LEGISLATIVE COUNCIL

Wednesday, 13 November 2024

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

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:01): I move:

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

Motion carried.

Bills

MOTOR VEHICLES (MOTOR DRIVING INSTRUCTORS AND AUTHORISED EXAMINERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 September 2024.)

The Hon. B.R. HOOD (11:02): I rise today as lead speaker on this bill and acknowledge that I will not be continuing with the contingent notice of motion—we will be supporting the bill now, with some promises from the minister in the other place to ensure that a consultative committee is set up in such a way that will allow the industry of motor driver instructors to be able to have some say on this bill and the regulations that will be formed within it to ensure that some of the issues that have been raised with me can be dealt with.

Whilst initially being opposed to this bill, following commitments by the Minister for Infrastructure and Transport in the other place, in the media and in discussions with me between the houses, we now have a degree of assurance that was not previously available to us. For the benefit of the many driver instructors, examiners and learner drivers who have contacted me, I will now put on the record why our position has changed.

Just this week, the minister confirmed in writing that a consultative committee will be formed to develop the regulations, which will include members of the driver training industry. The Registrar of Motor Vehicles is also on board and keen for the formation of this committee. Two of the three industry associations are now happy with this outcome, and with a promise of collaboration between the government, experts and industry.

As I said, our position is a qualified support for this bill, because many uncertainties do remain and many individual driving instructors continue to have concerns about the passage of this bill. Broadly, it is worth highlighting the anger and confusion felt by many driving instructors about the way the minister has introduced these reforms and for the offensive language that has been used in the media. Not only were many shocked about the depth and breadth of the reforms but they were also taken aback by the minister's strong language referring to them as corrupt and as sexual predators.

As the President of the Get Home Safe Foundation, Darren Davis, said on radio recently, the language used by the minister has been really unhelpful and incorrect, in his view. He went on to say that 99.9 per cent of the people he knows in the industry are great people trying to achieve the best

possible road safety outcomes for everyone. There are bad elements, as there are in any industry, but they themselves are working to get rid of those bad apples.

Politics is a game of numbers, and the arithmetic of this chamber is such that the Labor Party only needs the support of two non-government members to be successful in the Legislative Council. This bill will pass, but of course it is good to get that qualification from the minister that a consultative committee will be set up to determine those regulations.

I do, though, continue to be contacted today by motor driving instructors who are disappointed with this outcome, and this is the reality that we are faced with. Rather than engaging in policy on the run and insisting on wideranging amendments that individuals are calling for, the power will instead be put into the hands of motor driving instructors via their membership-based industry groups to inform the operation of this bill and the regulations.

On the proviso that genuine and meaningful consultation occurs in the way that the minister has now promised, the opposition is willing to allow its passage. I will, however, reserve my right to ask some detailed questions at the committee stage and will outline many of the concerns of our state's motor driving instructors and examiners.

While it was not always the case, I am heartened by the minister's newfound commitment for consulting with the industry on these landmark reforms to driver training in South Australia. As described by the minister himself, these are the most significant reforms that any government has made to the driver training industry in this state. That is why it is concerning for the other place to be told in no uncertain terms that no consultation whatsoever had occurred with the industry prior to the announcement.

The opposition, and I personally as the shadow minister, were understandably inundated with correspondence from across the industry, including from dozens of motor driving instructors, specialised or disability-focused instructors, authorised examiners, road safety advocates, learner drivers and the disability community themselves sharing their concerns about the proposed reforms. Before putting on the record some of those concerns, I will touch briefly on the key aspects of the wideranging reform bill in front of us.

Building on the proposed reforms that were consulted on by the previous Liberal state government, the bill before us contains the following elements. There is a shift to government examiners. This is a new addition to the previous government's bill, which transfers responsibility for driving tests from private authorised examiners to government examiners, reducing those numbers from over 260 to around 40 or 50.

The bill proposes the end of the CBT&A system, the Competency Based Training and Assessment system. The bill phases out the popular CBT&A, mandating a practical driving test with government examiners, although I understand they will be merging, or attempting to merge, the CBT&A and the VORT (Vehicle On Road Test) into a new test, and of course now with the consultative committee and industry they will be able to work through what those systems will look like.

The bill also includes mandatory technology. It requires as yet unspecified GPS tracking and cameras in training vehicles to improve transparency and safety. There are, of course, questions around that, considering many motor driving instructors utilise their cars as their private vehicles as well as their vehicles for their business. There will be questions about where that footage belongs or who it belongs to and whether cameras can be turned off if they are being used privately.

Regarding standardised fees, the bill sets up a regulated $240 fee for the on-road assessment, which the minister states is a reduction from the median price of $319, according to a survey. Enhanced authorised officer powers grant extensive investigatory powers, including questioning related parties and accessing residences tied to business operations. There are some concerns around that part of the bill as well.

As outlined by the minister, this bill has been introduced to address corruption and sexual predatory behaviour in the driver training sector, and builds upon the departmental review and the 2022 ICAC report. Upon the government's announcement of these reforms, I undertook my own consultation with the industry, which included the RAA, the Motor Driving Instructors Association of

South Australia, the Professional Driver Trainers Association of South Australia, the Australian Driver Trainers Association of South Australia, the Get Home Safe Foundation, and many regionally based driving instructors.

Rather than being opposed to the insourcing of authorised examiners, as the minister believed the industry would be, they were in fact broadly supportive as an industry of this move. I understand this brings us into line with almost all other Australian jurisdictions, with only SA and the Northern Territory fully outsourcing both driver training and government examinations.

However, all industry bodies I consulted with, and many other stakeholders who reached out to me, were united in their concern over the drastic reduction to just 40 or 50 government examiners. This represents a more than 80 per cent reduction in assessors and raises the considerable risk of delays and uncertainty for driver trainers, especially in the regions.

In some regions, including my home town of Mount Gambier, I have been told of months-long delays to undertake tests and that similar wait times occur in interstate jurisdictions. For specialised or disability-focused driving instructors, I am advised that there are wait times of one whole year for some learners to begin their CBT&A lessons.

Similarly, I am told of months-long delays that are already occurring to one aspect of licencing that has not yet been outsourced, that being medical practical driving assessments. I understand, however, that recent announcements from the department regarding medical licencing encourages those clients to seek private driver training occupational therapists, which I raise as an interesting contrast to the bill before us.

While both the Department for Infrastructure and Transport and the minister have sought to assure us that 50 government assessors will be able to keep up with the yearly demand of 50,000 tests, the industry and I remain very concerned with this proposal.

I also wish to put on the record the advice that has been received and provided to the member for King in the other place, which somewhat differs from what I have been told from a departmental briefing. In the member for King's second reading speech, she said, and I quote:

> I understand that with the passing of this bill, there will be permanently based authorised examiners in the regions to deliver practical tests, with the locations of these examiners to be decided upon following discussion with the industry in the coming months.

I certainly hope that is the case, and I welcome any correction of the record if it is not. Aside from the significant reduction in examiners, another widely held concern raised with me is the effective scrapping of the popular CBT&A logbook method, and I have recently received strong feedback from people with anxiety or mental health issues, the neurodivergent community, and others who are vulnerable or have disabilities that without the CBT&A test they would not have been able to obtain their driver's licence.

The current alternative to the Vehicle On Road Test (VORT), which I mentioned briefly previously, allows students to tick off on 30 different competencies at a pace that suits them, with an instructor who they develop a trust with. It provides for consistency by using the same instructor's vehicle and, unlike the VORT, it does not force students into a different car with a different instructor for the final assessment prior to gaining their provisional licence.

While the department advised me that students will essentially be given a five-minute lap around the block to get used to a brand new car that they were stepping into for their test for the first time, many believe this is insufficient and that mistakes—and therefore increased failure rates—will happen and will be inevitable by forcing them into unfamiliar vehicles, which again, of course, will drive up the cost because they will have to pay for another test should they fail.

People with anxiety, learning difficulties, trauma, PTSD, and who face other difficulties are likely to be disadvantaged should the extremely popular CBT&A logbook be scrapped. It would be extremely concerning if these concerns were not addressed in the two-year implementation phase of these reforms. Again, I am glad there will be a consultative committee of industry experts, as promised by the minister, determining these regulations; hopefully they can bash those issues out.

It is of utmost importance that these South Australians are not left behind—these people with PTSD, trauma, the neurodivergent community and disabilities—and that their independence is not taken away from them. I am sure it is not the minister's intent to entrench inequality, but a combination of a drastic reduction in examiners and abolishing the CBT&A program has a high likelihood of negatively impacting regional South Australians and those facing mental health issues or disability.

Other serious issues raised with me included privacy concerns around the mandatory use of technology such as cameras and GPS in vehicles. There is currently insufficient detail on how the bill will know the operation of these devices and how they will work in practice. In consultation with industry, perfectly reasonable concerns over a lack of privacy of mandatory cameras and GPS devices that may always be in operation will need to be addressed. Ideally, as motor driving instructors often use their vehicles privately, and they may be used by other family members, they would maintain a level of control over the recordings and footage.

Obviously, there is also unknown cost implications for both instructors and students as a result of this, as expenses will need to be recovered in one form or another. These issues need to be addressed as both driving instructors and learner drivers deserve assurances that their privacy will be protected.

Another concern that my attention has been brought to is the removal of ministerial oversight of direction of the decisions of the Registrar of Motor Vehicles. I understand that decisions of the department and registrar can currently be reviewed and amended by the minister of the day, but concerns have been raised with me that as this bill before us stands the ministerial oversight will be struck out.

Similarly, the bill appears to restrict motor driving instructors' rights of appeal to SACAT, removing options to pursue recourse through the courts. Many MDIs have been concerned by the increased and seemingly unlimited power being handed to the registrar and the unclear timeframes in which matters are to be dealt with.

The fit and proper person test has also been flagged by members of the industry as an issue. The minister has confirmed that this is loosely based on the outlaw motorcycle gang legislation, and it has been raised with me that it goes beyond the requirements of professionals like teachers, which in many ways is exactly what motor driving instructors are.

Another point of contention is the standardised $240 fee, which the minister claims is a reduction from the median VORT price of $319. A common argument I have heard is that it is by the government's own hand that the costs have increased, given the imposition of a moratorium on authorised examiners. By the same token, many examiners' fees are much less than this and are frequently at or below $200.

Furthermore, I understand that government examiner tests in almost every other jurisdiction are significantly less than $240, with Victoria charging just $48 at the lowest end of the spectrum, and with the Australian Capital Territory charging under $125 at the highest end. This is a large disparity and only compounds further the significant cost premiums paid by South Australians to obtain their licence.

The EzLicence website published just two days ago a comparison of the cost of obtaining your full licence across all Australian jurisdictions, with the result that SA is way ahead at $1,302. The next highest was Queensland, at $925, a full 40 per cent cheaper, with the lowest being the Northern Territory, at $148, or 780 per cent cheaper.

Naturally, there are concerns that adding further cost impositions to our already expensive licensing system will turn students off undertaking as many tests as they otherwise would and may result in an increase in unlicensed and less equipped students.

These are just a snapshot of the many concerns brought to my attention. While I am glad that the pressure put on to the minister has resulted in that consultative committee once the bill has passed, I know that the industry will advocate for these and many more reforms to be made. I urge the government to listen to the industry, as up to this point the associations have said that they have lost faith in the minister. When he was in opposition the minister was calling for proper reform, yet in government he is attempting to ram this legislation or these reforms through.

While the government have made promises, and in talking with two of the three industry associations they are now happy for this bill to pass, now that there is a consultative committee I do urge the department and the minister to ensure that they listen to those experts, that they listen to the people in the industry to ensure we get proper reform in motor driver training and that our industry and the great people who work in it are not left behind. With that, I commend the bill.

The Hon. F. PANGALLO (11:18): I will speak briefly and indicate that I will be endorsing and supporting this bill. I commend the Minister for Transport, the Hon. Tom Koutsantonis, and also his department for the enormous amount of work that has gone into getting this legislation ready and also the ground that this legislation covers to ensure that there is credibility and integrity in the driving instruction industry.

I am also pleased that I have had discussions with the minister in relation to some undertakings relating to incentives for accredited driving instructors. I understand there will be hours taken off the scheme—the 75 hours that are required for learner drivers to undertake to get their licence. If they use accredited driving instructors there are incentives to lower that.

I have also had extremely positive talks with the minister about including a first aid course where learner drivers need to undertake courses in CPR and also the use of AEDs. Initially, the minister was a bit reticent about that. He did not want to add to the cost of getting a driver's licence where it was a requirement that drivers would then have to pay for a first aid course on top of the use of driving instructors.

The good news is that I had discussions with the St John association only recently and they informed me that they actually do have a free online first aid course that covers those aspects of CPR, AED and other things. It is of no charge, and it can easily be adapted to the driving licence regime. The minister has given me an undertaking that he will certainly consider incorporating the first aid course—as long as it did not cost money of course—as part of the required amount of time to get your driver's licence. In fact, it may also lead to a reduction of an hour or two from that 75 hours.

I am heartened by the positive response I received from Minister Koutsantonis. He was particularly pleased that it was not going to cost anything, and St John assured me that it could easily be adapted to be one of the modules in getting a driving licence—it was quite easily achieved. The benefit of having something like that is that we can then look forward to having a generation of drivers on our roads who have at least undertaken a basic course in CPR and first aid.

We have seen some horrendous accidents in recent weeks, one in particular on Main South Road at Wattle Flat. It was a shocking accident involving several cars and a truck, and it resulted in fatalities. I was somewhat alarmed to see that those who stopped to render assistance to those who were injured had to wait for, I believe, two hours for the first medics to arrive. I would hope that some of those who had stopped would have had some dealing in being able to administer some type of first aid.

The intent of what I have been trying to push in this place, following the passage of the AED bill, is to get people on our roads who can also carry out first aid in the event that they come across a vehicle accident or some other accident where the person who is injured requires assistance. These are the merits of having something incorporated into a driver's licence, because in the end you will have thousands of people on our roads who will be able to render that assistance and I can only think of that as being a positive for our community.

I have pointed out in this place that it is happening very successfully in a number of countries in Europe where they now have tens of thousands of drivers on the road who are able to perform first aid and other various forms of medical assistance. So I am really pleased that the minister has reacted positively to that and also, of course, is offering incentives for people seeking to get their licence and using accredited driving instructors.

The reasons for this bill have been made clear by the Hon. Ben Hood—and also through approaches I have had from members of the industry itself and others—that basically the industry needed to be cleaned up. It is not that the majority or most driving instructors are corrupt or inept or unprofessional, as I am sure the vast majority do abide by the rules and regulations and apply strict standards to the students they put through these driver's courses.

Unfortunately, as the ICAC report found, there were some who should not be in that industry. They were taking bribes to speed up people getting their licences, and there were also instances of sexual harassment and sexual assaults, and we have seen where some have been prosecuted in our courts. I reiterate that we are only talking about a minority, but it was clear that the industry needed some reform. The department, through I believe the registrar, Emma Kokar, has come up with this legislation in order to ensure that we not only have accredited driving instructors but that they also pass character tests and are competent enough to ensure that the students that they undertake will end up becoming good, responsible drivers on our roads—and that is what we need.

If you have a look now the road toll is mounting again. Here we are almost halfway through November and it is approaching almost the same level as it was this time last year. That is not a good thing and it needs to be addressed. Some of that goes back to driving standards and also the attitude of drivers on our roads, for them to be mindful of other road users and obey the rules that are out there and know that they can do that to ensure the safety of others in our community.

We need to lower the road toll, but we also need better drivers out there in the community, people who are responsible and cooperative. Not a day passes that I do not see some hoon or irresponsible driver on our roads who is just blatantly breaking road laws in an effort to try to get somewhere in a hurry when, in actual fact, they will only be saving a handful of minutes, if that, or even that at all.

I would say that not only is irresponsible driving part of the cause of many road accidents but I think another aspect that needs to be addressed is patience. I think we have a lot of impatient drivers on our roads, and our roads are becoming clogged because there are so many more cars on our roads than there were some years ago.

The Hon. R.A. Simms: Better public transport, Frank.

The Hon. F. PANGALLO: Precisely. The Hon. Robert Simms points out that they should be using public transport. If there were incentives—and perhaps the minister could start looking at using incentives, either make it free or do what Queensland tried to do and introduce 50¢ fares—we may get more people off our roads.

The Hon. R.A. Simms: He could respond to our report.

The Hon. F. PANGALLO: Precisely. It was pointed out in the report—I was a member of that and the Hon. Robert Simms was Chair—where we made a number of recommendations to try to get people back to using public transport: two years later we are awaiting a response from the government, and I hope that the minister and his office have a close look at that.

As I said, in the course of us having a look at and considering this bill, we have consulted with a number of organisations, with the three driving associations. I note that two have given their strong support to the minister and this bill. We met with them.

I point out in particular Darren Davis, a very well respected and credible driving instructor who I have a lot of respect for. I knew Darren in my television days when we often did road safety stories and stories about competence of drivers on our roads. He is an expert, he knows what he is talking about and he knows that the industry needed some type of reform to ensure that we have a high standard of driving instructors on our roads and is also supportive of the fact that the government is now moving back into that area and providing examiners, along with cars, for people to take part in.

I have been driving since I was 16 years old. I am now 70 years of age. When I got my licence I used a driving instructor and it was in a manual Holden HQ vehicle. Once I undertook the period of time when I got comfortable with using that vehicle, it was time to be examined. I was examined by a police officer. In those days you would make an appointment with a policeman and he would take you out on a set course and the moment you made one mistake that was it. Even for something as simple as failure to look into your rear-vision mirror, failure to turn on your indicator at the right time, they would fail you. You were always mindful that you wanted to pass and you did not want to fail.

In this case now, fast-forward to today, I am sure that the standards are going to be applied as rigorously by government examiners and also the instructors who are going to be accredited following the passage of this bill. I also want to say that we met with the RAA along with Mr Davis and Mr Davis has certainly assisted me and others in this place, including the minister, in giving some well-heeded advice on how these new laws will be able to progress and how they will be applied and the benefits that are going to be derived from them.

Furthermore, apart from the undertakings I mentioned about first aid, the minister is also considering the concerns that have been raised with me and obviously with the Hon. Ben Hood about testing learner drivers who may well be on the spectrum, the neurodiverse persons, and the anxieties that they could feel when suddenly they have gone from undertaking their lessons with somebody they are familiar with and then being thrown in with somebody they do not know and are unsure how that person will react to their anxieties or whatever.

Part of the discussions that we have had with the minister was at least enabling that person, the neurodiverse person, to be able to have a support person in the vehicle while undertaking the examination to give them not just the support but to ease their anxieties and enable them to be able to take the final examination with a degree of confidence. As I said, the minister is certainly supportive of that.

There are many people in our community who have all sorts of disabilities and other issues and going for their licence should be made as comfortable as possible for them. Many of these people also rely on having a driver's licence not just for work but also being able to get around to meet family and friends and whatever. Having access to transport is very important to them. We certainly should not be making it harder for people to be able to get their licence in that regard.

The Hon. Ben Hood also mentioned the issue of the availability of examiners, particularly in country areas, for being able to have the final examination to get a licence. Again, the government and the minister have given assurances that they will be able to meet the demand, particularly in the regions, for persons seeking to get their licence—that there will be enough examiners available in regional areas so that there would not be inordinate delays in people trying to complete their examination and get their licence.

It is important, particularly in regional areas, for people to be able to get their licence in an acceptable timeframe. They may need it for various reasons, such as transporting elderly people or transporting others in their family and for work purposes. A young person may be about to start an apprenticeship and requires their licence to be able to travel to and from work, particularly for the long distances in regional areas. The last thing those people would want is having to wait weeks or even months to complete their driver's licence. Again, the minister has given me an assurance that there will be enough examiners available to do that, and also on the days of the week when they will be able to conduct those tests.

I think the government have appreciated the feedback that they have got from those driving associations, the feedback they have got from motoring organisations and the feedback they got from myself, and I am sure the Hon. Ben Hood as well. It is heartening to see that they are now incorporating some of those suggestions into either the legislation or the regulations that are likely to follow.

I think another positive is the consultative committee that the minister has agreed to set up, which is a great thing. I have spoken briefly to the Hon. Ben Hood, that I think it is time we also have a parliamentary friends of road safety committee. I think it is quite important, particularly the way that the road toll is going, as I mentioned earlier, not just in South Australia but right around the country. I think it is an important move, and I think parliamentarians should be actively involved in promoting road safety. I look forward to talking to other members in this place about setting up that parliamentary friends of road safety. With that, I support the bill and look forward to its passage.

The Hon. R.B. MARTIN (11:37): I am pleased to have the opportunity to speak on the Motor Vehicle (Motor Driving Instructors and Authorised Examiners) Amendment Bill 2024. The Malinauskas Labor government recognises the clear need for major reform of driver training laws. The reforms proposed in this bill represent the most significant reforms that any government has made to the driver training industry in South Australia. They will have the effect of addressing

misconduct in the sector; they will also have the effect of improving the skills of motorists and reducing costs for learner drivers.

Under the proposed reforms, practical driving tests for the class C licence, which is a typical car licence, will be undertaken by government examiners, rather than private operators. Competency-based training assessments, which many people may know as the logbook method, will have a new format. Learner drivers will be required to pass a practical driving test with a government examiner in order to obtain their provisional licence. Driver training will continue to be delivered by private operators, but those operators will be required to comply with new and more rigorous industry standards. The safety of learner drivers is a top priority for the government and a key reason for bringing these reforms about. The proposed changes will crack down on inappropriate behaviour in the sector.

Cameras will be required to be installed in vehicles, and GPS tracking will be required to record all training and assessment that is provided by both private industry and government assessors. The intention is that having cameras mandated in vehicles will serve as a strong deterrent against inappropriate behaviour and criminal conduct. The presence of cameras will provide reassurance and protection for both trainers and learner drivers.

Camera footage will also assist in ensuring that training and assessments are being undertaken properly. There will be requirements around how and when the camera should be used, and it will be an offence to breach these requirements. Cameras will not be required to operate during an operator's private use of the vehicle.

Additionally, a code of practice will be established by the Registrar of Motor Vehicles that will set out the standards expected of instructors. This may include things such as providing minimum standards of conduct and behaviour and standards of driving instruction; business practices such as written agreement of services, refund rights and costs provided to customers, and issuing of receipts; management of complaints; camera use; and data transfer requirements. Penalties will be introduced for failing to follow the code.

In the event of a breach of the code by a member of the industry, the Registrar of Motor Vehicles will have greater powers to sanction a driving instructor. This will include the issuing of a formal warning, the issuing of an expiation notice, prosecution, immediate suspension of accreditation, cancellation of accreditation and requiring the driver to undertake further training. A minimum standard for vehicles used for training and assessment will be introduced and will include things such as a minimum ANCAP rating of five stars and a maximum vehicle age of 10 years.

The government has considered the needs of regional learners in developing these reforms. On average, about 7,000 class C driving tests occur in regional South Australia annually. These reforms aim to improve the quality of service provided by authorised examiners in regional South Australia while reducing the cost for learner drivers undertaking practical driving tests. Currently, the service provided by private authorised examiners in the regions is inconsistent.

Fees for those services can be significant. It is understood that in some cases learners are paying $500 for an authorised examiner to travel to their community and conduct a test. This is an unacceptable impost on learners and their families. By bringing driving tests back into government hands, the fees will be regulated, meaning that no matter where you live the price for a driving test will remain the same and the overall service level will be improved.

Under the changes, a handful of authorised examiners will be based in regional South Australia to deliver practical driving tests. The precise locations of these examiners will be the subject of discussion with the industry in the coming months. Arrangements for driver training and assessment in relation to heavy vehicles will not be affected by these reforms. That responsibility will remain with private industry.

Changes will be made to driver assessment. A digital scoring system will be introduced that must be used by both government assessors and heavy-class authorised examiners for the scoring of practical driving tests and the issuing of certificates of competency. This will eliminate paper certificates of competency. Each test should take no greater than 45 minutes to complete. Students will be able to choose their instructor. An online register of motor driving instructors and heavy vehicle

authorised examiners will be created to help the public make informed and thoughtful decisions about choosing their instructor. The register will provide details of every industry member, including their name, their geographical service area and their accreditation status.

The need to strengthen industry standards was very clear. Over the period of the past eight years, a total of 135 disciplinary actions have been undertaken involving 124 people, representing a staggering 20 per cent of industry members. This includes 12 authorised examiners who have been convicted on multiple counts of charges such as sexual offences, bribery, fraud and corruption. Following a range of investigations and a number of prosecutions of driving instructors in the year 2017-18, the department initiated a review into the industry. This review found that appropriate oversight and regulation of driver training and examinations was an ongoing problem.

This was confirmed by an ICAC report in 2022, which reported that the controls in place to prevent corruption in the driver licensing industry have been less than adequate. We certainly want the public to have confidence in the integrity of government agencies. We unequivocally do not want negative experiences or adverse outcomes for learner drivers, nor do we want inappropriate conduct or criminal behaviour occurring in settings where members of the public have the right to feel confident they will be safe. This is why we are undertaking reform to strengthen industry standards, enhance accountability and improve safety outcomes for new drivers. With that, I commend the bill.

The Hon. R.A. SIMMS (11:44): I had not intended to speak on this bill because it had been my understanding that it was going to be referred to a parliamentary inquiry, so I was pleasantly surprised to learn that that may not be necessary. Of course, it would have been nice to have heard that from the minister and to have been advised where things were at. I know Christmas is coming, but Secret Santa is not always the best approach when it comes to matters in the parliament.

I received a number of representations from stakeholder groups in relation to this bill, and indicated that I would be happy to refer it on to a parliamentary committee so that we could address some of the issues they had raised, in particular the issues the Hon. Frank Pangallo and the Hon. Ben Hood flagged around the potential impacts on people with autism, for instance, who might be using a motor vehicle that is unfamiliar to them when undertaking a test. That is of concern to me, but I am pleased to hear that the government is now setting up a consultative process to look at those issues, and it will be incumbent on the minister to make sure he takes on board that feedback and finds the right solution.

I recognise that a lot of regional people do not have a choice necessarily in terms of being able to leave their car at home or take public transport, because the areas they live in are not appropriately serviced by public transport. Many members in this place will know my strong views around the need for regional rail, but also the need for us to have a public transport network that is consistent and runs right throughout the state, not just in metropolitan areas.

The Hon. Frank Pangallo flagged the parliamentary inquiry into public and active transport, which I chaired. The report was handed down nearly two years ago. It has sat in a drawer, I suspect, somewhere in the minister's office gathering dust. I hope that, with just a year left before the next election, the minister will respond to the report or at least agree to meet with me to discuss the recommendations of the report, so we can look what we can do to improve public transport in our state, in particular in the regions because time and again we are reminded of how vitally important that access to public infrastructure is for people living in regional communities. With that, I conclude my remarks.

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

STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

Final Stages

Consideration in committee of message No.182 from the House of Assembly.

The Hon. C.M. SCRIVEN: I move:

That the amendments not be insisted on.

The Hon. R.A. SIMMS: I indicate we will not be insisting on the amendments from the Greens' perspective. Members will recall the discussion that we had during the last sitting period

around the e-scooter bill, and in particular the concern that the Greens had, along with some of the other crossbenchers, around the potential for people to be exposed to risk and the fact that there had not been modelling done on an appropriate insurance scheme. We were concerned about some of the risks around that.

I have since had an opportunity to talk to the transport minister about this, and I appreciate him engaging with me on this issue. He has indicated that he is happy to support a review in 12 months' time. That would allow us to get these changes in place now. It then means that in a year's time, if there are significant issues that emerge in terms of insurance and potential risk to individuals, there is an opportunity for the government to address that.

One of the challenges it is my understanding that the government faced in doing the modelling that was requested by the Hon. Ben Hood and the Liberal Party was that it did not know exactly how many individuals we were going to be dealing with, and it was very difficult to get those numbers. The benefit of having a review means that we would be able to actually have some hard evidence in a year's time, potentially, to look at.

On the basis of that undertaking that I have received from the minister, the Greens are happy not to insist on the amendments and to see the bill go through the parliament in an unamended form. I congratulate the government on taking action on this. It is, I think, a good outcome.

The Hon. B.R. HOOD: The opposition will not be insisting on the amendments either. I am glad that members of the crossbench did come along for the ride—pardon the pun—in regard to looking at the nominal defendant scheme, but I appreciate that, as the Hon. Robert Simms has informed the chamber, in discussions the minister has given the crossbench an undertaking that a 12-month review will happen. That is important. I still do, from the opposition's point of view, have concerns around what happens in that 12 months and the people who may come across issues in terms of these PMDs and injuries that might be sustained. It is certainly something that I will be watching very closely.

I would just make this one comment, that in my opinion the claims against the nominal defendant scheme would pale in comparison to how much the government has spent on advertising over the last two years, but I will not go any further than that. SAESK8 have confirmed that they are happy with the approach to treat PMDs the same as bicycles are currently, and that they are happy for a review to occur in 12 months until we have sufficient data to conclude whether public insurance products are necessary.

This is a unity bill for all intents and purposes. The opposition is very keen to see PMDs out in the wild, being able to be utilised by private people here in South Australia. Again, it is a great mode of transport for that first and last mile, as we have spoken about in the second reading speech from a number of the members here. With that, we are happy to see this bill go through. I will not have any further questions in committee, but we will certainly be watching with a very close eye over the next 12 months, before the review.

The Hon. C.M. SCRIVEN: I would just like to acknowledge the agreement that the amendments will not be insisted upon and to confirm that the department will be putting in place arrangements to monitor the operation of the new framework and separately track road crashes involving personal mobility devices, as alluded to by the Hon. Mr Simms.

Motion carried.

CRIMINAL LAW CONSOLIDATION (STALKING AND HARASSMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 September 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:55): I rise today to indicate the opposition's support for the Criminal Law Consolidation (Stalking and Harassment) Amendment Bill 2024. The bill seeks to expand and modernise the definition of stalking within the Criminal Law

Consolidation Act 1935. It makes related amendments to the Evidence Act 1929, Intervention Orders (Prevention of Abuse) Act 2009, Sentencing Act 2017, and the Summary Offences Act 1953.

As the Attorney-General noted when introducing this bill, the increased prevalence of digital technology and social media has made it necessary to broaden and update our legal definitions of stalking to better protect South Australians from modern forms of harassment and cyberstalking. The opposition broadly supports the intention behind this bill. We believe it is essential to have laws that protect citizens from not only physical stalking but also the invasive tactics made possible by digital technologies, which have created new avenues for harassment.

One of the critical changes in this bill is renaming 'unlawful stalking' as 'stalking and harassment'. Clauses 3 and 4 update terminology throughout the act to better reflect the range of behaviours covered under this offence. By expanding the offence to include 'harassment', this bill acknowledges that stalking can take many forms beyond physical presence. It can also manifest through online comments, continuous communication, and relentless monitoring, which can instill significant fear and apprehension in victims. The opposition supports these amendments as they bring clarity to the law, making it more accessible to the public, and encouraging those affected by these behaviours to report incidents to authorities.

The bill explicitly recognises stalking through digital channels, updating outdated terms and inconsistencies related to online harassment. Clauses 4(3) and 4(5) remove limited references like 'the internet or some other form of electronic communication' and replace them with a comprehensive provision encompassing all forms of electronic media, social platforms, and online interactions.

These are practical changes that reflect today's realities. Stalkers can now target their victims in ways that were impossible just a few years ago. People may find themselves bombarded with unwanted messages, constantly monitored through tracking devices, or subjected to impersonation on social media. The law must keep pace with these developments to safeguard individuals' privacy and sense of security.

The bill also amends the offence of surveillance, replacing 'keeping a person under surveillance' with 'monitor, track, or surveil'. This language expansion better reflects the method stalkers use today, allowing for monitoring someone's movements or accessing private information such as browser history or social media activity. This surveillance could reasonably instill fear or apprehension in the victim, and the opposition recognises that these provisions are a necessary update in defining what constitutes harassment.

Clause 4(4) further clarifies that impersonation, such as creating a fake social media profile, can be included within the offence if it reasonably causes fear or apprehension. This amendment directly responds to the contemporary digital landscape where impersonation can be used as a tool to intimidate and manipulate victims.

The bill introduces a new mental element for stalking, acknowledging that some offenders may not specifically intend to cause harm, but could reasonably foresee that their actions might result in fear or apprehension. Clauses 4(7) and 4(8) lower the threshold from 'serious harm' to 'harm' and incorporate a reasonable person test to assess intent.

While the opposition agrees with the principle behind these changes, we note the concerns raised by the Aboriginal Legal Rights Movement and the Law Society of South Australia regarding applying the reasonable person standard across culturally diverse communities. It is essential that such standards be interpreted with cultural sensitivity, especially in Indigenous communities where linguistic and cultural differences could impact the interpretation of intent.

The opposition also acknowledges the suggestion by the Law Society of South Australia to include a reasonable excuse defence, particularly for cases of monitoring or tracking. This could further refine the bill to ensure unintended or justified monitoring does not inadvertently fall under this offence.

The bill moves the penalty specifications from section 19AA(2) to section 19AA(1) without altering the actual penalties. Additionally, clause 4(10) incorporates all forms of communication, including digital, analogue, and in-person, as potential mediums for stalking, emphasising that any persistent and unwanted engagement, regardless of medium, can constitute harassment.

The opposition supports the Criminal Law Consolidation (Stalking and Harassment) Amendment Bill 2024 and its aim to protect individuals from the ever-evolving methods of harassment and stalking. We commend the government for addressing these pressing concerns through this legislation. However, we urge consideration of the points raised by stakeholders, particularly regarding the reasonable person test and the potential for unintended interpretations within the bill's scope.

These amendments represent an important step forward in safeguarding our community from harassment and ensuring our laws reflect contemporary challenges. By supporting this bill, the opposition reinforces our commitment to a South Australia where individuals can feel safe and protected, whether walking in their neighbourhood or navigating the digital road.

The Hon. M. EL DANNAWI (12:01): I am pleased to rise to speak in support of this bill. This bill will rename and update the offence of stalking to better promote public understanding of this crime. It will also broaden the mental element of the offence of stalking.

In the initial round of consultation, the Commissioner for Victims' Rights noted that many people in the community perceive stalking to involve the physical act of following someone and therefore may not be reporting behaviour that they understand to be harassment but that actually already constitutes the offence of unlawful stalking. There were 106 stalking charges laid in South Australia in 2022, although in light of the commissioner's finding it is likely that the offence is being under-reported to the police.

Stalking is significantly more likely to affect women than men. The 2021-22 Personal Safety Survey conducted by the Australian Bureau of Statistics found that 3.4 per cent of women had experienced stalking behaviours in the previous year as opposed to 0.6 per cent of men. They found that one in five women experience stalking behaviour in their lifetime as opposed to one in 15 men. Of those one in five women, over 90 per cent indicated that their stalking was done by a man. Seventy-five per cent of female stalking victims had been stalked by a known person, with 30 per cent of those being a current or former partner. Twenty-five per cent of women reported being stalked by a stranger.

Another concerning statistic, which we should also take note of, relates to the link between stalking and homicide. A report on intimate partner violence homicides published by Australia's National Research Organisation for Women's Safety found that 42 per cent of victims in intimate partner homicides had previously been stalked by the male perpetrator. Through this statistic we can see that reforming the way we report and view stalking has the potential to help us intervene earlier in cases of intimate partner homicide.

Stalking and harassing behaviours are not exclusively limited to family and domestic violence or gender-based violence, but they are absolutely relevant and important to the discussion we are currently having in this state about those topics. They are a part of the narrative that must be understood.

We need to create an environment where when a woman reports concerns of threatening, stalking and harassing behaviours they are taken seriously. We need to create an environment where they are encouraged to report this behaviour. We can only do so by updating our understanding of this crime. These proposed reforms send a clear message that, whoever you are, communicating with someone, monitoring them or behaving in a way that you know or should know will cause them fear or harm is not acceptable.

This bill firstly renames the offence as 'unlawful stalking and harassment' and also updates the list of stalking behaviours to cover stalking and harassment using technology, social media and other online platforms. This is particularly important as it can be observed that stalking behaviours are increasingly moving to online platforms, including dating apps.

Another substantial reform of this bill will broaden the mental element of the offence in order to reflect the reality of the crime. Currently, the offence requires proof that the defendant intended to cause serious physical or mental harm, or intended to cause serious apprehension or fear. The changes include removing reference to serious harm, apprehension or fear. Whether or not stalking or harassment exists at law should not be dependent on whether the perpetrator intended to seriously

scare the person they are stalking. The fact that they only intended to cause moderate harm or fear should not be a defence.

The bill also adds an alternative objective test for circumstances where the defendant may not have intended to cause harm, apprehension or fear but should have reasonably known that their conduct would do so. This is intended to address circumstances where defendants, perhaps driven by narcissistic behaviours or delusions, may see themselves as being protective, helpful or more connected with the victim than they actually are. These defendants should reasonably have known how frightening their behaviour is. Victoria, WA, the Northern Territory and Tasmania all utilise this objective test.

The potential for this bill to change the way that we think and prosecute harassment towards women is very important; however, it is still up to us to help create a safer culture for women. Legislative changes are important and should not be underestimated, but cultural changes are important too, and that is something that we are all equally responsible for. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:06): I wish to thank all honourable members for their contribution and I look forward to the committee stage on what is, as has been noted by the second reading contributions, a very important piece of legislation.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:09): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 12 November 2024.)

Clause 1.

The Hon. K.J. MAHER: As we resume this bill I want to thank everyone for their contributions to date in the committee stage, but I also want to thank everyone for their contributions particularly around a couple of issues that were raised last night. I think the way that we were able to have discussions about how elements of the bill work, continue those discussions after we adjourned at about 9.30 last night, and continue those among quite a range of parties in the chamber this morning and to come up with what I believe is a pretty reasonable solution to some of the concerns that were raised, shows exactly the value of the Legislative Council by interrogating legislation thoroughly, line by line.

There were legitimate concerns raised last night about the implementation of I think recommendation 12 of the expert panel report and the repayment of funds that are paid based on the last electoral result. I think, quite rightly, there were issues raised by the Hon. Connie Bonaros and the Hon. Frank Pangallo about payments that were based on the last election—80 per cent of the result for the last time—for contesting the next election.

Of course, in the situation of SA-Best, which received—I cannot remember the exact amount—just under 20 per cent of the vote when the Hon. Connie Bonaros and the Hon. Frank Pangallo were elected, that is a considerable vote that was achieved at that time. As the issues were agitated last night, under the bill as it was drafted, and giving effect to those recommendations of the

expert panel, it would have meant that the amount of money that would have been paid in recognition of the last election result is somewhere in the order of $500,000 for SA-Best and somewhere in the order of $100,000 to $120,00 for the Hon. Frank Pangallo.

Under the way the expert panel's recommendations were drafted, it would have meant if neither SA-Best nor the Hon. Frank Pangallo achieved that threshold of 2 per cent then those funds may have been repayable. I think concern was raised that it does not give a lot of security or a lot of ability to actually campaign with confidence using those funds with it hanging over you that they may have to be repaid if you do not meet a 2 per cent threshold which, in the case of the Legislative Council is a substantial number of votes—tens of thousands of votes that are required.

After quite a lot of discussion between I think nearly every party represented in the Legislative Council chamber, I will be moving amendments at clause 20 on page 35—when we get to clause 20—to amend the scheme so that if you receive that funding based on your last election result, and you do not achieve, in the case of the Legislative Council, 2 per cent, or in the case of the House of Assembly, a 4 per cent vote, there is not the requirement for that to be repaid. The requirement still remains if you have signed that declaration that it will be spent for electoral campaigning purposes. It still needs to be spent for that purpose, but merely failing to achieve those thresholds will not force a situation where you are asked to repay that.

On top of that, we are making it clear that that requirement to repay any amount is a discretion, it is not mandatory for the Electoral Commissioner, and we are making it clear that there are circumstances where that discretion is not used. When we get to the amendment at clause 20 that I think is sitting on everyone's tables it will talk about the fact if the candidate or the group has a good reason for not contesting the election.

For example, in the case of an Independent or for a party, if someone runs in the campaign, incurs that expenditure from the amount of money they have been paid based on their last election result and becomes very seriously ill a couple of months before an election and cannot contest that election, then they are not asked to repay it because they had a good reason for not contesting that election. That is another sensible reform that is being made to this bill as a result of discussions from the committee stage last night and those that have occurred since.

I also want to make it clear that the amendment that we will be proposing at clause 20 in relation to that advance funding of up to two lots of $2,500, thresholds will apply to that, as they have for the last 10 years, to get public funding. If you do receive those two lots of $2,500, up to $5,000, and you do not meet the 2 per cent threshold in the upper house and the 4 per cent threshold in the lower house, that up to $5,000 can become repayable because they are the thresholds to receive public funding that have existed in our system for the last decade.

Again, I want to thank members. As has been noted during second reading contributions, we are not just leading the nation but we are leading the world in a lot of respects in this legislation and I think the Legislative Council has done its job exceptionally well. Again, I want to place on record my gratitude to those who have contributed to discussions not just in this chamber last night but, since we finished at 9.30 last night, during the course of yesterday evening and this morning, to arrive at what I think is a sensible resolution to concerns that were raised, which is exactly what we ought to be doing in this chamber.

The Hon. D.G.E. HOOD: I thank the Attorney for his explanation. That does clarify matters for me somewhat but I do want to pin down a few more of those details and obviously we will deal with this a little bit more thoroughly at clause 20 but the Attorney mentioned the amendment, which is really the key here.

If I am correct, Attorney, I think we all understand that the current sitting members will not be subject to repayment provisions in simple terms, but those who are not sitting members may well be; that is, they will be subject to 2 per cent and 4 per cent potentially: 2 per cent Legislative Council and 4 per cent House of Assembly, at the discretion of the Electoral Commissioner. That is where I want to hone in, if I can.

