four families'?

The Hon. K.J. MAHER: I appreciate and understand the honourable member's question. As I have said, on two questions I will need to take further advice and take on notice the question about related corporate entities and also the question about related non-corporate entities, that is, family members. It should be pointed out, though, that this is always a balancing act between not doing things that impinge on or discourage to too great or debilitating an extent potential new entrants.

On a question from much earlier on during this committee stage, the advice was that if you are a new entrant you could self-fund to 100 per cent of your cap. So I do take honourable member's point that if there were a number of wealthy families and even if they all gave substantial sums out of their own pocket, that could raise money that might come close to a cap, but, by the same token, if you are a wealthy individual you might be able to fund it yourself up to a cap. That is always a balancing act to make sure we are not putting in place too high barriers for new entrants to become contestants in the political system.

The Hon. H.M. GIROLAMO: In regard to new players, is there any accountability or reporting that is required in order to receive the $5,000, or can they receive the money and not spend it on the campaign?

The Hon. K.J. MAHER: My advice is that a new entrant who receives that up-front funding has to certify or verify that it will be used for state electoral purposes.

The Hon. N.J. CENTOFANTI: In regard to that advance funding, does that apply to any Independent candidate nominating for election? For example, if there are 20 people who nominate as Independents for an electorate or the Legislative Council in a given election, will each of them receive that $5,000? Is there a maximum number of candidates who can receive that funding?

The Hon. K.J. MAHER: My advice is that there is not a limit on the number of Independents in a particular seat or generally who may have the ability to receive that advance funding.

The Hon. N.J. CENTOFANTI: Is there any obligation to return the $5,000 in any circumstance?

The Hon. K.J. MAHER: There are circumstances where it would have to be repaid. I am advised that it would have to be repaid under section 130PE where the person does not actually contest the election—so if they receive that advance payment but then they do not end up contesting, there is a repayment in that case—or if they have not met the qualification for electoral funding, which in the case of a lower house seat is 4 per cent of the vote or in the case of an upper house seat is 2 per cent of the vote.

The Hon. N.J. CENTOFANTI: I think you have answered my next question, which is: does the candidate need to receive a certain number of votes?

The Hon. K.J. MAHER: It is 2 per cent in the upper house and 4 per cent in the lower house.

The Hon. N.J. CENTOFANTI: So it is 2 per cent in the upper house and 4 per cent in the lower house. In regard to how the advance funding model works, does the advance funding model apply for candidates who were elected as a member of a registered political party at the previous election and are contesting the next election as an Independent?

The Hon. K.J. MAHER: Just so I can understand the question, for example, if you were a member of the Liberal or Labor Party, or you got elected as a member of the Liberal or Labor Party, and you left that party and became an Independent member for whatever electorate it is, the question is: are you entitled to get that $5,000? Is that the question?

The Hon. N.J. CENTOFANTI: The advance funding, whether it be the $5,000 or the percentage of—

The Hon. K.J. MAHER: I am advised that in the situation given in the example before, if you were, say, a Labor or Liberal member or elected to an electorate and then you left that party and were contesting it as an Independent at the next election, you would be entitled to receive funding for that pre-funding of up to 80 per cent of the vote that you received at the last election, notwithstanding that you were not an Independent at the last election.

The Hon. N.J. CENTOFANTI: Is that irrespective of whether you were in the House of Assembly or the Legislative Council?

The Hon. K.J. MAHER: I am advised that the case I have spoken about is for the House of Assembly and that there are regulations that need to be put in place about exactly how that would work for the Legislative Council.

The Hon. R.A. SIMMS: Just to clarify a point, if a candidate is standing for office and they are not successful, is there any requirement for them to pay back the advance funding?

The Hon. K.J. MAHER: I think I answered it previously. There is a requirement and that is if they do not meet the threshold that is required to receive public funding; that is, for a lower house seat, 4 per cent of the vote, or for the Legislative Council, 2 per cent.

