

LEGISLATIVE COUNCIL

Thursday, 14 November 2024

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—

Carclew Inc
Department for Correctional Services
Education and Early Childhood Services (Registration and Standards) Board
Health Performance Council
History Trust of South Australia
Office for Early Childhood Development
South Australian Commissioner for Children and Young People
South Australian Fire and Emergency Services Commission
South Australian Skills Commission
Southern Adelaide Local Health Network

Question Time

VAILO ADELAIDE 500

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): My questions are to the Attorney-General in his role as Head of Government and Accountability regarding the VAILO Adelaide 500 contract:

1. Has the Attorney received or sought advice relating to the VAILO Adelaide 500 contract?
2. Is the Attorney-General satisfied that the supply of audiovisual and lighting equipment for the Adelaide 500 car race was conducted in a manner consistent with Treasury Instruction 18?
3. If not, will the Attorney refer the matter to the Office for Public Integrity?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20): I thank the honourable member for her question. If the honourable member has anything that she thinks has been done not appropriately, I would encourage the honourable member to forward it to the relevant authorities. The honourable member comes in here throwing grim everywhere at an event that South Australians love.

Here is one fundamental difference between them and us: they cut the Adelaide 500 car race, we brought it back. It is a really simple difference. We brought it back and what are they doing? They criticise it, they throw grim at it, they want to get rid of it. We know what they stand for.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: If the Leader of the Opposition particularly, if the opposition more generally, have anything they think has not happened appropriately whatsoever, please forward it on

to the relevant authorities. If not, then maybe try to do something highly unusual for the South Australian division of the Liberal Party of South Australia and get behind something the South Australian people love.

VAILO ADELAIDE 500

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): Supplementary: has the Attorney sought advice on whether the supply of audiovisual and lighting equipment for the Adelaide 500 was conducted in a manner that was consistent with Treasury Instruction 18?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:22): I will be happy to answer this question to continue what I was saying before. It was an absolute election commitment of the then Labor opposition to bring back the race that was scrapped by the former Liberal government.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: Let's go through a little bit of history.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The Liberal opposition and their mates in government—the Hon. Rob Lucas's Liberal government from 2018 to 2022—made the decision to scrap something that was loved so much by the South Australian people, but what did they do after that? When Labor promised to bring it back—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —to much acclaim from the South Australian public, what did the Hon. Rob Lucas's government do? They tried to sell everything off. They tried to salt the ground so that South Australians couldn't enjoy it, at bargain basement prices. They tried to sell off all the infrastructure, but we would not be deterred as a government. We made a commitment.

Members interjecting:

The PRESIDENT: Order! You have had your fun. Conclude your answer and let's go on to the next question.

The Hon. K.J. MAHER: Thank you, sir. I recognise your desire for me to conclude and note your sartorial splendour with your Crows tie this afternoon. I will conclude by saying that we can understand why the Liberal opposition hate it so much: because the South Australian people love it so much. Do you know what will be really telling? If any single one of them turn up anywhere at the race over the weekend, that will be really telling.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, it is not really in your character to be carrying on like that. The Hon. Dennis Hood has a supplementary question.

VAILO ADELAIDE 500

The Hon. D.G.E. HOOD (14:24): Supplementary: has the member for Adelaide or the member for Dunstan expressed their exuberant support of the race as significantly as the Attorney just did?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:24): I thank the honourable member for his question. Again, I know it's a really difficult concept for many of them on the other side to understand but we are a team, we are collegial and we get on with each other.

SA UNIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): I seek leave to make a brief explanation prior to addressing a question to the Minister for Industrial Relations and Public Sector regarding allegations of union bullying.

The Hon. K.J. Maher: I wanted the Adelaide 500 again.

The PRESIDENT: You don't get to choose your own questions.

Leave granted.

The Hon. N.J. CENTOFANTI: An article in *The Advertiser* today, titled Union Workers Bullied, noted grievances, including being yelled at, threats of dismissal, belittling, unrealistic demands and a toxic atmosphere. One worker wrote, and I quote, 'Now we live in fear within our own union. I constantly feel panicked.' My questions to the Minister for Industrial Relations and Public Sector are:

1. Is SafeWork SA investigating the allegations of bullying, harassment and unsafe working conditions at the Australian Education Union?

2. If not, as the minister directly responsible for workplace safety, will the minister be instructing SafeWork SA to investigate these allegations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:25): I thank the honourable member for her question. I think I have said it before, maybe even as recently as this week: under our work health and safety regime there is an obligation on a PCBU (person conducting a business or undertaking) to provide a safe work environment. If someone doesn't provide a safe work environment, that can lead to investigation and, potentially, a possible prosecution.