You gave an example of someone who might be unwell. I think that is reasonable. We would all accept that. Under what other circumstances is it envisaged that somebody may not have to repay that amount, either the 4 per cent or 2 per cent, if they are not a sitting member in this place?

The Hon. K.J. MAHER: I understand the question and I thank the honourable member for the question. I do not think I am going to be able to provide an exhaustive list of other reasons that may come into fruition. The example is if you become unwell and cannot contest the election. There may be other personal circumstances—not just your own infirmity, it might be a very close family member's infirmity—or it might be you commit a criminal offence and go to jail and you cannot contest the election. There may be a whole range of reasons why the Electoral Commissioner may not exercise that discretion to recover. There would be quite a number of reasons. I will not be able to provide an exhaustive list of reasons, but it does provide that discretion. It is a 'may recover'.

The Hon. D.G.E. HOOD: I have just a few questions on this topic and then I will let others have a go. Thank you, Attorney, I think that is clear enough. I am imagining a circumstance where a minor party, for example, does not have representation currently in either chamber of this place. They contest the election in both houses, and they have multiple candidates in the House of Assembly and a few candidates, let us say, in the Legislative Council. They are still subject to the 2 per cent and 4 per cent provisions, as I understand it. If that is the case, can I understand the government's thinking on that—what is the reason for that provision in those circumstances?

The Hon. K.J. MAHER: I will be corrected if I get this wrong as I am explaining it, but as I am advised, in 2014 Attorney-General Rau brought in the public funding regime that we have now, and that provides for public funding based on the vote you get at the election you are contesting. That is then paid to you should you reach a threshold that shows that, essentially, you had a level of support and a serious candidate contending in the political system. Since 2014, that has been fixed at 2 per cent for the Legislative Council and 4 per cent for the lower house, so that people, if they opt for public funding, as has been the case for the last decade, are entitled to it but only once they hit those thresholds of 2 per cent in the upper house and 4 per cent in the lower house.

The honourable member's example was if you are a new political party and you had three candidates in the lower house and a couple in the upper house. As I am advised, each of those five candidates could apply for those two lots of $2,500—so $5,000 for each candidate—but in addition to that, after the election has been run, as has been the case in the last few electoral cycles since the 2014 amendments were brought in, if you meet that threshold of 4 per cent in the lower house or 2 per cent in the upper house you are entitled to public funding for that election that is being held. That remains in there with those thresholds, so that is why we thought it was reasonable that those thresholds also apply, in the same circumstances as the new entrants, for that money that you can get in advance.

So it is applying a system that is, in that respect, known and has been in place for a number of electoral cycles. I think where we ran into it, with questions raised last night, is regarding retrofitting what has happened to people who have already been elected and who have obviously shown that level of support to get elected in the first place—I think the unfairness arose at their next election if they had to repay funding based on already demonstrating that they had that level of support.

The Hon. D.G.E. HOOD: This is the last question on this, and then I think I will be satisfied. I think I am satisfied, actually, but I just want to be absolutely clear. So in my example, Attorney, party X, which has a few members contesting the lower house and let's say a couple of members contesting the Legislative Council, if they achieved—and this is where it gets a little complicated, I think.

By seat, let's say they had four members contesting the lower house seats and two of them got over 4 per cent and two of them got less than 4 per cent, and within the Legislative Council they achieved a vote of let's say just over 2 per cent: am I correct in assuming that they would then be entitled to funding for the two members of the lower house who got over 4 per cent and the two Legislative Councillors but not the two members of the lower house who did not get over 4 per cent?

The Hon. K.J. MAHER: In effect, yes. Of course, if it is the one party X that is running all of these candidates, it would not be that one member of that party got over 2 per cent of the upper house and the other one did not. If it is the one party, either they both did or they both did not. But in

the example that is given, my advice is, yes, for that party, if in one lower house seat one person achieved 7 per cent or 8 per cent, they would be entitled to the funding based on the dollars per vote for that 7 per cent or 8 per cent for that seat, as well as not being liable for repayment of the up to $5,000 of advance funding.

If that same party had someone running for another seat who got 1 per cent, they do not meet that 4 per cent threshold in the lower house so they are not entitled to any dollars per vote public funding after the election and they are liable for repayment of that advance funding. In the case of the upper house, it is that party—as a party, both candidates either get over the group ticket 2 per cent or they do not.

The Hon. R.A. SIMMS: On this question of new entrants, just so I am clear in my understanding: if someone is standing for parliament for the first time, under what the government is proposing they have two options available to them. The first option is to get the $5,000, in effect, up-front, or they can elect to still take donations, individual donations, of $5,000 each; is that correct?

The Hon. K.J. MAHER: You are able to do a combination of those things. As a new entrant, if you are contesting a lower house seat, for example, my advice is you could apply for your advance funding of the two lots of $2,500, so up to $5,000, as well as being able to raise funds but with the conditions on a $5,000 maximum only up to the cap that is applicable for that particular seat.

If you were running for the second time—you have run a first time, you have got your $5,000, you got 10 per cent and had public funding for having run that first time—the second time you run as a non-incumbent, you would then be able to take the choice of using the vote you got last time of 10 per cent to receive that advance funding based on your vote at the last election and then you cannot receive donations, or for that second time you can do what you did last time and have that advance funding as well as a possible combination of donations. I hope that is clear.

The Hon. R.A. SIMMS: Just to make it crystal clear, I am with the 'Public transport for the regions' party—

Members interjecting:

The Hon. R.A. SIMMS: It would do very well in some places, I suspect. I am standing for office for the first time. I get a choice around what I want to do. I could actually fundraise myself and I can also get public funding to give me the best possible chance of success in the election.

The Hon. K.J. MAHER: For example, if you were running for the 'Thanking Labor for public transport in the regions' party, although you could not use 'Labor'—

Members interjecting:

The Hon. K.J. MAHER: I doubt you could use 'Labor' in the name without the permission of the Labor Party.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: The 'We love Rob Simms' party, for example—if you were running for the first time, my advice is you could receive that advance funding of two lots of $2,500 up to $5,000 and receive donations, with all the stipulations on what you receive as a new entrant. If you were running for the second time and you elected to receive advance funding based on your vote before, then you do not get that new entrant benefit, but if you decided not to receive funding on the vote you got before, my advice is you can do what you did at the last election.

The Hon. R.A. SIMMS: A final question: I have never heard of a scheme like that happening before. Is that something that is quite new in terms of places around the world actually offering that level of support to new entrants getting into the system?

The Hon. K.J. MAHER: I am advised we do not know of another scheme with exactly those particulars, but as we have traversed and as I think many mentioned in their second reading contributions yesterday afternoon, this is, as is South Australian tradition, world-leading reform in

terms of protecting and ensuring democracy. In that respect, we are not aware of very similar schemes.

An important aspect of this scheme is doing what we can to encourage new participants into the scheme. We have had a very healthy democracy and a very proud tradition of third parties in the process in South Australia, particularly in the chamber that we are in, over many decades. Certainly, there are those incentives in the scheme to make sure that we are doing what we can to not quell that strong interest we have had in a robust democracy in South Australia.

The Hon. N.J. CENTOFANTI: In regard to the Attorney-General's amendment, specifically subsection (2)(a), in regard to that advance funding, if a candidate does not completely spend all of the funds throughout that campaign and then, by virtue of a good reason, the candidate does not contest the election, given there are funds that were not expended, will the candidate, the party or the group be required to pay back or give back those moneys not spent? It is the same as a question that was asked by the Hon. Frank Pangallo yesterday, essentially.

The Hon. K.J. MAHER: My advice is that, when you sign up for the advance funding in the situation you have talked about, you need to sign a declaration that is a legal document that you will only use it for state electoral purposes. It would then be up to the Electoral Commissioner about how to enforce the declaration you have made. It is a point the shadow attorney-general, the member for Heysen in another place, has raised.

I understand the intention is for this bill not to be considered this week but in the final sitting week in the lower house. If wording needs to be changed, we are happy to look at it, but it is the case that a declaration is signed by the person who receives that money that it will only be used for state electoral purposes, so there is the potential ability for the Electoral Commissioner to hold someone to that declaration. Mr Josh Teague has raised these points, and we are happy to further consider it, bearing in mind that there already is that interaction between the declaration you have signed and any unspent moneys.

The Hon. N.J. CENTOFANTI: In regard to ensuring that funding is spent on campaign purposes, who will be doing the auditing of that expenditure?

The Hon. K.J. MAHER: My advice is the Electoral Commissioner, and that is who has done the auditing in relation to the public funding since the public funding disclosure regimes and caps were brought in in 2014.

The Hon. N.J. CENTOFANTI: Will additional resources be required for the Electoral Commission to undertake that audit process?

The Hon. K.J. MAHER: My advice is not just that particular function but there are extra functions the Electoral Commissioner will need to have in relation to the scheme as a whole. Certainly, my advice is that it is something that is factored into account and will be provided to make sure it operates effectively and efficiently.

The Hon. N.J. CENTOFANTI: Has that been, for want of a better term, costed in your modelling?

The Hon. K.J. MAHER: Certainly, preliminary work has been undertaken in relation to the administrative costs and costs of enforcement of the scheme. I can inform the chamber that the preliminary costs, which of course will be subject to exactly how the bill looks once it has passed both chambers of parliament, will necessarily be greater in different years—the year an election is on, the cost for the Electoral Commission will be greater. From preliminary costs, it is somewhere in the order of just under $1 million a year for the Electoral Commissioner for all the extra costs to do with what is a world-leading new scheme.

The Hon. R.A. SIMMS: I will ask a question around associated entities in the bill: what precisely is that designed to protect, and what constitutes an associated entity?

The Hon. K.J. MAHER: I am advised that an associated entity, in the way it operates in this scheme, is an entity that is very closely related. I will get the exact definition in a moment. It is designed to stop the setting up of other entities that are in fact really the same entity as, for example, a registered political party and using that associated entity to try to get around the caps in terms of

being able to spend money on election campaigns. That concept has been, again, for the last decade in our legislation for the purposes of spending caps and public funding. 'Associated entity' is defined in part 1(30)(a) of the current act interpretation section.

The Hon. N.J. CENTOFANTI: Can a registered political party send money to a nominated associated entity?

The Hon. K.J. MAHER: This was the subject of some discussion and negotiation, I am advised, but the scheme that is before us allows a relationship between a political party and two associated entities. I am advised that is because political parties often have entities that hold funds or accounts for them. I think ALP Holdings holds funds or property for the Labor Party, and there is a similar holding fund or trust for the Liberal Party, as I think there are for many entities. It allows funds between those two nominated associated entities, but only those two nominated entities. Is that the question?

The Hon. N.J. CENTOFANTI: Yes, it is. I think the Attorney has already answered my question, when you say 'back and forth'. My next question is: can the associated entity provide additional funding to the political party they are associated with, and if so is there a cap to the amount that they can provide to that political party in any given year?

The Hon. K.J. MAHER: My advice is that for those two nominated associated entities there is no prohibition on what essentially can go back and forth, but there is a prohibition on what the money can be used for, and my advice is that that is only for administrative purposes. My advice is that it cannot be used for campaigning purposes.

The Hon. C. BONAROS: I want to ask the Attorney some questions in relation to this amendment. In doing so—and I have listened to the discussions—I just want to be clear: the government is advancing this bill, not us, and there is no alternative under this bill, is there? There is a scheme that exists for sitting members and for new entrants into politics.

I am sure the Attorney will agree that, yes, that is the case, and as it turns out we have a very nuanced situation right now in politics because of that new scheme, but that is not to say that in the future there might not be another very nuanced scheme. I do not know whether that is very likely. I do not think it is, but it is not to say that it will not happen again. So this scheme, this amendment, would apply equally to anybody who finds themselves in this situation? That is my first question.

The Hon. K.J. MAHER: Yes. My advice is that is correct, as described, and the honourable member is right. There is a nuanced situation at the moment where there is a party represented in this chamber that achieved—and I am sure I will be corrected—18 or 19 per cent in the 2018 state election in the Legislative Council. It is a nuanced situation to have a third party that has had that sort of performance at an election, but might not at the members' next election in eight years' time. It might not achieve that sort of result, so it is a nuanced situation for where this parliament finds itself at the moment, but these provisions do not just apply to this particular situation that we discussed last night but any situations like that that occur in the future.

If there was another third party that achieved one-fifth of the vote in the Legislative Council at a future election, and then let's say in eight years' time two or three members of that party were up for election again, and that party only achieved 1 or 1½ per cent of the vote, the same provisions that we are talking about now applying would apply to them as well; that is, the failure to achieve the 2 per cent would not require a repayment of funds. It recognises that there has been legitimate support for that group the last time they contested an election.

The Hon. C. BONAROS: Thank you, and I am glad you raised that, because that is what the scheme is based on. It is based on those results in acknowledgement of the result that was received at the time, regardless of what has happened since, and regardless of who is standing in here now. I will use me as the example, given there has been a lot of discussion about SA-Best. I have not spoken directly about me, but I will use me as the example.

I am not Nick Xenophon, clearly. He has a long history in this place of being able to achieve those results. I do not think anyone is going to achieve those results again, including me, but I might be minded to say at the next election, 'You know what, maybe I have enough support to get elected,'

and so I choose to run. There is no other scheme that is proposed here for me, other than this one, to be able to do that.

In a very practical sense, the application of this, and the reason these issues have been raised, I guess, is that we do not know what the outcome is going to be at the next election. I am pretty sure everyone has bets on it, but we do not know what the election result is going to be. But a candidate who is here, notwithstanding how they got here, might want to give that a red-hot crack, and that is their entitlement; correct?

The Hon. K.J. MAHER: Yes.

The Hon. C. BONAROS: That being the case, I just want to go to the first clause in this amendment. If we think about this practically, when somebody signs up for this, whether it is an Independent or a minor party, and I guess this is what I was trying to get to last night, you do not come to February and do all your—there is a lead-in time where you are trying to do all these things that are going to get you elected, and under this scheme that lead-in time starts on 1 July; correct? Yes, I am getting a nod, so that is correct.

The scheme starts on 1 July. So between 1 July and 17 March I do everything in my power to try to get myself elected, and I use that cap. But in February I have a car accident, or I am diagnosed with cancer, or my husband dies, or I have a mental breakdown, or any manner of things could happen to me in the weeks preceding the election, or the months preceding the election, and I have already gone down the path of saying, 'I'm running,' and from the cap that I was entitled to I have already spent 20, 30, 40 per cent, or however you choose to do it.

As an extension of the point that was made last night, there may be very legitimate reasons. If I am in a car accident, and I cannot run, you would think then there would be a second person who would step into that position, but it might not be me; it might be an Independent. There has to be an ability to say that that person cannot be liable if they have made a genuine attempt at running, but something has happened that is a good reason, that means that they cannot run.

It could be something terrible. It could be—I do not know—a terminal cancer diagnosis, and the last thing that I would want to think about in the last weeks of that would be running an election campaign. So in those instances what I am getting to is that there would be grounds, then, to say, 'Okay, you haven't actually contested because of those good reasons, but you will not be liable if that was what you were intending to do up until that point, and you can establish that,' and obviously you are going to have to be able to establish that.

The Hon. K.J. MAHER: Yes, my advice is that is precisely the reason for that particular amendment—and a good reason. I think as we traversed a little bit earlier, it might have a broad application. It might be your own illness. It might be an illness of someone who you need to care for. There might be a whole range of reasons why you cannot contest. But you are right: I do not think it would be an outcome that anyone wants if you have in good faith contested a political contest and then have to withdraw at the end.

I think it would not be good public policy to force someone to continue to contest an election just so they had their name on a ballot paper so that they did not have to pay back money when there are very good reasons not to contest. It might be exceptionally detrimental to their health or, in the example the honourable member gave, a cancer diagnosis, the last few weeks of their life would be spent contesting an election that they are not fit to contest just so that they are not liable for potential repayment of money, and that is exactly why it is there.

It is not just a candidate, either. So it is not just an Independent who has received funding but a group as well, recognising that in some of the nuanced cases that we see groups can largely be an individual as well, but if that group itself does not contest and there is a good reason that is captured by the amendment as well.

The Hon. C. BONAROS: By the same token, in that scenario we could say there might be two people or three people or five people listed on your ticket and the first person pulls out: you either continue campaigning for Nos 2, 3, 4 and 5 and I guess No. 2 steps into the spot of No. 1, depending on—there is a cut-off point, is there not, with the Electoral Commission, when the ballot gets printed?

I guess the point I am making is there is also the ability to say, 'Well, okay, that money has been spent on SA-Best. Connie's pulling out, but Jo Smith, who was No. 2, is stepping up.'

The Hon. K.J. MAHER: Yes, that is correct. It might be the case, in the example given, that SA-Best received their funding from their 2018 result and they are contesting the election in December before the March election. The Hon. Connie Bonaros pulls out for very good reason and SA-Best make the decision that they do not wish to contest the election anymore without Connie Bonaros. So it makes it very clear that it is a candidate or a group that can pull out of the election. By the same token, if SA-Best decide they still wish to contest the election and have other members of that party contest under SA-Best they can continue to do so and can continue to spend the rest of the funds between December and March.

The Hon. C. BONAROS: Chair, we have had a situation in here recently where that has actually occurred, have we not, prior to the printing of the ballot papers, where the former member Kelly Vincent was elected? She found herself in that position as being the No. 2 who stepped up to No. 1 following—he died, did he not?

The Hon. R.A. Simms: Yes, he died.

The Hon. C. BONAROS: Yes, he died. So it is not that nuanced: it can happen, and it can happen to anyone.

The Hon. R.A. Simms: No, but it's been solved. That's what the amendment does.

The Hon. C. BONAROS: Yes; and this amendment is addressing that issue.

The Hon. K.J. MAHER: This amendment is not designed to address any specific issue that has arisen now. As the honourable member points out, this addresses an issue that has happened a number of times, I am guessing, in all parliaments around Australia over a number of decades.

The Hon. R.A. SIMMS: Just a few questions around this issue. I am going to depersonalise it and depoliticise it because I do not think it is always helpful to talk about individuals and political parties. In terms of options that members of parliament might have, if you are a representative of party A and you contested the last election as party A but you decide you want to stand as an Independent at the next election, you can then choose to access a totally different scheme, can you not? You do not have to be bound by the party scheme for party A; is that correct?

The Hon. K.J. MAHER: Yes, the honourable member is correct and there is a huge range of scenarios that might happen. For example, if you represent party A in the lower house of parliament, and you have been elected during the course of a particular term of parliament, and you decide to leave that party and become an Independent—I think we talked about this yesterday—you as an Independent can have the benefit of the vote that you received as a candidate for that party, to contest it as an Independent, but the party also gets the benefit of the funding for the party as well. So my advice is you are not chained to the party—or there is no other option in that respect, I think, is maybe what the honourable member is asking.

The Hon. R.A. SIMMS: Yes, that is kind of what I am getting at. I think the Hon. Connie Bonaros made the point that there is no option for her in the scheme—

The Hon. C. Bonaros: No, not for me.

The Hon. R.A. SIMMS: —or for someone in your scenario, for instance. Just to clarify, members have a range of options in not being constrained by the funding model.

The Hon. C. BONAROS: Chair, sorry, but can I just clarify that?

The CHAIR: The Hon. Ms Bonaros.

The Hon. C. BONAROS: Is the point that the member is making that I can choose to leave SA-Best and stand as Independent Connie Bonaros and then be subject to a different scheme? Is that the option? When I said there are no alternatives I am saying: here we are, there are minor parties, Independents and politicians sitting, and the concept that has just been introduced is that I might wake up in July and say, 'You know what? Stuff SA-Best, I am going to run as an Independent, Connie Bonaros,' and, if I chose to do that, then I would be subject to a different scheme altogether?

The Hon. R.A. SIMMS: Just to be clear, I am not suggesting that the honourable member do any such thing. I was just trying to tease out that a member is not constrained by the banner under which they were elected during the previous election. That was the point that I was seeking to make.

It was my understanding of the legislation that actually, while someone might be elected under a particular party banner, if they choose not to run under that party's structure at the next election then they can access the other provisions that relate to being an Independent. That was the point I was trying to make. I was not meaning any disrespect to the honourable member.

The Hon. C. BONAROS: I did not take it that way. I am considering all my future options, Mr Simms. We are playing them out here for the entire chamber to see and for everyone watching. I would love to know how many people are watching. Going back to the amendment—and I think I have my head around what the member has said—in that scenario then the person would rely on, you are saying, being an Independent but on the vote that they got elected on, correct?

The Hon. K.J. MAHER: Yes, I can confirm that. What we confirmed last night, and what I confirm again, for example, is that if you are an Independent and you held a regional seat in the state parliament and then decided not to stay in that party during the course of that term, or if you were a Labor Party northern suburbs member and decided not to stay in that party, as has happened many decades ago, as an Independent you are not essentially handcuffed to that party. If you left and became an Independent you would be entitled to rely on that funding—80 per cent of your vote last time—that you got at the last election. Notwithstanding you were a member of the party at the last election, you would be entitled to that vote to contest the next election but your party would not lose the money.

The CHAIR: I am going to go to the Hon. Mrs Henderson who has jumped up about 10 times and I have not been able to give her a say.

The Hon. L.A. HENDERSON: I have a couple of questions, one stemming from the Hon. Connie Bonaros before, when talking about reasoning that would justify not needing to pay back funding should someone not ultimately contest that election. If someone was to, for example, run for the Legislative Council and subsequently either enter on a vacancy if they are a minor party, or, if they are an Independent, change their mind and run, instead of for the Legislative Council, in the lower house, would they be required to pay back funding that they had received for contesting what was initially going to be a different seat?

The Hon. K.J. MAHER: My advice is in the example that the honourable member is asking about—that is, you ran for a certain seat and then decided to run for the Legislative Council or vice versa, from one chamber to another—that certificate that you sign with the Electoral Commissioner before you start running would need to be updated and, if there was a variation to what you might be entitled to in relation to those, that would be taken into account as part of that variation. That is my advice.

The Hon. L.A. HENDERSON: If a non-incumbent party was to amalgamate with another non-incumbent party or change their name in between election cycles, would they still be recognised for per vote advance funding based on the prior election results of those former parties that had ultimately amalgamated or the prior party, prior to changing its name?

The Hon. K.J. MAHER: My advice is that, when it comes to registered political parties, if it is a new registration—that is, a new political party, not just one not reregistering but merely changing their name, a mere change of name and it is a continuation of that registered party—it would not affect the scheme. It would follow one for the change of name for the same registered party.

But if the largely same people who were involved in one party register a brand new party, then my advice is that, no, it does not come over, because it is a new party and if there were two other parties that had the ability to attract funding previously, but a completely new party was born out of that, even if there were similar people involved in each, they would not get the benefit of those two other parties. That is my advice.

The Hon. L.A. HENDERSON: Could you please advise how advance funding would apply to Legislative Council candidates who are elected on a group ticket who subsequently might become an Independent when contesting the next election?

The Hon. K.J. MAHER: For the benefit of the committee, I have an answer but there is maths involved. It is in a schedule, I think, to the act, so I am happy to canvass that, report progress and then answer that as soon as we come back to this after private members'. With that, I report progress.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:17.

Question Time

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of the rollout of the sheep and goat electronic identification.

Leave granted.

The Hon. N.J. CENTOFANTI: Currently, there is a key date for the movement of sheep and farm goats born on or after 1 January 2025 requiring an NLIS-accredited eID tag before leaving their property of birth from January 2025 and the date of saleyard operators to be ready to scan sheep and farm goats identified with eID tags and to record individual movements on the NLIS database is set for July 2025. My questions to the minister are:

1. Are the saleyard infrastructure upgrades on track for the key eID rollout date of July 2025? If they are not on track for the key date of July 2025, when will the minister make the call on the producers' January 2025 date?

2. Has the minister resolved concerns raised by the saleyards about quantity limits put on infrastructure by the department for the rebate and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I thank the honourable member for her question. In terms of the saleyards, members may recall that there has been a process in place where, consistent with the national guidelines, set amounts of types of infrastructure were outlined. For those who did not consider that their saleyards were appropriately covered by those guidelines and, therefore, by those recommendations in terms of essential infrastructure, they were able to have an independent assessment of that on the particular circumstances around their saleyards.

The total eligible amount is 75 per cent, which is consistent with what has been announced since day one in terms of the government commitment to assisting the industry in terms of implementing eID, remembering of course that the implementation of eID is to support a national approach to the individual tracking of sheep and farmed goats to improve traceability. Improved traceability is increasingly important. It has always been important, but it's getting even more so, given the increases in biosecurity risks with greater global movement, trade movement and so on.

A number of needs analyses were received and technical assessments were completed. There were a number which sought additional information, or to provide additional information, and those circumstances are being taken into account. As I understand it, I think from memory, two out of the three have, I believe, accepted where things are now at. We have had some useful periods of discussion and additional information provided. I will have to check where the third one is at because it did still have some questions around it.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): Supplementary: I thank the minister for her update in terms of saleyard infrastructure. Can the minister also answer questions in relation to whether or not those infrastructure upgrades are on track for the key eID rollout date of January 2025? If they are not on track for that date, when will the minister be making a call on the producers' January 2025 date for eID tagging as they leave the property?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): The saleyards implementation date was set at 1 July 2025,

so in terms of implementation each saleyard will no doubt be in a slightly different position in terms of implementation.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Supplementary: will those dates of rollout for the saleyards have any implications on the producers' January 2025 date?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): I think we have talked about what the dates are for different parts of the sector, and those remain the dates.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Final supplementary: is the minister intending to make any call on the producers' January 2025 date, that they will require an NLIS-accredited eID tag before sheep and farmed goats born on or after 1 January leave their property?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I have not been given any advice that that would be necessary.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Primary Industries a question on the sheep and goat electronic identification rollout.

Leave granted.

The Hon. N.J. CENTOFANTI: Back in September 2023, I asked a question of the minister in this place about the use of ultra high frequency RFID tags and whether the minister or her department had sought advice from industry on the use of ultra high frequency electronic ID tags in the rollout of the mandatory sheep and goat eID program. The minister in her response suggested that, so long as they were an NLIS-approved device and tag, the subsidy would exist.

Farmers from around the state have contacted the opposition about their concern about the use of so-called old technology or low frequency tags and what that will mean for the future. It is important to note that the wool industry utilise ultra high frequency tags on every bale of wool now to trace all bales in storage. My questions to the minister are:

1. Can the minister confirm that ultra high frequency RFID tags are an approved device as per the national livestock identification scheme?

2. Can the minister confirm that the associated infrastructure and equipment used to read the high frequency tags is the same as currently used for low frequency tags?

3. Can the minister confirm that ultra high frequency tags are available to be used as part of the sheep and goat electronic ID rollout and are subsidised to the same cost as low frequency tags here in South Australia?

4. If not, will the minister, as the leader of this mandated program in South Australia, provide the chamber with an undertaking that she will go away and bring back a reply and in doing so ensure she investigates the use of ultra high frequency in mandatory electronic identification?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for her question. I am advised that UHF is an alternative technology used in some livestock industries around the world and has been found to have some benefits in the livestock industry, including the ability to read groups of animals at speed, read individual animals at close range, as well as having data storage capabilities. I am advised that there are instances of UHF tags being used by producers in Australia, but that they are being used for other management purposes and are not NLIS accredited, so they would not be recorded or tracked by the NLIS database. Given that the NLIS database is a national database, that is where they would need to be accredited for use.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: given that it is a national system, has the minister formally consulted or communicated with the federal agriculture minister on the use of ultra high frequency tags in the national mandated rollout of electronic identification of sheep and goats, given, as the minister has rightly pointed out, the significant advantages of high frequency tags?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): The federal NLIS database makes decisions about what is considered to be appropriate to be accredited. If I recall correctly, I think I did raise it at a national ag ministers meeting—it was part of the informal conversations around eID in general updates and status reports. I can't recall which meeting that was, but at this stage there has been no change to the national accreditation in regard to them.

BAIL CONDITIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking a question of the Attorney-General about bail conditions.

Leave granted.

The Hon. N.J. CENTOFANTI: *The Advertiser* reported on Saturday 2 November about an alleged street gang fight on that Thursday evening in Rundle Mall. According to the article, three teens were arrested and charged, one being a 14-year-old boy, who was allegedly caught with a machete. He was charged with carrying an offensive weapon and I understand granted police bail on the condition that he does not contact any of the others charged over the incident, and he will be attending court on 18 December. While bail conditions are generally judicial or police decisions, systemic accountability and policy oversight relating to the provision of bail are firmly within the Attorney's remit. My questions to the Attorney are:

1. What accountability mechanisms are in place to address situations where a bail decision, as in this case, may not align with public safety expectations?

2. In cases like that reported in *The Advertiser* about the street gang fight on 2 September, what role does the Attorney have in advising or overseeing decisions that have significant potential implications for community safety?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29): I thank the honourable member for her question. In some circumstances, bail decisions may be able to be appealed or looked at. In terms of bail decisions that are made, two types of bail are granted, as the honourable member has pointed out. Police bail is where upon someone's arrest police make a decision about whether, effectively, to grant police bail for that defendant then to appear in court at a time in the future, or to remand that person in custody, in which case very quickly, often the next day, a formal bail hearing will be heard and then it will be court bail.

In terms of overseeing what police or the courts do in relation to bail on a day-to-day basis, I haven't, nor should I have, any role in making those decisions. There is a very fundamental separation of powers between what the judiciary do and what we do as an executive government and what we do as a legislature.

In relation to those day-to-day decisions about granting bail or not, about whether any appeal should be taken on any decisions at all that are made in the judicial system, that is a matter for those prosecuting or police authorities to make those decisions. As the honourable member has pointed out, the overarching policy framework as to what considerations apply to be taken into account for a bail authority to make rest with us collectively as a parliament.

Certainly, we have made a number of decisions in this term of parliament in relation to bail and potential bail conditions. Someone who violently breaches a domestic violence intervention order, for example, is a class of offending that we as a parliament recently have made decisions about in terms of what should happen in relation to bail, presumptions for or against bail and then conditions to be placed on bail.

As I think we have demonstrated by having made a number of different decisions about how bail is granted, presumptions for or against bail, in this term and previous terms of parliament, we are always open to looking at ways to address community safety, and we are open to continuing to do so.

BAIL CONDITIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): Supplementary: acknowledging the Attorney's answer, would the Attorney support a review of this case's bail decision to ensure that all the relevant risk factors are thoroughly evaluated?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:32): I thank the honourable member for her question. I would be loath to step in and say that every time something occurs that is reported on we will step in and have some sort of independent review of a bail authority's decision. In this case, as the honourable member has outlined, it was police bail that was granted. I do not have all the details of what was taken into account by the police at the time of making that decision, and certainly when we hear about bail being granted or not, a judicial bail by a court, they take into account all the evidence that is presented to them.

I have every confidence that the South Australian police regularly look at how they go about their practices and what they do, and that if they think something needs to be changed they make recommendations to government. If they think something needs to be changed within their own practices about how they do things, including grant police bail, I have every confidence that they will look at that themselves.

PAIRING ARRANGEMENTS

The Hon. M. EL DANNAWI (14:33): Pursuant to standing order 107, my question is to the Hon. Jing Lee. Will the deputy leader inform the chamber which members of the Liberal Party she was referring to in her personal explanation on 29 October?

The PRESIDENT: The Hon. Ms Lee has declined to answer.

REGIONAL HOUSING

The Hon. R.A. SIMMS (14:33): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of housing in the regions.

Leave granted.

The Hon. R.A. SIMMS: Not sheep tagging today, Mr President. This month, new data released by PropTrack revealed that with a median price of $449,000 the cost of housing in South Australia's regions is as expensive as it has ever been and up more than 75 per cent since the onset of the COVID-19 pandemic. Shelter SA executive director Alice Clark has warned that housing was already unaffordable for low income households, but is becoming unaffordable for middle income families too, stating, and I quote:

> There doesn't seem to be any plan for housing in regional South Australia, with the State Government's focus on metropolitan suburbs and market housing underlined by an underinvestment in social housing.

My question to the Minister for Regional Development is: when will the government finally invest in the social and public housing desperately needed to address the housing crisis in our regions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I thank the honourable member for his question. It is certainly the case that the Malinauskas Labor government has a housing plan, in contrast to those opposite. It is something that is key throughout our state, not just in metropolitan Adelaide but certainly through our regional areas as well. Of course, there has already been the Regional Key Worker Housing Scheme, which has been announced for some time now, and a number of those houses have already started to be constructed and, if I remember correctly, a number have been completed with more on the way.

That is an important scheme in terms of making sure that we can also fill the gaps in particular occupations, particularly in areas such as health, education and so on. I appreciate that this is one small step, but it is part of the coordinated steps—

Members interjecting:

The PRESIDENT: Order! Attorney-General!

The Hon. R.A. SIMMS: Point of order: I am actually interested in the response to the question. This is a matter of importance to me, thank you. It is about the housing crisis.

The PRESIDENT: As am I. Please, let's listen to the minister in silence.

The Hon. C.M. SCRIVEN: As I was saying, in terms of the Regional Key Worker Housing Scheme that has already begun its roll-out, it is important not only in terms of housing per se but also in terms of being able to attract and retain key individuals for areas such as the health system, education, police and so on.

Just very recently also, expressions of interest have opened for the development of two parcels of land in Whyalla led by Renewal SA through the Office for Regional Housing. That is intended to deliver up to 70 new homes for Whyalla. Of course, the establishment of the Office for Regional Housing itself was a key part of ensuring that we are developing projects which are suited for purpose in our different regional areas. Something that is always important to bear in mind is that it is not a one-size-fits-all in regions. They are different areas with different characteristics, different histories and, indeed, different futures. The Office for Regional Housing is continuing to do its work in terms of supporting this very important area of policy.

REGIONAL HOUSING

The Hon. R.A. SIMMS (14:37): Supplementary question: how many new public houses have been built in the regions so far, and how many will be completed before the next state election?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I'm happy to take that on notice and refer it to the minister in the other place and bring back a response.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:37): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about Tarrkarri.

Leave granted.

The Hon. J.S. LEE: On 1 November 2024, InDaily reported that the signage surrounding the 'vacant lot meant to house' the Tarrkarri Aboriginal arts and cultural centre had been updated to remove the reference to the centre opening in 2025; however, the new signage still states that the centre will cost $200 million. On multiple occasions the minister has stated that additional funding is needed to complete the project. On 16 October 2024, the minister told this chamber, and I quote:

> …it was somewhere around $200 million. It was a combination of state money and federal money under one of the city's projects from the federal government. I want to be clear: that money is still there; that money hasn't been taken away.

The minister also stated that:

> There has been a review undertaken. I think the Premier has made it clear that there is further funding being sought and that work continues.

My questions to the minister are:

1. Can the minister explain why the new signage still states that the centre will cost $200 million?

2. Is the government deliberately misleading the public with this signage?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): I thank the honourable member for her question.

As I have stated before, this project is under review. The $200 million was a combination: I believe it was $115 million of state money and $85 million of federal money under a City Deal plan. The state government has stated that when that was slated to cost $200 million a review found that that may build something of potential local significance, certainly not of the national significance that such a project would need or deserve if built. We remain committed to looking to see if there are further moneys, whether it is private sector money or federal money, that we can leverage for the project.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:40): Supplementary:

1. When will the government release the findings of the review that the minister mentioned?

2. Please explain why the signage still states it cost $200 million.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): As I have said, we will be continuing to look to see if we can leverage further funds for this project.

FERAL DEER

The Hon. R.P. WORTLEY (14:40): In accordance with No. 107 of the standing orders—I am only joking. My question is to the Minister for Primary Industries and Regional Development.

Members interjecting:

The PRESIDENT: Order! I can't hear the Hon. Mr Wortley. The Hon. Mr Wortley, start again.

The Hon. R.P. WORTLEY: My question is to the Minister for Primary Industries and Regional Development . Can the minister advise the council about the recent milestone that was achieved under the South Australian Feral Deer Eradication Program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I am delighted to update this place about the exciting milestone that was reached recently in regard to feral deer in South Australia. Feral deer are a declared pest under the Landscape South Australia Act 2019, and land managers are required to destroy feral deer on their land. This is to protect primary industries, the natural environment and also road users from the impacts of feral deer.

Until recently, feral deer numbers in South Australia were increasing across agricultural sections of the state. In 2021, there was an established population of 40,000, with a projected increase to over 200,000 by 2031 without the South Australian Feral Deer Eradication Program.

Feral deer cost the South Australian primary production sector an estimated $36 million in agricultural productivity losses in 2022, and modelling predicts this could become $242 million by 2031. I would emphasise again that is $36 million in agricultural productivity lost in 2022. That is a significant hit to our agricultural sectors and no doubt is a good part of the reason why so much of our agricultural sector supports the Feral Deer Eradication Program. To put it in perspective, that is close to a quarter of a billion dollars in lost productivity that producers in the Limestone Coast face losing by 2031 if feral deer are not addressed. That figure would continue to increase, if nothing was done, after 2031.

It is for these reasons that I am pleased that the South Australian Feral Dear Eradication Program has recently achieved a significant milestone, with over 20,000 feral deer now removed from across the state. The removal of 20,000 feral deer is the equivalent of removing more than 30,000 sheep in grazing pressure from the state's pastures, crops and native vegetation.

This substantial reduction of the feral deer population is already producing benefits for farmers, landholders and the environment. In regions where a high number of deer have been removed, particularly in areas of the Fleurieu Peninsula and the Limestone Coast, producers are already increasing their stocking rates, seeing an increase in crop yields and being subjected to less trespass by illegal poachers. Landholders and managers with native vegetation are also reporting benefits to biodiversity, with fewer feral deer present to trash and trample native vegetation.

In particular, I have seen firsthand the benefits of the policy and the advantages the eradication program is delivering for producers in the Limestone Coast. Earlier this year, I joined a suite of farmers at Boolapuckee to inspect the increase of revegetation on their land as a result of the reduction of feral deer in the region. Indeed, just recently a local Limestone Coast producer, Ben Brinkworth from Willoway Farming, said:

Since the eradication program started, we are able to grow more pasture, and in good conditions can probably run an extra 500 head of cattle.

It is for these reasons that it is critical that we continue to seek to eradicate this pest from our agricultural regions in South Australia. The program's sustained and coordinated culling efforts provide our best chance of achieving eradication of feral deer and protecting our state's environment and primary production sector from this destructive pest.

The South Australian Feral Deer Eradication Program is a statewide partnership between the Department of Primary Industries and Regions, Landscape Boards SA, the Department for Environment and Water, SA Water, ForestrySA and Livestock SA. The program is jointly funded by the Australian and South Australian governments, Landscape Boards SA and the livestock industry. I also would use this opportunity to urge once again those opposite to get on board and show bipartisan support instead of continuing to undermine the program, as we did see previously.

I look forward to being able to once again update members in this place on this matter as we continue to work to eradicate feral deer from our agricultural regions for the benefit of the natural environment, the safety of local residents and the benefit of our agricultural sectors, which the South Australian government is always keen to support.

FERAL DEER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45): Supplementary: what collaboration is occurring between the minister's department and the recreational and commercial hunting communities to ensure that this excellent source of protein and food is being utilised at the same time as controlling feral deer numbers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): Wherever possible, there is the opportunity to utilise the carcasses. There is obviously a large number of food safety requirements around that. One of the things that has been raised previously is that much of the eradication effort at the moment is going into areas of quite intense scrub where it is quite difficult to then remove the carcasses in a way and of a manner and in the timeframes that would be required for human consumption. However, many of the carcasses, as I have mentioned before, have been used in terms of creating baits and I refer members back to previous comments I have made in this place on that matter.

The PRESIDENT: The Hon. Mr Pangallo, you have a supplementary question.

FERAL DEER

The Hon. F. PANGALLO (14:46): I thank the minister for telling us about the 20,000 deer—that would feed Robin Hood and his merry men for goodness knows how long with all that venison. Can the minister give us an update on the cull at Buckland Park recently?

The PRESIDENT: I am not sure that is arising from the answer, but we are talking about deer culling so, minister, if you could provide an answer I guess it would be helpful.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I am happy to take that on notice and bring back a response.

FERAL DEER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:47): A final supplementary: what food safety requirements are required for recreational and commercial hunting sectors for the—

The Hon. R.B. Martin: Harvesting.

The Hon. N.J. CENTOFANTI: Harvesting—thank you—of venison.

The PRESIDENT: Minister, you can answer it if you like but that had nothing to do with the original answer.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I will leave it then.

The PRESIDENT: It came as an answer to a supplementary question.

SOUTH AUSTRALIAN COUNCILS

The Hon. S.L. GAME (14:48): I seek leave to make a brief explanation before directing a question to the Hon. Clare Scriven, representing the Minister for Local Government, regarding South Australian councils and their responsibilities to ratepayers.

Leave granted.

The Hon. S.L. GAME: A recent *Advertiser* report told of a Prospect couple forced to pay $8,500 to replace plumbing that was damaged by roots from a tree owned by their local council. Prospect council has refused to pay for the repairs, with a staff member quoting from the Local Government Act, telling the couple that the council acts as caretaker of street trees but is not responsible for their naturally occurring behaviour. My questions to the minister are:

1. Given the clear anomaly and unfairness evident in this case, plus others that have emerged anecdotally since, is the government open to changing the legislation?

2. Amid a cost-of-living crisis, does the government concede that councils should be responsible for this type of damage and associated repair costs, rather than individuals who play no role in where these trees are planted nor their maintenance?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I am happy to refer that to the relevant minister in the other place and bring back a response.

QUESTIONS ON NOTICE

The Hon. H.M. GIROLAMO (14:49): My questions are to the Leader of the Government:

1. Has the Leader of the Government followed up on any of his government's 13 unanswered questions on notice that were brought to his attention yesterday during question time?

2. Has the leader followed up on his own unanswered questions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): As I said yesterday, I will be happy to follow them up.

Members interjecting:

The PRESIDENT: Order!

QUESTIONS ON NOTICE

The Hon. H.M. GIROLAMO (14:49): Supplementary: when?