The Hon. L.A. HENDERSON: Could you please advise if any modelling has been done for how much each party, including minor parties, would receive based on this modelling?

The Hon. K.J. MAHER: I am advised that there have been costings done for the purpose of modelling based on the 2022 election on how much the scheme would cost, but in terms of breaking it down much more granularly, I am advised there are only preliminary costings about how much that would be. I assume that you could look up the Electoral Commission's website, look at how this scheme would work, and come up with those same preliminary estimates.

The Hon. L.A. HENDERSON: Can the minister please advise what the figures are that were provided to the minister when this modelling was conducted that he just referred to?

The Hon. K.J. MAHER: My advice is that the overall total cost of the reforms is estimated to be $19.8 million over the four years to 2027-28, and again noting that they are preliminary costings.

The Hon. L.A. HENDERSON: What is the costing that has been done for each major party and minor party? What is the amount that has been provided to you?

The Hon. K.J. MAHER: As I say, I do not have copies of that in front of me at the moment, but I am happy to go away and see if there are those sorts of costings that are more than very initial that can be provided, and I am happy to take that on notice.

The Hon. L.A. HENDERSON: Can the minister please advise how this costing was done, and what modelling was used?

The Hon. K.J. MAHER: My advice is these preliminary costings were done in relation to the amounts of the 2022 state election.

The Hon. L.A. HENDERSON: So the minister is presenting a bill to the chamber today, but is not able to provide us with exact figures on whatever modelling was conducted for each major political party and minor party as the parliament stands today going into the 2026 election?

The Hon. K.J. MAHER: As I have said, we clearly do not know what the result of the election will be, but there have been costings modelled on the previous state election. As I have said, there is an estimate of $19.8 million over the four years to 2027-28.

The Hon. F. PANGALLO: What happens to any surplus funding after an election; that is, if all the moneys are not spent that have been allocated to members or political parties? Is it banked or is it kept by the parties concerned or candidates, or does it accumulate until the next one? How is that going to work?

The Hon. K.J. MAHER: Just so I can understand, so I am answering the correct question, I am assuming the honourable member is asking whether you can receive advance funding based on what you got at the last election. If you receive that funding, but do not expend that whole amount, do you just get to keep what you did not spend? Is that essentially the question?

The Hon. F. PANGALLO: Exactly. You get to keep it.

The Hon. K.J. MAHER: My advice is that you cannot keep it and then just spend it on other purposes. If you have underspent your advance funding from what you have received for the election, you need to certify that it will be spent for state electoral purposes for a next campaign. In relation to underspending, my advice is you cannot just keep it. It has to be spent and you have to certify that it will be spent for state electoral purposes.

The Hon. C. BONAROS: Can we just go back to the 2 per cent and 4 per cent caps that were spoken of previously as they relate to advance funding, whether you are an Independent or a minor party. There is a notional amount that an Independent or a minor party are entitled to—the amount—so in the upper house whatever the cap is, and in the lower house whatever the cap is. You receive your advance funding—you receive effectively 80 per cent of that funding in advance, 20 per cent is withheld—and then you do not reach the 2 per cent or 4 per cent quota but you have spent all of those funds attempting to get elected, then under the proposed model, whoever it is, whether it is the minor party or the Independent, is liable for the expenditure?

The Hon. K.J. MAHER: The example that the Leader of the Opposition asked was in relation to advance funding of that two lots of $2,500—the $5,000—and that becomes repayable if you do not meet the 4 per cent in the lower house or the 2 per cent in the upper house is my advice. The advice also is if you received the funding for that 80 per cent from the last election result but you failed to meet either of those, depending on where you are running, it becomes liable to be paid back is my advice.

The Hon. N.J. CENTOFANTI: In regard to that advance funding model, both the dollar percentage of the vote or the $5,000, does that advance funding model apply for candidates who were elected as a member of a registered political party at the previous election and then are contesting the next election on behalf of another political party—so someone who has swapped, not gone Independent, but has swapped political parties.