If there are people in workplaces in South Australia who feel the workplace isn't safe—as we have had members of this chamber talk about just in the last month, wanting a safe workplace—I encourage them to report it to our regulator, SafeWork SA.

SA UNIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): Supplementary: will the minister himself be instructing SafeWork SA to investigate these public allegations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): I know that many on the opposition—I think everyone on the opposition in the chamber—has not had any ministerial experience before, but when there is an independent statutory body that conducts prosecutions and investigations, it would be, as a general proposition, an inappropriate thing for a minister to be deciding how an investigation is conducted and what prosecutions occur. But at some stage those opposite may get ministerial experience—

Members interjecting:

The Hon. K.J. MAHER: No, it might happen—ministerial experience and understand how many of these things work.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding the tomato brown rugose fruit virus testing.

Leave granted.

The Hon. N.J. CENTOFANTI: On Tuesday, the minister, in response to a question asked by myself regarding testing result delays, noted that if we the opposition received advice from growers that there were delays in tomato brown rugose fruit virus testing to reach out to her office directly with specifics, which we did. It has been brought to the attention of the opposition that despite reaching out to the minister's office directly, tomato grower Emmanuel Cafcakis is still waiting for a

return phone call regarding where his test results are, which are now well beyond the 10-day testing turnaround time required by WA that the government promised.

Rather than the minister or one of her staff members communicating directly with Mr Cafcakis, his concerns were apparently directed back onto the department, which has already been liaising with growers on an almost daily basis on these issues—and credit to the department for that. But as Mr Cafcakis has said to me:

We have now been talking to the department on a daily basis asking for answers, which they cannot give, and we now want to speak to the minister but she is nowhere to be seen.

My questions to the minister are:

1. Why is the minister hiding behind her department and not speaking directly to growers on this incredibly important issue?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: Also:

2. Will she commit to this chamber to ring Mr Cafcakis back personally to discuss his issues with his continual delay in testing results?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. N.J. CENTOFANTI: Would you like me to repeat that second question?

The PRESIDENT: I have no idea what it was.

The Hon. N.J. CENTOFANTI: Will the minister commit to this chamber to ring Mr Cafcakis back personally to discuss his issues with his continual delay in testing results?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): My advice is that my office spoke with Mr Cafcakis' assistant yesterday and he was advised that we would provide updates to him once we knew the status of his tests. We have had a number of other calls, and I am pleased to say that a number of them have been able to be resolved.

What is really important to note is that there have been discussions, including publicly, in terms of the time taken to provide the results. A number of samples were taken and results commenced before the full operation of the new lab at Waite. Some of those have needed to go interstate, remembering that there are only three labs in the country that are accredited to be able to test for the tomato brown rugose fruit virus.

There were only two until very recently, but, as I have mentioned in this place, as soon as it became clear that there were delays occurring at the interstate labs, we took action to be able to set up and establish and have accredited a laboratory here in South Australia. So here in Waite in Adelaide there is now an accredited laboratory. I think that has not been fully operational for two weeks yet—it's a bit less than that, I think—and so some of the results were part of the process that still needed to go interstate.

Certainly, the department has been working very hard, as is their job. I am glad that the Leader of the Opposition in this place has finally acknowledged that they have been in contact with growers regularly. I am also advised that the department has been reaching out to Mr Cafcakis specifically as well.

I do hope that the newfound credit that the Leader of the Opposition is giving to the department will continue, because it's very important, when we are talking about biosecurity, that we don't try to make political statements and we don't try to make political opportunism the order of the

day. What we need is everyone working together. What we need when it comes to biosecurity is everyone working together. I think if we could actually achieve that it would go a long way towards supporting all the industries in our state.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Supplementary: given the comments made by Mr Cafcakis, will the minister undertake to speak to him personally as soon as possible?

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

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Attorney, please show some leadership and behave yourself.

AUSTRALIAN WOMEN LAWYERS NATIONAL CONFERENCE

The Hon. M. EL DANNAWI (14:31): My question is to the Attorney-General. Will the minister inform the council about this year's biennial Australian Women Lawyers National Conference?

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. Across two days last month, the Australian Women Lawyers held their national conference, which had the theme 'Leading the Way'.

I have been very proud to speak about events, particularly from the Women Lawyers Association of South Australia, who do a fantastic job of representing women in the legal profession in this state. I think I have told the chamber about their recent 25th anniversary of the creation of that organisation, and more recently, only in the last few weeks, the event that was held at the Attorney-General's Department for women public sector lawyers with the Women Lawyers Association.

The biennial conference for Australian Women Lawyers was attended by many women lawyers from right across the country and attracted many impressive speakers to discuss the themes of leadership, gender equality and gender justice. The keynote speaker for the conference was Australian human rights lawyer and barrister Jennifer Robinson of Doughty Street Chambers in London. Ms Robinson spoke about how often the law silences women, and in her presentation she inspired attendees to be the change, to keep fighting for what is right and to lift other women up.