Members interjecting:

The PRESIDENT: Order!

The Hon. H.M. GIROLAMO: We had a bit of chaos last night, Mr President. When will you be following these up, and will you be providing responses to these questions before the end of this parliamentary year?

The PRESIDENT: Attorney, you did say you would follow them up. That was the thrust of the supplementary question.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): And, sir, I will follow them up.

BARNGARLA PEOPLE

The Hon. T.A. FRANKS (14:50): Supplementary: in the case of the Barngarla people having the state government wage legal warfare against them, how much of those costs increased since my question was first lodged in September?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I will make sure I follow these questions up.

Members interjecting:

The Hon. K.J. MAHER: In good time, in good time.

DANDELION VINEYARDS

The Hon. R.B. MARTIN (14:50): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the incredible global achievement of a South Australian vineyard?

Members interjecting:

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): Of a South Australian vineyard; the wine industry is very important to our state.

Members interjecting:

The PRESIDENT: Order! Minister, can you tell us what the question was because I couldn't quite hear it.

The Hon. C.M. SCRIVEN: If I remember correctly, the question was something about whether I could update the chamber on another incredible achievement of a South Australian vineyard.

The PRESIDENT: Vineyard?

The Hon. C.M. SCRIVEN: Yes, I think that is what I recall him asking me.

Members interjecting:

The PRESIDENT: I know what they are, don't be cheeky.

The Hon. C.M. SCRIVEN: It gives me great pleasure each time I am fortunate enough to speak in this chamber about the success of South Australian vineyards, whether it be national or international recognition that they are receiving. The outstanding quality of South Australian wine and cellar doors means there is a seemingly never-ending list of locals that we are able to celebrate as various awards are announced all over the country and the world.

Today, I am able to share the celebration of another outstanding global achievement for a South Australian vineyard. Dandelion Vineyards at McLaren Vale has just been named the global winner of the 2025 Best of Wine Tourism Award for Architecture and Landscape, recognising its innovative design which seamlessly connects guests to its incredible scenery and surroundings.

When you consider just how beautiful so many South Australia wineries are, the amazing experiences they offer on top of the world-class wine and produce, winning this award against local counterparts is one thing, but to win this prestigious global award when up against the world's most recognised wine regions and wineries is just an outstanding achievement, and one that we can all be proud of as South Australians, who are so fortunate to be able to access experiences like this on our doorstep.

Dandelion Vineyards' Wonder Room, no doubt one of the keys to winning this award, is a beautiful combination, blending rustic charm and modern comfort with views of the incredible region encapsulated by the space's expansive glass windows. Enjoying South Australian wine with perfect views is something that nearly all our cellar doors offer but there is no doubt that Dandelion offers something that is extra special and more than worthy of the global recognition it has now received.

The award was part of the Global Best of Wine Tourism Awards, presented at the Great Wine Capitals Gala Dinner in Verona, Italy, on 24 October. As I have mentioned in this chamber previously, Adelaide has proudly been a member of the Great Wine Capital Global Network since 2016, alongside the likes of Bordeaux in France, Napa Valley in the United States, Verona in Italy, Bilbao/Rioja in Spain, Cape Town in South Africa, and Hawke's Bay in New Zealand, as well as others.

As Australia's indisputable wine state, South Australia produces half of all bottled wine and about 80 per cent of the country's premium wine. With vineyards like Dandelion at the forefront of our state's wine industry, we remain incredibly proud of the sector and what it brings to our state in the form of international recognition and contribution to our state's economy and local regions.

I sincerely congratulate the owners of Dandelion Vineyards, Elena and Zar Brooks, on this incredible achievement and look forward to seeing what the future holds for them.

ELECTRONIC MONITORING AND CURFEWS

The Hon. C. BONAROS (14:54): I seek leave to make a brief explanation before asking the Attorney a question regarding ankle bracelets and curfews for persons who are under monitoring and persons released from immigration detention.

Leave granted.

The Hon. C. BONAROS: In November last year, the High Court ruled that a Rohingya man, stateless and refused multiple visas due to his past convictions for sexually assaulting a 10-year-old child, had been detained unlawfully in immigration detention. That decision, of course, paved the way for the release of 84 other detainees who, having either failed a character test or having had adverse security findings made against them, remained in detention, unable to be deported.

The federal government subsequently rushed laws through parliament to grant the home affairs minister broader powers in placing strict curfews and ankle monitoring bracelets on those former detainees. However, last week, the High Court again ruled that the law requiring the monitoring of former immigration detainees was not valid, ruling 5-2 that the government measure constitutes punishment, which only the courts can impose. It is that part of the judgement that I am particularly interested in.

The enforced wearing of an electronic ankle bracelet for those who continue to pose harm to the community is said to represent a protective measure to our country whilst ensuring no person is being unlawfully detained in our immigration system. That is obviously the subject of much more ongoing discussion, but in terms of that last point I made and in light of the High Court ruling, has the Attorney reviewed any legislation we have here regarding the use of ankle monitoring bracelets and curfews, especially as they relate to firebugs, domestic violence perpetrators and those things that are outside the norm, if you like, when it comes to those sorts of devices being used?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I thank the honourable member for her question, and it is a good one to ask. As the honourable member has pointed out in her very good question, there was a decision back in November 2023 of the High Court, known as the NZYQ decision, and more recently, only on 6 November this year, the Full Court of the High Court delivered its judgement in the case of YBFZ v Minister for Immigration.

As the honourable member has pointed out, importantly in that decision, the High Court ruled that the imposition of curfews and electronic monitoring are, prima facie, punitive and a form of extrajudicial collective punishment based on membership of a class, infringing on judicial powers and therefore invalid. On a very initial look, its application to South Australian law and legislation seems very limited.

We will, of course, monitor the situation as it applies to South Australia, but many of the schemes in South Australia that might require similar sorts of remedies in terms of electronic monitoring or curfews—and the honourable member has named a few of those: firebugs legislation; breach of, for instance, domestic violence intervention orders, particularly with threats or acts of violence; also things like an extended supervision order under the high-risk offenders scheme—each

of those is not a decision made by a minister on a class of person: it is a judicial decision that is made by a court, which distinguishes it quite significantly from the decision made in the YBFZ decision.

However, of course, if any matters arise or there are any further questions about the legislative scheme, we will look at those. But on our very initial look at the decision, which was only handed down on 6 November, it looks like it would have very limited application in the South Australian circumstances. Schemes that have those forms of monitoring are generally schemes that have some element of judicial decision, which would distinguish them from that High Court decision.

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 minerals.

Leave granted.

The Hon. B.R. HOOD: Last sitting week in this place I asked a question of the Minister for Primary Industries on mining exploration in the state's southern region of Koppamurra and in particular I raised concerns relating to the farming and forestry plantation communities in that region. The minister's response was that she had spoken to Minister Koutsantonis and she had been reassured that 'the minister said there were robust frameworks in place regarding mining approvals'. The minister at that time and also yesterday failed to answer my question also as to whether she had met with the Limestone Coast Sustainable Futures Association. My questions to the Minister for Primary Industries are:

1. Can the minister explain the precise nature of robust frameworks that will be specifically protecting forest plantations and farming properties from mining?

2. What mechanisms exist within the framework to allow local communities to voice objections in mining approvals that affect their livelihoods?

3. And I ask again: has the minister or her office made attempts to meet with the Limestone Coast Sustainable Futures Association?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): I do find it quite surprising that the honourable member referred to not answering a question given his habit in this place, but that is, I guess, for the honourable member to determine. He may like to think, though, about his wording of the questions, given the current circumstances in which he finds himself. However, as I mentioned, there is a robust framework—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —which is set out in terms of legislation and processes.

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister.

The Hon. C.M. SCRIVEN: I am happy to refer to the minister in the other place in terms of where they appear, although I would speculate that most of them would be available on the website for his department, but I am happy to check that and bring back a response.

An honourable member interjecting:

The PRESIDENT: I am going to struggle to rule it in or out because I couldn't really hear the answer.

AUGUSTA ZADOW AWARDS

The Hon. J.E. HANSON (15:01): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about this year's Augusta Zadow Awards?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I would be most pleased to and I note the honourable member's longstanding contribution to the trade labour movement in South Australia, both as a trade unionist and in this place. In the last couple of years I have mentioned the winners of the Augusta Zadow Awards and I have had the pleasure of informing the chamber about some of the nominees in years gone past. I am very pleased to update the council once again about the annual Augusta Zadow Awards.

As members may recall, each year SafeWork SA runs an awards program named in honour of a person who is known as South Australia's first Lady Inspector of Factories. It is worth taking a moment to reflect on the legacy of Augusta Zadow and why she is rightly commemorated in these awards.

Augusta's concern about health and safety was formed by the conditions she observed in clothing factories in Europe while working as a seamstress before emigrating to Australia with her family in 1877. She became a very well-known trade unionist and helped establish the Working Women's Trade Union and became a delegate to the United Trades and Labor Council where her years of campaigning led to the passage of the Shops and Factories Act 1895 after which she was appointed by then Premier Charles Kingston as South Australia's Lady Inspector of Factories.

These awards have been run by SafeWork SA every year since 2005 and have resulted in grants valued at over $400,000. The 2024 award winners were presented by the Governor, Her Excellency the Hon. Frances Adamson AC at a ceremony held at Government House last month. I know a number of members of both chambers of parliament frequently and enthusiastically participate in and support these awards and attend the award ceremonies.

This year there were a number of very worthwhile winners: Matt Lowe from Apprentice Employment Network was awarded a grant of $10,500 for the SMART Kit Project, a program to help employers identify gaps in their work health and safety systems and provide them with the tools to improve. This grant will help those kits be updated and fund consultation with employers to develop resources to be added to the kit.

Jackie Wood, Wendy Foster, Nicola Williams and Micah Peters were awarded a grant of $22,500 for a collaboration with the Australian Nursing and Midwifery Federation and UniSA in relation to whether the case load model for midwives is consistent with modern care requirements. This is important in understanding current case loads and providing a workplace environment which can decrease risks for overwork, fatigue or burnout.

Alison Hunter from Alison in the Universe was awarded a grant of $12,000 for a health and safety training package for workers in the care sector, called Burnout Resilience for Support Workers and Carers. This will enable training to be rolled out, focusing on resilience, compassion, satisfaction and the creation of a personal self-care toolkit for every participant.

I want to take this opportunity, as Minister for Industrial Relations and Public Sector, to congratulate all the winners of the 2024 Augusta Zadow Awards. The breadth of their project once again demonstrates the importance of all parts of the community working together to ensure that every worker can come home safely at the end of every workday.

AVIAN BIRD FLU

The Hon. T.A. FRANKS (15:05): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of our preparedness for avian flu, and animal welfare concerns.

Leave granted.

The Hon. T.A. FRANKS: The minister is on record noting that while here in South Australia we currently don't have any detections of avian flu, the state government has done significant work

in preparedness. Noting that in recent weeks 30,000 farmed ducks were culled with the use of firefighting foam, or wet foam, in that state and that it has drawn attention and critique from animal welfare advocates, I would like to outline why, because, as the Australian Veterinary Association's Dr Melanie Latter states, it's not their preferred way of culling floor-raised poultry.

In particular, when it comes to using the foam on ducks, due to their diving reflex, which allows them to hold their breath underwater and slow their heart rate, it has been reported to prolong their deaths. In fact, their response is to hold their breath—which is something other birds can't do—and instead of inhaling the deadly chemicals they are actually dying in a slow, agonising manner from heat stroke or organ failure, holding their breath while being buried alive under the foam. My question to the minister is: how prepared are we for avian flu with regard to ducks and ensuring that any biosecurity emergency response is done humanely?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06): I thank the honourable member for her question. Certainly, the issues around avian influenza are not restricted only to primary production. We are aware, of course, of the impacts that have occurred on the commercial poultry industry interstate. My department, understandably, is particularly focused on the impacts on primary production, but the impacts on wildlife are also considered to be particularly concerning.

I understand that my department, PIRSA, has been working with the Department for Environment and Water as well as other bodies and, in terms of government, with SA Health as well, on the response to avian influenza. I assume that the honourable member is asking about wild duck populations, and that would be particularly covered, I would expect, by the work that would be undertaken at present in terms of the Department for Environment and Water.

It's worth mentioning that there is a nationally agreed AUSVETPLAN AI response strategy currently, which is being reviewed to address the changing global situation. The National AI Wild Bird Surveillance Program collects surveillance information from around Australia to better understand the epidemiology and risks of AI viruses to Australia. I am advised that the latest sample collection undertaken in South Australia was in July. A national preparedness exercise, Exercise Waterhole, to test Australian laboratory preparedness for several emergency animal diseases, including HPAI, has been undertaken. Then, specifically for the H5N1 HPAI preparedness, a national exercise was held in August, September and October. That was Exercise Volare.

AVIAN BIRD FLU

The Hon. T.A. FRANKS (15:08): Supplementary: why does the minister assume I meant only wild ducks, when I cited the 30,000 farmed ducks? Will she rule out the use of firefighting foam, or wet foam?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I appreciate the clarification from the honourable member. I didn't hear that particular aspect. In terms of the response in any exotic disease outbreak or endemic disease outbreak, I would expect the most humane and appropriate methods to be used. I think it would be fair to say that all the jurisdictions would want to be using the most appropriate at the time. That will be informed by the available evidence at any given point in time.

AVIAN BIRD FLU

The Hon. T.A. FRANKS (15:09): Supplementary: has the Australian Veterinary Association been consulted with in regard to our state's preparedness for a biosecurity emergency when it comes to ducks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I am happy to take that on notice and bring back a response.

CRIMINAL DETAINEES

The Hon. L.A. HENDERSON (15:09): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding criminal detainees.

Leave granted.

The Hon. L.A. HENDERSON: Last year, the state opposition raised serious concerns relating to around 100 criminals who had been released from immigration detention. Legislation dealing with these individuals was subsequently ruled unconstitutional. As of 18 October 2024, 215 immigration detainees have been released. My questions to the Attorney-General are:

1. How many released detainees are currently in South Australia?

2. What is the South Australian government doing to monitor these individuals?

3. Is further legislation needed to ensure the safety of the South Australian community?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): I thank the honourable member for her question. I don't have a figure as of today, but I am happy to go and find a figure. I know there was previously a figure of estimates in South Australia. If there is an updated figure I can supply, I am more than happy to come back to the chamber and supply that figure.

In relation to what is being done, I know that the honourable member has asked about this a number of times and I thank her for her interest in the South Australian community's safety in general. SAPOL has confirmed that there is a joint operation between South Australia Police, the Australian Federal Police and the Australian Border Force to monitor released detainees. As I have said before, I have every confidence that SAPOL, working in conjunction with its federal counterparts. will continue to both manage incidents requiring any police attendance, investigations or state-based prosecutions, but do all within their power working with their federal colleagues to continue to keep South Australians safe.

CRIMINAL DETAINEES

The Hon. L.A. HENDERSON (15:11): Supplementary: has the minister had a briefing as to the location and community safety, following 18 October, where the 215 immigration detainees were released?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question. Certainly, I don't have the exact locations of each detainee. That is not something I have asked for and is something I am not sure would be appropriate for me to have.

CRIMINAL DETAINEES

The Hon. L.A. HENDERSON (15:12): Supplementary: when was the minister's last briefing on criminal detainees who have been released within South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I have been able to find a little bit of information in the papers in front of me, and, as I say, I am happy to see whether there is a more recent update, but earlier this year, as of 28 March, I was informed that there were six detainees residing in South Australia, but I am happy to see whether there is a more updated figure.

CRIMINAL DETAINEES

The Hon. L.A. HENDERSON (15:12): Supplementary: has the minister or anyone in his office sought a briefing following 18 October, where there were 215 immigration detainees released?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): As I said, I am happy to see whether there is an update that I can provide.

LOWER EYRE PENINSULA AQUACULTURE ZONE

The Hon. R.P. WORTLEY (15:13): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the Lower Eyre Peninsula aquaculture zone public call?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13): I thank the honourable member for his question. Last year, the state government introduced the aquaculture zones Lower Eyre Peninsula policy 2023, the LEP aquaculture zone policy, which identifies permitted aquaculture zones, public call areas and exclusion zones and specifies prescribed criteria to be taken into account by the independent body that assesses applications for aquaculture leases, the Aquaculture Tenure Allocation Board (ATAB), within the Lower Eyre Peninsula aquaculture zone.

South Australian aquaculture has an incredible reputation, both nationally and internationally, and produces some of the most sought-after seafood in the world. Indeed, 20,673 tonnes of seafood was produced by the state's aquaculture sector in 2022-23 at a value of $264.4 million to the state's economy.

The LEP zone is one of the key drivers behind those incredible numbers and our state's aquaculture industry more broadly, with southern bluefin tuna, kingfish, oysters, mussels, seaweed and so much more. It is an industry that is of particular significance to our state and continues to grow.

There is so much more that is thriving in the established aquaculture industry that is already in place in the pristine waters off the coast of Port Lincoln and beyond. The changes introduced as part of the LEP aquaculture zone policy 2023 included opportunities for greater capacity for production of aquaculture species, such as tuna, oysters, kingfish, mussels and more, but also in emerging aquaculture sectors, such as algae and seaweed, which are predicted to grow quickly, hence the importance of having a modernised policy that reflects the confidence and willingness that we have seen from industry in establishing these sectors in South Australia.

More than 6,000 hectares of water is now available to be leased within the LEP zone for aquaculture activities. With a public call for applications opening on 28 October, there has been strong interest from industry and others to access water in this zone. The applications will close on 12 January 2025, at which time the ATAB will review applications against the set criteria and make its recommendations to me for approval.

The public call will assist in growing the aquaculture industry further, particularly in the Port Lincoln region, which is already synonymous with seafood, providing the region with jobs and pathways that continue to evolve within the sector over the years, bringing about both economic and social benefits to the region. I look forward to seeing the sector further realise its potential and in the process continue to make South Australians proud of our incredible seafood industry.

STATE VOICE TO PARLIAMENT

The Hon. F. PANGALLO (15:16): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the State Voice to Parliament.

Leave granted.

The Hon. F. PANGALLO: The state government spent much time and much money ventilating its Voice to Parliament. It has been estimated that as much as $10 million of taxpayers' money was spent on the Voice. About 30,000 Aboriginal and Torres Strait Islander people were eligible to vote in the recent elections, but Electoral Commission SA figures show just 2,583 formal votes, less than 10 per cent, were received.

Further, 12 of the 46 successful candidates polled fewer than 20 first preference votes. All this occurred against the backdrop of 64 per cent of South Australians voting no at the Federal Voice referendum. Although only in its infancy, cracks are appearing in the State Voice. It seems we have no Voice to be heard as yet. My questions to the minister are:

1. What is the current status of the State Voice?

2. Have the 46 statewide representatives yet met as a collective?

3. If so, can you provide details to the Legislative Council of how many times, where, when and what was on the agenda?

4. Can you confirm that there have been resignations from members of the Voice and the reasons for them? Who are they and what regions do they represent?

5. Can you confirm there have been resignations from the Voice secretariat and the reasons given?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for his question and his interest in the South Australian State Voice to Parliament. As the honourable member pointed out, there were 46 members from six different regional Local Voices elected earlier this year. I think there were 113 nominations for the 46 vacancies in the Voice.

When you compare the rate of nominations to the rate of vacancies in another body, say, the House of Assembly in this parliament, where there are 47 vacancies each election and I think there were somewhere in the order of 240 nominations, on a per capita basis Aboriginal and Torres Strait Islander South Australians nominated about 2,500 per cent greater than the whole of South Australia nominated for the House of Assembly, demonstrating a very strong and clear interest in the South Australian First Nations Voice by the rate of nominations for our Voice.

The six Local Voices held their inaugural meetings during May and June 2024. In relation to all 46 members, it was very early on after their election that they first came together for an inauguration and to talk about administrative processes. In fact, from memory, I think all members of this parliament were invited to meet with the members of the Voice upon their election, and I am looking around and I can see some of the members of parliament from this chamber who took up that opportunity when they met in the Balcony Room many months ago for the first time they got together; I think it was over a two-day period. I think they spent time at Government House with the Governor, and then a fair bit of time at the State Library or the Museum where they held a significant part of those initial meetings.

After that, the six Local Voices held inaugural meetings during May and June of 2024. I am advised that each Local Voice has now met for a third time, during September and October of 2024. So they are the Local Voices, and they have obviously selected their presiding members. The two presiding members from each Local Voice then make up the State First Nations Voice. They have met a number of times, and I am pleased to be able to say that the State First Nations Voice on Thursday of last week held their inaugural meeting with the South Australian cabinet, and then with CEOs, so I congratulate the State Voice on the work they have been doing.

I think the honourable member asked about resignations from the Voice secretariat. There has been a resignation from the Voice secretariat, and I will not go into details, for personal reasons to return to home where there is a sick family member. There have been, I think, in total from the 46 members four resignations since the Voice commenced, ranging from a change in circumstances in terms of a change of employment, moving out of state—various reasons for people having resigned.

I note that when you look at the 46 members of our State First Nations Voice compared to say the 47 members of the lower house of state parliament, I think we have seen at least three resignations from that body since our election, and this a body where people are paid exceptionally well and know exactly what they are getting in for, because I think all of the resignations were people who had been elected for a previous term. In fact, even in this chamber, we have seen our former colleague the Hon. Stephen Wade resign from this chamber.

We see resignations from these chambers of parliament where people know exactly what they are getting in for when they are contesting. The South Australian Voice is a new concept where, quite frankly, it is the first of its kind in this nation and people, quite rightly, are still finding their feet, notwithstanding the number of meetings that are being held and the work that has been happening.

There have been, from memory, at least two different pieces of legislation that the First Nations Voice has provided commentary on; I think a preventative health bill and then an education bill. I think there was extensive discussion in the lower house of this place with the education minister about the First Nations Voice input into that particular piece of legislation. So I am very pleased to see the First Nations Voice already contributing on bills and other areas.

I note the honourable member talked about turnout. For eligible voters, I can't remember the exact figure, it is somewhere in the twenty thousands when you take into consideration the disproportionately large number of Aboriginal people who are not on the electoral roll. The turnout was somewhere in the order of 10 per cent, which I think was fairly equivalent to the turnout that happened the fourth time there were ATSIC elections back in the 1990s, and similar to, if not greater, than the turnout for different forms, but representative bodies, in the ACT and Victoria.

When you look at the fraction of the possible vote that some people got elected to a Voice, all of them were orders of magnitude more than the votes, quite frankly, that some members of this chamber get elected to on first preference numbers.

Matters of Interest

ALDERSON, MR S.

The Hon. E.S. BOURKE (15:23): On 15 October, a long way from home in south-western Spain, a proud South Australian, Steven 'Spud' Alderson, made history by becoming the first ever autistic golfer to win a championship in the international G4D Tour. The G4D Tour is run alongside the PGA's European Tour and provides an opportunity for the best golfers with a disability around the globe to compete against each other at an elite international level.

Spud was not a favourite going into the tournament, but after entering the final day of competition with a two-shot lead, he managed to secure a remarkable nine-shot victory, finishing the tournament at seven under par. No other player finished the tournament below par. For an international debut, that is an incredible showing, but for anyone who is only hearing about him now, Spud's win at the G4D did not come out of nowhere. He claimed the South Australian All Abilities Championship in September along with several other notable victories, including the 2020 South Australian Men's Mid Amateur Championship and the 2022 Webex Player Series South Australia.

It was a pleasure for me to be able to join the Premier and the member for Mawson to welcome Spud to parliament just a few weeks ago. We heard firsthand from Spud how when he is not out dominating international events and travelling the world he is at his much beloved Willunga Golf Club. While the club has provided space for Spud to be just himself, unfortunately this has not always been the case for him. Spud has bravely shared his story—and it has gone viral on the internet—with the world, a story that is all too common for members of the autistic and autism communities, a story of being bullied just for being who he is, a story of being bullied due to the lack of knowledge of autism in the community.

Spud has always shared how he changed schools almost five times and left school at the age of just 15. It is because of stories like what Spud has shared with us and so many others that the Malinauskas government created a bold autism policy agenda, an agenda that continues to grow and work to make change and build knowledge in our schools, in our workplaces and across our community.

The Malinauskas Labor government is also proud to support Spud at an upcoming G4D event in Dubai, and I am delighted Spud has accepted our government's invitation to join the LIV Golf pro-am, where we look forward to cheering him on.

I asked Spud when I met him most recently what he would love to be remembered for in terms of his achievements. It was without hesitation that he said, 'I want to be an ambassador for the autistic community. I want to be able to change lives and for them not to experience what I experienced at school.' This is an incredible ambition of his and one that I am sure he is already achieving just by sharing his story.

Spud said if there was one other thing that the community in South Australia could do for him it is that any time they see him take a shot—I do not know much about golf—it is called the 'Spud bomb', so if you can cheer him on, and if you do see him playing golf at LIV please be sure to yell that one out.

As for anyone who achieves many high achievements in sport, no-one does it alone. Spud brought along with him to parliament Trent, his caddie. When Trent is not driving early morning shifts to and from the airport to make sure he can put food on the table for his family he is travelling with

Spud to make sure that Spud can live out his dream. This is something he does from the kindness of his heart, something I know Spud is very appreciative of—and so is this government. So thank you to Trent and Spud.

PRESIDENT-ELECT DONALD J. TRUMP

The Hon. R.A. SIMMS (15:27): I rise this afternoon to speak on an event that I think has sent shockwaves around the world, and it has certainly been concerning to many South Australians—that is, the re-election of Donald Trump to the US presidency.

A lot has been said about the implications of this for the left of politics, and I will talk a little bit about that today but I also want to talk about some of the lessons for the right of politics and in particular to warn the South Australian Liberal Party from going too far down that path, because, of course, we know the United States is very different from South Australia.

For the left of politics I think it is very clear that people want to actually see progressive political parties talk about their economic concerns and to engage in what is going wrong with our economic system. It is very clear in the United States, after years of rising inflation, that people are really struggling to make ends meet and put food on the table, and the Democrats, because they have become an establishment neoliberal party, are not offering the solutions that people crave.

Might I say the other big takeaway for me, looking at what happened in the United States, was the Democratic Party's capitulation to the State of Israel and the fact that they have signed up holus bolus to that military conflict. These are some warning signs, I think, for the Albanese Labor government. We know that Albanese Labor has been an apologist for the State of Israel and the mass murder of innocent people in Palestine and across the Middle East in a way that I think has been utterly deplorable, and there has been a failure of leadership from the federal Labor Party on that score.

Also, federal Labor is failing to do anything meaningful about the cost-of-living crisis that is facing our country at the moment. What we are seeing from the federal Labor Party, as we saw from the Democrats over in the United States, is a tinkering around the edges and a lack of engagement with the everyday concerns of people in the community, and so I do urge the Labor Party at a federal level to do better.

I think it is also important to note that the Liberals should not get their hopes up here in South Australia either because, whilst this sort of Trumpian hard-right politics does have a lot of currency in the United States at the moment, I do not think it is electorally popular in South Australia. I have been contacted by lots of South Australians who have been appalled by the way in which some of those Trumpian tactics have been imported into South Australia in recent weeks.

I was pretty appalled to hear all members of the Liberal Party, other than the Hon. Michelle Lensink, oppose the ban on conversion practices—a pretty straightforward proposition and one that would accord with the views of most South Australians. But so extreme are their views that none of them could bring themselves to back such a sensible reform.

I was appalled by the antics that we saw in relation to the termination bill, and we have talked a lot about that in the chamber over recent weeks. So I say to the Liberal Party: do not go down that path. Do not go getting any ideas because whilst the anti-establishment wave that has hit the United States is no doubt going to have an impact here in Australia, we do politics differently here in South Australia, and I urge the Liberal Party not to forget that.

I will use my final minute on the clock to say I have been contacted by lots of young people who have felt really desperately sad and hopeless about the state of the world following the US election. I share your sense of sadness and grief at what has happened with the return of a racist, sexist, misogynist man to the presidency of the United States. All I can say is do not lose hope. Now is not the time to retreat, now is the time to get active. Get involved with community groups, continue your activist work, connect with like-minded people. Now is the time for us on the progressive side of politics to continue to work together so that we can make the world a better place, and I know that this time will pass.

SOCCEROOS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:32): It is my pleasure to rise today to acknowledge that 2024 marks the 50th anniversary of the appearance of the Socceroos' maiden appearance at the 1974 FIFA World Cup in West Germany. When it comes to participation, soccer is Australia's national game and there are more than 2,200 soccer clubs across Australia. Soccer has more than 1.7 million participants through clubs and venues according to AusPlay statistics, a net increase of nearly 250,000 players since 2016.

The 1974 Socceroos were pioneers of Australian soccer and were one of the most diverse groups of players on the international stage. All were part-timers with real-life jobs, such as a tiler, a milkman, a car salesman, a solicitor's assistant and a cleaner. The road to the World Cup was a rocky one, playing almost a dozen qualifying matches over eight months in 1973 to earn the only spot available in the 16-team tournament. Interestingly, only seven out of 22 players in the squad were born in Australia with the rest hailing from modern-day Croatia, England, Hungary, Scotland and Serbia.

This multicultural team came together from across the country to take on the biggest names in international football, led by the iconic coach Rale Rasic. The team were proud to play for Australia with Serbian-born Doug Utjesenovic, stating that 'even though we were coming from all different places, we blended together'. It was the toughest possible campaign, though, with the first match against East Germany and the second against the home side, West Germany. The Aussies only gained one point in the tournament and did not progress beyond the group stage and, believe it or not, the Socceroos first World Cup appearance would be its last for another 32 years.

However, it was argued that the 1974 campaign was one that laid the foundations for soccer's growth in Australia, resulting in a period of sustained success that has since seen the Socceroos appear in five consecutive global finals. The Socceroos inspire Australians with their courage, determination and fierce team spirit, never backing down despite all the challenges they face. They have never won the FIFA World Cup, their best performance being finishing in the round of 16 in 2006 and 2022.

In 2022, the Socceroos qualified for their fifth consecutive FIFA World Cup after defeating Peru in a penalty shootout in their play-off match. The win capped off 20 qualifiers on the way to securing their spot in Qatar. In Qatar, the Socceroos experienced their most successful campaign in a FIFA World Cup and advanced to the round of 16 for the second time and first since 2006.

The Socceroos won four Nations Cup titles in 1980, 1996, 2000 and 2004, and one Asian Cup in 2015. Congratulations to the Socceroos and the team at Football Australia, including chairman, Anter Isaac, whom I met recently, and board members, as well as James Johnson, chief executive officer, for their passion, commitment and strong leadership.

Football Australia has worked with the Australian football community to release a vision for Australia's largest participant, most diverse and globally connected sport. The 10 principles for the future of Australian football provide a 15-year bold vision. Since its release in 2020, some of the achievements include:

- winning a successful bid to host the 2023 FIFA Women's World Cup, together with New Zealand. It was the most significant event in Australian sport since the 2000 Sydney Olympics with some 1.5 billion people tuning in from around the world;
- the launch of the FIFA Women's World Cup 2023 legacy program, Legacy 23, which is aimed at increasing Australia's football participation base, particularly women and girls, improving facilities across the country, maximising opportunities to boost tourism and trade, and empowering a new generation of women to lead on and off the pitch; and
- revamping Australia's football national knock-out competition by allocating a qualifying slot into Asian football competitions, shifting the latter stage of the competition calendar from weekdays to weekends, and negotiating the final to be played on free-to-air TV.

They are some of the achievements of Australian football. Well done to Football Australia for emphasising that soccer is more than a game. It has its own global culture and it is a catalyst for

social, economic and personal development. It has transformative power to foster unity and a sense of community. I have personally witnessed so many transformations across sports, multicultural communities and the tourism sector in South Australia. Go the Socceroos!

AUSTRALIAN LEBANESE MEDICAL ASSOCIATION

The Hon. M. EL DANNAWI (15:37): Today, I rise to speak about the Australian Lebanese Medical Association, also known as ALMA, and speak about the important work they do. ALMA is a not-for-profit organisation comprised of Australian medical professionals of Lebanese background. They endeavour to provide a forum for professional and social exchange, whilst also promoting the pursuit of charitable endeavours.

ALMA have recently embarked on a fundraising drive to help coordinate and target relief to the Lebanese population in an appropriate and accountable manner. As honourable members will know, in September there was a significant escalation in hostilities with large-scale cross-border Israeli attacks. In less than two weeks 1,800 people were killed and over 6,000 were injured, including civilians, healthcare workers and humanitarian staff.

The World Health Organization also warned that hospitals and healthcare workers were directly under attack and, in October, verified that there had been 23 attacks on healthcare facilities. This is in direct contravention of international humanitarian law, which forbids deliberate attacks on hospitals and healthcare workers. It was reported in October that out of 207 primary healthcare centres and dispensaries in conflict-affected areas, at least 100 were now closed. Hospitals have been closed, and pressure has been increased on the ones that remain open.

The healthcare system in Lebanon was already in a fragile state, under-resourced, understaffed and experiencing medication shortages. It is now under even more extreme pressure. According to the International Organization for Migration (IOM) Displacement Tracking Matrix, there are more than 300,000 internally displaced people living in shelters. This crisis has uprooted families and cut off access to essential medical care.

In addition to those who have been injured and those who are experiencing traditional medical issues, mass displacement into shelters can create an ideal environment for the spread of infectious diseases. The World Health Organization is already working to stop the spread of cholera amid the conflict. When it comes to medical supplies and resources inside Lebanon, every single region, every single town and every single hospital is stretched to the absolute limit.

Our Australian-Lebanese community has been impacted by the violence and the destruction in their home country. They often seek ways to support their community here in South Australia or help their families from afar. Anyone from a migrant background will know that it is not uncommon to send funds back home. We support our families and where we can we support friends, communities and villages. Naturally, this is what we do in times of crisis: we support one another.

In circumstances like these, the community comes together to support those in need, and I am grateful for the work that ALMA are doing to assist the people of Lebanon in their medical and humanitarian plight. What makes ALMA special is their collaboration with the Lebanese Ministry of Public Health and the United Nations International Organization for Migration. ALMA have an office and a project officer within the Lebanese Ministry of Public Health. This allows them to coordinate with the IOM to determine what areas of need they are best able to target and how to distribute medical equipment, supplies and medication to people in need.

This collaboration also means that they receive up-to-date and relevant information. By working in partnership with the IOM and their extensive local networks, ALMA ensure that any funds raised are used to source medical aid locally in Lebanon, which is then coordinated and distributed directly by the IOM in an appropriate and accountable manner.

The people of Lebanon have many wounds that are still raw, and now they are dealing with another crisis. It is due to the response and relief operations of many organisations, including ALMA, that the South Australian Lebanese community can stay hopeful that their loved ones back home will have the necessary medication and supplies they need to stay warm over the winter while they wait for the ceasefire that we all wish to see very soon.

VAILO COMPANY

The Hon. B.R. HOOD (15:42): Under new workplace laws introduced by the federal Labor government, intentional wage or superannuation underpayment by employers is now a criminal offence. Employers who knowingly withhold payments due under the Fair Work Act or relevant industrial agreements or intentionally fail to meet their obligations are liable.

The administrators of Mr Aaron Hickmann's failed medicinal cannabis company revealed that, according to ATO records obtained through the Freedom of Information Act, the company employed nine people as of 30 June 2021. The ATO has lodged formal proof of debt for unpaid superannuation charges totalling $155,656, covering the period from 1 October 2019 to 31 December 2021. Naturally, questions arise regarding whether concerns about Mr Hickmann's business practices were flagged to the Premier before VAILO was awarded the Adelaide 500 race sponsorship.

The administrators also reported outstanding invoices, including one creditor owed $846,343 since 2020, which remains unpaid. The administrators' report identified potential failures by Mr Hickmann to exercise reasonable care, allegations of insolvent trading, unpaid statutory debts, breaches of good faith obligations and misuse of position for personal gain, including consulting payments without apparent benefit to the company and asset sales to related entities.

Last week, *The Advertiser* reported that the AFP and the Australian Taxation Office raided Mr Hickmann's VAILO offices in Adelaide and Queensland, a rare event given AFP raids have averaged only about eight per year over the last decade. The government claims ignorance on the reasons behind the AFP raid; however, sources have informed the opposition that last year Mr Hickmann was investigated for claiming over $1 million in tax rebates at BBS Pharmaceuticals for fraudulent research and development activities that never occurred. The question remains: when has the Premier been made aware of this?

Furthermore, sources have advised the opposition that the tender process for AV equipment awarded to Mr Hickmann's VAILO company is questionable. They claim the contract awarded to VAILO was much more than the market price, which allowed the government to finally secure a naming rights sponsor for the event. The glaring issue is that the secured sponsor funds the sponsorship with an overpaid government contract. It is no wonder the Treasurer refused to provide information on the contract when asked, and I quote the *Hansard*:

> Mr COWDREY: Given your knowledge of the contract and how it [is] put together, are you able to advise as to whether the contract was back-ended [or] whether any cash component was required by the naming rights sponsor to be provided to the government in the first year of the contract?
>
> The Hon. S.C. MULLIGHAN: I do not have any knowledge of that contract, so commensurate with my lack of understanding of it, I cannot provide [any] advice, but my assumption is that [the] naming rights sponsor usually provides a cash component in order to secure that right. If that is not correct, I am happy to bring back a correction to the committee.
>
> Mr COWDREY: Are you happy to take [that] on notice [as] there was a cash component taken on the first year of the contract?
>
> The Hon. S.C. MULLIGHAN: No, I am not happy to take [it] on notice. These sorts of sponsorships—
>
> Mr COWDREY: Well, that is what you just did.

South Australian taxpayers deserve answers from the Premier and his government regarding these serious matters.

GURPURAB CELEBRATIONS

The Hon. R.P. WORTLEY (15:46): The Sikh community displays the spirit of unity and selfless service throughout the celebration of Gurpurab. The community gathers throughout all the temples, called Gurudwaras in South Australia, to celebrate the birth of Guru Nanak Dev G and recall his teachings of keert ka-ro, which means earn an honest living, naam japo, praise and thank the almighty, and vand shak-o, share everything, whether big or small. The celebration is occurring all around the world, involving tens of millions of Sikhs participating.

The Gurudwaras practice langaar, this is the practice of serving free meals regardless of a person's background, religion or status. This act of service represents the inclusiveness we all strive for in a multicultural society. I have attended many Gurudwaras during prayers and I have seen firsthand kitchens in operation, and some of these are like a military operation. They feed not only members of the Indian community or the Sikh community, they feed anyone who comes through the doors. I have often seen homeless people being fed there and neighbours of the Gurudwaras enjoying a meal there at the hospitality of the Sikh community.

I would like to recognise their contributions across many sectors, ranging from health care and business to public service and education, and many other sectors. During the COVID era, the Sikhs stepped up to the plate and provided support for many members of the Indian community who were here on visas, international students who could not get back home and who were denied support by the then Liberal government, which just allowed these people to squalor, very often without money and a place to live.

The Sikh community got together and made sure the Sikhs were fed and also provided accommodation, where required, and any other support, including mental health support, which many of these poor Indian students and the like were suffering from during that quite long period.

Let us remember the teachings of Guru Nanak Dev G as we celebrate Gurpurab. Members from each of the Sikh temples in South Australia will come to Parliament House today to celebrate Gurpurab. They come from the city, they come from the suburbs, as well as from regional areas to commemorate this event with us. I would like to acknowledge each of these and pay respects to those who will be in attendance for tonight's celebration. They are:

- Gurdwara Sarbat Khalsa Adelaide in Prospect;
- Guru Nanak Darbar in Allenby Gardens;
- The Sikh Society of South Australia;
- Gurdwara in Glen Osmond;
- Gurdwara Sahib in Modbury North;
- Gurudwara Dashmesh Darbar in Virginia;
- Gurudwara Sahib in Two Wells;
- The Riverland Singh Society Gurudwara in Glossop;
- Gurudwara Sri Guru Teg Bahadur Sahibji in Renmark.

Myself and the member for Torrens, Dana Wortley, have long been holding celebrations to commemorate this very important occasion. This year it is the 556th birthday of Guru Nanak. We hold a very significant religious celebration in the Balcony Room, and the Sikh come there to celebrate this very auspicious occasion. We were the first parliament in Australia to hold these celebrations for the Sikh community, and I understand that, since we started, a number of other parliaments have started the practice also.

I extend warm wishes to everyone celebrating Gurpurab today, whether they are here in Parliament House, elsewhere in South Australia or around the world. There has been a relationship with the Sikh community for quite a long time. Back in the early part of the last century, during the First World War, Sikhs were there to support Australian soldiers during the Battle of Gallipoli. They used to go out during the battles and pull in and rescue young Australians and bring them to safety. Without their support, many thousands more Australians would have perished during that conflict.

Once again, I would like to congratulate the Sikh community on their very special occasion. I look forward to celebrating this occasion tonight with them.

Motions

WOMEN'S SUFFRAGE ANNIVERSARY

The Hon. R.B. MARTIN (15:51): I move:

That this council—

1. Acknowledges that in 2024 we mark 130 years since the passage of the Constitutional Amendment (Adult Suffrage) Act 1894 through both houses of the South Australian parliament, which saw South Australia become one of the earliest jurisdictions in the world to grant women the right to vote;

2. Recognises the crucial importance of access to full democratic participation for all citizens to the achievement of a fair, equitable and successful society; and

3. Reaffirms our commitment to upholding South Australia's long and proud tradition of national and global leadership in progressive democratic and social reforms.

This motion acknowledges that 2024 marks the 130th anniversary of women's suffrage in our state. The Constitutional Amendment (Adult Suffrage) Bill of 1894 was passed by the Legislative Council on 23 August 1894 and by the House of Assembly on 18 December 1894. This trailblazing reform saw South Australia become the first colony in Australia to extend this right to women. Our franchise was the most generous in the world at the time in that all adult women gained the right to vote without restriction by age or marital status.