The Hon. K.J. MAHER: I think I have understood the question that is being asked. The scenario I think we talked about before is if you ran for the Labor or Liberal party and were elected and then at the next election ran as an Independent, you could rely upon the vote that you got at the last election. If you, in a similar sort of scenario, then run for an already registered political party, that political party, my advice is, does not get that benefit, but if you ran as an Independent you would.

The Hon. F. PANGALLO: Just to be clear, if I was to spend the allocated $120,000 in 2026 and I do not get the 2 per cent and fail to be elected, I have to repay that total amount—$120,000?

The Hon. K.J. MAHER: My advice is, yes, that is correct.

The Hon. F. PANGALLO: How is that fair?

The Hon. K.J. MAHER: I am advised that this is pursuant to recommendation 12 of the expert panel.

The Hon. C. BONAROS: Just leading on from that question then, there are minor parties and there are Independents in this place. We cannot fundraise, so I cannot go out tomorrow and collect $500,000 worth of donations. After 30 June, I cannot go and fundraise. So my five aunties cannot give me anything after 30 June, but I take the cap, I spend it, and everyone else decides that they are voting for someone else. I am then liable to pay back the cap that I have spent, because I have not been elected, based on the 2 per cent or the 4 per cent, depending on which house I am in.

The Hon. K.J. MAHER: That is my advice, yes.

The Hon. C. BONAROS: So we cannot fundraise. We cannot collect donations. The notion is here that we are taking money out of politics. We are giving you this money, up to the cap that you are eligible for, to be able to have your best shot at running for election, but if you lose because you do not meet those quotas, because all of a sudden everyone does not agree with your stance at an election, then you are liable?

The Hon. K.J. MAHER: That is my advice, yes, pursuant to recommendation 12 of the expert panel.

The Hon. C. BONAROS: I ask this generally, because I think all of us are a bit surprised right now. The way that this has been described to us is that there is an 80 per cent up-front payment, there is 20 per cent that is held onto just in case you do not get elected, and there is no payback provision, but we have just been told now by you that if we do not meet those quotas that you have just spelt out and we have gone—I will use me as the example.

I go full hog and I do an election campaign and I try my best, but unfortunately the anti-Connie campaigners are stronger than me and I do not get elected, and I only get 1.5 per cent of the vote—very likely. I am liable for the $500,000 expenditure cap that you have given me, which is supposed to be getting money out of politics and helping minor parties and Independents; is that what we are saying?

The Hon. K.J. MAHER: My advice is if you do not meet the 4 per cent lower house or 2 per cent upper house you are liable to repay any forward money that you have. I am also advised that if you are paid that money and you do not end up running you are liable to repay it as well.

The Hon. C. BONAROS: And what happens if you come back to me then and I say to you, 'Well, I haven't been able to fundraise, so I don't have the money that I spent just attempting to get myself elected'? What are you going to do? Sell my house? What happens then?

The Hon. K.J. MAHER: I do not have any advice on the procedures that would operate then.

The Hon. C. BONAROS: I think we better go and get some advice on that, because no-one is going to bank their house on a scheme where they cannot collect donations, and you are saying, 'We are being very generous here for the minors and Independents in this place. We're being very generous. We're funding you guys to run your campaigns. You can't go and bring personal money into campaigns anymore. But guess what? If you don't meet this magic quota you're going to be liable for the money.' That has not been explained up until now, Attorney, so I would like some further explanation about that right now.

The Hon. R.A. SIMMS: Just before the Attorney answers, Chair, could I propose that we take a brief five or 10-minute recess? There has been an interesting issue that has come to light in committee, and it would be good to give us an opportunity to get a little bit more information around that. Would that be agreeable?

The CHAIR: That is up to the chamber, is it not?

Progress reported; committee to sit again.

INDEPENDENT COMMISSION AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2024.)