The conference also facilitated a series of panel presentations from some leading Australian women lawyers, including Dr Anna Cody, the commonwealth Sex Discrimination Commissioner, and leading First Nations lawyers Ms Karly Warner and Ms Emma Hudson-Buhagiar from the NSW and ACT Aboriginal Legal Service.

The conference was concluded with a dinner, which was an opportunity for reflecting on the important themes of the conference and for attendees to mingle with each other and make connections with people from all over the world. I would like to congratulate all current and former AWL board members for their efforts in organising this significant conference. I look forward to events in South Australia that continue to promote the role of women in the law.

VAILO ADELAIDE 500

The Hon. T.A. FRANKS (14:34): I seek leave to make a brief explanation before addressing a question to the Leader of the Government, representing the Premier, on the Premier's comments about the Dunstan by-election and the Adelaide 500.

Leave granted.

The Hon. T.A. FRANKS: I will also remind the Leader of the Government that I am still waiting for answers to a question on notice I raised in this place about complimentary tickets to the Adelaide 500 for last year's event, so while he may be looking to see who attends the event this

week, I am still waiting for those answers well over the due time about who attended last year's events. But I digress. On Tuesday in question time in the other place, when asked about the Adelaide 500, the Premier said, and I quote:

I couldn't help but hear an interjection from the member for Morialta regarding, 'Do the residents of Dunstan like the Adelaide 500 or not?'...The residents of Dunstan had an opportunity to express their view at a by-election in March this year, only two years into the race, and they chose wisely.

While the Premier seems to think that a two-party preferred swing in Dunstan indicated support for the Adelaide 500, it is noteworthy that the Labor primary vote went backwards by 3 per cent in the Dunstan by-election while the Greens vote increased by 5½ per cent, and I note that the Greens and Liberal vote combined totalled over 60 per cent in that Dunstan by-election. Therefore, my questions to the Leader of the Government are:

1. If the Premier thinks a vote for Labor in Dunstan is a vote of confidence in the Adelaide 500, does the minister accept that the swing to the Greens demonstrates the concern of those residents in Dunstan?
2. Has the government investigated any potential alternative sites for the Adelaide 500 going forward?

The Hon. R.A. Simms: Hear, hear! Good question.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): I thank the honourable member for her question and I thank her honourable colleague for his gesticulations of support during and after the question. In relation to the Dunstan by-election, certainly there are a whole range of issues that obviously voters take into account when voting. If there was overwhelming non-support for something like the Adelaide 500, it certainly didn't show up in how people exercise their preferences at the end of the day to have a swing towards Labor on a two-party preferred basis.

In relation to the question, 'Are other sites being considered?' my answer is not that I am aware of. I think not just those who participate in the Adelaide 500 race but the tens of thousands of South Australians who attend the Adelaide 500 race enjoy and appreciate the convenience and the atmosphere of it being right in the heart of the city, which is something quite unique to many places around the world. I am not aware that any other location is being considered and I think there is a great deal of fondness for the location for many South Australians.

The PRESIDENT: Supplementary question, the Hon. Ms Franks.

VAILO ADELAIDE 500

The Hon. T.A. FRANKS (14:37): How many of those thousands of participants who attended the Adelaide 500 last year got free tickets from the government?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I don't have those figures, but if there are figures available I am happy to see if that can be answered.

VAILO ADELAIDE 500

The Hon. H.M. GIROLAMO (14:37): Supplementary: when will the Hon. Tammy Franks' questions be replied to?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Okay, I am on my feet.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, I am on my feet. I have been quite tolerant but that is enough. It has been a long week. People are tired. Let's get through the business of the day in a proper way.

RIGHT TO DISCONNECT

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:38): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector on the right to disconnect.

Leave granted.

The Hon. J.S. LEE: The amendments to the Fair Work Act mean that an employee can refuse to monitor, read or respond to contact or attempt at contact from an employer or third party outside of their usual working hours unless that refusal is unreasonable. Matters that need to be considered when determining whether or not an employee's refusal is unreasonable include whether the employee is compensated or paid extra for remaining available to work when the contact is made or working additional time outside the ordinary hours of work. My questions to the minister are:

1. How is the minister monitoring the impact of the right to disconnect laws on the public sector in South Australia?
2. Does the minister have any concerns that South Australian public sector employees may abuse the right to disconnect laws to rack up extra work, overtime or flexitime just from monitoring their phone after hours?
3. What monitoring arrangements are in place to assess the impact of the right to disconnect laws on productivity in the public sector in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): I have to say, the honourable member asking a question about refusal to answer is quite hypocritical and galling, given the honourable member's refusal to answer this week to take account of her own behaviour in this chamber over the last month or so. It is galling.