The passage of the bill also made us, quite notably, the first jurisdiction in the world in which women were able to stand as candidates in state elections. So for neither the first time nor the last, South Australia led the world in our appetite for progressive reform. How women's suffrage got across the line is a story worth revisiting on an anniversary such as this one.

The conversation around women's suffrage, not only in South Australia but in many other parts of the world, began decades earlier. The needle moved in earnest here in 1861, when women who owned property and paid council rates gained the right to vote in council elections. But then progress stagnated. Women's suffrage was the subject of seven separate unsuccessful bills in the South Australian parliament between 1885 and 1894. During the near-decade of intervening time, the tide of public and parliamentary opinion was slowly turned by an exhaustive campaign effort.

Right across the colony, public meetings were held, lectures given, letters to the newspaper written and petitions circulated. Driving much of this activity was the Women's Suffrage League of South Australia, supported significantly by the Women's Christian Temperance Union; the trade union movement, in particular the Working Women's Trade Union; and the nascent United Labor Party.

The Women's Suffrage League had been formed in 1888 by a group that was helmed by the prominent suffragettes Mary Lee and Mary Colton. While the founding of the Women's Suffrage League is credited principally to these two women, there were many more people, including Catherine Helen Spence and other notable suffragettes, a few members of parliament and a number of religious leaders, who supported the league both in its establishment and in its activities.

The extensive work undertaken by the Women's Suffrage League and its allies to win hearts and minds over the years that followed its formation extended across every corner of the colony, including the Northern Territory. On 23 August 1894, their campaign culminated with the presentation of a petition in favour of women's suffrage to the South Australian House of Assembly. The petition was signed by some 11,600 men and women. The Women's Suffrage League had worked for years to put together what was at the time the largest petition ever presented to the parliament.

The ensuing debate in the two houses focused significantly on whether it was necessary or desirable for women to have the vote and whether women possessed the appropriate qualifications to competently exercise the right to vote. All was questioned, from their inherent temperament and suitability to be given the vote, to what damage their enfranchisement may present to their household as an institution, to whether in fact women possessed any interest in public affairs or a sufficient knowledge thereof to enable them to exercise informed participation.

To read the record of debate is confronting. Some of the arguments put forward by opponents of the bill in both houses are galling. Among those arguments was the idea that having the vote would corrupt women's gentle nature and even 'make them masculine'. One member suggested that a woman's proper role was in the household to 'adorn and assist her husband'. Another member even suggested that women did not need the right to vote because they were already skilled at manipulating their husbands into voting in accordance with their wishes.

The modern observer might well conclude that the single uniting principle underlying each of these arguments could have been nothing other than bare misogyny. Proponents of the bill recognised that autonomy and political empowerment are crucial to the delivery of justice and that the subordination of one group to another in decision-making is incompatible with this. Those who did not support women's suffrage, it was noted, ultimately could only decline to do so on the basis that women are inherently lesser, and indeed that seemed to be the barely concealed undercurrent in the contributions of some opponents who spoke against the bill.

One of the great anecdotes of this council's political history can be found in the fact that the bill's supporters in the Legislative Council were able to take advantage of the bigotry of some members opposed to deliver reform that went beyond what even its strongest advocates had anticipated. Various amendments to the bill were proposed during the debate, including but not limited to restricting women from voting in the House of Assembly and restricting the vote to women aged over 25. All the proposed amendments were defeated, until the final amendment.

The intent of the bill was only to extend the same voting rights to women that applied to men, not even the Women's Suffrage League had called for the right of women to stand for election. The bill, as introduced to the Legislative Council, therefore included clause 4, which proposed that women not be entitled to sit in parliament. An especially outspoken opponent of women's suffrage in the Legislative Council was a notoriously combative member called Ebenezer Ward. He decided to try to thwart the bill by moving an amendment to strike out clause 4, which would mean the bill gave women the right to stand for election.

Ward assumed that this would seem such an outlandish proposition, even to the bill's proponents, that it would be voted down. As the council divided on the striking out of clause 4, fellow opponents of the bill followed Ward's lead and voted to eliminate it. But Ward had miscalculated. Most of the bill's supporters also voted to strike out the clause.

The *Hansard* did not record Ward's reaction when, shortly thereafter, the bill passed, with clause 4 struck out at his instigation. Perhaps he still hoped the bill would collapse in the House of Assembly, but it did not. Their final vote was 31 for, 14 against. Ebenezer Ward thus became publicly known for facilitating the most generous political enfranchisement arrangements in the world for South Australian women. The enduring renown of his legacy is such that, in his Wikipedia article today, the personal details section reads: occupation, journalist; known for, accidently giving women the right to stand for parliament.

On the day of the bill's passage through the House of Assembly on 18 December 1894, a simple and elegant justification for women's suffrage was delivered by Frank Hourigan, a union leader and United Labor Party member for West Torrens, and he said:

> This bill has been supported by many honourable members on the ground that women are mentally equal to men; but I vote for it principally on the grounds of common justice. Women with men are held equally responsible for the due observance of the law, and therefore they should have an equal voice in making the laws they are called upon to obey.

Universal suffrage is the only means by which a true, just and equitable democracy can be undertaken. Today, very few in our community would question the moral and logical justifications for universal suffrage, but of course earlier in our history many people thought differently. The success of the Constitutional Amendment (Adult Suffrage) Bill and the enshrinement in our laws of women's right to vote was the powerful culmination of many years of tireless activism and advocacy by a great many South Australians, women and men.

We in modern South Australia would do well to remember that many of today's foregone conclusions were yesterday's hard-won political victories. I say this to remind those of us who play a part in the great project of steering our society forward towards a more fair and equitable future that being on the side of what is right and just does not guarantee the political winds will blow in our favour. To succeed requires that we strive and advocate consistently for change and that we make our case effectively to our communities to bring them with us on the journey.

South Australia has marked many proud achievements as a national and global leader in democratic and social reforms that have inspired the world to follow. It is woven into the fabric of our identity as a state. For those of us whose aim is to drive and progress such reforms, our resolve

should never waver. The strength of our commitment to the values we share and our determination to continue realising the aims that embody them must incite us to keep moving forward, crucially always together as equals. I am proud to commend the motion and I call upon all members of the chamber to support the recognition of this worthy and important anniversary.

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

THE HEADSTONE PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:01): I move:

That this council—

1. Acknowledges the importance of providing due recognition to those who served in World War I, and that The Headstone Project gives that recognition, respect and a sense of closure to World War I veterans' families;

2. Calls on the Malinauskas Labor government to support our fallen soldiers and provide funding to The Headstone Project at the requested amount of $75,000 guaranteed for three years; and

3. Calls on the Malinauskas Labor government to petition the Albanese federal government to reverse its previous decision and agree to grant The Headstone Project S.A. 'Deductible Gift Recipient' status.

I rise today to discuss the wonderful work done by a dedicated and skilful group of volunteers working in The Headstone Project. The Headstone Project came into being in 2010, when John Trethewey, a World War I researcher in Tasmania, discovered that some former service personnel were laid to rest in unmarked graves. The families and friends of the first AIF in Tasmania got together, and after eight years of effort, led by Andrea and Ron Gerrard, researching, finding families, planning, fundraising and erecting headstones, the group dedicated the last of 316 previously unmarked veteran graves in Hobart's Cornelian Bay Cemetery in December 2018.

This group was later supported by former Labor member of the House of Representatives representing the seat of Franklin, Mr Harry Quick, and it was both Harry and Andrea who back in 2016 took the trip over to South Australia to see how they could expand this important project. After discussions with Andrea and Harry and being inspired by the Tasmanian program, John Brownlie and Neil Rossiter developed The Headstone Project South Australia to mark the graves of World War I veterans with a prescribed military headstone to acknowledge their service to our nation in our state of South Australia.

This program has been successful in providing due recognition to those who served and providing comfort and closure to their families. It is speculated that there could be as many as 2,500 World War I diggers buried across South Australia, with an estimated 680 in unmarked graves. The volunteers search for World War I veterans throughout South Australia who have died and are buried in unmarked graves. After they conduct careful research and planning, the graves are marked with a prescribed military headstone to acknowledge those services to our nation.

Between 2018 and 2024, The Headstone Project received recurrent annual funding committed over two separate three-year funding agreements. This financial support has now ceased as it was not renewed in the recent state budget. The group has also attempted to secure a deductible gift recipient status to enable them greater ability to fundraise to cover the costs of marking World War I graves; however, it has been refused this status by the Assistant Minister for Competition, Charities and Treasury, the Hon. Andrew Leigh MP.

I have since written to the Hon. Andrew Leigh MP, and also unfortunately received a negative response, albeit recognising previous contact and the commendable work. Mr Leigh suggested that an application may be resubmitted. On 5 June 2024, the Hon. Frank Pangallo said in this place that:

> It was extremely disappointing to learn this week that the veterans affairs minister, Joe Szakacs, told the project they were unlikely to get the funding they are seeking to identify around 50 graves each year over the next four years. It costs about $1,500 per grave, which includes a headstone and a plaque. We are talking about a paltry $75,000 a year, yet the government can find millions of dollars for their pet bread and circuses projects.

Excellent words, the Hon. Mr Pangallo.

Many of the diggers who served in the First World War were laid to rest during the difficult times of the depression when funds would have been tight, and many families simply would not have had the means to afford a decent burial. This wonderful initiative, and the people who tirelessly work to find and mark the graves of the fallen, not only gives long overdue recognition, it gives closure to families.

Since 2016, the South Australian chapter of The Headstone Project has installed 107 headstones; applied for and been responsible for the installation of 20 Office of Australian War Graves headstones; applied for and been responsible for the installation of 13 Centennial Park Garden of Remembrance plaques; and identified a further 411 veterans believed to be resting in unmarked graves, and who could be honoured with a headstone to recognise their service to our nation and, of course, to our freedom. That is a total of 167 veterans honoured, or in the process of being honoured, and given the remembrance they deserve, with 411 who deserve this same respect.

The Liberal Party acknowledges the sacrifice and commitment of all who serve, and who have previously served, our country. I am proud to say that this is now Liberal Party policy, that we have committed to supporting this project and the people behind it. If elected, a Liberal state government will fund The Headstone Project with $75,000 per year for three years as requested. We will also continue to work with the commonwealth in trying to obtain deductible gift recipient status, as it is the right thing to do.

It is a sad contrast to the moral and monetary commitment by the Liberal Party that the Labor Party had turned away from requests from The Headstone Project for funding until the candidate for the federal seat of Boothby Nicolle Flint and I wrote to the government requesting support for such a worthwhile project. Their response of a total of $20,000 per year for three years is well short of the amount of $75,000 per year for three years. While a token response to veterans and their families, it is at least something towards this wonderful project, and is better than continuing to shun the project as unfortunately Labor had done to that point.

Before I close my remarks, I want to pay tribute to a special individual I mentioned earlier, project volunteer Harry Quick, who quite suddenly passed away on 19 October this year while travelling here from his home state of Tasmania during the unveiling of Private Patrick Aloysius Byrne's headstone. Harry served The Headstone Project with a strong commitment, and his legacy of service will always be warmly remembered. Our condolences go to family and to The Headstone Project family in recognition of their loss.

I urge the Malinauskas government to step up in their support of this initiative and provide adequate funding that will enable the continuation of this valuable work and to petition their federal counterparts in the commonwealth to revisit the decision on deductible gift recipient status for The Headstone Project. With that, I commend the motion to the chamber.

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

NOT-FOR-PROFIT HOSPITALS

The Hon. R.A. SIMMS (16:10): I move:

That this council—

1. Notes that not-for-profit hospitals such as Burnside Hospital, Glenelg Community Hospital, North Eastern Community Hospital and the Stirling Hospital play a pivotal role in providing health care for local communities.

2. Recognises that these hospitals partner with local health networks to deliver critical services, playing an important role in reducing the patient load burden on public hospitals.

3. Notes that the new national standards introduced by the Australian Commission on Safety and Quality in Health Care, in particular standard AS4187 (now AS5369):

    (a) imposes tighter minimum requirements for health service organisations' compliance with reprocessing of reusable medical devices in health service organisations; and

    (b) will necessitate major multimillion-dollar infrastructure upgrades at some health service organisations to remain compliant.

4. Calls on the Malinauskas government to make available no-interest loans to community hospitals to allow them to undertake the necessary infrastructure upgrades to remain operational.

On 14 December 2023, the Australian Commission on Safety and Quality in Health Care introduced new standards aimed at better protecting patients undergoing surgery. The commission was tasked with reviewing licensing standards around hospitals, day procedure centres and clinics where cosmetic procedures were being performed. This followed a joint investigation between *Four Corners* and Nine newspapers, which found that doctors without specialist qualifications were operating on patients in privately funded facilities with serious hygiene and safety breaches.

The Greens, of course, welcome the more stringent standards that have been put in place; it is appropriate that that occur. But this does mean that many not-for-profit community hospitals will need to undertake extensive infrastructure upgrades in order to meet these standards, and that is going to put a significant cost burden on those hospitals.

The Glenelg Community Hospital, for instance, I understand requires $8 million to upgrade their sterilisation department to meet these new requirements. I understand that the Stirling Hospital would require in excess of $50 million to undertake major infrastructure upgrades, including resizing operating theatres and replacing the building's water filtration system. Their most pressing challenge is upgrading the ventilation system in their theatre and procedure rooms, which is estimated to cost half a million dollars.

As not-for-profit community hospitals, any surpluses made by these hospitals are automatically reinvested back into the hospital infrastructure, the equipment and staff, so these major infrastructure upgrades are beyond their normal annual expenditure, and they do not have the capital reserves required to provide for these infrastructure upgrades.

The private health sector in South Australia is facing increased pressure. It is not my role to advocate for the private health system, but what we are talking about here is a community hospital that provides a very important community service. The closure of local hospitals at a community level has put increased strain on the public system. Indeed, over the last decade rising costs for consumables, wages and services have compounded the challenges that these small hospitals face. Furthermore, revenue from health insurance has not kept pace with the true cost of care delivery.

Despite these challenges not-for-profit community hospitals play an important role in not only providing health care delivery to their respective communities but also in reducing the patient loan burden. I understand, for instance, that the Stirling Hospital partners with the Southern Adelaide Local Health Network to deliver critical services such as ear, nose and throat care, and this is a really important partnership.

I also note that in the last financial year, ending June 2024, the Stirling Hospital had a total of 4,212 patient admissions, including 3,315 day surgeries and 595 overnight stays. The Glenelg Community Hospital in the same period treated over 7,000 patients and works with SA Health on waiting list initiatives and care for special needs children for dental surgery.

These are hospitals that provide a vital community service, particularly, might I say, the hospital in Stirling. It operates in an area where there are not local hospitals. It is a critical service for that community, and its future hangs in the balance as a result of this new regulatory regime. The Greens are calling on the Malinauskas Labor government to make interest-free loans available to these not-for-profit hospitals so that they can undertake the necessary upgrades so that they can do the work that is required so that they can remain operational.

We are not saying 'give private hospitals a blank cheque'; we are talking about only three small community hospitals. This is a bespoke solution for those community not-for-profit hospitals so that they can remain operational. It would be easy for the government to make an interest-free loan available and to work with those hospitals to develop a repayment plan down the track, and so I do urge the government to consider this as an option.

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

Bills

LOCAL GOVERNMENT (ELECTIONS) (AUSTRALIAN CITIZEN AND COMPULSORY VOTING) AMENDMENT BILL

Introduction and First Reading

The Hon. F. PANGALLO (16:15): Obtained leave and introduced a bill for an act to amend the Local Government (Elections) Act 1999 and to make related amendments to the City of Adelaide Act 1998. Read a first time.

Second Reading

The Hon. F. PANGALLO (16:16): I move:

That this bill be now read a second time.

I rise to introduce the Local Government (Elections) (Australian Citizen and Compulsory Voting) Amendment Bill, a bill for an act to amend the Local Government (Elections) Act 1999 and to make related amendments to the City of Adelaide Act 1998.

The bill is very simple and seeks to align eligibility to vote in local council elections in South Australia, with federal and state voting eligibility, and to harmonise our local government voting with other jurisdictions, including Victoria, New South Wales and Queensland. At present, the broad categories for council election enrolment in South Australia are:

- residents;
- business owners;
- students (including international students);
- landlords;
- body corporates; and
- groups (also known as joint owners/occupiers of a facility).

Those, for example, who live in council A but own a business or own rateable land in council B are still eligible to vote in council B. This will remain the same. However, my bill amends the enrolment criteria so that all natural persons must be an Australian citizen to vote in a South Australian local government election.

This brings the voting eligibility criteria into line with the federal and state requirement to be an Australian citizen and ensures that only citizens determine the policies and procedures of local government. It protects local government elections from branch stacking or vote harvesting behaviours, such as actively recruiting non-citizens to become active in an electorate in which they happen to be temporarily living.

I have heard many stories similar to the allegations made by former Adelaide City Councillor Alex Hyde in his application to the Court of Disputed Returns to throw out the 2022 Adelaide City Council Central Ward election. Mr Hyde petitioned the court in December 2022 to declare the Central Ward election void, alleging illegal practices and voter harvesting contributed to his narrow loss.

The legal challenge came after the Electoral Commission rejected 23 ballots over suspicions they were not returned by the residents whose names were attached to the voting slips. It also came after a photo was published in *The Advertiser* on 1 November 2022 showing two men handling numerous ballot packs outside Vision apartments on Morphett Street. The photos became a significant piece of evidence in the case, with four CBD apartment blocks becoming the subject of an ongoing investigation by the Electoral Commission.

Electoral Commissioner, Mick Sherry, came under fire for his oversight of the election, apparently conceding that some of the additional oversight measures put in place to safeguard the poll were 'ad hoc'. I note here that Mr Sherry is still to produce his report on the 2022 council elections. This bill seeks to protect these scenarios from occurring in the future.

The second amendment makes voting in local government elections compulsory. We, in this place, often hear complaints about South Australian councils, particularly in regard to increasing rates, levies and charges imposed, planning regimes, and slow approval timeframes, so it is very important that we have input and involvement in local government elections.

I recently received complaints from two regional council areas about the extraordinary rise in rates that have been sent out to residents, in particular on Yorke Peninsula and also in Whyalla, where the councils there have changed the way that rates are determined. There are residents on Yorke Peninsula who have reported rate increases of 1,000 per cent—1,000 per cent—and in Whyalla the rates have gone up significantly.

I know that in Port Augusta people are furious at the level of rates that have now been imposed by the council there. But, as I pointed out, if you are going to whinge about what councils are doing and you want action taken, the best thing is to march to a ballot box and cast a vote. What this bill will do is ensure that people will have to do that in the 2026 elections or when that is actually called.

Local government has a huge impact in our communities in areas such as local government planning, development approvals, landcare, heritage production, the construction and operation of community facilities like swimming pools, sporting facilities and libraries, the maintenance of roads and services such as rubbish collection and waste management. We all benefit from the role local councils play so it is important, as citizens, that we have a say in who is elected to this tier of government.

Compulsory voting at the federal level was brought in by Alfred Deakin in 1915. We were one of the first countries in the world to adopt it. History shows that compulsory voting has ensured that government and opposition parties must consider the total electorate in policy formulation and decision-making. It has also ensured active participation and engagement in democracy in Australia, and I believe that we are richer for it.

My bill ensures that the very same conditions that apply in voting in federal and state elections apply to local elections, and it will be an offence not to vote without a valid reason. Voting in local government elections is compulsory in Queensland, New South Wales and Victoria. It is evident when visiting these states that they enjoy a hugely increased interest in their local government elections. The compulsory voting requirement has introduced a competitiveness to the process and a significantly increased voter turnout.

I believe it is very important that our local government elections have the same rigour and focus as they do in other jurisdictions. We have seen how non-compulsory voting elsewhere has turned out. It discourages voting and acts to disadvantage the already disadvantaged minority groups, the less educated or less literate individuals, and less engaged members of our society. It is important that their democratic rights and voices are heard at all levels of government.

Just a reminder of what happened in 2022: again, the voter turnout was extremely low. I think it was just over 30 per cent, and that is just not good enough. I now know that many local governments around the state and also the Local Government Association will see the benefits of having compulsory voting. I hope they get behind this legislation.

To ensure its functionality, the drafters tell me that due to the wording of the City of Adelaide Act 1988, the schedule amendments to that act are also required. As the Hon. Sarah Game highlighted in her question in this place last sitting week, and the bill coming to a vote today, issues with local government elections, their transparency and eligibility have been evident for some time. This bill seeks to address two key and critical enhancements: eligibility for and compulsory voting in local government elections. I hope members will support the bill, and I commend it to the council.

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

SUMMARY OFFENCES (TERRORIST ORGANISATION SYMBOLS) AMENDMENT BILL

Introduction and First Reading

The Hon. F. PANGALLO (16:26): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. F. PANGALLO (16:27): I move:

That this bill be now read a second time.

I rise to introduce the Summary Offences (Terrorist Organisation Symbols) Amendment Bill 2024. Earlier this year, parliament rightly passed legislation banning the display and use of Nazi symbols like the swastika and also the Nazi and/or fascist salute. Since that bill passed in South Australia, we have seen a 25-year-old self-confessed Nazi, Melbourne resident Jacob Hersant, become the first person in Australia to be sentenced to prison under the commensurate Victorian legislation for performing an outlawed salute. Hersant was sentenced to one month in prison, the maximum penalty being 12 months in prison, but he immediately appealed and was granted bail despite showing no remorse and saying he would do the same again.

The Nazi symbols legislation that now applies nationally was developed in response to the rise of far-right extremists in our midst wanting to disrupt our democracy and denigrate the democratic rights of those with opposing views and political beliefs. We need to protect our diverse, free and civilised society. Unfortunately, and perhaps with the benefit of hindsight, that legislation did not go far enough to achieve this; in fact, it has fallen well short of capturing other radicalised and angry elements in our society that have been evident since the early 2000s.

The world has witnessed a rise in terrorist organisations that have wreaked havoc on societies, causing significant loss of life, immense suffering and fear in our community. Who can forget the planes crashing into the World Trade Centre on 9/11 by Al-Qaeda when over 3,000 people from 78 countries, including Australia, going about their daily work, and first responders doing their duty, lost their lives. We must also never forget the 2002 Bali bombings, perpetrated by Jemaah Islamiyah that claimed over 200 innocent lives from 20 countries, including 88 Australians.

These same tensions and concerns have surfaced again in the year since the actions of Hamas on Israeli territory on 7 October last year. On that day, more than 1,200 men, women and children from more than 30 countries were slaughtered by Hamas, the largest massacre of Jews since the Holocaust. Girls and women were sexually assaulted. The depravity of Hamas' crimes is almost unspeakable.

Hamas also took 254 people hostage that day, including 12 Americans: four were murdered, four were released through an agreement with the United States but four remain in captivity in Gaza. There are also an estimated 97 other hostages who remain held in Gaza today. They include men, women, young boys and girls, two babies and elderly people from more than 25 nations. Who knows if these hostages are still alive?

We all mourn the death of every innocent civilian who died on 7 October and in the year since. Hamas attacks on 7 October unleashed a year of conflict with tragic consequences for the Palestinian people and renewed conflict and instability in the Middle East. We have seen a war erupt between Israel and terrorist organisations Hamas and Hezbollah in Gaza and Lebanon, and the Iranian backed Houthis in Yemen.

We have also seen an exponential rise in antisemitic behaviour and comment across Australia. Many Jewish people have been abused, threatened and marginalised. Many of our large institutions, such as universities, have since apologised for failing to protect Jewish students, but it is too little too late. The history of populist, divisive politics and a propensity to exclude 'the other' has shown that this kind of silence feeds social divides and erodes social cohesion.

Many Jewish people subject to personal threats still live in fear. Places of worship and private homes are being protected by increased security. For others, as proud Jewish Australian-raised singer-songwriter Deborah Conway so eloquently expressed in *The Weekend Australian* of 9 November, they and their voices have simply been 'cancelled'.

We must, as individuals and as a community, stand steadfast in the face of terrorism and violent extremism, including the sources of support and funding for groups like Hamas. Sadly, many of these actions, such as the protests on the steps of the Sydney Opera House and indeed on the streets of all our capital cities, have seen a sharp rise in the use of hate symbols, display of terrorist flags, insignia and public and published hate speech, reminiscent of the Nazi era.

These rallies, where the majority of those in attendance are peacefully protesting, have attracted hardcore radicals screaming racist hate and displaying symbols of that hate, including those of prescribed terrorist organisations. They include flags and Arabic text, which would not be immediately identified by Australian law enforcement authorities monitoring events out in public. The Australian government has listed 30 terrorist jihadist organisations which also include branches of Al-Qaeda, Islamic State, Al-Shabaab, Boko Haram, Hizb ut-Tahrir, Tahrir al-Sham and Jemaah Islamiyah.

We have also seen a huge increase in the brazen posting of hate speech and symbols in social media posts. News reports have captured the display of terrorist flags at protests, marches and the boycotts of events such as the recent Victorian defence industries trade show. Only last week, the vile but unreported defacing of the old synagogue in Adelaide's East End was brought to my attention. An inverted triangular section of the Star of David symbol on the heritage-listed building was smeared in red paint, which signifies death, violence and intifada against Jews and Israel. This is a race hate attack on our Jewish community, and strong laws are needed to stop this vile activity from spreading and becoming acceptable.

Most in the community would be unaware of the meaning of the use of red-coloured upside-down triangles. One prominent Adelaide activist, Ramses (Rami) Saaid, has made several hateful comments on the Facebook page of the Australian Jewish Association, aimed at chief executive officer Robert Gregory. On 9 July 2024, Saaid wrote:

> lmao—

which is the acronym for 'laughing my arse off'—

> get Hamas'd Zio bozos.

'Zio' is Zionist, obviously. This was followed by three red triangles of the kind that prescribed terrorist organisation Hamas uses to identify targets for attack. On 11 July he wrote, 'Long live the Intifada.' The intifada refers to a wave of terrorism and violence directed at Jewish Israelis that left many dead. He further wrote, 'I'd like the violent eradication of Israel.' On 25 July he wrote, 'F**k Zionism and Zionists. Mr Gregory, I promise we're coming for you.'

Let me be clear, these are events and actions that have taken place on Australian soil. Police report that not only have these actions taken up an inordinate amount of limited police resources and cost to the public purse, but police themselves are relatively powerless to do anything about it. They have reported that they cannot confiscate flags; they can only ask people to cease displaying them, and there is little they can do if this is refused. They note that there are jurisdictional issues and demarcations between federal and state laws that blur the lines. As one refugee who arrived in Australia six years ago commented to me recently:

> I was in a refugee camp for four years, I fought to escape terrorists, to live in a democracy free of fear and intimidation, and now I stand under the Australian flag, and that way of life is under threat in a way I could never have imagined.

As an advocate for a society that values safety, respect and the principles of a free and democratic nation, this bill proposes two crucial elements that I believe are essential to uphold these values. The first is the banning of symbols and flags of prescribed terrorist organisations. The insidious influence of terrorist organisations extends far beyond their acts of violence. Their symbols and flags serve as powerful tools of recruitment, propaganda and intimidation. These symbols are not merely representations; they are potent instruments used to spread fear, division and hatred. By allowing the public display of such symbols, we inadvertently legitimise the ideologies and agendas of these abhorrent groups.

I suspect that, like many Australians, I had no idea of the significance of many of the terrorist flags I have seen displayed in protests, marches and social media in recent times. I do not speak the languages depicted, and I see now how ignorant I was about the dozens of different terrorist flags and insignias that have been carried and displayed.

I am very grateful for the generous explanations I have been given by experts in the field as to the over 30 prescribed terrorist organisations and their specific flags and insignias. We risk

normalising their presence in our communities, desensitising ourselves to their destructive potential and emboldening those who seek to undermine the very fabric of our society.

A ban on these symbols is not an infringement on freedom of expression. It is a necessary step to protect our communities from the toxic influence of extremism. It is a safeguard against the normalisation of violence and the erosion of social cohesion. By taking decisive action against these terrorist organisations and their propaganda we can work towards a safer and more peaceful world.

Element No. 2: penalties for burning national flags in public at protests. The act of burning a national flag is a deeply disrespectful and provocative act. It is a deliberate attempt to incite division, hatred and discord. It is an affront to the values and principles our flag represents: unity, diversity and the sacrifices of countless generations. While we must uphold the right to peaceful protest, this right does not extend to acts of vandalism or desecration.

Burning a flag is not a legitimate form of expression; it is an act of defiance against the nation and its people. I know that witnessing the burning of an Australian flag strikes terror into my heart and no doubt into the hearts of all Australians. By imposing penalties for such acts we send a clear message that our national symbols are to be respected and not disrespected.

We reaffirm the importance of civility and dialogue in addressing grievances, rather than resorting to destructive and divisive tactics. Some may argue these measures are infringements on civil liberties. However, I contend that true freedom is not the absolute right to say or do anything, but rather the right to live in a society where our safety, security and sense of belonging are protected and the rule of law prevails. Violence and terrorism cannot be allowed to threaten our wonderful country. Outlawed terrorist organisations cannot be allowed to take advantage of complacency on our part.

In conclusion, I urge you all to support these measures. By banning the symbols of terrorist organisations and penalising the public burning of national flags, we will take significant steps towards creating a safer, more harmonious and more united Australia. Let us not allow the forces of division and hatred to erode the values that have made our nation great. Let us come together united under our Australian flag, which stands for the values we hold so dear to our way of life and for which our forefathers have fought so bravely to uphold. Let us stand together in defence of our shared future. I commend the bill to the chamber.

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

Motions

WHALERS WAY ORBITAL LAUNCH COMPLEX

The Hon. T.A. FRANKS (16:43): I move:

That this council—

1. Notes that Whalers Way, located on the southern tip of Eyre Peninsula, is home to a number of threatened, endangered and migratory species including the southern emu wren and southern right whale, as well as the Mallee whipbird;

2. Acknowledges that the Southern Launch Whalers Way Orbital Launch Complex poses a significant risk to this protected habitat and the species that depend on it; and

3. Calls on the Malinauskas government to respect the evidence as well as the wishes of community and environmental groups from across the state and to safeguard this nature sanctuary and commit to 'zero extinctions' as a matter of priority.

There are many intractable issues with the Whalers Way Orbital Launch Complex—enough for many of those in the community to have concluded that it would not go ahead. Yet, here we are: we have seen in the past weeks a federal green light and a state waving it through. While there is some way to go, the Greens will continue to fight alongside those members of the community and the environment sector, and those who care about tourism and the local aquaculture, to stop South Australia putting space in the wrong place.

Whalers Way is the wrong place for space. The land at Whalers Way lies in a conservation zone, with a visitor experience subzone and a state significant vegetation overlay. The impacts on

our endangered species and our native vegetation alone should have been enough to stop the Whalers Way declaration in past weeks.

Whalers Way contains a heritage agreement and numerous federal and state-listed endangered fauna and flora species. Perhaps the best known of course, and the best example for this afternoon, is the southern emu wren, which is literally on the brink of extinction. There are fewer than 500 left on Eyre Peninsula. Compare that with the efforts that we see in our world going into saving, say, the Sumatran tiger. There are believed to be fewer than 500 left of those in the world and there is a worldwide effort to stop that looming extinction. We should be seeing a similar effort in South Australia.

Disturbance from human beings is, of course, the greatest threat to the raptor species that call Whalers Way home. We know this because the National Parks and Wildlife Service has released a recovery plan for both the eastern osprey and the white-bellied sea eagle, two important raptor species, and the government should know this. Indeed, it was Minister Close herself who signed off on that.

The question must be asked when we are talking of having a new biodiversity act: what level of species extinction is this state actually prepared to accept? Perversely, Southern Launch has stated in their own words that:

> …there would be minimal disturbance to birdlife beyond a 'startled response', where birds left the area during the launch noises but–

apparently—

> returned soon afterwards.

That is fanciful. American studies across a wide range of species have demonstrated quite conclusively that birds are detrimentally impacted by noise. It changes their reproductive patterns and it causes them to abandon nests. Our own National Parks and Wildlife Service also recognises this.

The Native Vegetation Council branch has calculated that the SBE payable for the clearance of native vegetation for this project at the overall SEB requirement calculated by Southern Launch for this project currently stands at $915,078.45. That is close to a total of $1 million, and if you add the admin fee it probably does get very close to $1 million. Given the paltry sums that are attached to clearing native vegetation in this state, an assignation of an amount of almost $1 million says a lot about the quality and quantity of the native vegetation on this site. It should be genuinely protected.

The bushfire risk needs to be considered. Whalers Way lies in a high bushfire risk zone with numerous integrated extreme bushfire risk sectors and frequent high winds. We know that there has already been one fire caused by a rocket launch at this site. To put at risk the lives and homes of the nearby residents, as well as the endangered native vegetation and the species that rely on it, is utterly outrageous.

No doubt, like so many others who develop in high bushfire risk areas, the proponents will request permission to undertake further clearance in order to supposedly make the area safe after the inevitable bushfire that will likely be caused. In that case, that would mean vast stretches of old growth mallee forest, some parts of which have never been grazed and have not been burnt since European settlement.

All this when it is glaringly obvious that the best way to keep this area safe would simply be to keep the highly flammable fuels and extremely combustible materials out of the way by situating the complex somewhere else. But, as the developer states:

> Initial firefighting capabilities during rocket launch attempts will be augmented by local Country Fire Service (CFS) crews…There will also be a fire truck on site during launches.

I take cold comfort from that particular one. Why should the CFS—local volunteers—be putting their lives at risk to control fires started by a completely unsuitable development activity being run by a for-profit corporation?

The impacts on tourism have not yet been addressed by this state government. Whalers Way would be closed for extended periods of time both sides of their launch events, that is, if those

launch events actually occur. With some 36 launches planned annually—and we know often they get cancelled—it would likely result in almost full closure of that area of our state, of what is a beautiful and incredibly valuable part of our state's tourism-based economy.

The impact on the tourist economy in this area has not yet been assessed, as was required to be done in the EIS, but would no doubt be significant, given that the coastline of Whalers Way and Lower Eyre Peninsula has been independently identified as having the highest amenity value of all the coastlines in our state. I refer members to the Tourism South Australia stats, and also their own words, that: Eyre Peninsula is perceived as a hidden gem of South Australia; total overnight expenditure for the year ending December 2023 was $441 million; 2,100 jobs are provided directly by the tourism industry, and total employment impact is 2,900 people.

The loss of these natural assets would be devastating, not only because of the loss of the asset itself but also the loss of regional jobs. There are far more indirect and direct jobs at stake here in tourism and associated industries should this complex go ahead than they would employ, and I ask you: what is the prospective and priority of this state to put a for-profit company before our precious assets and, indeed, our local community and jobs?

I asked a question in this place of the Minister for Climate, Environment and Water about what the water impacts will be, and we have long talked in this place about the fact that Eyre Peninsula and this area is confronting a crisis. Indeed, we know that the Uley Basin is at 'breaking point' and Eyre Peninsula is running out of potable water. We know that we cannot keep extracting from the Uley Basin, and yet it remains unanswered where the water will come from for this proponent's projects, those 36 launches a year.

If you are wondering how on earth we can let a region that is already under significant water pressure for their own ongoing water supply allow an industry proponent to pursue a water-guzzling exercise that is likely to cause bushfires, put in peril our precious species and hurt tourism in the process, then you are not alone. The Greens stand with those such as the Australian Conservation Foundation, the Eyre Peninsula Environmental Protection Alliance, BirdLife, and so many more who will be fighting the decision to put space in the wrong place at Whalers Way. There has to be a better way, and the Greens will continue to raise in this place, and with the community—both locally and I am sure globally—to fight this stupid decision of the state government.

I understand that the state government has put a lot of provisos into its support so far, but so far they have also been prepared to take the word of the proponent—untested quite often—when many in the community and many in the environmental sector have proved time and time again those promises to be flawed, to be half-truths and to be unkeepable.

With that, the Greens call on the Malinauskas government to respect the evidence as well as the wishes of the community and environmental groups from across our state, and when they say that they support our future to actually commit to zero extinctions and to actually commit to finding a solution here that puts space in the right place and protects Whalers Way. With that, I commend the motion.

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

AUSTRALIAN RED CROSS

The Hon. R.B. MARTIN (16:54): I move:

That this council—

1. Recognises that 2024 marks the 110th year of the Red Cross in Australia;

2. Acknowledges the significant humanitarian assistance provided by the Red Cross to some of Australia's most vulnerable people over the last 110 years; and

3. Commends all past and present Red Cross employees, members and volunteers for their service.

Celebrating the milestone of 110 years in 2024, the Australian Red Cross is an impartial and independent humanitarian aid organisation and community services charity whose broad mission is to reduce human suffering. With its history extending back to 1914, the Australian Red Cross is our national society. It is our representative to the International Federation of Red Cross and Red Crescent Societies and part of the International Red Cross Movement.

One of the most well-known roles the Red Cross plays is in supporting disaster and emergency response and preparedness both within Australia and internationally. As part of the largest humanitarian network in the world, with a local presence in almost every country on earth, they support locally led humanitarian action and support through community services. They embrace collective impact and they are a very visible pillar within an interconnected global landscape of organisations.

The Australian Red Cross began when a federated branch of the British Red Cross was established in Australia only nine days after the start of World War I. The person behind its establishment was Lady Helen Munro Ferguson, an activist, a noted orator and speechwriter, and the wife of Australia's sixth Governor-General. She wrote to the mayors of every municipality in the nation asking them to establish a local branch. The uptake was remarkable, with the organisation growing to well over 300 branches within only months.

Local Red Cross branches played a significant role in domestic activities around the war effort, including organising home front activities like producing socks and bandages. The Australian Red Cross Society sent a team of civilian nurses to France, and the Red Cross Information Bureau was established in 1915 to coordinate information gathered on the war's casualties beyond what was provided by the armed forces.

The organisation's contribution to the war established a strong reputation with the broader Australian community and helped set it on the path to becoming the trusted and respected institution that it is today. The Australian Branch of the British Red Cross Society changed its name to the Australian Red Cross Society and was incorporated by royal charter in June 1941.

From supporting bushfire-affected communities to providing assistance to the sick and wounded during times of conflict, the Australian Red Cross has done it all with dignity, efficacy and purpose. They have enjoyed strong community support and robust volunteer participation throughout their history. All Australian Red Cross programs are primarily run, organised and managed by volunteers, with oversight by Red Cross employees.

Today, volunteers are organised into three different streams, each of which responds to different community and global needs. Community volunteering is the avenue through which is provided support domestically and locally—for example, for people experiencing homelessness, mental health, migration, youth, the elderly and people engaged with the judicial system.

Emergency services volunteers provide support through urgent response programs. These include aid for people in evacuation centres, door-to-door support following a flood or bushfire, or monitoring the status of missing persons after disasters through the organisation's Register.Find.Reunite platform. Volunteers across retail, customer service and administration include those who volunteer at the Australian Red Cross shops, which help fund the organisation's services, and in key administrative positions that help to keep the organisation running.

Red Cross's own data shows that 2.5 million people have in some form or another volunteered with the Australian Red Cross since its inception. That is a truly impressive number of people. They are people who demonstrate genuine empathy for others and a strong dedication to their cause by delivering what is needed when it is needed most.

International humanitarian law quite rightly protects aid workers who are providing assistance to those impacted by conflict. In such situations the symbols of the Red Cross, which are the red cross, the red crescent and red crystal, indicate that the person, building, vehicle or equipment displaying the emblem is not part of the fight but is providing humanitarian assistance. These highly recognisable symbols are beacons of hope, sometimes amid widespread desolation, for those who are impacted by conflict and disaster, and to all people the symbols are a reminder that we should act to care for one another in times of need.

Another important contribution of the Australian Red Cross is to deliver aid and services to people who are displaced or vulnerable due to becoming refugees or seeking asylum. This includes people who are in immigration detention. Once refugees and asylum seekers have arrived in Australia, and are in the process of settling here, the Australian Red Cross also provides support for

those who do not have access to commonwealth income to help them meet basic needs such as food, medicine and shelter.

The Red Cross also provides important assistance and support domestically to First Nations communities and people, aged-care residents, people experiencing homelessness and people who are in the justice system. Vitally, the Red Cross runs the Lifeblood blood bank in Australia. This is a crucial life-saving service that enables and encourages members of our community to donate blood and plasma, and even organs and tissues, for people who have been impacted by accident or illness.

Over the past 110 years, there has been much need of the services of the Australian Red Cross and, whenever such need has arisen, the organisation and its volunteers have delivered. To be able to rely on their steadfast presence and their dedicated assistance has been a crucial comfort and support to many people, often in times of unimaginable difficulty.

The organisation's broad mission to reduce human suffering can be seen in action through the aid and the services of its volunteers across the world at any opportunity. I recognise and commend the Australian Red Cross, its leadership past and present along with its members and many dedicated volunteers past and present, for all that they have done and continue to do for our community and for the global community. I commend the motion and call upon members to support it.

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

LOWER MURRAY

Adjourned debate on motion of Hon. N.J. Centofanti:

That this council—

1. Notes its concerns with the federal Labor government's plans to list the Lower Murray as a threatened ecological community as part of the Environment Protection and Biodiversity Conservation Act 1999;

2. Acknowledges that previous South Australian Labor water ministers have rejected earlier proposals to include the Lower Murray in the Environment Protection and Biodiversity Conservation Act 1999;

3. Recognises that inclusion in the Environment Protection and Biodiversity Conservation Act 1999 will not provide greater environmental protection to species or habitats along the Lower Murray as species and habitats involved are already protected under that act; and

4. Notes that the inclusion of the Lower Murray in the Environment Protection and Biodiversity Conservation Act 1999 will only add more red and green tape to river communities.

(Continued from 16 October 2024.)

The Hon. T.A. FRANKS (17:01): I rise today to speak on behalf of the Greens to express our strong opposition to this motion. The federal bill seeking to list the Lower Murray as an endangered ecological community is important as it recognises the significance of the system in its entirety. That is, of course, indeed a situation where the whole is greater than the sum of the parts and, as we should all be aware, living in the driest state on the driest inhabited continent, there is much more to a river system than simply the river itself.