The Hon. S.L. GAME (20:52): I rise to address the government's Independent Commission Against Corruption (Miscellaneous) Amendment Bill 2024. The bill follows the events of July 2024 when we witnessed the sudden resignation of Ann Vanstone KC just four years into her planned seven-year term as ICAC commissioner. This added further weight to the South Australian public's worrying perception that due to changes rushed through parliament in 2021 our ICAC has been deliberately reduced to a toothless tiger, letting high-powered public servants off the hook.

After that July announcement I met with Ms Vanstone to discuss her concerns about ICAC and what in her expert view needed to change to ensure the body was able to perform its role appropriately and effectively. As a result I subsequently introduced my own ICAC bill, which puts forward a number of key amendments. These include changes to the definition of corruption. Under the 2021 amendments this definition was narrowed, meaning a suite of dishonesty offences suddenly fell outside ICAC's reach to investigate, including theft and money laundering among other offences. My bill included details of how this flawed area of the legislation could be fixed to pass the commonsense test.

This bill would also allow the commissioner to refer matters directly to the Director of Public Prosecutions for the director to consider whether charges should be laid rather than having to refer to SAPOL first as a kind of intermediary, as is the current requirement, and would also lift the gag on ICAC that prevents it from telling the public what it has uncovered. This gag impacts ICAC's credibility in the public eye and ignores that ICAC investigations are often preventative exercises even when corruption is not found.

My bill seeks to give ICAC the power to initiate its own investigations rather than to rely on the Office of Public Integrity to do this, which creates a potential for problems surrounding other law enforcement agencies. In addition, my bill highlights that the public can be required to pay the legal fees of an offence no longer covered by ICAC.

In speaking to the Attorney-General's office about this bill, we were glad to see that this particular anomaly was addressed, and we are grateful for that—likewise, the government's move to amend section 39A of the ICAC Act to allow a pathway, albeit a narrow one, for authorisation to not disclose to someone that they are being investigated. As I previously explained in this chamber, this could be a life-saving measure if, for example, a dangerous gang member under investigation but not having an offence pinned to him learns of the investigation and seeks retribution on the whistleblower.

However, we are disappointed that the remaining significant changes, some of which I have just listed, are missing from this government bill. Instead, the Attorney-General's bill contains other what I would call technical adjustments that, while important, fail to address the key concerns most sensible South Australians would have with the existing ICAC.

I acknowledge that the review into the operation of the ICAC Act will be undertaken by the Crime and Public Integrity Policy Committee and welcome the Attorney-General and the government saying that these relatively minor changes will not preclude further, more meaningful amendments from taking place in the future.

In addition, I acknowledge and support the amendments that were put forward by the Hon. Connie Bonaros, which also reference the definition of corruption. The honourable member's amendments are in line with the recommendation made by the Crime and Public Integrity Policy Committee to narrow the offences to those punishable by imprisonment for two years or more. The

amendments would also reinstate the commission's ability to investigate incidental offences, which are offences connected to corrupt activity but which are not in themselves corrupt offences. This would avoid the chance of investigations being conducted concurrently by the commission and by SAPOL.

The Hon. F. PANGALLO (20:56): The Hon. Ann Vanstone's abrupt and petulant resignation in July was disrespectful to the Attorney-General and to the parliament. Never in my time as a journalist—that is, 46 years—and as an MP have I witnessed a statutory officer behaving in the way Ms Vanstone did since taking office, openly attacking this place and members for reforming ICAC after a series of monumental failures were exposed and in which the reputations of police officers and public officers were ruined, never to be restored and at great cost to taxpayers.

Changes were necessary, and not because we were trying to protect corrupt MPs and police officers, as we were accused of doing. Both Ms Vanstone and Mr Lander told parliamentary committees that even though these officers were either acquitted or had charges dropped it did not mean they could claim innocence, so the stain remained. Unlike most members in this place, I engaged at length with all those who were wronged. I listened to their stories, their ordeal—and it was harrowing for many of them—of being subjected to what amounted to Star Chamber-style inquisitions. Their pain has not diminished.