At a national level, the Lower Murray ecological community is a one-of-a-kind system because of its complex features and high levels of biodiversity. Wetlands, flood plains and groundwater all play increasingly important roles in the survival of the Murray River system as a whole. The health of a river is inextricably linked to the health of the ecological community in which it sits. Neither one of them can possibly function well when the health of the other is compromised, and this motion fails to recognise this.

From the confluence of the Murray with the Darling, all the way through the ecological community that exists where it finally flows out to sea here in South Australia, every single one of these areas—wetlands, flood plains, the river itself—is critically important. Forty-three per cent of the proposed listing includes one of Australia's most important wetlands: the Coorong and lakes Alexandrina and Albert Ramsar site, designated by Australia as a Wetland of International Importance under the Ramsar Convention on Wetlands in 1985.

The Leader of the Opposition in this place is correct that listing the Lower Murray as an endangered ecological community under the federal Environment Protection and Biodiversity Conservation Act, which I will refer to as the EPBC Act from now on, will not automatically confer on the innumerable species of animals and plants that depend on the Murray any greater protections. The point she misses, though, is that projects with the potential to impact this ecological community will need to be referred to the minister for a decision.

The basin plan alone is insufficient to protect the Murray as it focuses only on returning flows to the river. The basin plan does not have the remit to address any other problem currently faced by this ecological community. It can, therefore, have no impact on clearing, on controlling invasive species or on addressing the impacts of climate change or system-changing droughts, such as the Millenium Drought which, between 1986 and 2010, saw the Lower Murray verge on environmental collapse.

The ecological community is still recovering from the impacts of this drought and we know that as a result of this the impacts of the next drought will be even more devastating. All of this, clearing the control of invasive species, and climate change continue to significantly impact the Lower Murray. Further to this, the basin plan has encountered various difficulties in its implementation, to the extent that the Productivity Commission found in 2023 that there had been 'little progress'.

The listing of the entire ecological community means that the extent of the ecological challenges in their entirety will be better protected. It is worth noting that this is not the first time that this ecological community has been listed. The last time was under the Labor government in 2013. That listing, which has been well received by many across the country, was reversed only four months later by the newly elected Coalition government. The decision to delist it was very well received by the National Farmers' Federation and the National Irrigators' Council, who had lobbied for this on the grounds that there were already other instruments in place to protect the river, such as the basin plan and various water resource plans at a state level.

Their singular focus remained on their wants. The prospect of cheap water saw them prioritise alleged reductions in so-called red tape over the long-term health of the river, and the broader ecological community that it supports. Here we are again: the Liberal Party seems to be playing to the tune of those vested interests.

While processes such as this are often challenging to work through, the threat to the status of this ecological community is grounded in evidence, and the threat to this community is no minor thing. Indeed, the Threatened Species Scientific Committee has tentatively indicated that the Lower Murray should be cited as critically endangered. Critically endangered means that the risk of it collapsing completely is extremely high. The Lower Murray river regulations, overextraction of water, flood plain clearing, and the introduction of invasive species have severely impacted the system. This means the loss of wetlands, billabongs and swamps, as well as vegetation, and communities that depend on the water that comes with a thriving and naturally flowing river system such as the Murray.

Multiple native species that play key functional roles in the health of the ecological community have been significantly impacted by the continued demands for water that we have placed on the Murray for far too many years. Important processes have been disrupted resulting in conditions that favour invasive species, break connections between parts of the community and increase salinity which results, of course, in the loss of trees. The longer we take to address the decline of this community, the greater the risk that it becomes increasingly difficult or even impossible for it to recover and survive.

This motion is based on an ill-informed view of the EPBC Act. There is, of course, more to listing an ecological community such as this under the act than referrals of developments with the potential to impact the community to the minister. Such listings bring other benefits in and of themselves. They raise awareness of the very existence of the ecological community and of the threat it faces. Listing means that natural resource management initiatives and on-ground management and recovery initiatives can be supported and prioritised by governments. Weeds, erosion, salinity and pests can all be managed through recovery initiatives. Healthy soil, clean and

healthy water, natural carbon storage and, importantly for our agricultural sector, future water allocations are all supported and strengthened through recovery initiatives.

Additionally, these initiatives can all help provide local jobs, retain young people in regional communities and help to ensure the survival of these vital communities. Vegetation communities such as fringing reeds and sedges, river red gum forests, which depend on flooding, and river red gum woodland, which can tolerate flooding as well as various types of shrubland—lignum, river saltbush chenopod, low chenopod, samphire, lower and black box woodland—all these vegetation types support specific fauna and all of them depend on regular flooding.

Each of them plays an important role in the vitality of the entire ecological community. For millennia, Aboriginal Australians have cared for the Murray—Murrundi—and the ecological communities that depend upon it. For those people, when their totem is sick they, too, are sick. They support it being listed. I reflect upon that as we consider as well that there will be, I believe, government amendments to this motion.

The Greens could have made further amendments but our original position to oppose this motion outright is certainly not one that will prohibit us from supporting the Labor government amendments. We find that they vastly improve this very flawed motion. So the Greens will be supporting the Labor amendments to this motion and look forward to a time when we all come here with the health of our Murray in mind rather than the politics of water continuing to be played.

The Hon. S.L. GAME (17:10): I rise to support the honourable member's motion regarding the federal government's errant proposal to classify the Lower Murray as a threatened ecological community under the Environment Protection and Biodiversity Conservation Act 1999. As mentioned, this proposal might be well intentioned, although the more cynical amongst us might wonder whether it is another feel-good uninformed measure aimed squarely at getting a cheap headline and ticking the green-friendly box.

As outlined, this measure is unnecessary and could ultimately lead to several negative outcomes. It is unnecessary because Lower Murray species and habitats are already protected under existing legislation, including the Murray-Darling Basin Plan, which Labor has historically held aloft as some kind of holy green document. Adding a further layer of protection could complicate existing protection frameworks while adding a very real risk, that of creating yet another hurdle for developers looking to grow and enhance the Lower Murray region.

Approvals can already be too difficult, expensive and time consuming, so I feel strongly that adding extra unnecessary layers of red tape must be avoided wherever possible given our state's current growth mantra. I, too, call on state Labor to reject this federal Labor proposal and instead have faith in the localised environmental protections and solutions, which are more fit for purpose and effective.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:11): I move the amendment standing in my name:

Paragraph 1:

Leave out 'its concerns with'

Leave out 'plans' insert 'consideration'

Paragraph 2:

Leave out paragraph 2 and insert new paragraph as follows:

2. Acknowledges that the South Australian Department for Environment and Water (DEW) has written to the federal government outlining a substantial number of technical issues with the proposed listing;

Paragraph 3:

Leave out paragraph 3 and insert new paragraph as follows:

3. Recognises that inclusion in the Environment Protection and Biodiversity Conservation Act 1999 has the potential to affect river communities and should only be considered once all relevant information is available;

Paragraph 4:

Leave out paragraph 4.

The state government is aware that the Australian government released the draft conservation advice for the River Murray downstream of the Darling River and associated aquatic and flood plain systems ecological community on 2 September. The Department for Environment and Water is concerned about several technical inaccuracies in the draft conservation advice for the proposed listing and has advised the commonwealth accordingly.

It is considered that, until these technical inaccuracies are resolved and all the necessary information is made available, it is not possible to have a position on the proposed listing. The South Australian government will consider its position once these issues are resolved, although it is worth noting that we have no formal appeal rights in this.

Given what I have just outlined, the amendment would reflect that situation to simply note the federal Labor government's consideration to list the Lower Murray then acknowledge that the South Australian Department for Environment and Water has written to the federal government outlining a substantial number of technical points with the proposed listing.

Further, it replaces paragraph 3 to read that it recognises that inclusion in the Environment Protection and Biodiversity Conservation Act 1999 has the potential to affect river communities and should only be considered once technical points are addressed and all relevant information is available. We consider that this is an appropriate reflection of the current situation and notes important aspects that are to do with this particular matter.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:13): Firstly, I would like to thank honourable members for their contributions: the Hon. Tammy Franks, the Hon. Sarah Game and the Minister for Primary Industries and Regional Development, the Hon. Clare Scriven. I do note the Hon. Tammy Franks' assertions and make comment that the opposition makes no apologies for listening to regional and river communities and ensuring that our farmers, who produce our state's and indeed our nation's food and fibre, are not bogged down with excessive red and green tape.

I also note amendments to my motion, which have been recently circulated by the minister. I indicate that the opposition will not be supporting these amendments as I believe they substantially water down the firm intent of my motion, which is to protect our river communities to ensure that localised environmental protections are at the forefront when dealing with the Lower Murray.

I do hope that since the amendments brought by the minister are sort of loosely in line with the original motion, though not nearly as stringent, that we here in South Australia and those in our river communities will have the support of the state Labor government on this important matter, which will absolutely affect our river communities right along the River Murray from the border to the coast. With that, I commend the original motion to the chamber.

The PRESIDENT: I am going to work my way through the Hon. Ms Scriven's amendment. The first question I am going to put is that the amendment to paragraph 1 moved by the Hon. C.M. Scriven be agreed to. If you are supporting the Hon. Ms Scriven you will be an aye and if you are with the honourable Leader of the Opposition you will be a no.

The council divided on the question:

Ayes 10
Noes.....8
Majority 2

AYES

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

NOES

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

PAIRS

Martin, R.B.	Lensink, J.M.A.

Question thus agreed to.

The PRESIDENT: The next question I am going to put is that paragraph 2, as proposed to be struck out by the Hon. C.M. Scriven, stand as part of the motion.

Question resolved in the negative.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order! The next question I am going to put is that new paragraph 2, as proposed to be inserted by the Hon. C.M. Scriven, be so inserted.

Question agreed to.

Members interjecting:

The PRESIDENT: Order! The next question I am going to put is that paragraph 3, as proposed to be struck out by the Hon. C.M. Scriven, stand as part of the motion.

Question resolved in the negative.

The PRESIDENT: The next question I am going to put is that new paragraph 3, as proposed to be inserted by the Hon. C.M. Scriven, be so inserted.

Question agreed to.

The PRESIDENT: The next question is that paragraph 4, as proposed to be struck out by the Hon. C.M. Scriven, stand as part of the motion.

Question resolved in the negative; motion as amended carried.

GIG ECONOMY

Adjourned debate on motion of Hon. R.A. Simms:

That this council calls on the government to refer to the South Australian Productivity Commission the operation and impacts of the gig economy in South Australia, requiring the commission to investigate and report to the government on matters including:

1. The emerging nature, incidence, scope and complexity of the gig economy and in particular digital platforms that offer labour hire, rideshare, disability and aged-care services or a goods and services delivery function;

2. The extent to which workplace health and safety laws and regulations currently apply to digital platform businesses engaging workers as contractors, sole traders or employees;

3. Consider the role of workplace health and safety laws in creating a safe working environment for all South Australians with regard to the emerging ways of working in the gig economy;

4. The extent to which the Return to Work Act 2014 currently applies to digital platform businesses engaging workers as contractors, sole traders or employees;

5. The application of the Fair Work Legislation Amendment (Closing Loopholes No. 2) Bill 2023 (Cth) to South Australian legislation;

6. The taxation regime that applies to the gig economy at both a federal and state level, including the recent decision of Uber v Chief Commissioner of Revenue NSW;

7. Experience of other jurisdictions, whether that be in Australia or overseas to identify potential opportunities for reform to ensure that equitable arrangements exist for platform providers to contribute to the community in which they operate, including the potential for gig economy businesses to pay payroll tax; and

8. Any other related matters.

(Continued from 30 October 2024.)

The Hon. H.M. GIROLAMO (17:22): Firstly, I would like to thank the Hon. Robert Simms for bringing this motion to the chamber. Gig economy platforms, from ridesharing to freelance digital services, have transformed the way people earn a living. These platforms offer flexibility, job creation and opportunities for businesses to tap into a broader pool of talent. In South Australia, the gig economy is playing a vital role in stimulating local economies, supporting job growth and enhancing business innovation.

However, with these benefits can come challenges. The rapid rise of digital platforms presents complexities for governments striving to ensure that work health and safety laws, fair pay standards and protections for vulnerable workers and consumers are upheld. It is crucial that government legislation and regulation evolve as technology changes to meet the needs of this new economy. As these digital platforms continue to grow, we must ensure that workers' rights and safety are safeguarded and that employers and employees comply with industry standards.

This motion calls on the government to refer to the South Australian Productivity Commission the operation and impacts of the gig economy in South Australia. I have shown my support for important matters to be referred to the Productivity Commissioner previously, including the Hon. Ms Bonaros's motion to call on the Premier to refer to the South Australian Productivity Commission the matter of payroll tax in South Australia. Unfortunately, it seems the Premier has sat on his hands when it comes to this call, despite it being endorsed by this chamber.

My fear is that despite the result of this motion the Premier will do the same with this call. My fear is that the government does not want independent advice from any resource regarding economic policy because it will show how poorly their procurement practices, accountability and regulation really are.

Last week, the opposition, led by the shadow minister for infrastructure and transport, the Hon. Ben Hood, called on the Premier to commission a report on building and civil construction. This followed the Auditor-General's Report, which revealed that major government agencies, in particular the Department for Infrastructure and Transport, were failing to comply with basic contract controls and procurement requirements. Minister Koutsantonis's response was to deflect the blame, with no comment as to the Productivity Commission report.

In fact, during his two and a half years as Premier, Peter Malinauskas has only commissioned two inquiries from the Productivity Commission, zero reports and zero reviews. On a silver platter this government has been handed numerous tools, independent advice and economic development opportunities. Its response is to pull the wool over its eyes, denying itself and this state evidence-based economic growth opportunities. The opposition knows that, despite the result of the motion, the Premier has no obligation to commission this report. I welcome this government proving me wrong, utilising the Productivity Commission and to stop isolating itself from independent advice.

The Hon. R.A. SIMMS (17:26): I thank the Hon. Ms Girolamo for her contribution on behalf of the opposition. I had understood the government was supportive of this referral, so I hope the absence of a government speaker does not indicate a lack of interest in the issue. I note the honourable member's scepticism that the government will take this referral seriously. I have a different view; hope springs eternal for me. I think it would be very disappointing if a resolution like this were to pass the upper house and the government were not to take it seriously. It is my hope that they will take this seriously.

As I have mentioned previously in the chamber, members will be aware, this was one of the core recommendations that came out of the parliamentary inquiry into the gig economy, the inquiry initiated previously by the Hon. Irene Pnevmatikos. I stepped in mid-train to chair that inquiry and to see it through to its completion. This was one of the key recommendations: that the Productivity Commission should undertake this work.

We have had lots of debate about payroll tax in this chamber. There is an equity issue if gig platforms are able to potentially circumvent those obligations and are in effect getting a free kick that has been subsidised by fixed businesses. These are the sorts of issues the Productivity Commission should look at. I commend the motion and hope that if it passes the government will support the referral.

Motion carried.

PARISH OF PROPHET ELIAS NORWOOD AND EASTERN SUBURBS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:28): I move:

That this council—

1. Congratulates the Greek Orthodox Community and Parish of Prophet Elias Norwood and Eastern Suburbs for reaching the special milestone of their 65th anniversary in 2024, and the Greek Orthodox Archdiocese of Australia on achieving their 100-year anniversary in 2024;

2. Recognises that the Parish of Prophet Elias Norwood is the oldest Greek Orthodox Parish in the eastern suburbs of Adelaide, and has been servicing the Greek Orthodox community from the same church since its establishment;

3. Acknowledges that the Parish of Prophet Elias Norwood has been the convenor of the successful Annual Norwood Greek Festival since 2011;

4. Appreciates the Parish of Prophet Elias Norwood for their charity programs and philanthropic endeavours, particularly their compassionate fundraising and volunteering efforts to assist the poor and elderly;

5. Commends the Parish of Prophet Elias Norwood for preserving traditional Greek culture through their Greek Language School, the Official Dancing Group of Prophet Elias and by hosting various feast days of patron saints; and

6. Reflects on the many achievements of the Greek Orthodox Archdiocese over the past 100 years and the Parish of Prophet Elias Norwood over the past 65 years and their contributions to enrich multicultural South Australia.

It is a great honour to recognise in parliament today the 65th anniversary of the Parish of Prophet Elias Norwood and Eastern Suburbs, one of the oldest Greek Orthodox parishes in South Australia. This year also coincides with the 100th anniversary of the Greek Orthodox Archdiocese of Australia, making this a major year of celebration for the Greek Orthodox community of Adelaide's eastern suburbs and the Greek community around Australia.

The parish is the oldest Greek Orthodox parish in the eastern suburbs of Adelaide and has faithfully served the Greek Orthodox community from the same church in Norwood since it was established by the first executive committee in 1959. I know the former Premier of South Australia, former member for Dunstan the Hon. Steven Marshall, holds the parish of Prophet Elias Norwood with deep fondness and in highest regard. He absolutely loves the parish and the community that was so generous to him when he served as the local member for more than a decade.

I want to recognise and thank all the parish priests, presidents and committee members over these 65 years who have served and greatly contributed to the parish and to our state. The parish is currently led by Father Ioannis Choraitis, known affectionately as Father John. Father John took the long journey from Greece to Australia in 2012, when he arrived in Adelaide and first began serving as the priest of the Parish and Community of the Nativity of Christ, Port Adelaide. In 2022, he transferred to the Parish of Prophet Elias Norwood. In his time with the parish, he has quickly become the beloved leader of the community and is well known for serving with zeal, devotion, love and humility.

Father John also works collaboratively with the executive committee to further grow their strong community with the support of the parishioners. The executive committee is made up solely of selfless volunteers who assist in administrative work related to the church and community activities. I would like to pay tribute to the committee. It consists of president Mr George Morias, treasurer Mrs Andriana Karagiannis, secretary Mrs Maria Morias, and the other committee members are Stelios Drakoulis, Spiros Dimas, Alexios Papakostas, Poppy Kotzias, Maria Dimas and Christine Papanicolas.

The foundations of the community were first laid by the founding members from the first executive committee, all the way back in 1959. It is really important that I pay tribute to those founding members: founding president Anthony Kiosoglous, vice-president Emmanuel Stouppos, secretary Demosthenes Axarlis, treasurer Stylianos Langanis, John Kapetas, Anthony Patsalos, Savvas Mastrosavvas and Dimitrios Glavas.

Of course, community leadership is the foundation rock for success. I would like to also acknowledge and pay tribute to past presidents, including Anthony Patsalos, John Kapetas, Markos Milios, John Kiosoglous, Theodoros Langanis, Andreas Orphanou and Basil Taliangis. John Kiosoglous MBE, as many honourable members may know, has been a great community leader. He is recognised by many across multicultural communities because he served for 25 years as the chair of the Ethnic Schools Board. In 2016, I believe many parliamentarians actually honoured him in this place for his 25 years of service.

These incredible leaders, their devoted families and the community worked passionately alongside the parish priest, Reverend Myltiadis Chryssavgis to ensure that the establishment of the community and parish in the eastern suburbs became a reality. In order to convince the Archbishop Ezekiel that approval for the new parish be granted, over 1,500 signatures were collected from the Greek Orthodox faithful residents in the eastern suburbs of Norwood, Kent Town, St Peters, Kensington, Stepney, Rose Park, Maylands, Beulah Park, Magill, Stonyfell and Wattle Park.

On 24 July 1959, the archbishop visited Adelaide and met with the executive committee and others at the residence of the treasurer, where the archbishop gave verbal approval for the establishment of the community and parish. On 11 August 1959, the executive committee resolved that the church to be erected would honour and have as its patron Prophet Elias of Thesvis. Although the construction of the church would not be completed until the following year, the first liturgy service was held on 8 November 1959 in the Norwood Scout troop hall.

On 12 June 1960, the parish was able to hold its first service at the newly constructed church at 87 Beulah Road, Norwood, where the church still stands and serves the community to this day. As well as the church hall, the site also provides facilities for the Sunday school and Greek language community school, making it an important community hub and meeting place of both religious and cultural significance.

As part of their religious and cultural celebrations, the parish celebrates the feast of Prophet Elias each year on 20 July. This is a special day for the community, marked by a special liturgy service and procession with their holy icon of the Prophet Elias around the grounds of the church. The parish is also the convenor of the now famous and popular Norwood Greek Festival, which has become one of the largest Greek cultural festivals in the state. The festival was first established in 2011 by then parish priest Father Stavros Psaromatis and is based on the traditional Paniyiri festival in Greece.

A special tribute to Father Stavros, whom I have had the pleasure to have known well and worked with very closely. He certainly is one of the most significant, most generous and distinguished leaders, who has earned respect from the wider community of South Australia and also received many, many awards from political leaders of all persuasions.

In addition to the religious and cultural festivities, the parish is also well-known for their charitable work, as well as organising many fundraising activities. The parish is also a registered charity under the Australian Charities and Not-for-profits Commission. Their charity programs include visits to hospitals to see the sick, and retirement homes to support the elderly; the provision of a library facility and service for the local community by providing Greek and English books; teaching the Greek language from reception to year 12, including SACE stage 1 and 2; and the maintenance, preservation and improvement of the first Australian Hellenic Museum in Australia.

The parish also assists the community through the provision of information regarding Greek history, culture, language and dance to enhance knowledge, understanding and skills within the Greek and other cultural communities, as well as providing information regarding equitable access to government services. In addition to the community at large, there are two subgroups within the parish community that play a significant role in the charitable activities of the church. These are the ladies auxiliary, known as Philoptochos, and the youth group Norwood's Ark.

The parish also plays an important role in the preservation of traditional Greek culture through their Greek language school and the official dancing group of Prophet Elias. The mission of their Greek language school is to promote the Greek language and create a feeling of love for their culture and, most importantly, to generate a sense of pride for the Orthodox Christian faith and Hellenic heritage.

The school has classes for all year levels from reception to year 12 and is accredited for SACE stage 1 and 2 in Modern Greek Beginners and Continuers. With their highly qualified and experienced language teachers, the school provides small classes in each year level to ensure the success of interaction between students and teachers, and help students to develop an understanding that learning the Greek language helps them communicate, live and work successfully as linguistically and culturally aware citizens of the world.

In addition to the Greek language school, the parish also offers free lessons for traditional Greek dancing. The dancing lessons, serving the dissemination of Greek heritage, gives students the opportunity to experience a tradition through its three axes: dance, music and costumes. Students can also join the official dancing group of Prophet Elias where they practice more advanced dances and participate in festivals wearing the unique handmade Greek traditional costumes collected from various Greek regions. With great respect to the traditional values and cultural heritage of Greece, the Greek dancing school bridges the gap between the past and the future.

Once again, I would like to take this opportunity to acknowledge all the hardworking members of the executive committee, and the parishioners who volunteer their time and efforts to making the church a religious and cultural hub for the community. Places of worship like the Parish of Prophet Elias Norwood serve an important role in bringing together the community, teaching young people about their cultural traditions, their values, heritage and stories, and providing assistance and support to those in the community like the elderly, and those who need it most.

In conclusion, it is truly a great honour today to move this motion, and to reflect on the many achievements of the Greek Orthodox Archdiocese of the past 100 years and, of course, the Parish of Prophet Elias Norwood over the past 65 years, and their marvellous contributions to enrich multicultural South Australia. With those words, I commend the motion.

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

ADELAIDE ROLLER DERBY

Adjourned debate on motion of Hon J.E. Hanson:

That this council—

1. Acknowledges the world's largest roller derby tournament, The Great Southern Slam, was held in Adelaide between 8 and 10 June 2024;

2. Congratulate The Great Southern Slam operations committee and Adelaide Roller Derby league and board for hosting a successful 2024 tournament, which was also endorsed as the Women's Flat Track Derby Association's (WFTDA) Oceania Regional Championship;

3. Recognises the 775 participants from 45 teams who travelled from across Australia and New Zealand, and the 140 officials who travelled from across Australia, New Zealand and Europe, to compete in and officiate 68 games across the three-day tournament; and

4. Congratulates the Adelaide Roller Derby division 1 team (the Ads) on placing second in both The Great Southern Slam division 1 and the WFTDA Regional Championships, which resulted in them qualifying for a spot in the WFTDA global championships scheduled to take place on 1-3 November 2024, in Portland, Oregon, USA against 12 other international teams.

(Continued from 28 August 2024.)

The Hon. T.A. FRANKS (17:39): It is with great pleasure that I get up to support the Hon. Justin Hanson's motion drawing the attention of this council and indeed this parliament to the world's largest roller derby tournament, The Great Southern Slam. It was held in Adelaide between 8 and 10 July this year, 2024, and I had the enormous privilege of joining the Hon. Mr Hanson in viewing some incredibly exciting, exhilarating and entertaining action that weekend.

I echo the congratulations of The Great Southern Slam operations committee and the Adelaide Roller Derby League and board for hosting such a successful event. As they say themselves, The Great Southern Slam is worth all the blood, sweat and tears because it brings them all together to celebrate the best sport in the world. I thank them for their enthusiasm, their passion and, indeed, to quote them, some damn good outfits.

But it is more than just that: we also saw it as a seeding event for international competition, and I look forward to an update from the member who has moved the motion on just how they have gone in Portland at the beginning of this month in terms of the Adelaide Roller Derby division 1 team, the Ads, who placed second in The Great Southern Slam division 1 and the WFTDA Oceania Regional Championships, qualifying for that spot in Portland.

I know the Hon. Mr Hanson brought this motion to this place to raise awareness of what is a wonderful sport—an incredibly feminist, pro-woman, inclusive activity that is a hell of a lot of fun and certainly pretty frightening to watch at times—and in the same way that this nation got behind the Matildas I hope that this state parliament can get behind The Great Southern Slam in years to come. With that, I commend the motion.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:41): I rise on behalf of the Liberal Party to support this motion moved by the Hon. Justin Hanson regarding the Adelaide Roller Derby and The Great Southern Slam, which was held in Adelaide earlier this year. It has been fascinating. While researching the motion I went and looked at some YouTube videos, and it was really fascinating to learn about this incredibly energetic, competitive and very strategic sport that has been showcased.

Certainly, all South Australians should be very proud to learn that Adelaide Roller Derby made history in 2010 by hosting the inaugural Great Southern Slam, which united the roller derby community across Australia and New Zealand. The first tournament was a huge success, with skaters from 25 leagues competing in 37 tournament bouts and challenge bouts. Since then the biennial event has grown exponentially to become the largest competitive roller derby event in the world.

The Great Southern Slam was held at the Adelaide Showground, as other members have already mentioned, and featured 45 teams from across Australia and New Zealand. The event attracted over 775 athletes and hundreds of spectators over the June long weekend and is the centrepiece of competition in Australia. This year for the first time in history The Great Southern Slam was endorsed as the Women's Flat Track Derby Association's Oceania Regional Championships, with the first and second place winners of division 1 automatically earning a place in the WFTDA Global Championships.

I would like to convey my heartfelt congratulations to Adelaide Roller Derby division 1 team, known as the Ads, for placing second in The Great Southern Slam and the Oceania Regional Championships. I thank them so much for all their tremendous effort, and I wish them every success. I would also like to thank the honourable member again for bringing this motion and bringing this important sports event to our attention. I commend the motion.

The Hon. J.E. HANSON (17:44): In summing-up, obviously I would like to thank the honourable members, including the Hon. Tammy Franks, whom I know to be quite an advocate of roller derby long before I came to move this motion. Nonetheless, I would like to thank the Hon. Tammy Franks and also the Hon. Jing Lee. Trust me, next time we have a tournament I invite you to come along, Jing. It is quite the showpiece. If you think it is good on YouTube, turn up in person—it is something else.

Earlier this week, my office was in contact with Caitlin, one of the team members who led the Adelaide Roller Derby team, and they competed in the Women's Flat Track Derby Association Global Championships in Oregon earlier this month. Obviously, Caitlin had just returned from the US. Some of the team took the opportunity to stay over there with some of their new friends from the other teams, which is really great to hear as well, and were still touring around America, but she came back. She did give a quick update on how they went. They did win their scratch match against a team from San Francisco, which I think does them great credit. Certainly, from that they obtained quite a deal of valuable experience from the tournament.

I would also say that that really keeps in values with the underdog status that South Australia once again brings to the world. San Francisco are on notice and the rest of the world possibly next. While they did not win any of their official games during the tournament, they all had a tremendous time. Much like roller derby, it will come around again and when they do I am sure they will be even more fierce the next time. That is right, Mr President, round and round they go.

I am informed that, through their online campaign, the team raised just under half of their $10,000 target to get over there. I want to acknowledge my colleague in the other place the Hon. Nick Champion MP, member for Taylor, for his generous donation in support of some of his local constituents, and the members of the team who took part in the US tournament in addition to any honourable members here who might have also contributed.

I look forward to following the progress of the team and congratulate them on what was, regardless of the outcome at the global championships, an outstanding achievement. I know that they will continue to work hard to qualify once again and when they do, I too shall be back. Until then, I commend the motion to the council.

Motion carried.

GAWLER SHOW SOCIETY

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates the Gawler Agricultural, Horticultural and Floricultural Society, also fondly known as the Gawler Show Society, on achieving its remarkable milestone of 170th anniversary in 2024;

2. Recognises that the Gawler Show Society was first established in 1854 to provide a meeting place for the people of the agricultural district to trade and celebrate the crop, sheep and pastoral strengths of the region and today incorporates educational elements to ensure the history and integrity of agricultural shows is maintained and embraced by future generations;

3. Notes that the Gawler Show is Gawler's key tourism event, attracting more than 30,000 people each year and remains the largest regional show in South Australia;

4. Acknowledges that the Gawler Show Society is an active not-for-profit community-based organisation which reinvested over $75,000 into the local community over the last five years; and

5. Commends the president, management committee, society staff, patrons, life members and hundreds of volunteers for their hard work and dedicated efforts in providing outstanding services and hosting a world-class agriculture and entertainment show each year.

(Continued from 25 September 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:48): I am sure that it will come as no surprise that I rise today to offer my support for this motion celebrating a much-loved country show. The Gawler Show, as it is known to most, is South Australia's largest regional show. The Gawler Agricultural, Horticultural and Floricultural Society has a rich history rooted in supporting agricultural achievements and community engagement in the town of Gawler and the surrounding district. Since its inception, it has grown substantially in both size and prominence.

Established in 1854, the show initially served as a hub for the agricultural community in the Gawler region through both the good years and the challenging years. The primary aim was, and remains, to provide townspeople with a venue to gather, to celebrate and to engage in trade. The society's first event showcased the region's strengths in crop production, sheep rearing and other pastoral activities.

The founding committee comprised esteemed local figures, including several town council members, who recognised the value of hosting a significant festival for the area. Over the years, the society has expanded, attracting a growing number of competition participants and attendees, which has increased its influence and popularity not only within the Gawler community but across much of the state.

Today, the Gawler Show is Gawler's premier tourist event, drawing over 30,000 attendees for a weekend of entertainment, local food and good fun. Supported by a dedicated volunteer team,

the Gawler Show has become a testament to the spirit and values of country life, continuing to grow in strength and popularity.

I would wager, Mr President, that when the first show of the Gawler Agricultural, Horticultural and Floricultural Society was planned they would never have imagined that 170 years later there would be an entertainment card with the likes of Lil'Star K-Pop Dance Group or rock band Heatwave performing on a commercially sponsored main stage. More familiar, and a tradition which continues to this day, would be the grand parade of livestock and the choir performance of local schools.

Like all country shows, agriculture continues to play a major role in Gawler. It is an area which I know the society's committee promotes heavily and spends a deal of energy on engaging agribusinesses to become involved in ag-learning programs. This is important for succession planning in the sector and encouraging a new generation to get involved in our state's food and fibre production.

The onsite Agriculture Learning Centre is mostly coordinated by local high school students and teachers who volunteer their time, and I just want to congratulate all of those people involved. Also big congratulations to the society president, Isaiah Tesselaar, who I met last year at the Country Shows Australian Conference, and his entire team of helpers. They have one of the strongest country show volunteer committees in the state and have earned every right to be proud of their efforts.

My family and I have been to the Gawler Show held at the showground on Nixon Terrace several times. We love the atmosphere of a country show and exploring the best that regional South Australia has to offer. My kids and I love viewing the entries for the competitions in arts, handcrafts, food and preserves, even spotting the entries in the past from my blue ribbon winning colleague the member for Chaffey, Mr Tim Whetstone. We love the show rides and show bags, the market stalls, the activities, the entertainment and so much more.

Once again, big congratulations to the Gawler Agricultural, Horticultural and Floricultural Society for their 170th anniversary, and I commend this motion to the chamber.

The Hon. S.L. GAME (17:52): I rise to add my support to the honourable member's motion congratulating the Gawler Show Society on the occasion of its 170th anniversary. As mentioned, the Gawler Show is a major and much-loved event for the local community, attracting massive numbers and being regarded as the state's largest regional show.

This not-for-profit, volunteer-driven organisation does an amazing job staging this event each year, as my office witnessed firsthand last month when we attended the 2024 show. My friendly team members gave away 1,500 balloons and 300 colouring in competitions at this year's Gawler Show and were blown away with the event itself.

In addition, we enjoyed plenty of worthwhile conversations and gleaned some important, hyper-local information from attendees. I too congratulate the show on its history of philanthropic endeavours and its important educational role. Rising insurance costs in particular are threatening the sustainability of some country shows, and I look forward to learning more about these challenges and exploring ways that we, as a parliament, can help address this situation.

In the meantime, congratulations to all involved in the Gawler Show, and we look forward to you celebrating your next milestone with a similarly strong and successful event.

Members interjecting:

The PRESIDENT: Order! Come on, conclude the debate.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:53): I would like to thank the Hon. Nicola Centofanti, the Leader of the Opposition in the Legislative Council, the shadow minister for primary industries and regional development, for her passionate advocacy and a great supporter of the Gawler Show and of all things country, of course. She has shared her stories and she is doing a marvellous job.

I would also like to thank the Hon. Sarah Game for her contribution. Both contributions were excellent, and so with those remarks, thank you for your support and I commend the motion.

Motion carried.

HOSPITALITY BUSINESS CLOSURES

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Recognises the important economic and social contributions of South Australia's small and family businesses within the hospitality industry;

2. Notes the increasing and alarming number of hospitality venue closures in the past 12 months, with approximately 20 reported to have closed their doors between 1 January and 30 April 2024 this year, with the list including some well known and long-established local restaurants;

3. Notes that the hospitality business closures have hit every corner of the dining scene, within metropolitan areas of Adelaide as well as in regional South Australia;

4. Notes that the hospitality sector is buckling under the heavy strain of inflation, low profit margins, rising interest rates and staggering skills shortages;

5. Notes that hospitality business closures are associated with the skyrocketing costs of doing business in South Australia, in particular soaring power prices, payroll tax, red tape and the growing costs of goods and services, along with reduced consumer spending due to rising costs of living; and

6. Calls on the Malinauskas Labor government to provide better support to address key concerns in the hospitality sector to prevent further job losses and more business closures in South Australia.

(Continued from 16 October 2024.)

The Hon. D.G.E. HOOD (17:54): I rise to speak in support of this motion, which recognises the important economic and social contributions of South Australia's small and family businesses in the hospitality industry, drawing attention to the alarming number of venue closures in this sector this year due to inflation, supply chain issues, skill shortages, low profit margins, increasing rental costs and skyrocketing energy prices, of course, all in conjunction with lower consumer demands for goods and services due to cost-of-living pressures.

Our hospitality industry plays a pivotal role in South Australia's economy, culture and community. Our restaurants, cafes, bars, pubs and accommodation services are vital economic drivers, employing approximately 60,000 South Australians according to Skills SA, many of whom are young people, of course, and many of those are still studying or in training; indeed, my daughter is one of them. The industry also assists in attracting well over seven million visitors annually to our state from across the nation and across the world.

As the mover of this motion, the Hon. Ms Lee, has previously mentioned, accommodation and food services accounted for no less than 16.9 per cent of our gross state product in the year 2022-23. Beyond this considerable financial contribution, the hospitality sector fosters a unique culture and identity that is proudly showcased to the entire world. Tourists are certainly often drawn to South Australia not only for its natural beauty and cultural landmarks but for its reputation as a destination of quality cuisine and beverages, with our wine industry of course being one of the most outstanding in the entire world.

The innovation and passion of our local chefs, our winemakers, our breweries and service professionals all helps to foster and establish our state's own distinctive brand. It is therefore disheartening to hear of so many hospitality venues closing their doors in recent times due to financial hardship. The Hon. Jing Lee provided a long but by no means exhaustive list of many beloved cafes and restaurants that have closed in just this last year alone, all of which will be missed by many of us present and, of course, by our constituents.

Some of these venues include Beach Organics, Enzo's Ristorante—a very famous one most of us would know—Folklore Cafe, Gang Gang, Lost in a Forest, Paddy Barry's, Zenhouse, Chicken & Pig, the Ed Castle, Hog's Breath Cafe, Cardone's, Super Bueno, Martini on the Parade and Brid Coffee Shop. I could go on and on. It is important for us to take note of what South Australian business owners are saying about their current struggles, which some consider to be worse conditions than they experienced even during the COVID pandemic, including the director of EMBR Hospitality, Sam Worrall-Thompson. In reference to payroll tax in particular, Mr Worrall-Thompson told the media:

> [Payroll tax] is [costing] 100 grand a year that we didn't know about two years ago…So you get punished for growth, essentially. I think the closures that we're talking about now, I reckon it's just the start. I reckon it's going to be an absolute bloodbath for six months. And it'll be good businesses [that close] as well, it won't be people that run a bad operation. It will literally be some of the best that I think we need to try and keep them open somehow.

As the Hon. Jing Lee noted in her contribution, lifting the payroll tax threshold is a sensible measure and one that would undoubtedly provide immediate relief to many struggling local businesses. Members may recall that when the previous Liberal government was elected in 2018, it swiftly implemented its policy to remove payroll tax for small business. Within its first year in office, the former state government delivered on the promise, benefiting more than 3,200 small businesses in South Australia and providing confidence to over 135,000 microbusinesses and sole traders, who would expand their operations knowing that they would not be dealt another tax simply for providing more South Australians with employment.

The previous Liberal government at the time recognised the need to address the barriers to the creation of job opportunities that we experienced for years under the previous Labor government. Payroll tax had been imposed upon businesses with payrolls of just $600,000 or more, effectively meaning that small to medium-sized businesses, which should be given the most incentive to prosper, experienced the most difficulty, the most challenges and the most strain.

Going forward, it is crucial that the government of the day continues to support businesses in the hospitality industry with a pragmatic approach. The hospitality sector has endured significant setbacks in recent years, ranging from catastrophic global events to changing consumer trends and, importantly, rising higher cost bases, including power costs. Many businesses are still recovering, and they require the current state government's intervention and assistance to thrive once again. By supporting our hospitality sector, we are effectively investing in South Australia's economic resilience, its social fabric and its global reputation. I support the motion.

Sitting suspended from 17:59 to 19:47.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (19:47): I rise to support this motion put forward by my honourable colleague, and I would like to take a few moments to reflect in particular upon the impact of the current cost-of-living crisis and the cost-of-doing-business crisis upon regional South Australia's hospitality industry.

The hospitality industry in regional and rural South Australia has long been a central part of the community, serving as both social hubs and important economy contributors. Country pubs, restaurants and cafes offer essential services to local residents and tourists alike, helping sustain small towns through job creation and community engagement. However, in recent years rising business costs have significantly impacted the survival of these establishments, leading to closures and impacting these local economies.

One of the primary financial pressures facing these businesses is the increased cost of supplies. Regional areas often face high costs for food, beverages and other essentials, due to transportation expenses and limited supplier options. This expense is exacerbated by inflation and supply chain issues, particularly following recent economic disruptions. Higher wholesale costs ultimately reduce profit margins, making it difficult for pubs and restaurants to keep prices affordable for their customer base, which is often price sensitive in regional areas.

Labour costs can also be challenging. Wages are essential for attracting quality staff, which can be costly for small regional businesses with limited revenue. Furthermore, regional South Australia, as is a familiar scenario in metropolitan Adelaide, faces a shortage of skilled labour, making it challenging for hospitality businesses to find and retain staff while offering competitive wages, benefits or training programs.

Utilities and operational expenses, such as electricity, have also spiked in recent years under the Malinauskas Labor government. Our power prices are the highest in Australia. That is no secret nor is it a question of debate; it is simply a highly vexing fact. Without doubt, it is one of the biggest financial hindrances across all sectors of business today.

Many rural pubs and restaurants are housed in older buildings, making energy efficiency upgrades costly but necessary to meet environmental standards and reduce ongoing utility

expenses. Combined, these rising costs have forced many hospitality businesses to make difficult decisions, with some opting to close their doors. The closure of country pubs and restaurants is a significant loss for our regional communities, as it not only impacts local economies but also affects the cultural and social fabric that these venues help maintain in regional South Australia.

The opposition is focused on identifying opportunities to remove unnecessary costs and red tape to see the costs of doing business reduced. One such measure is our commitment to reviewing the payroll tax threshold. Under the Marshall Liberal government, we lifted the payroll tax threshold from a measly $600,000 to $1.5 million, a significant incentive to encourage smaller businesses to employ more South Australians. Our plan, if we are elected in 2026, will be to lift the payroll tax threshold once again, from $1.5 million to $2.1 million, because we care about South Australian businesses and we care about jobs growth.

We are also committed to exempting trainee and apprenticeship positions from payroll tax. There is a skills shortage right across the state. We want to remove as many barriers as possible to addressing that problem. The opposition will make it easier and cheaper for employers who take on an apprentice or a trainee to grow their business and provide vital training during a skills shortage, both in the regions and in the city. Whether it is a certificate in hospitality, butchery, baking, tourism events or food processing, we want to make it easier to get skilled people into training, into jobs and into our regions. We are serious about business and productivity, and we want to see our small and family businesses thrive.

This is just a part of our previously announced commitments to reduce the cost of doing business, because a responsible government focuses on improving productivity and effective investment within South Australia, rather than blowing out costs and jacking up taxes. I sincerely hope this state Labor government will pull its head out of the sand when it comes to the financial barriers to doing business in regional South Australia, and indeed around all of South Australia. With that, I conclude my remarks and commend this motion to the chamber.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I call the Hon. Ben Hood, I acknowledge in the gallery the Compton CFS Brigade, who are guests of the Hon. Ben Hood. Of course, we value all our CFS members, but these particular folks were the top fundraisers for the Melbourne Firefighter Stair Climb, raising, I believe, more than $30,000, some of which went to the Peter MacCallum foundation, which is a cancer charity. Welcome.

Motions

HOSPITALITY BUSINESS CLOSURES

Debate resumed.

The Hon. B.R. HOOD (19:53): I rise in support of my honourable colleague's motion and wish to reflect a little bit on what our hospitality industry really does mean to the people of South Australia and, importantly, what our hospitality industry means for people in the regions.

Our hospitality industry is facing some significant challenges. In a real sense, they are providing a service to our community—as I said, most especially regionally. It is not easy. We are the ones who benefit, both individually and at a community level, from enjoying the great food, enjoying the great coffee and enjoying a beer with mates. There is also all the sponsorship that comes from our hospitality businesses into sporting clubs and into community events as well. But rising power prices, the cost of commodities, staffing shortages, red tape, green tape and myriad other challenges make running your own business so much harder than it ever has been, and of course regional South Australia is not immune to this.

On 30 September, the ABC reported that businesses in Mount Gambier were worried about some recent closures that were happening on Commercial Street. Currently, there are about 10 empty store fronts in the busiest part of Mount Gambier. When I was Deputy Mayor of Mount Gambier, we spoke a lot about the empty stores we did have in the city.

Xavier Farrell runs a family business in the town's main street and he said, 'I have lived here my whole life and I have never seen so many businesses ready for sale.' Colin Martin, another store owner in Mount Gambier, who has owned businesses for more than 30 years, believes that this is currently one of the toughest economic climates he has operated in.

Earlier this month, we saw the popular Sorrentos Cafe in Mount Gambier close. I extend my sincere condolences to the business owner and their 18 employees, but certainly commend a local fellow business owner, Sam Johnston, from Confession cafe for his efforts in raising donations for the 18 employees who had lost their jobs and had not received their last pay cheque. That is the kind of thing we see in regional areas and especially in Mount Gambier. The camaraderie, they wrap around people and it really exemplifies the selflessness and the tight-knit nature of our community in the South-East.

It comes down to electricity bills, it comes down to staffing wages, it comes down to red tape and green tape, as I have said as well. In hospitality, especially pubs and cafes, and indeed in live music venues—I am on a select committee on live music venues with the Hon. Tammy Franks and the Hon. Reggie Martin—it is the alcohol excise tax that also puts a hell of a lot of pressure on our hospitality industry. I have been talking with pub owners around South Australia and they say that the alcohol excise tax really just drives people to drink at home. That is not a great thing.

I have worked in pubs and I have worked in front bars and they are places where people get together and share stories, commiserate and celebrate and it really is good for one's mental health to get out with your mates. If we are driving people out of pubs, if we are driving people out of community spaces like cafes and other things because it is just so hard for those people to do business, it is not a great thing. We really need to have a look at what we can do about ensuring that we can take care of these insipid taxes that we have.

The biggest one, of course, is payroll tax. It has to be the most inefficient tax I have ever seen. It hampers job growth and it is something that needs to be addressed. That is why, if elected in 2026, the Tarzia Liberal government will lift the payroll tax threshold to $2.1 million. That would provide a stronger incentive for business to employ more people, which is vitally important.

It is hard; it is just hard being in hospitality. I certainly feel for every single one of the cafe owners and pub owners and also the employees as well because it is where a lot of people have kicked off their careers, kicked off their earning. My daughter Piper only just last night started her part-time job after school at Jens Hotel washing a few dishes and taking a few meals out. Out of that, Piper will know what it means to earn a dollar, she will know what it means to take orders or instruction from someone who is not her dad. It will set her up for life. It did for me, it did for my wife and it has done for my 18-year-old girl Neave as well. We have all worked in hospitality. It is a great start and I would hate for that to be taken away from our young people.

I commend my colleague the Hon. Jing Lee for bringing this motion to the council. I thank sincerely all the people in hospitality doing it tough right now. We have to do better by you as the people here in this place who can make laws and ensure that doing business can be something that can not only be a benefit for the community but put a few dollars in people's pockets and help people along the way. With that, I commend the motion.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (19:58): I would like to thank honourable members for their wonderful and thoughtful contributions, particularly the Hon. Dennis Hood, the Hon. Nicola Centofanti and the Hon. Ben Hood. All the members have spoken about the contributions of small and family businesses in the hospitality sector and how resilient they have been, but they are doing it really tough.

All honourable members who made contributions also made suggestions about sensible measures that would actually improve the lives of many small businesses within the hospitality sector. I want to commend them for those recommendations and suggestions. I think the government of the day should definitely take up some of those suggested measures to be able to ensure that the communities, the economies of the hospitality sector in regional areas can find ways to help them to keep jobs, keep people employed and keep communities alive. With those remarks, I commend the motion and thank all honourable members for their contributions.

Motion carried.

CHINATOWN ADELAIDE SOUTH AUSTRALIA

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates Chinatown Adelaide South Australia (CASA) Inc. for achieving a special milestone of 20th anniversary;

2. Recognises that CASA's annual Lunar New Year Street Party has become a flagship event that promotes Adelaide as an inclusive multicultural city that embraces cultural diversity and celebrations valued by Chinese, Asian and all communities in South Australia;

3. Commends the longstanding contributions made by founding members, current and past presidents, committee members and volunteers of CASA and thanks them for their dedication and hard work over the past 20 years; and

4. Recognises the strong collaboration of CASA with local Chinatown traders, business community, business precincts partners (including Central Market, Grote Street and Gouger Street precincts), community groups and other stakeholders to support initiatives and activities that promote Chinatown as a multicultural melting pot and popular destination for tourists, international students, migrants and our South Australian community.

(Continued from 28 August 2024.)

The Hon. M. EL DANNAWI (20:00): I rise to speak briefly in support of this motion on behalf of the government. Chinatown Adelaide South Australia (CASA) was established in 2003 by the business owners, operators and stakeholders of the Chinatown precinct to promote recreational, cultural and economic activities to the broader community. I think we can all agree that it is impossible to imagine central Adelaide without the Chinatown precinct. Although the food is obviously fantastic, it is the warmth and energy of the community that really makes it special.

Every year, CASA throws the Chinatown Lunar New Year Party, which is an event that should not be missed. The South Australian government was a proud supporter of this year's Lunar New Year Party, and I was lucky to meet some members of CASA at a lunch they held to thank volunteers and sponsors of this year's party.

CASA works incredibly hard to promote the history and tradition of Chinese culture in South Australia. They provide support for international Chinese students and help to provide our Chinese migrant community with a sense of pride and connection to their heritage. They also do us the great favour of sharing their culture with us and in doing so create a richer South Australia that we all benefit from.

I would like to thank the CASA president, Wayne Chow, and his executive committees and members for their hard work and commitment and their contribution to both the Chinatown community and our entire state. On behalf of the government, I would like to congratulate all CASA members, both past and present, on an incredible 20 years. May success and prosperity follow CASA and the Chinatown precinct into the future. I commend the motion.

Parliamentary Procedure

VISITORS

The PRESIDENT: Just before I go to the Hon. Mr Simms, can I please on your behalf welcome the Hon. Ms Pnevmatikos to the gallery. You are much loved and we hope you are doing really well, Ms Pnevmatikos.

Motions

CHINATOWN ADELAIDE SOUTH AUSTRALIA

Debate resumed.

The Hon. R.A. SIMMS (20:02): Thank you, Mr President. It is great to see Irene Pnevmatikos here in the gallery today. I welcome this opportunity to speak on the motion from the Hon. Jing Lee celebrating this milestone for Chinatown. I think Chinatown is a really integral part of

the City of Adelaide. It has, as other members have acknowledged, a very proud history. Indeed, it is my understanding that Chinatown really began to grow in Adelaide in the 1970s and the 1980s.

One of the key landmarks is the entrance on Moonta Street, which is the Chinese lion statues that were donated by the Adelaide City Council and by the Chinese government. It has often been a landmark for me over the years, as I have met friends who say, 'Go and meet over at the lions.' For many years, I have visited Gouger Street with friends and family. Ying Chow—or 'Yingers', as my friends call it—is one of my favourite restaurants in that part of town. I lived near Gouger Street for many years. I think it is an excellent celebration of the diversity of the South Australian community. It is an excellent demonstration of what makes South Australia such a great place to live, and that is, of course, our multicultural society.

On behalf of the Greens, I congratulate Chinatown on this milestone and thank the honourable member for putting this motion forward. I look forward to joining in the celebrations for many other significant birthdays for Chinatown in the years ahead. Congratulations to everybody in that part of the city who has worked hard to make that such a successful precinct. As a former city councillor, obviously I have had an interest in that area, and I know that it really is the jewel in the crown for Adelaide in many ways because it is such a celebration of multiculturalism and a much-loved part of our city.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (20:05): I would like to thank honourable members for their wonderful contributions, particularly the Hon. Mira El Dannawi and the Hon. Robert Simms for their heartfelt congratulations to Chinatown on their 20th anniversary. This Chinese Lunar New Year being the Year of the Dragon, Chinatown Adelaide put together a dragon dance to accompany the Christmas Pageant this year, so I think the Chinatown Association not only contributes to the prosperity and the vibrancy of Chinatown itself but does inject a lot of energy into a broader South Australian multicultural society. I thank honourable members for their heartfelt congratulations, and with those remarks I commend the motion.

Motion carried.

Bills

LOCAL GOVERNMENT (ELECTIONS) (DISPLAY AND PUBLICATION OF VALID NOMINATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 March 2024.)

The Hon. R.A. SIMMS (20:06): I find myself in an unusual situation, because it is not often that the Hon. Sarah Game and I agree on an issue in this parliament, but I do have some sympathy for the argument that she has advanced here in relation to candidates displaying their nominations on council buildings. As I alluded to previously, members would be aware I was a former member of the city council.

When I stood for council it was commonplace for members standing for office, when they lodged their nomination, to have it displayed at the Town Hall. The benefit of that was that it gave members a sense of which wards were going to be contested, and gave members of the community who were planning on standing for council a bit of information about who might be running where. I have never seen that as being a problem in our democracy.

Under the previous Liberal government, there were some significant reforms of the Local Government Act. The Greens engaged constructively with the government around that and supported those reforms, but one of the changes that the Liberal government made was to get rid of that provision and to instead keep that information private, so that it was not clear who had nominated until after the nominations had closed. As a result, in the recent council elections we actually saw a number of wards, particularly in regional areas, that were simply not contested, whilst you then had contested elections or, in some areas, seats that could not be filled. To me, that does not seem like a very sensible way for our democracy to work.

If we have numerous good people who want to put themselves forward for office, surely they should get the information on who is standing where so that they can make an informed decision. So I do have some sympathy for the argument that the Hon. Sarah Game has made.

The Greens are inclined to support this bill, but if there are issues that arise in the context of the debate, if there is a cuckoo that is thrown into the nest somewhere along the line, then I will certainly revisit our position, and our view will be informed by the debate. But in principle I am inclined to support the honourable member's proposal.

The Hon. B.R. HOOD (20:09): I will be very brief in my commentary around the support of this bill. The Hon. Rob Simms and others have ventilated the issues that came out of 2022 in the sense that most especially in regional areas we had a number of vacant councillor positions and a number of vacant mayoral races as well. That was simply for the fact that people did not know that no-one had actually put their hand up.

Of course, there was discussion around ward jumping and those types of things previous to 2022, but I think it is a worse situation for us to then have to try to scramble and find other people to fill these vacant councillor positions and, more importantly, the vacant mayoral positions in regional councils. Even down in my patch around Kingston and Robe they had to do that to be able to find someone who was willing to put their hand up.

I think that what the honourable member is attempting to do here will solve that. I am sure that was something that would have come down the line in a raft of reforms leading into 2026, either from the Liberal opposition or from the government, because it was certainly on our radar and I am sure it was on other radars as well.

I think this is sensible. As I said, I will be very brief in my comments. I support it. It is an unintended consequence of the reforms that came out of 2021 into 2022, and I think it is a good move. I support the bill.

The Hon. M. EL DANNAWI (20:11): I rise to speak briefly on behalf of the government. The government wants to see as many people as possible voting in the local government elections. We also recognise the value and importance of having a diverse group of high-quality candidates for people to be able to vote for. To this end, the government is currently considering a number of reforms ahead of the 2026 elections to support and strengthen local democracy and increase participation. We are developing these reforms in consultation with views of the sector, the community at large and important stakeholders such as the Electoral Commissioner.

The change proposed here by the Hon. Sarah Game is one that has been raised with the government and is under active consideration for possible adoption in this suite of reforms. Following the 2022 local government elections, some councils reported that not publishing nominations at council offices deterred some potential candidates. It was argued that some people may have nominated had they been made aware of a shortfall in candidates. This may have resulted in a higher number of high-quality candidates for voters to choose from.

The government's consultation on local government reforms has also included a YourSAy survey on possible changes, including the one being discussed here today. The government recognises the Hon. Sarah Game's interest in this matter and is willing to work together where possible to lift participation. However, the government is also keenly anticipating the Electoral Commissioner's periodic review of the 2022 local government elections. It would be premature to adopt one single local government election reform or finalise the government's consideration for reform in the absence of this report and the Electoral Commissioner's highly valuable insights.

Once the commissioner's review has been received the state government intends to move swiftly to release a council election reform package. Should some of these reforms require legislative amendment the government will return to parliament with a complete and holistic reform package and work with all members to achieve it. In the government's view the parliament's time would be most effectively used by considering a reform in this manner as a single package of possible changes.

The government does not oppose this bill progressing but reserves its right to further consider it and form a final view between the houses, pending further deliberation and consideration of the review from the Electoral Commissioner.

The Hon. C. BONAROS (20:14): I rise to indicate my in-principle support for the honourable member's proposal. In doing so, I echo the sentiments expressed particularly by the Hon. Robert Simms. If there are any cuckoo unintended consequences, then I am sure we will deal with those in due course. The member has already proposed the bill and, again, if there are any unintended consequences of that then surely we will have time to address those during any review that the government proposes.

So on that basis, given the sentiment of this chamber, it is only appropriate that the bill progress. If there are unintended consequences, cuckoo or otherwise, then we can deal with them as part of that complete and holistic reform that the Hon. Ms El Dannawi refers to in her contribution. With those words, I indicate my support for the bill.

The Hon. S.L. GAME (20:15): I thank my fellow members for providing their views on this bill. As mentioned, when this bill was first introduced, and as is clear from the legislation tabled, this bill is about better outcomes for communities, far more transparent local government representation and improved quality of candidates. I believe it is important for ratepayers to know who are seeking to represent them, and this bill would require councils to be more open with the community throughout the nomination and voting process.

As it stands, under the South Australian local government system the public cannot easily scrutinise nominations for council elections until after the candidate nomination period has closed. Allowing the community easy access to nominee information in turn allows for greater public scrutiny and potentially better quality nominations.

If, for example, a community has seen the nomination deck stacked a particular way, it allows time for others to nominate and at least give voting locals a chance to choose. Also, it would help councils to avoid the ridiculous, not to mention costly, situation we saw after the 2022 LGA elections when eight South Australian councils were forced back to the polls at taxpayer expense after failing to receive enough councillor and/or mayoral nominations.

In addition, this bill gives community members a chance to take action if political movements attempt to take over councils. We have seen the steady rise of Greens candidates infiltrating councils and pushing woke policies that are completely out of step with community sentiment. Consequently, decisions are made that fail to represent the majority of South Australians and, indeed, the majority of that particular council's residents. These ill-informed decisions include removing traditional prayers from council meetings, cancelling Australia Day ceremonies and hosting drag queen story time sessions.

We have seen enough of people pushing their own agendas at local government level. This trend must be halted and my bill serves to halt that momentum. I acknowledge that, as part of a review of the 2022 elections, the government is looking at a suite of its own reforms regarding local government elections and that the government is waiting on a report from the Electoral Commission. This particular reform may form part of that package; however, given I introduced this bill back in June, I feel it is appropriate to now call it to a vote.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: The honourable member had me at hello, and then lost me when she started talking about the rationale for the bill. I am keen to understand how what has been proposed actually tackles the issues that the honourable member has talked about in her summing-up remarks, because I do not really see the nexus between the two.

The Hon. S.L. GAME: The bill is really just seeking that the local community is aware of the individual who would be standing for nomination so that other members of the community might want to nominate to represent alternative views if they saw fit.

The Hon. C. BONAROS: Just to clarify then, if someone is voting to get rid of the Lord's Prayer, someone who may want to maintain the Lord's Prayer may say, 'I am going to have a crack at that too, and level the playing field.' Is that effectively what the member is saying?

The Hon. S.L. GAME: Yes, that is effectively what I am saying.

The Hon. I.K. HUNTER: On what basis would a person nominate for a council position thinking that they are trying to reinstitute the Lord's Prayer, not knowing what the candidate who is running in a particular ward wants to do about the Lord's Prayer? How does this actually help that?

The Hon. S.L. GAME: The bill is simply trying to ensure that the local community is aware of the individual who might be running for local government, and if that individual has strong particular views it gives the opportunity for other members of the community to nominate themselves and increase competition.

The Hon. C. BONAROS: Perhaps if we could use an example closer to home which we may all be familiar with: if you had somebody who was strongly against abortion, for instance, and they were well known in the community and they were running for that particular position, and then they had to go through that process, then somebody who sat on the other side of that equation might be minded to also run, I suppose in contrast to the person who is running who has a view that is anti to theirs in relation—I am not speaking about anyone in particular, of course, the Hon. Mr Hunter, but I think we can all work this out. If certain individuals were to run and they were to have particular views, it may be apparent to all of us what those views are and someone may choose to run counter to that. Is that effectively what we are saying?

The Hon. I.K. HUNTER: Just to tease it out a little bit better, the issue really for me, at least, is that essentially you do not know who is running and what they stand for in council elections. That is why there is such a low turnout for votes, because we do not know who this person is that is running. You do not know if they are a member of a political party, although they should declare it, or do they have a particular belief or not, because they do not tell you about that before they get elected.

So how on earth would you know that this candidate has this agenda to make compulsory drag queen story time, for example, unless they have been on council previously and have agitated that? I just do not see the nexus between the provision in this bill and the things the Hon. Sarah Game said she thinks it will fix. I do not think it is going to fix any of those things.

The Hon. R.A. SIMMS: When I gave my second reading speech I did indicate that if there was a cuckoo in the nest I would change my position. Well, I think one has been thrown in because I do not find the rationale for the bill compelling. If the honourable member is seeking to somehow provide more information to electors about their political identities, this is not going to do it, so I am sort of persuaded that perhaps the government review gives a better opportunity to look at the issues that the honourable member has raised. I just do not feel comfortable supporting the bill on the basis of the information we have so far. I am just concerned that it is not quite going to achieve the honourable member's objectives.

The Hon. C. BONAROS: Is there anything else perhaps the mover can add that will assist us in the deliberations, given that we have all said in principle that we support the principle—until, of course, it came to the summing-up which perhaps the member should not have given? Is there anything she can add to that, or perhaps clarify, that will help sway us in terms of maintaining the support that we have already signalled, without flip-flopping in the chamber?

The Hon. S.L. GAME: I think that this debate shows exactly why we need this bill, because increasing transparency and having the local community aware as much as possible about who might be nominating for local government, is exactly the point. Some members here disagreed with some of my sentiments and statements and that is their entitlement. It would be really disappointing, I am sure, if a member was to nominate themselves for local council and perhaps had these sentiments and they were not aware of them.

They might have run themselves or put somebody else up to have greater competition and representation of that local community. All I am saying is that the community has a right to know who is running and if that person has had strong views, that might empower somebody else and that community to say, 'Hang on, I want to run and represent an alternative viewpoint because I disagree with those views.'

The Hon. N.J. CENTOFANTI: Would this bill not also present an opportunity for rural and regional communities, who may not have great volumes of people standing for elections? That would then perhaps encourage others to put forward their name for election, if they were to see that there was a lack of candidates.

The Hon. S.L. GAME: That is exactly it: increasing competition, making sure we do not have a lack of nominations. That was also mentioned in the summing-up speech that I gave.

The Hon. I.K. HUNTER: I am afraid I am not persuaded, and I am very comforted by the government's position of reserving our position and considering it in terms of the recommendations that will come forward from the Electoral Commissioner.

The Hon. B.R. HOOD: In this case, I think we are probably getting lost in the nest of the cuckoo in terms of this. In the summing-up speech, the honourable member mentioned that it could be that there would be opposing views on these things, but I think ultimately we are talking about the fact that we have had the consequence of vacant council and mayoral positions because no-one knew whether someone had nominated or not. Irrespective of that, I think that is ultimately the intent of the bill, and that is why I am supporting it.

The Hon. C. BONAROS: I am happy to iron out the cuckoos in the nest between the houses if that is what it takes. In terms of the underlying sentiment of the bill, as I have said, I agree in principle. I may not agree necessarily with the wrapping up, but I certainly agree. The bottom line is: regardless of whether we agree or not, there are different views in the community. Just because somebody does not like the Lord's Prayer and somebody else does, I do not think that is a good reason, a valid reason, not to back the bill in terms of its underlying premise and principle. If there are those issues that need to be teased out and ironed out, then I am happy to deal with them between the chambers. On that basis, I support the bill.

The Hon. R.A. SIMMS: To add a little bit of further detail, one of the things that is at the back of my mind that has not been mentioned tonight is that I am cognisant of the fact that the Hon. Mr Pangallo has also introduced a bill dealing with local government matters, so we are potentially dealing with a whole range of reforms—

The CHAIR: The Hon. Mr Simms, we are only dealing with this bill. We are not dealing with another bill or any hypotheticals.

The Hon. R.A. SIMMS: Yes, I understand that, Chair.

The CHAIR: Let's just stay with this bill.

The Hon. R.A. SIMMS: I understand that, but my point is that there is the potential to start having individual private members' bills that are amending every element of the Local Government Act. It may make more sense to simply have the government's review roll out and deal with them in a holistic way. I am open to being persuaded, but at the moment I think the government's argument is a bit more compelling given the broader suite of issues that the Hon. Sarah Game is seeking to address through this bill.

Clause passed.

Remaining clause (2) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.L. GAME (20:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EDUCATION AND CHILDREN'S SERVICES (REPORTING REQUIREMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 February 2024.)

The Hon. C. BONAROS (20:29): I rise to speak on the Education and Children's Services (Reporting Requirements) Amendment Bill 2024, which claims to align reporting obligations for non-government schools with those required of public schools. Whilst I respect the intent of this bill insofar as it relates to promoting transparency and the continued efforts by the Hon. Robert Simms to ensure a level playing field for all students, I have to say that I have serious reservations about whether this bill is necessary or prudent.

First, it is worth noting that non-government schools are already subject to extensive reporting standards. I have been provided with a recent response to the bill from Catholic Education South Australia and the Association of Independent Schools of South Australia, which does provide a comprehensive analysis of current reporting requirements. Of particular concern to me is the aspect of the bill that would require schools to report the number of students suspended or expelled from individual schools.

This provision raises, I think, significant privacy issues for children and young people who may already be struggling. Public disclosure of these figures could unintentionally lead to individual students being identified, especially in those smaller school communities, and that could undermine their wellbeing, making an already challenging experience even harder to bear.

Additionally, the policy could have the unintended effect of discouraging schools from using suspension or exclusion as valuable interventions. These mechanisms sometimes serve as necessary circuit breakers for students dealing with behavioural or personal issues. Of course they are not something we like, but they exist for a reason. If non-government schools feel compelled to weigh every disciplinary decision against the potential for public scrutiny, one of the risks we run is hampering their ability to respond appropriately to complex situations.

Schools have to be trusted to make these decisions based on their professional judgement and knowledge of the unique circumstances of each student, without the looming concern of public exposure. Adolescence is hard enough, with the weight of peer pressure, academic expectations and other personal challenges, and the prospect of singling out students who may have been suspended or excluded risks adding public shaming to an already difficult situation, with potentially severe impacts on young people's mental health.

I do not think any of those things are the intent of the mover of the legislation. As I said in my opening, I understand the member's intent in doing so. What I am trying to highlight are some of the concerns that have been raised in terms of the potential consequences the bill could have. I am certainly not in a position to say whether or not they will eventuate, but they have been flagged and raised and it is important to bear them in mind when considering this debate.

As it stands, I am not in a position to lend my support to this bill, but I am hoping that the government will perhaps provide further clarity around any concerns it may have around those reporting requirements as they compare to what is already required under existing frameworks, and refer again to those items of correspondence I have alluded to and the concerns that have been raised therein. With those words, I indicate that I will not support the bill.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (20:33): I rise today on behalf of the Liberal opposition to speak about the Education and Children's Services (Reporting Requirements) Amendment Bill 2024. Our understanding is that the premise of this bill aims to increase reporting requirements on non-government schools. While we recognise that improving transparency around the use of public funds is a noble cause, we believe the Hon. Robert Simms' proposition requires closer examination.For instance, it should be noted that, of the approximately

200 non-government schools in South Australia, which are split almost exactly evenly between the Catholic system and the independent sector, all of them are not-for-profit.

The proposed amendment bill may not have taken into account the significant concerns that have been raised by the non-government schooling sector. These concerns are best articulated by the Chief Executive of the Association of Independent Schools of South Australia, Ms Anne Dunstan, in her letter to the Hon. Mr Simms, where she makes some compelling arguments against the bill. I would like to share these concerns with honourable members today.

As Ms Dunstan highlighted in her letter, every school already has ethical and legal responsibilities to their community and, in particular, to their students. They are already heavily regulated and there are already a wide range of matters on which public reporting exists. As written by Ms Dunstan:

> All South Australian schools, regardless of school sector, must be registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and meet the standards for registration…non-government schools must also meet an extensive range of Commonwealth and State government legislative requirements and obligations, including in regard to reporting.

It is concerning that many of the measures in this bill are duplications of existing reporting requirements and would unnecessarily double up on that effort. For example, a number of compliance obligations on non-government schools are already required under the Australian Education Act 2013, which also requires the provision of information for public reporting on the My School website, along with a wide range of financial reporting requirements, including the provision of audited financial statements.

It is concerning that this bill does not take into consideration that there is an emphasis currently being placed by education departments around Australia on improving outcomes for students by reducing the time that school leaders and staff have to undertake administrative duties so that more focus can be put into teaching and learning.

In the Australian Institute for Teaching and School Leadership report, titled 'Shifting the balance: Increasing the focus on teaching and learning by reducing the burden of compliance administration', it was concluded that, on the basis of much research, analysis of evidence, case studies and consultation, school leaders and teachers are spending an increasing amount of time on administrative tasks, and this has broad ramifications for school leaders and teachers and affects both those working within the profession and its attractiveness to those outside it. However, this bill would hamper current efforts to reduce administrative duties so that focus can be put back into teaching and learning.

Additionally, it is a concern that this amendment bill also ignores that every extra regulation that is introduced in any setting creates a new compliance burden, and that the impact is felt most keenly by smaller and less wealthy schools. This bill would create a negative loop effect that disadvantages less wealthy schools, which are dependent on public funding.

The bill requires the information to be provided to the chief executive of the education department as well as to be published in the school's annual report, and it must be made available on a website. If the school is unable to comply they will lose public funding. However, it is this public funding that schools are depending on to manage the increase in administrative burden that would be proposed in this bill, and losing this funding would make it increasingly difficult for schools to provide the information that is requested in the first place.

Lastly, there is a particular negative consequence attached to the legislation's proposals about reports of complaints, notifiable incidents and exclusion data. The imposition of school level reporting of such matters for independent schools would create significant risks to the privacy of minors. In fact, Ms Dunstan wrote that:

> The AISSA would strongly oppose the public reporting at an individual school level of complaint and exclusion data and notifiable incidents. It is not clear how this type of reporting will improve educational outcomes for all students and…it is difficult to know how this data could be reported at a disaggregated level without breaching a person's privacy.

It is quite disappointing to many in the sector that the proposed amendment bill seems to have a misconception that non-government schools are not currently accountable.

The non-government schooling sector raises significant concerns with the bill because they believe that the propositions raised by the honourable member are mostly duplicates of existing measures which create unnecessary additional administrative burdens and cost at a time when the education sector as a whole is calling for less red tape in order to facilitate improved focus on teaching and learning. Other unintended consequences could also potentially disadvantage smaller and less wealthy schools, as I mentioned before, and put at risk the privacy of many, including minors.

Through the diligent work of the shadow minister for education, the Hon. John Gardner, member for Morialta in the other place, the Liberal Party has consulted with the Association of Independent Schools of SA and also with Catholic Education South Australia and they share similar points of view that I outlined in my contribution today. For those reasons I mentioned, the opposition will be opposing the Education and Children's Services (Reporting Requirements) Amendment Bill.

The Hon. B.R. HOOD (20:40): I rise today to speak in opposition to the bill. I do so for several reasons: primarily because the premise of this bill is that our private schools are not currently being subjected to strict reporting requirements, when it is indeed the case that they are and they are quite extensive.

I would like to thank the Association of Independent Schools of South Australia, the South Australian Commission for Catholic Schools and principal Alan Connah from St Martins Lutheran College in Mount Gambier for their feedback on this bill. They have raised some concerns regarding it and how it purports to address a problem that does not in fact exist, and how it could threaten privacy and undermine the core and trusting relationships between schools and families.

I refer to a letter that has been provided to me and co-signed by the Independent Schools Association and the South Australian Commission for Catholic Schools, which states as follows:

> Foremostly, we consider the bill fails to respond to the quantifiable problem, nor do we consider that it has been subjected to proper consultation.
>
> Catholic and independent schools are subject to comprehensive regulatory and public reporting requirements and our schools already meet all the material reporting requirements of the proposed amendment bill.

In correspondence I received from Mr Alan Connah, principal of St Martins Lutheran College, he states as follows:

> While our college understands the need for accountability for the receipt of Government funding, we have significant concerns. The proposal, as outlined in the Bill largely duplicates the current extensive commonwealth and State legislative reporting processes and will place an unnecessary additional administrative burden on our staff. It is disappointing that the focus in the proposed bill appears to reflect the belief that non-government schools are not currently accountable.

The reporting requirements are specified at both the federal and state levels and outlined in the Australian Education Act 2013, the funding deed between the state minister and private schools and other pieces of legislation. Some of the existing requirements are as follows:

- under the Australian Education Act 2013, all schools are required to publish on their website an annual performance report. The act also requires the provision of information for public reporting on the My School website, along with a range of financial reporting requirements, including the provision of audited financial statements;
- as registered charities, private schools must report financial and non-financial information to the ACNC;
- regular reports need to be lodged with the Australian Curriculum, Assessment and Reporting Authority;
- school incidents must be reported to SafeWork SA;
- teaching staff qualifications are published in the school's annual report as required by the Australian Education Act; and

- funding to Catholic and independent schools is tightly regulated. They are required to spend recurrent public funding in accordance with existing guidelines specified by federal and state government legislation.

In summary, this bill will lead to duplicative reporting requirements and unnecessary compliance costs upon non-government schools. At the same time, it will place a greater burden on government departments responsible for its ongoing administration.

We as the Liberal Party always support initiatives that would lead to greater transparency and accountability, but we will not support a bill that is unnecessary. That is the feedback that I have received from various stakeholders and is evident given the current reporting obligations already in place. On that basis, I will oppose the bill

The Hon. M. EL DANNAWI (20:43): I rise to speak on behalf of the government and indicate that the government will not be supporting the bill in its current form. However, the government does recognise the potential opportunity in the near future to improve reporting by government and non-government school sectors in certain areas, particularly in respect of reporting on children with a disability. I will speak to these opportunities later in my contribution.

I note that concerns have been raised about the current reporting requirements for non-government schools. It has been suggested that there is a significant disparity in the information non-government schools are required to report and the information being reported by government schools. In particular, the Hon. Mr Simms has noted concern about the level of information publicly available about the way public funding provided to non-government schools is being spent.

This bill would amend the Education and Children's Services Act to require the governing authority of a non-government school that receives public funding to provide a report to the chief executive within six months of the end of the financial year. The Education and Children's Services Act does not currently include reporting requirements for government schools that are equivalent to those being set out in this bill, nor does this bill seek to introduce any requirement with respect to government schools.

There are, however, national reporting requirements for all government and non-government schools that cover much of the information required to be reported under the bill. These requirements are set out in regulations made under the Australian Education Act 2013. Non-government schools that are registered charities are also required to report relevant financial information under the Australian Charities and Not-for-profits Commission Act 2012.

In considering the potential implications of this bill and changes to reporting requirements generally, it is important to understand the level of reporting that is currently required for schools and that any changes ought to be properly balanced against the risk of an increased administrative burden on school leaders, who are already subject to a high level of responsibility.

The further public disclosure of specific information at a school level also risks unfair impacts on individual schools as opposed to reporting at a system level. There is a risk that establishing the standalone reporting requirements for non-government schools in South Australia, as proposed by the bill, would result in a duplication of some existing reporting requirements for non-government schools, an increased reporting burden for those schools, and entrenched legislative reporting requirements for non-government schools that do not equally apply to government schools.

There may be a public interest in improving, where possible, the transparency of non-government school reporting in respect of matters related to the wellbeing and inclusion of children and students, such as, for example, students with a disability. However, the introduction of additional reporting requirements should be carefully considered in consultation with the non-government school sector and other relevant stakeholders to ensure they do not duplicate existing requirements or impose an unreasonable administrative burden on South Australian schools and school leaders.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability made a range of recommendations to improve inclusive education in schools, including improvements to the reporting of data about students with disability. The government's recent response to the disability royal commission accepted in principle the recommendations relevant to

inclusive education, noting some of them involved changes to reporting requirements for schools and/or may require legislative reform.

Some of the recommendations relate to improving information and data being reported. I can advise that the government intends to engage with disability advocacy groups and peak bodies from the non-government school sector on potential amendments to the legislation to implement the intent of relevant recommendations of the disability royal commission and improve the sector level reporting and transparency for both the government and non-government school sectors.

Following that engagement, the government anticipates that it will bring to parliament a bill to make any necessary amendments to legislation. We look forward to working with Mr Simms on this legislation. There is an opportunity through this work to enhance transparency, accountability and equity for students with disability, particularly in relation to complaints management and resolution and reporting on exclusionary practices, to improve inclusiveness of our schools and other education services and provide better outcomes for children and students in the future.

The Hon. S.L. GAME (20:48): I rise briefly to respond to the Hon. Robert Simms' Education and Children's Services (Reporting Requirements) Amendment Bill. While I appreciate the honourable member's commitment to increasing transparency and accountability for private schools' use of public funding, I would also like to point out that private schools are responsible for generating a considerable amount of their own funds to provide a range of services to students within a free market filled by parents with high expectations for the care and education of their children.

Private schools must be run like a business, which means not only doing all the important things schools must do regarding education but also turning a profit and maintaining the viability of a quality service to students and parents. It also means a lot of marketing, highlighting not only sporting and technical facilities but also academic achievements and a commitment to the individualised care of children and teenagers.

Adding further accountability measures for private schools will only add another onerous task to the long list of administrative and legal obligations that already contribute to a highly stressful environment. Public schools are supported by a multilayered government system, which sometimes I agree does not always match the outlook and facilities offered by some private schools, but many public schools still offer quality education for a reasonable price; however, the core values and ethos are often very different from that offered by private schools.

The ongoing growth in private schools also shows that many parents prefer a private education for their children for many different reasons. It must also be noted that private schools are very different in structure and size, and many have only small student cohorts and limited facilities. The extra administrative burden imposed by these accountability measures will be extremely challenging for these schools, and it is still uncertain exactly what this extra burden will ultimately achieve for our community education.

I can only conclude that this proposal is ideologically driven, to punish the privilege associated with some private schools. It is unnecessary. It can only have a negative impact on the quality of education in our private schools.

The Hon. R.A. SIMMS (20:50): I am not very good at maths, but I can tell the numbers are not really likely to move in my favour on this one. I am disappointed that there does not seem to be an appetite in the parliament for more transparency in terms of private school reporting. I think it is important to note that private schools currently receive $290 million in state government funding each year.

Pembroke, for instance, receives $1,236 per year per student from the state, in addition to $5,340 per year from the commonwealth. Each year Sacred Heart College, one of the state's most elite schools, receives over $10,000 per student in combined state and commonwealth funding. The funding received by Blackfriars Priory School each year for each student is even higher. It receives over $13,000 per student. In fact many catholic schools receive over $1,400 per student. This is a significant amount of public funding. Indeed, six independent and 15 catholic schools received more combined federal and state funds in 2019 than the lowest funded government schools, according to the *Sunday Mail*.

The ABC reported that in 2019 in Sheidow Park their primary school was one of a thousand schools across Australia that spent $25,000 over a five-year period on new facilities while the richest private schools were spending roughly $100 million. These institutions are getting a lot of public money, and I do not think it is too much to ask, to say that if you are getting a large amount of public money, you need to be subject to transparency measures.

I know that a lot of the private schools will say they are already required to provide some of this information, but what my bill is seeking to do is provide all of this information in the annual report. What the bill would do is include the following information in those reports:

- audited financial statements, including income from sources and expenditure on purposes;
- attendance rates for each year level;
- number of complaints made, including complaints about student behaviour;
- workforce information, including staff qualifications;
- the number of work health and safety, and student-related incidents;
- fee structures; and
- issues around discipline as well, and suspensions and expulsions.

That is really important because there has been a spate of scandals over the last six months engulfing some of our state's most elite private schools. *The Advertiser* has reported extensively on these scandals, and there is not transparency around how these matters are being handled. If this sort of behaviour occurred in a public school, the way in which the matter is being dealt with would be subject to an FOI request, and so that information could be publicly disclosed, but private schools remain at arm's length from that. That is a problem.

I have had a parent who has reached out to me who has sent their child to a private school who has had a less than satisfactory experience, and they have not been able to get any recourse from the government because, of course, the government does not control these schools. Well, if these private schools were required to report on how complaints were managed and the number of student incidents and complaints then this would provide further impetus to private schools to change their culture.

This is an issue I will continue to look at. It may be that I need to consider reforms of the FOI Act to ensure that some of the activities of private schools are brought under some level of public purview. I understand there has been significant resistance to this reform from some schools, but it seems to me to be a very sensible proposition.

I am encouraged to hear, however, that the government is open to having the conversation around how we improve transparency, and I look forward to engaging in those discussions. But watch this space, because I think members of the community are tired of our private schools, these elite institutions, being able to take huge amounts of public money and simply pull across the drapes and conceal the way in which they undertake their affairs.

Second reading negatived.

Motions

RESTART A HEART DAY

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Recognises that 16 October is internationally recognised as Restart a Heart Day;
2. Acknowledges that rapid access to automated external defibrillator (AED) devices and the application of cardiopulmonary resuscitation (CPR) can lift survival rates of sudden cardiac arrests from 10 per cent to 70 per cent;

3. Calls on the government to promote first aid programs to train more people in CPR and the use of AEDs;

4. Recommends the government include a mandatory instruction course in CPR and the use of an AED as part of the training process to acquire a driver's licence; and

5. Commends the South Australian parliament in unanimously passing the first laws in the nation making AEDs widely accessible in the community, to apply from 1 January 2025.

(Continued from 18 October 2023.)

The Hon. R.B. MARTIN (20:56): I note that I have an amendment to this motion, which the mover is supportive of. I move:

Leave out paragraph 4 and insert new paragraph as follows:

4. Requests the government consider including a mandatory instruction course in CPR and the use of an AED as part of the training process to acquire a driver's licence; and

Firstly, let me thank the Hon. Frank Pangallo for bringing this motion to the parliament. The Malinauskas Labor government acknowledges that 16 October is internationally recognised as Restart a Heart Day and acknowledges that rapid access to an AED device and the application of CPR can significantly lift survival rates in sudden cardiac arrest.

We were proud to support the Automated External Defibrillators (Public Access) Bill 2022, which was historic legislation brought to this parliament by the Hon. Frank Pangallo. This legislation will make life-saving AEDs mandatory in public buildings such as schools, universities, libraries, sporting facilities, local council offices, theatres and swimming pools to help save the lives of South Australians from cardiac arrest.

This government has already taken positive steps to install AEDs in places this legislation mandates, including in ambulance, MFS, CFS and SES vehicles. We have also commenced a new grant program helping community and sporting organisations purchase AEDs. The first round of the AED grants program provided over 200 grants to over 160 organisations right across the state.

There is substantial evidence that widespread access to AEDs can help prevent death by a cardiac arrest. According to the Heart Foundation time is everything in a cardiac arrest. Every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent. Public access to AEDs will help to reduce this risk. So we join the Hon. Frank Pangallo in commending the South Australian parliament in unanimously passing the first laws in the nation making AEDs widely accessible in the community, and we commend the Hon. Frank Pangallo for bringing this important legislation and today's motion to the parliament.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (20:58): I rise to express the opposition's support for the Hon. Frank Pangallo's Restart a Heart Day motion, an initiative that underscores the critical importance of life-saving skills and resources such as cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs). This motion brings vital attention to the reality that cardiac arrest is a medical emergency where every second counts and that rapid intervention can often mean the difference between life and death.

Firstly, this motion acknowledges 16 October is Restart a Heart Day, a day recognised internationally to promote awareness and education in CPR and AED usage. The origins of Restart a Heart Day may be traced back to Europe, but its mission to save lives is universal. This global initiative, led by the Council of Ambulance Authorities, promotes using CPR and AEDs to improve survival rates following sudden cardiac arrest.