I spoke with distinguished lawyers who defended them. They could not, and cannot, speak openly about what they thought of the process, but they overwhelmingly supported what we did here. They still do. They believe we got it right, albeit some tweaks would be necessary.

I support having an integrity agency—I think we all do in this place—but it must also act with integrity, and we know that in some cases it did not. Had there not been a parliamentary inquiry, I doubt much of the poor conduct and sloppy investigations would have ever seen the light of day, because of the secrecy provisions in the act. There were courageous people who came forward to talk to me to provide evidence to the committees in the face of being warned against doing so. It seemed that parliamentary privilege did not apply.

As I have said previously, no legislation is perfect. I am supporting the changes by the Attorney-General to clear any ambiguity over guilty persons, arising from an ICAC investigation and then a prosecution, having their legal fees reimbursed. I will point out there has not been one claim, and I doubt there will be one. I understand Crown law advice is that it would not be able to happen without discretions being applied. Nonetheless, this fixes it.

The other amendment is the disclosure to persons that they were subjected to an investigation. An application will need to be made to the Supreme Court. This is to be done to protect the integrity of any other investigation that may be underway by other agencies, namely, police, so that they would not be inadvertently tipped off that they were still under investigation, either for other matters or perhaps the one they were subjected to.

I note other amendments are proposed by the crossbench and I will not support those, particularly direct referral to the DPP rather than going to police, as currently applies. There are clear examples why this should not change. Cases in point: the John Hanlon matter—I will not go into that as I have already done so in detail on previous occasions, but ICAC's referral directly to the DPP contained glaring jurisdictional problems that resulted in the matter falling apart. Police would have quickly picked up on the poor investigation and breaches of international protocols that were done had they been in place and the matter referred to them. This matter is still far from completed as Mr Hanlon considers his legal options for civil redress.

Another case that comes to mind is that of DPTI executive Trent Rusby, who should never have been referred to prosecution by Mr Lander and who was completely innocent of any charges levelled against him. I would recommend that members, particularly those who are mooting amendments and who think otherwise about these referrals, read closely the ICAC inspector's review tabled here into the Rusby prosecution. Clearly, some have not. I will go into this review in more detail tomorrow in my response to Mr Strickland's report and Mr Rusby's reply to it, which has not been fully considered by anyone.

It is interesting to note, where Mr Strickland found fault and criticism of ICAC's performance, no persons at ICAC, Mr Lander in particular, were found to be negligent nor liable. Why is it that members of the legal profession, like doctors, are often reluctant to criticise their own? The organisation was guilty of maladministration—absurd really. The buck never got to the top, even though Mr Lander himself once wrote in an article, still on ICAC's website, that the blame should fall squarely on the shoulders of the public officer in charge of a department that was found to be guilty of maladministration of office. It seemed strange that it never applied to him.

The Crime and Public Integrity Policy Committee has already moved to review the ICAC Act as its next priority. There is no point in making substantial changes, as have been put forward here, until that committee has considered it, after taking submissions, expected to start in early 2025.

In closing, I note that ICAC not only does not have a commissioner, it does not have a deputy commissioner nor its watchdog, the inspector. There was no explanation or announcement about the departure of Mr Paul Alsbury in June 2023, well before the expiry of his term. We do not know why he went. It left a vacuum in the ICAC office while Commissioner Vanstone went on leave, resulting in the appointment, through cabinet, of the Hon. Michael David as acting commissioner.

This flew in the face of a requirement of the ICAC Act, section 9, that there be a deputy commissioner in place to assist the commissioner, as directed by the commissioner. This section is quite specific and the failure to appoint a deputy from 1 July 2023 did not comply with section 9 of the ICAC Act, thereby exposing the government to any future resignation of Commissioner Vanstone—and that has happened. So there is no commissioner, no deputy, only an acting commissioner—and this is the second time, and it is Mr Ben Broyd—until one is appointed.