As we know, cardiac arrest affects over 25,000 Australians every year, with a survival rate that is far too low. Without immediate chest compressions and defibrillation, survival chances decrease by about 10 per cent with every passing minute. On the other hand, if an AED is applied within the first minute, survival chances rise dramatically (close to 90 per cent). This stark contrast underscores the necessity of ensuring that all South Australians have access to AED devices and basic training in CPR.

This motion calls on the government to take active steps towards expanding first aid training across our state, empowering more people with the knowledge and skills to administer CPR and use

an AED. I commend South Australia for setting a national example by passing the Automated External Defibrillator (Public Access) Bill in 2022, mandating that AEDs be accessible to the public. South Australia leads the nation in this respect, and we are one of only a handful of places globally to enact such comprehensive AED legislation.

The motion also recommends that the government consider mandatory instruction in CPR and AED usage as a practical and impactful addition to driver licence training. This practice has proven successful in several European nations where first aid training is often incorporated into driver education. While the proposal to make it mandatory may not gain immediate legislative support, the recommendations remain constructive, aiming to instil life-saving skills in our community, potentially turning everyday citizens into first responders. I note that the Hon. Reggie Martin, as he has already stated, has an amendment to paragraph 4 of the motion and the opposition are happy to support that amendment.

As a community, we are collectively responsible for acting when others face medical emergencies. By supporting this motion, we advocate for increased public access to AEDs and for a South Australia that is better prepared, educated and ready to respond. This commitment is more than just policy, it is a declaration of our intention to safeguard the lives of South Australians wherever and whenever they may face cardiac arrest.

Supporting this motion is part of taking steps to promote these life-saving practices across our communities. Together, we can ensure that critical interventions are not just possible but accessible for all South Australians.

The Hon. R.A. SIMMS (21:01): I rise to speak very briefly on behalf of the Greens in support of the motion. We note that Restart a Heart Day is a global initiative of the European Resuscitation Council, and it is coordinated in Australia and New Zealand by the Council of Ambulance Authorities to raise awareness and educate the community about CPR and AEDs in the community.

As other members have observed, the Hon. Frank Pangallo has been a real leader in this space and put forward national leading legislation around improving access to defibrillators, which will save lives, so I pay credit to the honourable member for his advocacy on that.

When I saw this motion I was reminded that I used to be in the Scouts, and I remember I did a CPR course many years ago when I was in the Boy Scouts—it was part of our training—and it is a reminder for me that I need to have a refresher. As this motion identifies, knowing how to do CPR is really important in terms of being able to save lives, so definitely a worthwhile investment. I thank the honourable member for putting this on the council's agenda.

The Hon. F. PANGALLO (21:02): I thank all the honourable members for their comments today: the Hon. Reggie Martin, the Hon. Nicola Centofanti, and of course the Hon. Rob Simms for his words of support and encouragement. I note that the Hon. Reggie Martin does have an amendment, and that amendment deals with a section of the motion in which I ask that the government consider mandating CPR/first aid/AED training as part of getting a driver's licence.

As I said earlier today in the driving instructors bill, I have had some really cordial discussions with the Hon. Tom Koutsantonis, Minister for Transport, and moves are afoot already now to look at introducing first aid as part of a process of getting a driver's licence. He has given me an undertaking that they will certainly look at doing it if it is feasible, and I know that it is. He was quite keen on the idea.

In closing, not a day passes when I do not see reports popping up on my phone, my Instagram account or on LinkedIn of people whose lives have been saved because there has been ready access to an AED. It is becoming more common in Australia now, which is good to see. A lot of businesses, sporting clubs and other places are acknowledging and realising the importance of having these devices in the community and also in close proximity to where people gather or areas that they use in numbers, and it is heartening to see that we will get more of these as time rolls on, particularly in South Australia. With that, I commend the motion.

Amendment carried; motion as amended carried.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Notes that the Inspector for ICAC, Mr Philip Strickland SC, delivered reports to parliament of reviews into investigations into complaints on the following matters investigated by ICAC:

   (a) review of PIR 18/E17253 and complaint of Mr Michael Fuller, April 2024;

   (b) review of the investigation and prosecution of Mr Trent Rusby, April 2024;

   (c) review of the investigation of Chief Superintendent Douglas Barr, April 2024; and

   (d) the investigation and prosecution of John Hanlon, June 2023.

2. Notes that the parties named in the reports have registered with the Hon. F. Pangallo detailed submissions in writing, complaining that the reviews were attended by:

   (a) abuse of power;

   (b) failure to exercise power;

   (c) failure to provide procedural fairness and natural justice;

   (d) exceeding jurisdiction;

   (e) mistakes of fact undermining probity of the reports; and

   (f) failing to make findings of 'misconduct' and/or 'maladministration' in public administration in the face of clear and undisputed evidence.

3. Calls on the Attorney-General to act on the recommendations contained in the 2021 Report of the Select Committee on Damage, Harm or Adverse Outcomes resulting from ICAC Investigations.

4. Calls on the Attorney-General to order an independent judicial review, with an officer appointed from interstate with the powers of a royal commissioner, into the inspector's reports/reviews/findings in the matters of Mr Hanlon; PIR 18/E17253 and complaint of Mr Michael Fuller; the investigation and prosecution of Mr Trent Rusby; and the investigation of Chief Superintendent Douglas Barr.

The Hon. F. PANGALLO (21:05): On 29 April this year, the Office of the Inspector for ICAC handed down its review into the investigation and prosecution of Mr Trent Rusby. It was one of three reports the inspector had tabled. By way of background, Mr Rusby, the director of transport, safety and regulations at the Department of Planning, Transport and Infrastructure had been investigated in 2014 by ICAC for corruption in public administration, along with others.

The allegations were misuse of government credit cards and misuse of government property for personal use by employees of the Department of Planning, Transport and Infrastructure. There was also the wrong assertion that a trip that Mr Rusby had undertaken to Kangaroo Island with some of his colleagues was nothing more than a boys' fishing trip on the taxpayers' purse.

The Advertiser was tipped off about the story and it was given the nod to be published by the then commissioner, Bruce Lander KC. The subsequent story, given feature page prominence, with the most prominent photograph of those charged being Mr Rusby, contained sensational claims that they had stolen an Aladdin's cave of goods. To any reasonable thinking person reading that story, myself included, you could only conclude that there was a significant value of goods owned by the government that was misappropriated.

This was a false narrative created to give prominence and publicity to an ICAC investigation. When you see the actual list of items supposedly pilfered by these light-fingered Ali Babas of DPTI, it is laughable. This was never corrected by either *The Advertiser* or ICAC. Mr Rusby was charged with four corruption offences by the DPP on a referral by the then ICAC Bruce Lander KC: one of failing to act honestly in his job and three of theft. There was no basis for the charges against him, no evidence to support them and, consequently, they were thrown out of court, leaving Mr Rusby's reputation destroyed to this day—10 years later.

A Google search instantly brings up his personal nightmare. He says he is the only Trent Cameron Rusby in the world. He is required to get a police criminal check for every job he applies

for, then has to tell those potential employers his history. Even trying to get a job as a casual local pool guard requires a clearance. It remains there on his record.

As Mr Rusby puts it, this is what the ICAC, DPP, the media and the ICAC inspector failed to fully understand: the extent of the reputational harm and damage caused by their doing will last forever. The inspector did criticise Mr Lander for making basic mistakes arising from a poorly constructed investigation and then referring or recommending that the Office of the DPP prosecute Mr Rusby because it was in the public interest.

Incredulously, Mr Lander and ICAC are absolved of any wrongdoing. There was no adverse finding of misconduct in public administration maladministration by Mr Lander, and, even more astonishing, all the media attention and public commentary by Mr Lander had not caused undue prejudice—damage—to Mr Rusby's reputation. Then again, it is extremely rare to see one legal practitioner strongly criticise another. Remember that Mr Lander was a Federal Court and Supreme Court judge in three separate jurisdictions and is a King's Counsel. Incidentally, today happens to be his 78th birthday; I wish him a happy birthday.

He had the expertise to make an accurate and informed assessment on the available evidence against the accused, particularly Mr Rusby, before a brief was prepared for the DPP. Had that brief gone to SAPOL, as stipulated in the reformed ICAC Act, it is doubtful they would have proceeded with a prosecution given the lack of evidence to substantiate the charges against Mr Rusby.

The former ICAC, Ann Vanstone KC, excused Lander's poor judgement in thinking there was a reasonable prospect of a conviction as showing 'fair minds could differ on the question', even though Inspector Strickland submitted there was no prima facie case existing, noting, like Vanstone, that reasonable minds may differ. She rejects Strickland's criticism to refer the matter to the DPP in her response to Strickland's tabled reports in a statement on 1 May. Then, after her resignation, she told ABC radio:

> We had the independent umpire and he said what he said, anyone can read those reports and there is very little criticism of Mr Lander and his office in those…

I read Mr Strickland's comments differently. It is strong criticism that Mr Lander should never have referred Mr Rusby for prosecution with the others. After all, there was not a shred of evidence against him. He was innocent of any wrongdoing, and that was not picked up by anyone in ICAC or the Office of the DPP.

What about those in the community who might have already made up their reasonable minds reading *The Advertiser*'s coverage or conducting a Google search? Strickland says he was not satisfied that the referral to prosecution caused undue prejudice. How can that possibly be? Not only was he innocent and stole nothing but ICAC's decision to authorise a journalist to publish the story before Rusby's court appearance, in which Mr Rusby's photograph was the most prominent, smacked of a publicity stunt.

Mr Strickland does not seem able to correlate the difference between the ICAC investigation, which was an appropriate step to take, and the subsequent referral to the DPP, with the enormous media exposure given to it and to Mr Rusby. Mr Rusby should never have been implicated and charged in the first place. If he was not, he would not have been part of the newspaper story, but Mr Strickland does not think all this caused him harm—really? Does he really understand the powerful reach and lingering impact of such media exposure? Mr Rusby will never be able to escape it and scrutiny while it remains accessible online.

This is where the enormous damage has been done, and I cannot fathom how Mr Strickland can think there is nothing in it. Had it been a story of an alleged theft investigation and was published naming names without it being linked to an ICAC investigation, Mr Rusby would have had an excellent case to go to the civil courts and sue for defamation, where I am sure he would have won a handsome settlement. But because it was a criminal matter, he is unable to seek any redress, either financially or by way of an apology. This is why he is deserving of some form of compensation from the government, despite Mr Strickland's findings, which in my view are biased.

I found it puzzling that in his report Mr Strickland did not bother taking a statement from the journalist who broke the story, to try to ascertain how the journalist came to be told about it or who told him. We are led to believe the journalist approached ICAC seeking authorisation to publish before the accused fronted court, where their identities would have been revealed. Why did not Mr Lander demand to know how that information of an ICAC investigation was given to a journalist? After all, it was an offence for someone to disclose an ICAC investigation. We will never know what was discussed, because Mr Strickland chose not to go there in his review.

As for the review itself, there are many missing links to his investigation. The most astonishing revelation starts at paragraph 64 on page 17 and ends on page 19 at paragraph 72. It has to do with probably one of the most important pieces of exculpatory evidence: an audit of the department to be carried out by the complainant, which was requested by ICAC's own investigator. This audit report was to specify what was stolen or missing, improper purchases and who was responsible. It was to clearly identify lines of inquiry for the investigator so that he could carry out his investigation plan. What happened? The reporters could not provide the audit on time, with the investigator taking statements five months after the investigation had started.

Strickland goes on to say that it was never clear whether ICAC had ever received this important piece of evidence, because Strickland was unable to find a complete version of it at ICAC, in the DPP's files or on the court files. What was going on here? How on earth could you lose this significant document, that is, if it even existed or was provided? If it was provided, it should have been entered into ICAC's database. This is amateur hour, Keystone Cops stuff, if it was not so serious and to the detriment of Mr Rusby in particular. But there was no explanation in his review about why this had happened—not good enough.

Mr Rusby and his wife, Leah, were interviewed by Mr Strickland or, as Mr Rusby puts it, cross-examined and making them feel they were under suspicion again. Mr Rusby and his wife told Strickland the truth, but Mr Rusby said the inspector was more interested in and focused on finding defences and excuses for ICAC and for Mr Lander and the investigators appointed, while taking scant notice of the physical and psychological damage and ongoing hurt it has caused them.

Strickland makes no reference to Mr Rusby's post-traumatic stress disorder resulting from that failed prosecution. He has been on stress leave for the past 12 months, suffering from traumatic injuries and trauma-related panic disorder, extreme anxiety, panic attacks, nightmares, depression, headaches and poor physical health as a result of his ordeal at the hands of ICAC. I seek leave to table the psychological report and clinical notes for Mr Rusby prepared by his registered psychologist, Dr Reneshree Govender, which details a life and career that has all but been destroyed.

Leave granted.

The Hon. F. PANGALLO: Yet, Mr Strickland did not note Mr Rusby's distressing condition was worthy of a mention in his review—it is not fair. Rather than me read it into *Hansard*, I would like to move to table Mr Rusby's own responses to critical paragraphs in Strickland's report he disputes.

Leave granted.

The Hon. F. PANGALLO: I will, however, read a letter sent to me by Mr Rusby on 31 May 2024—and I believe sent also to you, Mr President—comprising 14 bullet points in which he accuses Mr Strickland and his then deputy and now acting inspector, Mr Stephen Plummer, of denying him natural justice:

> Sir,
>
> The Report was tabled in this House on about 30 April 2024 and the following points noted:
>
> 1. The Inspector failed to provide transparency and right of reply by denying my access to Mr Lander's transcript of evidence (email correspondence attached);
>
> 2. The denial to me of access to Mr Lander's testimony is authored by Mr Stephen Plummer, the Deputy inspector who had no power or authority to make such a decision. Mr Strickland had as Inspector no power under Schedule 4 of the ICAC Act to delegate any function to his Deputy;
>
> 3. The denial under the hand of Mr Plummer was therefore of no legal consequence. I have been denied natural justice by not being afforded the personal consideration of the inspector;

4. As such, the Inspector denied me the opportunity to reference in any submission (to the inspector) passages in Mr Lander's statement, in support of the following critique in points 5 to 11 inclusive;

5. The Inspector clearly identifies a significant error by the ICAC, specifically Mr Lander (Paragraph 19 & 317);

6. The Inspector having identified the error by Mr Lander fails to recommend referral of Mr Lander to an appropriate body for investigation;

7. The Inspector fails to consider the gravity, and include in his report, evidence provided by myself and my wife, in support of the damage and harm caused to my reputation, and subsequent loss of earnings, as a direct result of the ICAC error, specifically Mr Lander's error;

8. The Inspector, by failing to make recommendations for referral to an investigative body, has limited any opportunity for me in seeking future financial compensation from State Government;

9. The Inspector fails his review by allowing (accepting) Mr Lander to move blame from the ICAC to the DPP with regard to the function of checking a brief of evidence prior to it being referred by the ICAC to the DPP;

10. The Inspector has succeeded in part by identifying some of the wrongdoings by the ICAC, namely, that there was never any evidence to support a reasonable prosecution against me, that Mr Lander made an error by referring a brief of evidence (with no evidence) to the DPP, with my name included;

11. Had Mr Lander administered his function correctly, I would not have been the victim of the media attack on my name and reputation, regardless of the DPP's involvement;

12. The time frame allowed to me, a person not legally trained, was a denial to me of procedural fairness and natural justice;

13. A consequence of this has been the tabling of a Report with findings which are currently unchallenged by me;

14. My only opportunity to put my challenge in the same forum as the Report is this, my appeal to you Mr President for the tabling of this my citizens reply.

Trent Rusby

31/05/2024

Anyway, 'So what?' says Ms Vanstone. Ten years on, there is nobody involved in that investigation who is still working at the commission, and she says it is a totally different organisation. One just shakes one's head in bewilderment that the inspector could come to such a conclusion.

But it should not come as a surprise, considering no individual was found responsible for the bungled Hanlon investigation, despite the inspector finding that the institution itself was guilty of maladministration. It was badly managed. That was the extent of it.

I will maintain that his report was a biased snow job to protect the integrity of the agency and its management and staff from any further embarrassment. As Mr Strickland told a parliamentary committee, someone else may have found differently. After all, reasonable minds may differ, but not in this case. It is unreasonable.

Again, I am quite conscious of time, that it is at a premium tonight and that the government is wishing to finalise two bills. While I do have just one more case review to consider and speak about, I will not go through it tonight and I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Bills

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The Hon. C. BONAROS: I want to pick up from where we left off and particularly in relation to what transpired yesterday evening and also some of the questions that were asked today and just to be clear for the record. In the absence of any person leaving their party, which they may not,

indeed, want to do, and in light of those discussions, to be absolutely clear, there is no other option for sitting members of parties, for instance, in terms of opting in or opting out of the scheme. As we said last night when we were talking about the amendment, you do not have a choice between going and fundraising or being in the scheme. There is one option and one option only.

The Hon. K.J. MAHER: I thank the honourable member for her question. She is right. It is not an opt-in system. The choice is not open to you to take donations and not get any funding. Your choices are to have no funding at all or be part of the system. There is not a choice as a sitting MP to take donations in lieu of the funding. That is not an option under this scheme, on my advice.

The Hon. C. BONAROS: That is what I was hoping to clarify, given the questions raised earlier. To be clear again for the record, depending on the year of election, some of us will be eligible for funding in 2018, some of us will be eligible for funding based on the 2022 results, but it is not going to necessarily be the same funding going forward.

Again, I will use me as the example. I am not going to repeat the Xenophon result of 2022 so whilst we may say that in 2022, based on 2018 it is a very generous scale in terms of funding, in all likelihood, at 2026, when the next lot of funding kicks in for 2034, if I am still alive, then that is going to be a very different scenario.

Effectively, what I am saying is the advance funding gives some of us an up at the next election, but then after that you expect a decrease, because you are never going to achieve those same results, or some of us have a slightly lower scale in the next election but then anticipate an increase in funding as it goes forward. It is because we are basing advance funding on our election results, and there is nothing else to base this on, based on the model that the government has conceptualised.

The Hon. K.J. MAHER: Yes, my advice is that that is in effect correct. The advance funding that is part of this model is based on the results at your last election, whenever that last election was.

The Hon. C. BONAROS: So when it comes even to the administrative funding, it is not fair in fact to say that over the next four years I, for instance, am going to receive whatever I am going to receive per year in administrative funding. What is guaranteed is one year of that funding, pending the outcome of the next election, and if I were to run and fail at that election then it falls over. There is nothing beyond that.

The Hon. K.J. MAHER: My advice is that is in effect right. The administrative funding for a party requires someone to be in the parliament, so if you are not in the parliament that administrative funding does not kick in, is my advice.

The Hon. C. BONAROS: Just to be clear again then, because we are moving amendments in relation to that 2 and 4 per cent and I think one of the points that was raised by the minister yesterday which needs to be placed on the record is the secondary issue around the 2 and 4 per cent. For the sake of convenience, I am just going to keep using me as the example. I run for election in 2026. I do not make the threshold that would have existed prior to the amendment, so I do not get elected. I do not get anything back and I do not get elected, but then in 2030 I am stupid enough to run again to sit as a member of this place.

I am bound by the 2 per cent cap in 2030, so in order for me to get something after the 2030 election the 2 per cent and the 4 per cent would apply to me as though I were a new entrant. At that point, I would have the choice of either opting in, if I reached the 2 per cent, or fundraising because I have not been elected and effectively starting again.

My question is: regarding the 2 and 4 per cent, that secondary issue that the minister has raised I think is an important one to put on the record, that regardless of your result at the next election, at the election following that if you are not elected that 2 and 4 per cent applies to you.

The Hon. K.J. MAHER: I thank the honourable member for her question, taking an example of someone who was in the Legislative Council as a member of parliament, runs in 2026, is not successful in 2026 but then wants to run again in 2030. Even if they are a member of a party and there are no more members of that party still in parliament, that person, whether they run again as an Independent or again for that same party, will be a new entrant.

That person is entitled to the potential of the new entrant advance payment of the two lots of $2,500. That person also has the capacity in addition to that to raise funds with all the stipulations about the amounts of the single donation and you can only raise up to the cap. If that person, for the sake of the Legislative Council, achieves greater than 2 per cent in 2030, then they have the entitlement to public funding for that dollar per vote, as long as they meet that threshold of 2 per cent.

If it was exactly the same factual scenario in the lower house, that is you are a member in the lower house and you are defeated at the 2026 election but you want to run again, you would have all the same possibilities of the Legislative Council member, that is the two lots of $2,500 and you have the ability to fundraise with the limits on donations up to your cap. If you achieve more than 4 per cent for the lower house, you will get that dollar per vote amount for that, and that dollar per vote amount, the ability to get that dollar per vote amount above the 2 and 4 per cent remains consistent, as it has been since the 2014 changes, is my advice.

The Hon. C. BONAROS: I thank the Attorney for his explanation, but by the same token, if in 2026 somebody from a sitting party or an Independent achieves 3 per cent, but it is not enough to get a quota, then at the 2030 election they can either opt to come in as a new entrant or they can access the public funding based on their 2026 result?

The Hon. K.J. MAHER: My advice is that is correct. You can have the choice of being a new entrant with the stipulations we have gone through in my previous answer, or my advice is you could choose to have advance funding if you had achieved that 2 per cent of 80 per cent of whatever your dollar per vote would have been. I am not sure what the maths is of the 3 per cent of the one point whatever million votes there are, but I am advised that would be an option and a choice that a candidate in those circumstances could make.

The Hon. C. BONAROS: In effectively getting rid of the 2 and 4 per cent, we are only getting rid of it insofar as it applies to sitting members who either do not reach the quota or do not get elected, but going forward the 2 and 4 per cent still applies in every other scenario?

The Hon. K.J. MAHER: My advice is the 2 and 4 per cent that we are getting rid of as the result of discussions in this chamber about this time last night, and the discussions that have gone on between many of the parties that are involved, the 2 and 4 per cent will not apply, as I am advised, to the sitting members of parliament in relation to advance funding they get based on their result at the last election.

The Hon. N.J. CENTOFANTI: Given that candidates have the option to take donations up to the cap unlike sitting MPs, is there a concern around still having at least a perception of political donation impropriety around those candidates who are then successfully elected?

The Hon. K.J. MAHER: I thank the honourable member for her question. We are banning donations for state electoral purposes; however, we have designed the scheme to make sure it is as fair as we can conceive it to be to potential new entrants. The alternative would be new entrants not being able to fund a campaign, not having access to money and not having access to funds to campaign because they did not have a result at the last election, as we have just talked about, that has achieved over the 2 or the 4 per cent.

I suspect two things: firstly, that would have rightly attracted criticism for trying to stifle people's ability to partake in this democratic process, but I also suspect that—and it is partly interrelated—given the system is being designed to as best it can not offend that implied freedom of political communication that the High Court has read into the constitution, to make sure that we are again allowing that realistic possibility and best possible chance for a new entrant to do that. Without that it would be very difficult to conceive how that would be done.

The Hon. R.A. SIMMS: In relation to this question about operational funding, is it not the case under the existing public funding model that in order to get operational funding a political party must have a member of parliament in this place? So operational funding is not made available to political parties unless they have a sitting member of parliament?

The Hon. K.J. MAHER: I am advised it is termed special assistance funding to help with your operations, particularly in relation to your obligations under the latest funding scheme that came

in in 2014, but my advice is, yes, that is correct. To be eligible for that you need to have a member of parliament as a political party in here.

The Hon. R.A. SIMMS: So what the government is proposing in that regard is actually not a change from the existing status quo?

The Hon. K.J. MAHER: In terms of the potential eligibility I am advised that is correct: it remains the case that you need to be a member of parliament to have access to that administration or special assistance funding currently. That continues. Of course, exactly how it works and the quantum changes, but in terms of the principle that the honourable member has put forward I am advised that is essentially correct.

The Hon. C. BONAROS: One thing we have not touched on—I cannot remember if we touched on this yesterday—is policy development funding for new entrants. Can the Attorney elaborate on that, please?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that there is the ability on a reimbursement basis—so not paid in advance—for non-incumbent registered parties; so as long as the registered party has met all the requirements under the Electoral Act to be a registered party, a non-incumbent registered party can apply on a reimbursement basis for up to $20,000 a year funding for policy development purposes.

Once again, in relation to the last question the Leader of the Opposition asked, this is, again, a measure designed to try to have an equitable way for parties who have done all that they need to do to be a registered party under the act to have an ability to do something in the democratic process, like policy development.

The Hon. C. BONAROS: So as an example, the Animal Justice Party, which is a registered political party in the state, or the Legalise Cannabis Party, which is a registered vehicle party in the state or, I do not know—

The Hon. R.A. Simms: What's his name? Pallaras? Steve Pallaras?

The Hon. C. BONAROS: Steve Pallaras? Yes—would be able to apply for that under a reimbursement scheme in terms of policy development? Is that only new entrants who are parties? Is it just registered political parties?

The Hon. K.J. MAHER: I thank the honourable member for her question. The idea that there ought to be some sort of funding like this available came as a result of the expert panel, and under the bill before us it applies just to registered political parties. So not every single Independent who wanted to develop policy could have access to the scheme. As I have said before, my advice is you need to have gone through the process. I just cannot remember exactly what it is in terms of number of people who are a member of your party and to go through everything that you need to do to be a registered political party.

The Hon. D.G.E. HOOD: Just a note of process, first. I have found this extended clause 1 phase, if you like, very helpful. I think members will be pleased to hear that I had about 40 questions coming into this clause, and I think I am down to about seven left as they have been answered along the way by other members, which has been very helpful. So I thank the chamber for that and the Attorney for his patience in this.

This question may or may not be able to be answered, because it may not have been contemplated, but my question is: what happens in the event that an individual or a party, but probably an individual, cannot repay money that they have been given ahead of time? If they do not hit the 2 or 4, for example, and they are expecting to have to pay that money back, but they cannot, what happens in that circumstance?

The Hon. K.J. MAHER: I thank the honourable member for his question. As a result of amendments that we have discussed at quite a bit of length here this morning, for a party or an individual who is a member of parliament and gets that funding based on their last election result the effect of the amendment that will be put forward later on this evening means that as long as you have spent it on electoral purposes, which you are required to give that certification to at the start of the process, my advice is you will not be required to pay that back.

New entrants cannot rely on 2 per cent or 4 per cent because they will not have a vote from the last election but if a new entrant who avails themselves to the two lots of $2,500 does not meet that 2 per cent or 4 per cent, that becomes something that is at the discretion of the Electoral Commissioner and, for all the reasons we talked about earlier as well, liable to be paid back. If they cannot repay the $5,000, it is a debt owing like any other debt that is owed, is my advice.

The Hon. N.J. CENTOFANTI: Just going back to the policy development funding, is the Attorney able to explain to the chamber what sorts of measures might be captured under the policy development purposes?

The Hon. K.J. MAHER: There is a definition of policy development expenditure, I am advised, in the bill and I can read out the various parts if the honourable member wishes. It is a new section 130WB and it includes things like expenditure on providing information on policies of the party to members and supporters of the party, expenditure on research undertaken by or on behalf of the party for the purposes of policy development, expenditure on conferences, seminars, meetings or similar functions at which policies of the party are discussed and any other expenditure or class of expenditure prescribed by regulations. That is how it is defined within the legislation.

The Hon. L.A. HENDERSON: Attorney-General, can you please advise if members of parliament or candidates were to use personal funds to pay for expenses incurred in the line of them carrying out their duties of their employment or campaigning—and maybe if I can use the example of paying for boosting of social media posts or something along those lines—is that something that could occur under this legislation?

The Hon. K.J. MAHER: I do not have the exact details but my advice is that, in relation to what the honourable member is asking—that is, the ability of someone to use their own money, for example, to boost their social media posts—it still remains as it is under the scheme as it currently applies. That is, if it is during the capped expenditure period, and things like that, it may be captured in the overall spend that you have, and this does not change it for the non-capped period either. I will just double-check that.

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: My advice is that if that is expended, it relies on how it has been and how the scheme has operated in terms of your expenditure obligations as they currently stand under the scheme that has been in place since 2014 and, whether it is under the captured expenditure period or outside, it remains as it has been under the scheme as it has previously operated in terms of what counts towards an expenditure cap. That is my advice.

The Hon. N.J. CENTOFANTI: I just want to go to associated entities. Can the Attorney explain whether a registered political party can receive donations for federal election purposes and send it to an associated entity for that entity to use as they see fit?

The Hon. K.J. MAHER: My advice is that money received for a federal purpose—and, again, this is not the subject of this bill, but my advice is that if it is received for a federal purpose under the federal regime, it can only be used for that federal purpose and cannot be taken out and used for other purposes. That is my advice.

The Hon. N.J. CENTOFANTI: How much can third parties receive in donations?

The Hon. K.J. MAHER: My advice is that the cap as an individual donation is $5,000.

The Hon. N.J. CENTOFANTI: Is that an amount per person, per year?

The Hon. K.J. MAHER: Yes, that is correct.

The Hon. N.J. CENTOFANTI: What can those donations be used for?

The Hon. K.J. MAHER: My advice is that if it is an election donation to be used for state election political expenditure it is captured as a donation under the scheme. If it is not a donation that is given to someone for political expenditure then it is not captured by the scheme by the very definition, because it is not a donation for that purpose. If it is a donation for the purpose of a state

electoral campaign then it is captured by this scheme. If it is not a donation for that purpose then it is outside of the scheme.

The Hon. N.J. CENTOFANTI: If it is captured, what can those donations be used for—any political campaign?

The Hon. K.J. MAHER: My advice is that it can be used for political expenditure under this scheme.

The Hon. N.J. CENTOFANTI: Are registered charities considered third parties under this bill?

The Hon. K.J. MAHER: If you are a registered charity, are you counted as a third party? My advice is, yes, you are counted as a third party.

The Hon. N.J. CENTOFANTI: That being the case, are they then subject to those donation caps?

The Hon. K.J. MAHER: This is a little bit complicated, but I will try to get this right and will clarify if I need. My advice is that an ACNC-registered charity, as part of their national registration, is not allowed to campaign for a particular party or candidate. That is part of the qualification to be an ACNC-registered charity. Because of that, they do not have the same donation caps applying given that they are prohibited from doing that as part of their registration.

The Hon. N.J. CENTOFANTI: I apologise if I am not understanding this correctly. Why can they then be considered third parties?

The Hon. K.J. MAHER: My advice is that although they are prohibited from campaigning for a candidate or a party, they are not prohibited from campaigning for what they are involved in, their cause or their issues.

The Hon. N.J. CENTOFANTI: Therefore, my next question is: what can donations to registered charities be used for?

The Hon. K.J. MAHER: Not campaigning for the candidates.

The Hon. N.J. CENTOFANTI: No, just for the cause; anything else?

The Hon. K.J. MAHER: I do not have all the details in relation to that, but that is the advice that I have. As I said, that is a federal scheme. I am happy to go away and try to find more information, but that is governed by a federal scheme.

The Hon. L.A. HENDERSON: Is there any impact or consequence on a political party that is registered prior to an election and receives funding and then, post election, is deregistered?

The Hon. K.J. MAHER: My advice is we are not sure of a situation where there would be a consequence except for the possibility, if there was unspent administrative funding, of having to return that unspent administrative funding. That is all we can think of at the moment.

The Hon. R.A. SIMMS: Just to circle back to the question around advance funding, the terrain the Hon. Connie Bonaros was traversing earlier, there are two elements of advance funding. In the Legislative Council it is based on the vote at not the most recent cycle but the cycle before that. For the House of Assembly it is based on the most immediate election. What is the rationale for the twice removed advance funding formula for the Legislative Council, and what happens if the candidates on the Legislative Council ticket change?

The Hon. K.J. MAHER: My advice is that if it is a party, it does not matter if the candidates change. For parties, that is a regular thing that candidates will change from election to election. In relation to the rationale of why it is the election before last for the Legislative Council, that is because those candidates or their replacements are up for election next time.

The Hon. D.G.E. HOOD: I have about half a dozen questions left, so not that many; I am happy to put them at clause 1. A fairly broad question dealing with payment A and payment B in clause 20: I think I understand it, but for the sake of clarity can the Attorney outline how he thinks it would work so that we are clear on that, please?

The Hon. K.J. MAHER: I am almost certain I have understood the question: the 80 per cent advance payment, that is 80 per cent of the dollar-per-vote value you would have got from the last time you were elected eight years ago in the Legislative Council or four years ago in the House of Assembly, is broken up into two payments. The first lot of those payments I am advised occurs at the start of the capped expenditure period.

If we use the next election, for example, 60 per cent of that payment would be on 1 July 2025—the start of the capped expenditure period, nine months before an election—and the next instalment, the final 20 per cent, would be paid at the issue of the writs, so, for the purposes of the next state election, mid or early February, five or six weeks before the state election.

The Hon. L.A. HENDERSON: To go back to a question I asked prior to us finishing up for lunch, the minister indicated he had a response to my question, but I will put it again as a refresh. How would advance funding apply to Legislative Council candidates elected on group tickets who subsequently became Independents to contest the next election?

The Hon. K.J. MAHER: I thank the honourable member for her question and for the ability to have time to make sure we have the correct answer. By virtue of the operation of the act as it stands, the legislation we are talking about and proposing tonight and regulations that will come into place, the way I am advised it will work is that a Legislative Council member, who has been elected on a ticket of a party but then becomes Independent, sits similarly to the operation in the lower house that we talked about for a lower house member becoming Independent. They can have the benefit of that advance funding that the party or the ticket got but only up to the cap of what you are allowed to spend as that one person who is running. The cap for that in the Legislative Council is $125,000, so it would be 80 per cent of that $125,000, which would be $100,000.

The Hon. L.A. HENDERSON: Just following up on a question that was asked yesterday that you took on notice around what costings had been done for each major and minor party and what modelling was used, is the minister able to advise the chamber how much each major and minor party would receive, based on modelling with per-vote advance funding based on the 2022 election for the 2026 election?

The Hon. K.J. MAHER: I think I mentioned this last time but my advice is that that rough modelling so far is based on the funding from the last time people were elected, so, again, in the case of the Legislative Council, two election cycles ago for those contesting in the case of the lower house, those ones that are contesting this time again. I do not have the exact figures but I do not think I have placed on record here but I think I talked to members after the conclusion last night. The government does not intend to progress this in the lower house this week, so we will have that fortnight before. I am happy to go and ask what information can be provided to those who are interested that is able to be provided.

The Hon. L.A. HENDERSON: Is it correct that parties and candidates who are standing for re-election can access up to 80 per cent of their notional per-vote funding in advance?

The Hon. K.J. MAHER: I think I understand the question but I am not sure, so let me try to answer it and I am happy for you to repeat it if I have not answered it. Can someone who is contesting an election again who is a member of parliament access up to 80 per cent of funding that they would have been entitled to on their per-dollar vote at the last election, based on new figures? If that is as I understand the question, my advice is, yes, you can.

The way that works is how I outlined to the Hon. Dennis Hood previously, that if you qualify for that you get that 80 per cent paid in two tranches: 60 per cent at the date of the start of the capped expenditure period about nine months before the election, and that final tranche of the final 20 per cent at the issue of the writs.

The Hon. L.A. HENDERSON: Is it the case that the notional per-vote public funding is drawn from the previous relevant election?

The Hon. K.J. MAHER: My advice is it is from the last time you were elected, so, as I have said before, that is drawn from the last time you were elected. In the case of the House of Assembly it would have been the election immediately prior, but for a group in the Legislative Council those

people up for election at any given election coming up were elected essentially two elections ago or eight years before.

The Hon. L.A. HENDERSON: Is the per-vote public funding for continuing participants in parties $5.50 per vote? If that is the case, can the minister confirm that it would be easy enough to calculate the notional funding that each party and candidate would receive and that it would be appropriate to be able to provide that to the chamber today?

Members interjecting:

The CHAIR: Order!

The Hon. K.J. MAHER: I can confirm for continuing members of a registered political party, I understand that it is the case that the funding that is proposed under this model would be $5 per 50 and then the 60 per cent and then the 20 per cent. I am sure it is calculated; I just do not have those in front of me at the moment. As I have said, I am more than happy to go away and between the time that this is here and a fortnight away (not next week but the week after) we discuss it there. I am happy to ask the minister's office who is responsible to see if they can provide those figures.

The Hon. C. BONAROS: I am sure we canvassed this issue yesterday extensively, but the questions that have just been asked are subject to some very important qualifications. There are values that apply, depending on whether you ran candidates in the upper house and the lower house, and so that 80 per cent that she refers to, for instance, would be capped for one in terms of what you can get back and would also rely on whether indeed you were actually running candidates in the lower house and therefore that figure would change based on the result of the lower house vote.

So when it comes to the upper house vote, whichever way you spin it, it is capped: there is a $500,000 cap and you cannot go higher than that. The question then is whether you are relying on your result also for the lower house, but you must make an application to the Electoral Commission to advise them that you are actually intending to run candidates in the lower house in order to be able to access the 80 per cent funding that would apply per candidate in the lower house up to the cap.

The Hon. K.J. MAHER: Yes. I am advised that is correct, in essence. That is, you would need to advise how you are intending to run because a lot of parties do not just run one candidate in the upper house: they run a number in the upper house and a combination, for a lot of parties, in the lower house as well.

The Hon. C. BONAROS: Just in terms of those notional values, then, you can have a ballpark figure in terms of everyone maximising the number of candidates they are going to run, but if you have someone who is sitting, for instance, in this chamber and they choose to run none, or run one, or run two, or run three—the figures might be different. So unless you are going to give a range of every single scenario that a party could possibly be contemplating, you are not actually going to be able to provide those values. You can provide the maximums potentially, but that is not in your hands in terms of what individual parties are going to do, based on whether they run in the upper house or the lower house.

What is clear is that, in the upper house, at least, you cannot get beyond the $500,000. The only time that beyond $500,000 comes into the equation is if you nominate and go through the process of applying to the commissioner and saying that you will be running candidates in the lower house. Then, based on the number, they will determine how much you are entitled to.

The Hon. K.J. MAHER: My advice is that that is essentially correct. It is a combination of both of those things.

The Hon. N.J. CENTOFANTI: Are in-kind efforts of a third party contributed to the third-party capped expenditure; for instance, if an organisation provided a boardroom in kind?

The Hon. K.J. MAHER: My advice is: it depends. I will try to answer it as best I can. If need be, I am happy to bring back further advice because, as I said, we have time between the houses. I suspect the honourable member's colleagues in the other house will be interested in how this works, and we have more time.

As I said, my advice is that, in those circumstances, it depends. My advice is that if it may not be political expenditure there may not be an obligation. If it is not political expenditure under the definition of the act, my advice as to why it depends is that there is an interaction between exemptions in regulations and what is in the act. I am not going to be able to stand here and rule that this definitely is and that definitely is not, but it may well not be political expenditure.

The Hon. N.J. CENTOFANTI: I guess then in the same vein the volunteer efforts of a third party are capped as third-party expenditure?

The Hon. K.J. MAHER: My advice is a volunteer is exempt from the definition of a donation. Once again, I am happy to see whether there is any further clarity that is needed, but the advice I have is a volunteer is exempt from the definition of a donation.

The Hon. N.J. CENTOFANTI: Is there a maximum number of third parties that can campaign for one political party?

The Hon. K.J. MAHER: My advice is there is no maximum. I am not sure the expert panel will traverse that but I expect that would likely cause concern for someone in terms of the High Court's implied right to freedom of ability to engage in your political expression. There is not a maximum number that can campaign.

The Hon. N.J. CENTOFANTI: Following on from that, could therefore an infinite or indefinite number of third parties be newly created specifically for the purpose of campaigning in support of a singular or particular political party?

The Hon. K.J. MAHER: My advice is there is an offence provision if a person knowingly participates directly or indirectly in a scheme to circumvent the prohibition or requirement under division 6 relating to political expenditure. There is not a cap on the number of groups or third parties that could campaign, but if you are involved in a scheme to deliberately try to circumvent there are provisions in the act to capture that, is my advice.

The Hon. N.J. CENTOFANTI: I know you have said previously that you will provide some clarity between the houses but in doing so I am just wanting some clarification as to how the government landed at some of the inclusions and exemptions, considering the in-kind and voluntary work has always been key to grassroot organisations. In particular, I think it is section 130A(1)(m) which is the provision of broadcasting. How did the government arrive at a non-commercial broadcasting service not being an in-kind donation if broadcasting still has an inherent value?

The Hon. K.J. MAHER: My advice is this was an issue that was raised in public consultation. That particular provision that the honourable member refers to was raised in consultation in particular because, as I am advised, the ABC gives time and often, as I understand it, equal time to those involved in politics or in a campaign and obviously that is not designed to be captured under this scheme.

The Hon. N.J. CENTOFANTI: In that same respect, is it true then that a community radio station could promote a candidate and it not be counted and similarly a community newspaper promote a single candidate and it not be counted?

The Hon. K.J. MAHER: My advice is as long as they are not in the meaning of a commercial broadcasting service within the Broadcasting Services Act 1992 of the commonwealth.

The Hon. N.J. CENTOFANTI: Can you please explain also for the chamber section 130(A)(1)(d) the payment of an amount in respect of a guarantee? Specifically, what are the circumstances which have previously arisen to require that inclusion?

The Hon. K.J. MAHER: I am advised that this has come from definitions that are in the New South Wales act. Again, this is one that in between the houses I am happy to find out the exact rationale. I do not have that with me at the moment, but it is a feature of the New South Wales act, I am advised. I am happy to provide more behind that rationale between the houses.

The Hon. R.A. SIMMS: Just to circle back to the point that the honourable Leader of the Opposition made, so that we are crystal clear, there is no prohibition on volunteering to third-party organisations or, indeed, political parties as part of these changes?

The Hon. K.J. MAHER: My advice is that volunteering is one of those clear exemptions, yes. I think the honourable Leader of the Opposition has talked about volunteers being the lifeblood of many movements, but also political parties, so that is to be made clear as an exemption, I am advised, in terms of the scheme that we are talking about tonight.