Furthermore, there has never been an explanation as to the attrition rate of staff working in ICAC. I understand it is one of the highest in the public sector. Why did they leave? Was ICAC such a basket case that staff became disillusioned? These questions and others will of course be addressed by the Crime and Public Integrity Policy Committee in its review.

The Hon. R.A. SIMMS (21:05): I rise to speak briefly on this bill. I do so, though, with an element of frustration. I recognise of course that we were not intending to deal with this tonight, and we have moved this around to accommodate some other matters, but I am very frustrated with the speed in which the government is choosing to deal with these changes. I have advocated for some time that we did need to take another look at the ICAC Act and make some alterations, and indeed I have been on the public record previously recognising that when the parliament made those changes to the ICAC back in 2021, it did so I think with the best of intentions.

I do not accept the narrative that parliamentarians were all corrupt and all trying to cover up bad behaviour. I think actually what the parliament was trying to do was strike a better balance in terms of the ICAC. It is fair to say that there had been concerns about the fact that the balance had tipped too far against civil liberties in favour of the ICAC organisation. These are always matters of balance. It is my view that when the parliament collectively moved to try to fix that back in 2021, it did so to try to strike a better balance.

My concern, however, was that there were some unintended consequences, that collectively we have swung the pendulum a little bit too far the other way, and also that the process that we adopted was not appropriate. We moved too quickly. Members of this chamber know that we had an inquiry into the ICAC, which was led by the Hon. Frank Pangallo and that many members of this place were engaged with. So there had been a parliamentary inquiry and a level of scrutiny happening within the parliament.

However, I do not think the parliament took the community with them in those changes. There had not been ongoing consultation and there were things that, clearly, we got wrong in the bill. One of those was this potential for members of parliament who are found guilty of criminal offences to have their legal fees potentially covered by the taxpayers, which I think most people in the community would regard as a slap in the face. There is a range of other things.

Certainly, from my perspective as an MP, I have often felt that I got that wrong, did not engage as deeply as I could have with the bill at the time, and that we missed some things. So it has always been my view that if we have an opportunity to revisit it again, make sure that we get it right.

But to do that, you need time. So I am very frustrated that the government presented this bill to us last sitting. I only had a briefing last Thursday. There has been no opportunity to actually craft any amendments or do any meaningful consultation. That is very frustrating because we went down this path years ago. This is an opportunity to fix a few things and yet we are not being given the time to actually engage properly.

It is frustrating that this chamber is so often constipated for the first half of the year, and then there is a mad rush to get everything done at the eleventh hour as we head towards the Christmas period. The government is desperately trying to clear the backlog. That is very frustrating. It does not all have to be done right now. It does not all have to be done tonight without an opportunity to actually engage deeply with the content. That said, as I am on my feet I will talk to the proposal that the government has put forward.

The bill will make progress in addressing some of the issues that have been flagged with the existing legislation by the former Commissioner Ann Vanstone but also by other organisations, including the Law Society and the Centre for Public Integrity, and I welcome that. It will amend schedule 5 of the ICAC Act to change the criteria for reimbursement of legal costs under the act to ensure that a public officer who has been convicted of any offence is precluded from reimbursement.

The bill will also restrict the exercise of ministerial discretion over decisions involving reimbursement to current and former ministers and members of parliament. These are important changes that will bring the act into line with community expectations that politicians and public servants should not be paid back their legal costs where they are found to have engaged in wrongdoing.

The bill makes a series of commonsense amendments to address other operational and technical issues, including inserting a delegation of power in relation to the ICAC inspector's power and functions and clarifying the ICAC inspector's ability to investigate the exercise of power under the ICAC Act as it existed prior to 25 August 2021. The bill also 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, addressing concerns that have been raised about the mandatory operation of this section being too restrictive.