The Hon. D.G.E. HOOD: Members will be pleased to hear that my six or seven I think I said I had left is now down to four or five, because a couple of them have been answered as answers have been given to the leader. This one is quite a specific one, Attorney, and it is not clear to me, so I would appreciate some insight on this one. Clause 27(7) talks about prescribed administrative expenditure. My question is: what is in and what is out? For instance, is buying a laptop prescribed administrative expenditure? Who decides that? Presumably it is the Electoral Commissioner, but how is that going to work in practice?

The Hon. K.J. MAHER: Is the member asking about transitional administrative funding or administrative funding year on year?

The Hon. D.G.E. HOOD: Year on year.

The Hon. K.J. MAHER: Year-on-year administrative funding is defined in clause 9(2) of the bill. It goes through:

> administrative expenditure means expenditure relating to the administration, operation or management of a registered political party…or administrative or operational expenditure—

The Hon. D.G.E. HOOD: Sorry, I will stop you there if I can. I understand that, but my question was more to clause 27(7). That talks about prescribed administrative expenditure.

The Hon. K.J. MAHER: My advice is that there is transitional funding to the new scheme and that applies in relation to that transitional funding, which I am advised is $200,000 for parties and $50,000 for non-party members. That clause is for that transitional funding to the scheme, is my advice.

The Hon. D.G.E. HOOD: Thank you. I will go back to my original question: are things like laptops in? What is it?

The Hon. K.J. MAHER: My advice is it falls back on the definition of administrative expenditure that is in whatever clause that is—clause 9—but for the purposes of the transition to the new scheme is my advice.

The Hon. C. BONAROS: Just to be clear, are we talking about the funding that is provided to effectively enable parties and Independents to comply with—

The Hon. K.J. MAHER: To transition?

The Hon. C. BONAROS: Yes, that is right

The Hon. K.J. MAHER: Yes, my advice is that that is correct. The transition I think is to comply with the act that we are talking about at the moment.

The Hon. N.J. CENTOFANTI: I have a couple of questions around membership fees. The bill would cap the membership fees of a political party at a maximum of $250. That is correct. Is this allowing a workaround method for small donations to political parties, noting that party membership fees are tax deductible? Is there a risk of that?

The Hon. K.J. MAHER: My advice is, no, that is not what the intention is at all. It is a recognition that political parties have a membership base and is providing the ability for people, as they currently do, to become members of that political party—those people who are, to their great credit, believing in the causes and the objects of the political party, and they do not just take their hard-earned cash but often spend many hours on very cold nights in community halls attending all sorts of branch meetings to continue to do that. So it is designed to make sure that members can continue to do that. I am advised one of the reasons that there is a cap in there is to try to encourage it not to become any sort of workaround for that purpose.

The Hon. N.J. CENTOFANTI: Could a political party allow for multiple memberships for one individual to effectively collect greater than $250 from each individual?

The Hon. K.J. MAHER: My advice is you can only have one membership per person.

The Hon. N.J. CENTOFANTI: Can the minister advise what those membership fees collected can be used for? Is there a specific definition? Does it have to be used for admin versus campaigning?

The Hon. K.J. MAHER: My advice is there is broadly no restriction on what it can be used on. However, I know as a former Labor Party state secretary—and I have two other of my colleagues behind me who are also former Labor Party state secretaries—

The Hon. R.B. Martin: A stack of secretaries. The collective noun is a stack.

The Hon. K.J. MAHER: We have a stack of secretaries of the Labor Party in here. In my experience, the membership fees that are paid in political parties do not go near to covering the costs of the membership organisation in servicing those members. So even allowing for $250, certainly in my experience it is unlikely that that membership fee that is paid covers the costs of providing services to the members of your party.

The Hon. N.J. CENTOFANTI: Is there a possibility for the imposition of levies against party members for the purposes of political funding?

The Hon. K.J. MAHER: My advice is, yes, that is the case.

The Hon. N.J. CENTOFANTI: Is there any definition of 'levy' in the bill or the act?

The Hon. K.J. MAHER: My advice is there is not a definition in the act, but it does allow for such a thing.

The Hon. D.G.E. HOOD: We are on clause 1, but looking ahead to clause 31, Attorney—a few more than one, but not too many more—this is the part that deals with policy development expenditure and it lists a number of things that are included, specifically conferences, seminars, meetings, etc. My question is: what is not included? Because it is so broad that on my first reading, it was hard to think of anything that is not included, so what is not included?

The Hon. K.J. MAHER: My advice is that, for example, one thing that is not included is political campaign expenditure, and very deliberately.

The Hon. R.A. SIMMS: Just on that point—and I do understand it is in the act, but for completeness—can the minister detail what then is regarded as political campaign expenditure, just so that we are clear on the distinctions?

The Hon. K.J. MAHER: My advice is that it remains unchanged, so it is the same definition for 'political expenditure' that we currently operate on under the regime that has been in place since 2014. I am happy to try to find that and read it out, but if it gives the honourable member some comfort, that is the same definition that has previously been used.

The Hon. L.A. HENDERSON: Is there a limit or a restriction on who can contribute via a levy to a political party?

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is the intention is it is a member of parliament, but this is one of the areas that we will double-check to confirm between the houses.

Clause passed.

Clauses 2 to 18 passed.

Clauses 19 to 21.

The CHAIR: I point out to the committee that these clauses, being money clauses, will be printed in erased type and the bill transmitted to the House of Assembly. Standing order 298 provides that no question shall be put in committee upon any such clause. The message transmitting the bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the bill.

Clause 20.

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

Amendment No 1 [AG–1]—

Page 35, line 35 to page 36, line 7 [clause 20, inserted section 130PE(2)]—Delete subsection (2) and substitute:

(2) The Electoral Commissioner may require the repayment of any amount under section 130PA to 130PD (inclusive) received by an agent in respect of an election (whether a general election or otherwise) if—

(a) in all cases—the registered political party, candidate or group for which the agent is appointed does not contest the election, unless, in the case of a candidate or group, the Electoral Commissioner is satisfied that the candidate or group has good reason for not contesting the election; or

(b) in the case of the agent of a registered political party, candidate or group, other than—

(i) a party at least 1 member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election); or

(ii) a candidate who is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election); or

(iii) a group a member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election),

there is no entitlement by virtue of section 130Q(1) or (2) for payment in respect of votes given in the election to be made to the agent; or

(c) in the case of the agent 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.

I am not going to speak particularly at length on this. We traversed this, I think, at the very opening this morning of the committee stage, but this gives effect to the issues that were raised and ventilated before we closed just before 9.30 last night. I know they have been subject to a lot of discussion between parties and members last night and this morning.

As I said at the start of the day, I think it reflects well upon how this Legislative Council works and our processes to make sure that we are taking into account what is a new scheme. It is something that we have not had certainly in this state, Australia or perhaps in other places in the world to make sure it operates properly, so I commend the amendment to the council.

The Hon. R.A. SIMMS: I rise to indicate that the Greens of course support the amendment. I do want to echo the Attorney's comments. I do think it demonstrates the power of this chamber and the role that we play in terms of reviewing legislation. We have been working through this bill in, I think, a methodical way. In the course of that process, issues have been identified and we have worked together collectively to try to fix those problems, so I think that is a credit to the way the Legislative Council can work together to address issues. Might I also say that I think the process we have undertaken tonight and indeed yesterday and earlier in the day has been very useful in terms of helping us all to get our heads around the details of what is a significant reform.

Amendment carried.

Clauses 22 to 25 passed.

Clauses 26 and 27.

The CHAIR: I point out to the committee that these clauses, being money clauses, will be printed in erased type and the bill transmitted to the House of Assembly. Standing order 298 provides that no question shall be put in committee upon any such clause. The message transmitting the bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the bill.

Clauses 28 to 30 passed.

Clause 31.

The CHAIR: I point out to the committee that this clause, being a money clause, will be printed in erased type and the bill transmitted to the House of Assembly. Standing order 298 provides

that no question shall be put in committee upon any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Clauses 32 to 37 passed.

Clause 38.

The Hon. D.G.E. HOOD: This will be the last question from me. This clause and also another clause talks about what happens with loans and specifically who can take a loan and who cannot. I am not clear about how that works, so I wonder if the Attorney would outline for us basically who can and who cannot take a loan and under what circumstances.

The Hon. K.J. MAHER: My advice is incumbents cannot take out a loan other than from a registered financial institution, in which case they can do so. New entrants to the system effectively are permitted to take out loans from non-registered financial institutions but only up to a value of $5,000, corresponding with their ability to receive donations of that amount, is my advice.

Clause passed.

Clauses 39 to 55 passed.

Clause 56.

The Hon. N.J. CENTOFANTI: Can the Attorney just give an indication as to what timeframe there will be for the registration processes for third parties?

The Hon. K.J. MAHER: I will try to get this right. My advice is if you are an ongoing registered participant then it is ongoing, but for new registrants my advice is you register at the time you intend to become involved in the system, and that is that you cannot register within 30 days of an election having occurred but you need to register within 45 days of the next election occurring.

Clause passed.

Clauses 57 to 59 passed.

Clause 60.

The Hon. N.J. CENTOFANTI: Can the Attorney outline to the chamber who determines the authorised officer for investigations?

The Hon. K.J. MAHER: My advice is it is the Electoral Commissioner or someone the Electoral Commissioner has delegated to have that function to authorise.

The Hon. N.J. CENTOFANTI: Therefore, in doing so, can the Attorney guarantee that there will be independence given to potentially investigating other political parties?

The Hon. K.J. MAHER: My advice is it is the Electoral Commissioner's responsibility to do this. We all place our trust in the independence of the Electoral Commissioner, in Australia much more so, and in South Australia particularly much more so, than many other jurisdictions of the world, time after time. It works pretty well and I think all of us here and the rest of us in this state have faith in that independence in producing a result that is a result that the electors have intended. For that very reason, I think we rightly do so and we do not have any other choice because that is how it has worked in the past, and it worked very well for this state.

Clause passed.

Clauses 61 to 63 passed.

Clause 64.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 83, line 21—After 'this Act' insert:

, including the effectiveness of the amendments in achieving transparency, accountability, integrity and public confidence in the electoral process and its participants,

I will speak to both amendments together and move them separately. Both amendments relate to the review provision. I think it is fair to say there have been some reservations about this bill and, when I spoke about this, I spoke about the need for caution and certainly the reservations that I have had in relation to this legislation. That comes down to the fact that we are dealing with something that we have never dealt with before—it is new.

Overwhelmingly, whilst all of us share I think the same position in relation to wanting to take money out of politics, there is nothing to base this on. So we are, I suppose, in unchartered waters in terms of the proposal before us. It has also been difficult to wrap our head around some of the complexities because there is nothing to really test it against. Effectively, no-one will know the success or otherwise of it until after one or two election cycles if, indeed, it is going to achieve the intent of the government who has advanced this bill—and I say that this is a government proposal. The government has advanced this proposal, and we just do not know. My concern remains in relation to the issues that I have already outlined on the record.

I think as far as the review is concerned, what I have attempted to do in effect in moving these two amendments is twofold. We cannot, as I said during my second reading, bind a future government to anything, but where we do have a review that is prescribed in the legislation then what we can do as far as practicable in the legislation is to ensure that it meets the actual objectives that the government says this bill is intended to achieve.

They are around transparency, accountability, integrity and public confidence in the processes that are being put in place. I just think it is important to highlight that in terms of the review that will be conducted to ensure that they are—they are the objectives of the bill and so it seeks to make it crystal clear that there is every intent by this parliament to ensure that that review canvasses those issues appropriately and thoroughly.

The second part—and I will move that in a second amendment. Often we see reviews take place, and they are independent reviews, which is what we want, but there is no response from government, so they could put this in and it could be a complete success or an abysmal failure, and there is nothing binding them to do anything about it. So at the very least—and this is in line with amendments that I have moved to other pieces of legislation where the government has been somewhat belligerent and refused to provide responses—yes, indeed.

The intent is really to force the government of the day to actually respond to that independent review. If you are going to have a review and you are saying one of the most important elements of this scheme is its review after its operation, then it is obviously equally fitting that we receive a response from the government in relation to those issues.

If it is an independent review and they find that things are not working in favour of minor parties or Independents, if they find things that are working are too heavily weighted even under this scheme to the major parties, all those criticisms that have been raised and fleshed out and thrashed out in here and publicly will be addressed by the review. The first thing is to ensure that they are addressed by the review and the second thing is to ensure that those findings and recommendations are not ignored by the government of the day.

The second amendment, which I will move after this one, seeks to ensure that within six months—and I have put six months, that is a reasonable timeframe—after receiving any report or receiving the report into the scheme, the government is then required to respond to that and tell us what it is that they intend to do to actually address the shortcomings or otherwise of the scheme that is being proposed.

I have spoken to this at length during my second reading and I do not intend to do so any further now, but I just place on the record again that there has been a level of caution but also anxiety and reservation about this bill. Clearly, it is going to get through, but I do not think what we need to ensure is that, given everything that has been said, once we get to that point where it has been tested and there is data and modelling and all the rest of it, and we have had one election cycle to test it on, there is an appropriate response in terms of its efficacy. It is for that reason that I have moved amendment No. 1 and amendment No. 2.

The Hon. K.J. MAHER: I thank the honourable member for bringing these amendments to the chamber and I can indicate that the government will be supporting both of the amendments. As the honourable member has pointed out, this is an important bit of legislation that we are putting in place. How elections work is a critical feature of the laws that we then pass and how we are governed. In fact, it is fundamental to our society in South Australia. I went through the reasons we think this is important reform in my second reading speech. The idea of taking the money out of politics, making it a contest of ideas, I will not relitigate.

We think these are reasonable measures to put in place, given how important the scheme is. I put on the record that there is good reason to have confidence in how the scheme has been drafted. As Attorney-General, this has been subject to a huge amount of work over 2½ years now. Some of the finest legal minds have turned to how this works and how it will operate with the current scheme. There are officers from the Attorney-General's Department who will not get part of their life back after the contributions they have made to this over many months and the last couple of years.

In addition to that, it has been subject to a huge amount of scrutiny and debate since it was released some months ago in June. Many groups and organisations have had the chance to input and their input has been taken on board, but on top of that there has been an expert panel report of eminent experts in this field, providing their views on the draft legislation.

I accept that it is important and ought to be subject to having a level of review and perhaps even a level of review over and above what other pieces of legislation have, but I think we can all have a fair degree of confidence that this has been exceptionally thoroughly thought out and scrutinised. Even some of the details, as our processes today demonstrated, are making sure it works as well as it possibly can.

The Hon. R.A. SIMMS: I indicate that the Greens are also supportive of the amendment and I thank the Hon. Connie Bonaros for putting it forward. One of the issues that was very important from the Greens' perspective in engaging with the government is that it had taken into consideration the views of civil society groups or democracy groups. One of the key things they were concerned about was the need for a review to make sure we had the balance right. I welcome that inclusion in the new bill.

I think the Hon. Connie Bonaros's amendment enhances that slightly by ensuring there will be a formal response made. I also note the undertaking the Attorney has given in this place in the debate yesterday, where he said that, if issues come forward as part of that review, the government is willing to address those. I give an indication that I am very open to wanting to address those as well on behalf of the Greens and work collaboratively with the government to make sure we get it right.

There has been lots of discussion about the risk proposition here. No question, when you make a significant change to the way our democracy works it is high risk, but with high risk comes high reward. This is a change that has the capacity to strengthen faith in our democratic institutions at a time when they are under significant threat, particularly if we look at what is happening in other places around the world. It is a timely reform and one that I think will have a lot of support in the broader community.

I also note that one of the themes that has come through very consistently in this discussion over the last few days has been the desire of the parliament collectively to ensure that we encourage new voices in our political system, that we do not disadvantage small parties or Independents and that we do not erect further barriers to new parties coming through or make things more difficult for smaller parties. The amendment make sense. I see that you are winding me up, Chair—thank you.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition supports these amendments. It is pertinent to note that the member in her amendment has specifically stated 'the Special Minister of State'. I wonder whether we would like to be so specific on that or perhaps it is better placed to be 'the minister'. There may be a situation where there is no longer a titled special minister of state and if that is the case perhaps it might be that the Attorney-General—

The Hon. I.K. Hunter: Machinery of government changes will fix that.

The Hon. N.J. CENTOFANTI: I am just making that point that it might be something to look at between the houses.

The Hon. C. BONAROS: Obviously, for the record, I am happy to defer to the Attorney-General, who has advice available to him, but we are picking up on the reading that is already in the review clause in clause 64, yes?

The Hon. K.J. MAHER: The honourable member is picking up on language already used in the bill itself. If, for example, it comes down to this legislation passing, the review to come and let's say there is no-one with the designation of special minister of state, it does not get the government of the day out of having to provide those responses to those reports; it will be whoever has responsibility for the bill, effectively, or the responsibility of those functions. A government could not simply not have a special minister of state to try to get around having to provide responsibility for the bill, for example.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 83, after line 38—Insert:

(7) The Special Minister of State must, within 6 sitting days of the expiration of 6 months after receiving the report under this section cause a report to be laid before both Houses of Parliament setting out, in relation to each recommendation in the report—

(a) details of any action taken or proposed to be taken in consequence of the recommendation; or

(b) if no action has been taken or is proposed to be taken in consequence of the recommendation—giving reasons for not taking action or proposing to take action.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (22:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

INDEPENDENT COMMISSION AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2024.)

The Hon. C. BONAROS (22:58): I rise to speak on the Independent Commission Against Corruption (Miscellaneous) Amendment Bill 2024. I spoke at some length in relation to some of the issues that are canvassed by this bill when I moved a bill. I note that it is one of three bills that are on the *Notice Paper* dealing with the same issues in principle, but to different degrees. I do not intend to repeat everything that I said in October, but I would refer honourable members to the speech that I gave in October, particularly in relation to the reasons for those bills that were moved in this place.

I think generally, though, if I can just make a couple of observations at the outset. The first would be that it strikes me as rather odd that the government has gone to the trouble of addressing a couple of the issues, perhaps one of the most contentious issues in the bill that is before us, but has stopped short in terms of addressing all the other issues outlined, certainly in the bill that I and others proposed—which of course is not based on the views that I have put before this place but on

the views that the Law Society, the Centre for Public Integrity, the ICAC Commissioner and a number of other bodies have put on the public record.

It does strike me as a little bit odd that we would stop short of taking into account all the concerns that have been raised and focus instead, predominantly, on just one. I would probably, when we sum up, ask the Attorney if we can clarify why it is that we have stopped short of addressing all those other issues that, again, have been canvassed very publicly now in relation to the previous changes to this bill and the concerns and criticisms that have been raised by those bodies, like I said, including ICAC and the Centre for Public Integrity, and the Law Society in particular. I would just note our reliance on the Centre for Public Integrity when it came to the other piece of legislation that we dealt with but which we have not followed through with the same concerns in relation to this one.

The other point that I will make at the outset—and I am pre-empting something the Attorney might say here, and I will speak to this further when we get to the amendments—is that I do intend to move amendments to this bill that, effectively, would make it consistent with the other bills that are on the *Notice Paper*. The amendments, which have all been taken from advice and correspondence that I think have been forwarded to all of us, are contained in the bill that I have. They are not contained in the bill that has been proposed by the government, but I do indicate that I intend to move amendments to that effect.

I note that one of the points that has been ventilated over and over, and I mentioned this during the second reading—and in fact I noticed today in *InDaily* the advertisement from CPIP for an inquiry regarding the ICAC legislation. I need to stress very strongly that that is not an independent review. That is a review by the parliament, and it is certainly not the prescribed independent review that was anticipated into the operation of that act. It is, again, a review of this parliament. I think we will find ourselves in the position where, as politicians who made these laws, relying on a review that is being undertaken by members of parliament is not going to cut the mustard in terms of its independence. In fact, we have just had this example previously. There are reasons why we call for independent reviews.

I think this is a glaring example of where there would be an expectation publicly that there is a review that is independent of all of us in this place, given the changes that were made. I will speak to that further when I get to those particular amendments and we reach that point. I just make those two points at the outset. As I said, I have already ventilated in this place all of the reasons for those changes based on the correspondence and advice that we have received.

I do just for the record want to note that since this bill was introduced I did, in fact, write to the acting commissioner and seek some feedback from them in relation to the bill that is before us. I basically asked for the feedback in relation to the current bill from ICAC. I understand that the Attorney did provide, and the Attorney can perhaps confirm this, a copy of the government's proposal to the acting commissioner and there was a response to the Attorney.

In summary, the matters that were outlined in that letter were in relation to the making of an application to the Supreme Court under section 39A and they were particular issues that were raised in relation to that and the impact on the court's time and resources, and an alternative model is for the commissioner to be given a discretion not to make section 39A notification in circumstances like those set out in proposed section 39A(4) and that this could be coupled with an obligation on the commissioner to notify the inspector when a discretion is exercised. This approach provides independent scrutiny of the commissioner's decision without any impost on the court's time and resources.

I also note that in relation to proposed section 39A(4)(a)(ii) it was suggested that this should be widened to align with the protections the common law doctrine of public interest immunity provides to persons who provide information to police and this could be done by permitting the court to grant an order if it is satisfied that the giving of a section 39A notification will tend to identify an informant. Public interest immunity is a longstanding doctrine developed by the common law to ensure that those who have information about unlawful conduct are able and willing to provide it to police. In my view—and these are the words of the acting commissioner—it is important that 39A mirrors the longstanding protections that doctrine provides.

Further, in relation to 39A(4)(a)(i), it was suggested that this should be amended to make it clear that investigations include any future investigation and that it is often the case that a corruption investigation will be closed in circumstances where there is insufficient evidence to warrant a referral for investigation or prosecution but where information obtained in the investigation suggests corruption is or has been occurring, investigations of this kind tend to be those examining allegations of serious entrenched or insidious corruption, the investigation is closed but may be reopened if more information came to light.

If section 39A is required to be given in these circumstances, any future investigation is likely to be prejudiced. Suspected offenders will take steps to conceal evidence, change methodology or intimidate potential witnesses. The consequence is that the corruption and the damage it causes to the community is less likely to be addressed.

The correspondence then goes on to deal with a couple of other issues in relation to section 39A and the issue of costs. It might be more useful, and I have just realised I am reading it because I have left my copy downstairs, if I seek leave to table a copy of that letter in full for the benefit of members who have not had the same. I seek leave to table a copy.

Leave granted.

The Hon. C. BONAROS: There are a couple of points there where the acting commissioner has commented in relation to the drafting of the government bill and made suggestions as to how they, I guess, perceive it could be improved, without commenting on the merits of the bill itself. All they are looking at are the practicalities of those issues that have been outlined.

There are further issues addressed, as I said, in that letter, which I will canvass when we get to the relevant amendments. If I could again—and I will do this as we go through the bill—work through those amendments and speak to them in a bit more detail when we get to those particular provisions, I will.

I do not intend to read all of this again—we have done that—but I would just ask the Attorney to clarify, at least for me, those two questions around, firstly, why it is that we think that a CPIP inquiry by this parliament is adequate when clearly there is a requirement for an independent review and, secondly, why it is that the government went to the trouble of addressing the issues that they have in this bill but actually stopped short of addressing those other issues that have been outlined by so many of the peak stakeholder and associated bodies, including ombudsmen and so forth, who have commented on the bill and outlined to us what the issues are with it.

I do not intend to speak any further on that; I have done that before. I will leave those two questions with the Attorney. Perhaps he can answer in his summing-up. I will address issues as we proceed through the bill and deal with amendments.

The PRESIDENT: The Hon. Ms Bonaros, you have sought leave to table a letter. Can you please get the letter?

The Hon. C. BONAROS: Yes, certainly.

The PRESIDENT: Thank you. It is kind of unusual for us to give you permission to table something you actually do not have, so thank you; that is great.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (23:12): I will sum up and respond to the Hon. Ms Bonaros's concerns that have been raised, but before I do that I would like to thank everyone in this chamber for the contributions they have made in relation to this bill. As I said when I introduced the bill in my second reading speech, this seeks to address a couple of discrete issues that we think are worthy of addressing.

The ability for reimbursement of legal fees has been the subject of considerable debate and there are different views amongst people, very learned people in the law, about the application of those reimbursements, but for the sake of absolute clarity we have brought this bill before this place. As I said in my second reading speech previously, there are a couple of other discrete issues that we seek to be addressed in this bill as well.

This bill does not seek to overturn previous changes that have been made by this parliament in the last term of parliament, with the bill that was sponsored by the former government. We think that there are a number of different processes that have only been in operation for less than a couple of years as part of that bill—the inspector, for instance. I think it is only 18 months or two years that the ICAC inspector has been operating, so we think it is entirely reasonable that the changes that were made actually be given time to evaluate how they work before we make any other change.

In relation to the specific questions that the Hon. Connie Bonaros asked in her second reading contribution, very simply I think the two questions were: why the Crime and Public Integrity Policy Committee for the review, and why are we not doing all the changes that everyone has suggested as part of this bill?

In relation to the question of why the Crime and Public Integrity Policy Committee, we think that is an appropriate body to undertake the review. I am very pleased that on many occasions I agree almost wholeheartedly with the Hon. Connie Bonaros on a whole range of issues, but on this particular discrete issue I think we are going to have to agree to disagree. The government is satisfied that that particular committee, with the ability to have a research officer, to be able to call witnesses and to be able to produce a report, will be able to produce a report that will be useful for this parliament on the operation of the amendments that this parliament has previously made.

Regarding the other question of why we would not have a much larger bill that addresses issues in legislation that the Hon. Connie Bonaros, the Hon. Robert Simms and the Hon. Sarah Game have all put forward, as I said in my second reading speech at the start and as I mentioned before, there are very discrete issues that we seek to address. There are elements of the bill that have only been in operation for a short period of time. We are not closed off to addressing further issues, particularly after the review from the parliamentary committee, but at this stage we want to address those discrete issues and we look forward to addressing other issues once they have had a chance to actually be in operation.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I am aware of the lateness of the hour, so I thought it might be helpful for people if I indicate my position on the amendments that the Hon. Connie Bonaros is intending to advance. I thought I would indicate at this stage of the debate the Greens' position. We will be supporting the amendments of the Hon. Connie Bonaros. It is not my view that I will speak on each of them; I will just make some general remarks in relation to them now. As the honourable member reflected in her second reading contribution, there are three bills before the parliament that look at potential improvements to the ICAC. The Hon. Connie Bonaros's bill takes up those themes and I am certainly supportive of that.

I do want to express some frustration at the way in which the government is approaching this reform. It is now just past 11 o'clock. Some of us in this place have been pushing for many months to see some activity on these issues. Suddenly, it has to be done right now. I did not receive a briefing on this bill until Thursday of last week. There has not been any time for me to undertake any meaningful consultation in relation to the bill, let alone any opportunity to actually consider developing amendments, so I feel disappointed that I have not had an opportunity to do that.

That said, I welcome the government moving on some of the issues that have been the focus of significant public concern. One of those is the issue of public funding potentially being made available to cover people's legal costs if they have been found guilty of an offence. I welcome the fact that the government is dealing with that. I have some concern about a regime being available to cover the legal costs of politicians and public servants that is not available to those who are before the courts in relation to other criminal matters. That does concern me.

Again, due to the timeframe that the government has imposed, I have not had an opportunity to do research and look at what models work in other jurisdictions and the like, but I note the

Attorney's comments that there will be an opportunity for potential further changes down the track and a committee is looking at some of those options. I will await some of their feedback before looking at other opportunities that can be taken.

I see this as being a positive advancement in terms of what the government is doing, but I would have really liked a bit more time to be able to get my head around what is being proposed and to be able to formulate my own amendments. That said, the Greens are supportive of the amendments that the Hon. Connie Bonaros is advancing.

The Hon. K.J. MAHER: I rise to indicate, and for the benefit of the committee stage, that the government will not be supporting any of the amendments the Hon. Connie Bonaros has put forward. We acknowledge that these are not new and they are long-held views of the Hon. Connie Bonaros, but as I have outlined a number of times in this place before and in relation to this bill, we think that the amendments that have previously been made by this parliament should be given a proper amount of time to see their efficacy.

As I say, there are a couple of discrete issues we think are worthy of rectifying this bill, but for those much broader ones, we are not inclined to support them, but we are not closed off to further reform in the future.

The Hon. N.J. CENTOFANTI: I rise on behalf of the opposition to indicate that, similar to the government, the opposition will not be supporting any of the Hon. Connie Bonaros's amendments for similar reasons outlined by the Attorney and as I canvassed previously in my second reading speech.

Clause passed.

Clause 2 passed.

New clauses 2A to 2E.

The Hon. C. BONAROS: I understand where we are at with this bill in terms of the government and the opposition's position. I will speak to them briefly nevertheless, and I do intend to keep my remarks brief. I move:

Amendment No 1 [Bonaros–1]—

Page 3, after line 2—Insert:

2A—Amendment of section 5—Corruption, misconduct and maladministration

(1) Section 5(1)—after paragraph (ba) insert:

(c) any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) that is punishable by a term of imprisonment of 2 years or more that is committed by a public officer while acting in their capacity as a public officer or by a former public officer and related to their former capacity as a public officer, or by a person before becoming a public officer and related to their capacity as a public officer, or an attempt to commit such an offence; or

(2) Section 5—after subsection (1) insert:

(2) If the Commissioner suspects that an offence that is not corruption in public administration (an *incidental offence*) may be directly or indirectly connected with, or may be a part of, a course of activity involving the commission of corruption in public administration (whether or not the Commission has identified the nature of that corruption), then the incidental offence is, for so long only as the Commissioner so suspects, taken for the purposes of this Act to be corruption in public administration.

2B—Amendment of section 7—Establishment and functions of Commission

Section 7(1)(a)—delete paragraph (a) and substitute:

(a) to identify corruption in public administration and do any of the following:

(i) investigate and refer it to a prosecution authority for prosecution;

(ii) investigate and refer it to a law enforcement agency for any further investigation and prosecution;

(iii) refer it to a law enforcement agency for investigation and prosecution;

2C—Amendment of section 24—Action that may be taken

(1) Section 24—after subsection (1) insert:

(1a) The Commission may also assess, according to the criteria set out in section 18E(1), any matter identified by the Commissioner acting on their initiative or by the Commission in the course of performing functions under this or any other Act and if such a matter is assessed by the Commission as raising a potential issue of corruption in public administration that could be the subject of a prosecution, the matter is taken to have been referred to the Commission under this Act.

(2) Section 24(2)—after 'referred to the Commission' insert:

(including in accordance with subsection (1a))

2D—Substitution of section 25

Section 25—delete the section and substitute:

25—Public statements

The Commission may make a public statement in connection with a particular matter if, in the Commissioner's opinion, it is appropriate to do so in the public interest, having regard to the following:

(a) the benefits to an investigation or consideration of a matter under this Act that might be derived from making the statement;

(b) the risk of prejudicing the reputation of a person by making the statement;

(c) whether the statement is necessary in order to allay public concern or to prevent or minimise the risk of prejudice to the reputation of a person;

(d) if an allegation against a person has been made public and, in the opinion of the Commissioner following an investigation or consideration of a matter under this Act, the person is not implicated in corruption, misconduct or maladministration in public administration—whether the statement would redress prejudice caused to the reputation of the person as a result of the allegation having been made public;

(e) the risk of adversely affecting a potential prosecution;

(f) whether any person has requested that the Commission make the statement.

2E—Amendment of section 36—Prosecutions and disciplinary action

(1) Section 36(1) and (1a) —delete subsections (1) and (1a) and substitute:

(1) On completing an investigation or at any time during an investigation, the Commission may do 1 or more of the following:

(a) refer a matter to a prosecution authority for prosecution;

(b) refer a matter to the relevant law enforcement agency for further investigation and potential prosecution;

(c) refer a matter to a public authority for further investigation and potential disciplinary action against a public officer for whom the authority is responsible.

(2) Section 36(2)—after 'the relevant' insert 'prosecution authority, '

I think the amendments, though, do speak for themselves in terms of their intent. As I said, they have been canvassed in the previous bill that has been introduced in this place. This one, in particular, seeks to amend section 5, which deals with corruption, misconduct and maladministration, to add:

any other offence ([under]…the Criminal Law Consolidation Act 1935) that is punishable by a term of imprisonment of 2 years or more that is committed by a public officer while acting in their capacity as a public officer or by a former public officer and related to their former capacity as a public officer, or by a person before becoming a public officer and related to their capacity as a public officer, or an attempt to commit such an offence;

There is a further provision in that, which requires:

If the Commissioner suspects that an offence that is not corruption in public administration (an incidental offence) may be directly or indirectly connected with, or may be a part of, a course of activity involving the commission of corruption in public administration (whether or not the Commission has identified the nature of that corruption), then

the incidental offence is, for so long only as the Commissioner so suspects, taken for the purposes of this Act to be corruption in public administration.

I think we all know what this amendment seeks to do, but I also note the will of the parliament in relation to that, so I will not spend any more time speaking about that before moving on to the other amendments.

New clauses negatived.

Clause 3.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 3, lines 3 to 39 and page 4, lines 1 to 8—Delete clause 3 and substitute:

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

(1) Section 39A—delete 'If—' and substitute:

Subject to subsection (2), if—

(2) Section 39A—after its present contents (now to be designated as subsection (1)) insert:

(2) If the Commission, agency or authority (as the case may be) is satisfied that a person was not aware that they were the subject of an investigation, the Commission, agency or authority (as the case may be) is not required to comply with subsection (1) in relation to that person.

This is in relation to information to be provided. In this instance I will refer back specifically to some of the comments that I did make during my second reading contribution. This amendment relates to the information that is to be provided, which, again, has been the subject of a lot of commentary when it comes to what should and should not be provided and how and in what form that should take. It seeks to effectively bring the government's position now in line with, again, the advice that has been provided to members from those bodies about how and in what form information should be provided to individuals.

The former commissioner was very strong in relation to this point. I note the government's position was very strong in relation to this point in terms of providing information where it was not going to serve any beneficial purpose but also may pose some risks. Effectively the amendment, again, defers back to the advice that was provided at the time about the most appropriate way of providing information in accordance with what the commission itself would say is the most appropriate form.

The Hon. K.J. MAHER: I rise to advise, as I said, that the government will not be supporting any of the amendments. In relation to this particular one the government has moved the provisions in this bill so that if there is that risk being posed—a risk to a person or a risk to another operation—there is a pathway not to have to disclose. This was something, as the honourable member says, the former commissioner raised, and we are satisfied that we have that pathway to do that in our bill.

Amendment negatived; clause passed.

New clauses 3A and 3B.

The Hon. C. BONAROS: I move:

Amendment No 3 [Bonaros–1]—

Page 4, after line 8—Insert:

3A—Amendment of section 42—Reports

Section 42(1a)—delete subsection (1a) and substitute:

(1a) The Commission must not prepare a report under this section setting out findings or recommendations resulting from a completed investigation into a potential issue of corruption in public administration unless—

(a) all criminal proceedings arising from that investigation are complete; or

(b) the Commission is satisfied that no criminal proceedings will be commenced as a result of the investigation, in which case the report must not identify any person involved in the investigation.

3B—Substitution of section 51

Section 51—delete the section and substitute:

51—Arrangements for provision of information

(1) The relevant authorities are to enter into arrangements with the Commissioner under which the Commission is given access to information and databases (including confidential information and databases) for the purposes of performing its functions under this Act and for appropriate protection of the confidentiality of the information accessed.

(2) In this section—

relevant authorities are—

(a) the Commissioner of Police;

(b) the Director of OPI;

(c) the Ombudsman.

I think we all know where we stand now. I refer honourable members to the substance of this amendment, which I know they will oppose on both sides of the benches.

New clauses negatived.

Clause 4 passed.

Clause 5.

The Hon. C. BONAROS: I move:

Amendment No 4 [Bonaros–1]—

Page 5, after line 1—Insert:

(a1) Schedule 5, clause 1, definition of *Government employee*—after paragraph (a) insert:

(ab) a person who is employed by the Commission under this Act; or

Both of these amendments are really for the sake of completeness. I am a bit puzzled as to why we would not be supporting these on either side because effectively all we are doing is making it very explicit that any legal costs that are actually incurred by those persons who are working for the commission are actually covered under the existing scheme. It is one of the issues that was raised. It is not explicit at the moment. I am sure that the Attorney will tell us that they are already covered as a government employee.

Certainly, where there is a review conducted by the inspector in accordance with schedule 4, which is canvassed in amendment No. 5, this would make it explicit that those persons who are employed by the commission are entitled to have their legal costs covered.

Amendment negatived.

The Hon. C. BONAROS: I move:

Amendment No 5 [Bonaros–1]—

Page 5, line 12 [clause 5(2)]—After 'investigation' insert 'and any review conducted in accordance with Schedule 4'

Amendment negatived.

The Hon. C. BONAROS: Thank you, Chair, I did not expect that we would get to this stage this early this evening, so I apologise. I move:

Amendment No 6 [Bonaros–1]—

Page 5, lines 13 to 15 [clause 5(3)]—Delete subclause (3) and substitute:

(3) Schedule 5, clause 3(a)—delete paragraph (a) and substitute:

(a) the Government employee, Government Board appointee, Minister or Member of Parliament has not, as a result of the relevant ICAC investigation, been convicted of an offence or had a finding made against them that is, in the opinion of the Crown Solicitor (or some other person authorised by the Crown Solicitor), a material adverse finding; and

(4) Schedule 5, clause 5(2)(d)—after 'offence' insert ', or have a finding made against them, of a kind'

(5) Schedule 5, clause 6(1)(a)—after 'offence' insert ', or have a finding made against them, of a kind'

The amendment effectively deals with when legal costs will or will not be paid. I note that the advice that we had from ICAC and others was that the benchmark should be set a lot higher than what the government has set.

The government's benchmark is set at where there is a conviction for an offence, whereas the advice that we have had from those bodies who have provided advice to us, including the ICAC, is that that benchmark should be a lot lower and that anyone, where there has been a material adverse finding against an individual, ought not be eligible to have their legal costs reimbursed.

Effectively, I am seeking to make it more difficult, if you like, for want of a better term, to have your legal costs reimbursed in line with the advice that ICAC has provided, and that is where there is a change from a conviction for an offence to material adverse findings. So if there is a material adverse finding, you do not get your legal costs.

Amendment negatived; clause passed.

New clause 6.

The Hon. C. BONAROS: I move:

Amendment No 7 [Bonaros–1]—

Page 5, after line 15—Insert:

6—Review of Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021

(1) The Minister must cause a review of the effect of the *Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021* to be conducted, and a report on the review to be prepared and submitted to the Minister, within the period of 6 months after the commencement of this Act.

(2) The Minister must cause a copy of a report submitted under subsection (1) to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

I think for me this is the most critical amendment, and I do note what the Attorney has said, but I will just reiterate that during a lot of the discussions that have taken place in this place and certainly publicly, there has been a lot of discussion about a review, and ICAC has been very clear to point out that there was no mandated review in the legislation, and it was not clear, certainly to ICAC and others, when references were being made to a review, what review we were talking about.

Notwithstanding that, we now have the situation where CPIP—we are on notice that CPIP is going to be undertaking a review. Certainly I think, given the public sentiment in relation to this issue generally, but more specifically the issues that have been raised by those bodies that I have referred to—including ICAC itself, including the former ombudsman, including the Centre for Public Integrity, including the Law Society—there is an expectation that that review would take place independently of this parliament. I think it is a very fair expectation because we voted on that legislation. We were the subject of criticism as a result of that legislation and now we are going to be inquiring into that issue.

So there are two points: firstly, there has never been a mandated review requirement and, secondly, I do not think that a parliamentary inquiry, in the view of all those experts, passes any test, certainly not in this case and certainly given the criticisms that have been levelled at all of us in relation to this piece of legislation and the way that it was handled. It is for that reason that I move this amendment, seeking that the minister gives effect to an independent review, if you like, that examines all the issues that came out of the legislation that we passed and ensuring that that review is tabled in this parliament.

It speaks for itself, but the only other point I would make in speaking to this amendment is that—and there is no sugar-coating this—we have what has been described as the most secretive but also the weakest ICAC in the entire nation and amongst those globally as well. That is a fair criticism, that we have failed to meet the standards that would be expected of an ICAC and everything that comes with that.

It is an indefensible position and that does not need to be my view: it is the view that has been shared with all of us and it is certainly the view that has been espoused publicly as well. It is for that reason the commission has suggested that our inquiring into those changes will serve very little benefit. If you want some transparency and accountability in that process, the only way to achieve that is by having an independent review. I cannot wrap my head around why we would not be supportive of an independent review in this instance.

The Hon. R.A. SIMMS: I indicated at the start of the discussion that I was supportive of the Hon. Connie Bonaros's amendments, but it is important to stress how vital an independent review is in terms of trying to restore public faith in our institutions here in SA. We have talked a lot about how we got to where we got to several years ago, and one of the main learnings was that the parliament moved too quickly.

Having an independent review that sits at arm's length of the parliament that can make recommendations I think really makes sense. I know there has not been support for the Hon. Connie Bonaros's amendments here, but I urge members to at least back this amendment as one that would, I think, be welcomed by many people in the broader community who have not been happy with where this parliament has landed on the ICAC.

The committee divided on the new clause:

Ayes 3
Noes.....15
Majority 12

AYES

Bonaros, C. (teller)	Franks, T.A.	Simms, R.A.

NOES

Bourke, E.S.	Centofanti, N.J.	El Dannawi, M.
Girolamo, H.M.	Hanson, J.E.	Henderson, L.A.
Hood, B.R.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Maher, K.J. (teller)	Martin, R.B.
Pangallo, F.	Scriven, C.M.	Wortley, R.P.

New clause thus negatived.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (23:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ANIMAL WELFARE BILL

Introduction and First Reading

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

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

Final Stages

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

At 23:50 the council adjourned until Thursday 14 November 2024 at 14:15.