I note that the Hon. Connie Bonaros has flagged that she will move a number of amendments to the bill and I indicate that the Greens are supportive of those. I further note that the Crime and Public Integrity Policy Committee will commence a review of the operation of the ICAC Act towards the end of this year. The government has indicated that it is not closed off to the possibility of further changes to the act, and I welcome that. The Greens welcome any further improvements to legislation so that we can ensure the integrity of South Australia's Public Service.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (21:11): I rise to indicate the opposition's support for the Independent Commission Against Corruption (Miscellaneous) Amendment Bill 2024. This bill introduces important refinements to the Independent Commission Against Corruption Act 2012, with related amendments to the Ombudsman Act 1972 and the Public Finance and Audit Act 1987.

As the Attorney-General has stated, these changes are intended to address operational and technical matters following the comprehensive amendments to the ICAC framework in 2021. While these adjustments are primarily procedural, they are essential in clarifying and strengthening our state's anti-corruption framework. The opposition broadly supports this bill and recognises the importance of maintaining a robust, transparent and effective public accountability and integrity system.

Clause 3 of the bill amends section 39A to allow the commission to apply to the Supreme Court for authorisation to withhold information on investigation outcomes from the subject of that investigation. This power addresses situations where disclosure might compromise an ongoing investigation or pose risk to individuals' safety. While confidentiality is critical to protect the integrity of related investigations, we trust that this power will be used judiciously with the courts as an effective safeguard to ensure that the circumstances warrant non-disclosure.

The amendments to schedule 4 introduce the ability for the inspector to delegate powers within the Office of the Inspector. This step is practical, helping the inspector's office manage oversight responsibilities effectively and avoid conflicts of interest. Additionally, the bill clarifies that the inspector's authority to review decisions extends to those made before the 2021 amendments. This delegation power, combined with expanded review authority, is a positive move that reinforces the integrity of our anti-corruption framework.

Clause 5 addresses the reimbursement of legal costs under schedule 5 of the ICAC Act, adjusting the threshold so that public officers convicted of any offence are precluded from reimbursement rather than just those involving indictable offences linked to corruption. This change is echoed in the Ombudsman Act to ensure a consistent approach. These adjustments strengthen public trust by clarifying that public funds will not cover legal expenses when officials have been convicted of offences, aligning with broader expectations of accountability and integrity in public office. The standards for denying reimbursements, especially for public employees and appointees with a material adverse finding, appear well considered for a range of cases public officials may encounter.

This bill introduces a regulation-making power in the Public Finance and Audit Act to standardise the reimbursement of legal costs for government employees, board appointees, ministers and members of parliament. By moving away from Legal Bulletin 5's ad hoc approach, this new scheme reduces potential conflicts of interest in legal assistance decisions, removing the discretion of political decision-makers and ensuring fairness. The opposition supports this move towards consistency, clarity and impartiality, which will enhance public confidence in our processes.

The amendments in this bill address specific technical issues within our anti-corruption framework and bring much-needed clarity, consistency and transparency in public administration. We believe that good governance relies on both robust and just systems, and we recognise the importance of ensuring that the principles of integrity and accountability are upheld at every level of government.

As the Liberal Party has long upheld, a practical anti-corruption framework must hold officials accountable and protect the rights of those who serve the public in good faith. These amendments take further steps to align with our vision of a government that operates with transparency, impartiality and respect for the law.

By supporting this bill, we reinforce our commitment to strengthening South Australia's integrity systems and ensuring the public can have confidence in their government. We must see that these systems serve all South Australians fairly and efficiently, supporting our public servants in their roles while safeguarding the public trust.

I am confident this bill improves upon the high standards our state deserves. We look forward to seeing these amendments contribute to a South Australia where integrity in public office is not just expected but assured. I know that the Hon. Connie Bonaros has lodged a suite of amendments. I indicate the opposition will not be supporting these as we believe the amendment bill as it stands is sufficient to do what it is intended to do. With that, I conclude my remarks and I commend the bill in its current form to the chamber.

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

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The Hon. F. PANGALLO: I move:

That progress be reported.

Motion negatived.

The Hon. I.K. HUNTER: Mr Chairman, I draw your attention to the state of the council.

A quorum having been formed:

Progress reported; committee to sit again.

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Introduction and First Reading

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

CRIMINAL LAW CONSOLIDATION (COERCIVE CONTROL) AMENDMENT BILL

Introduction and First Reading

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

At 21:33 the council adjourned until Wednesday 13 November 2024 at 11:00.

Answers to Questions

GOVERNMENT ADVERTISING

In reply to **the Hon. R.A. SIMMS** (28 August 2024).

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

The state government is investing an additional $7 billion building a bigger health system for South Australians.

This includes:

- more than 600 new beds
- more than 690 more nurses
- more than 320 more doctors
- 350 new paramedics and ambulance officers
- and record investment in new health infrastructure and alternative care option.

The health campaign includes important information to raise awareness of alternative care options including virtual care services and 24/7 pharmacies as well as highlighting employment opportunities for registered nurses, midwives, doctors, paramedics, allied and scientific health, and mental health workers across SA Health.

In the 2023-24 financial year the state government reduced government media advertising expenditure by $8.8 million.

A majority of the $38.7 million spent on government advertising in 2023-24 was directed towards road safety campaigns for speeding, seatbelts, drink and drug driving, interstate and international tourism marketing, health related warnings such as smoking and vaping, bushfire ready campaigns and promoting government assistance programs such as HomeStart.

WIND FARMS

In reply to **the Hon. D.G.E. HOOD** (11 September 2024).

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

In the 10-year period from 2014 to present, SafeWork SA has investigated 37 cases that specifically relate to wind turbines at wind farms in South Australia. Thirteen (13) of those cases related to falling parts or objects. In each instance those objects have either landed in a designated drop zone and/or not presented an immediate or imminent risk to the safety of a worker or member of the public. No breaches of work health and safety laws were identified therefore no statutory notices were issued.

The other cases resulted in SafeWork SA Inspectors issuing 17 improvement notices and five prohibition notices for contraventions of the Work Health and Safety Act 2012 and Work Health and Safety Regulations 2012. All notices were complied with and no further action was required.

The Attorney-General's Department Annual Report and the SafeWork SA Annual Activity Report are both publicly available documents that contain general information about SafeWork SA's compliance activities. Specific information is subject to the confidentiality provisions of the Work Health and Safety Act 2012. This prevents any action taken by an inspector in which they exercise a power or function under the act to be disclosed to another party including the requestor. Exceptions include information required by a court or tribunal; or that is required or authorised under a law; or to a minister.

It is not within SafeWork SA's jurisdiction to collect data on the number of birds or other animals that have been killed or injured by wind turbines.

CORONER'S COURT

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (12 September 2024).

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

A range of statistics relating to the Coroner's jurisdiction are available in the Report on Government Services.

FORENSIC SCIENCE SA

In reply to **the Hon. H.M. GIROLAMO** (12 September 2024).

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

Forensic Science SA currently has 135 full-time equivalent staff, 94 of whom perform operational roles.

No employees of Forensic Science SA can approve the release of a deceased's body. This is a determination of the State Coroner. Employees of Forensic Science SA can be involved in this process by working with nominated funeral directors to arrange times in business hours for collection, or to advise SAPOL when postmortem examinations are completed, so that the State Coroner can issue an authority to release.

In the month of July 2024, the mean wait time for coronial approval to release a body was five business days. However, the mean is affected by cases which required a higher level of postmortem examination by Forensic Science SA. The mode for the month of July was one business day, meaning it was more common for families to wait one business day, compared with five business days for coronial approval to release a body.

In the month of September 2024, the mean wait time for coronial approval to release a body was again five business days. The mode for the month of September was two business days, meaning it was more common for families to wait two business days, compared with five business days for coronial approval to release a body.

ABORIGINAL GOVERNANCE

In reply to **the Hon. F. PANGALLO** (24 September 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I refer the member to my letter to the Aboriginal Lands Parliamentary Standing Committee, dated 14 March 2023, in which I set out my response to the committee's recommendations.