In relation to what impact the change to the Fair Work Act will have on the South Australian public sector, that is a federal piece of legislation that deals with private sector employees, full stop.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. K.J. MAHER: It's private sector employees, not public sector. It's a pretty—

The PRESIDENT: The Hon. Mr Hanson.

LIVESTOCK SA

The Hon. J.E. HANSON (14:40): My question is to the Minister for Primary Industries and Regional Development. Can the minister update us all in the council about the recent Livestock SA annual dinner and the outcomes of its annual general meeting?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): I thank the honourable member for his question. I am delighted to answer because South Australia's livestock industry is significant, with the latest PIRSA scorecard showing total livestock production value worth \$2.39 billion, which is an 8.4 per cent increase on the previous five-year average.

Top destinations for South Australian livestock exports included the United States, valued at \$353 million; China, worth \$117 million; South Korea, worth \$94 million; and Japan, with an export value of \$69 million. These are impressive figures because it is an impressive industry.

It is fitting that the industry gets together to celebrate and acknowledge the value and significance that they contribute towards the agricultural industry here in South Australia. That is why last week South Australian red meat and wool producers gathered for the 2024 Livestock SA annual general meeting and industry dinner. I note that it was also attended by the opposition spokesperson.

The annual general meeting provided the opportunity for members to review the organisation's performance over the past 12 months and also to reveal the outcomes of the recent board member elections. As a result of the elections, Lachie Seears from Conmurra and Mary Rowe from Coolillie were successfully elected to the Livestock SA board. I take this opportunity to again congratulate them.

In addition to the board elections, a new Livestock SA president was appointed. The board resolved to appoint Marla cattle producer Gillian Fennell as its new president. I am advised that this is the first time that a woman has been president or chair of Livestock SA, and I take this opportunity to congratulate Gillian on this impressive achievement. I look forward to working closely with her in her role.

As the new president—I am saying 'president', but I think they might actually be referring to 'chair' as there has been a change this year in their constitution—stated during her address to members at the Livestock SA annual dinner, the board is now for the first time composed of 50 per cent males and 50 per cent females, which is another wonderful achievement that the board should be congratulated on.

During the dinner, retiring board members were acknowledged for their significant service. I, too, would like to take this opportunity to thank them for their significant service to the livestock industry: firstly, Joe Keynes, who is retiring as President of Livestock SA, having been on the board and served for, I think, 10 years and seven of those as president. I congratulate Joe for the enormous contribution he has made. I have enjoyed working with him closely over the past couple of years as minister in dealing with a suite of matters relevant to the livestock industry.

Joe has not only served on the board for a decade but also served on the Primary Producers of South Australia board representing the livestock industry, Wool Producers Australia, Rabbit Free Australia, the Drought Hub Advisory Group, and the SA Dog Fence Rebuild Committee. I think the industry should certainly acknowledge and feel indebted to the work that Joe has done over this time and the amount of time that he has put into so many varied and important roles.

Also retiring from the board this year are Allan Piggott, Vice-President of Livestock SA, who has been on the board for nine years, Glen Tilley and Richie Kirkland. The retiring board members are certainly very committed industry representatives and I would like to once again thank them for their service. The new Livestock SA board is comprised of Lachie Seears, Mary Rowe, Anthony Hurst, Samantha Neumann, Mark Dennis, Leonie Mills and Colin Trengrove, with, as I mentioned, Gillian Fennell serving as chair and president of Livestock SA.

The dinner also heard from the Managing Director of Meat and Livestock Australia, Mick Crowley, who provided an insight into current market conditions and opportunities for the red meat industry, along with the current research and marketing that MLA is working on to further develop the industry.

The 2024 Livestock SA Biosecurity Farmer of the Year was also presented, and this year's winner was Ella Pastoral, in recognition of their dedication to exemplary biosecurity practices. The recipients of the 2024 Future Livestock Leaders Program, Jarred Hutchinson and Alisha Carter, were presented with certificates for completing the organisation's annual young leaders development program. I had the pleasure of meeting both Alisha and Jarred prior to the dinner, earlier in the week, as part of their week of immersion as part of that role, and they were both very, very interesting young people who clearly have a great future in front of them because of their dedication to various aspects of the livestock industry.

Once again, I congratulate Livestock SA on another successful year, and I look forward to continuing to work closely with them over the next 12 months.

PORT STANVAC HOUSING DEVELOPMENT

The Hon. R.A. SIMMS (14:45): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Housing and Urban Development on the topic of housing development at Port Stanvac.

Leave granted.

The Hon. R.A. SIMMS: *The Advertiser* reported today that the Premier, the Hon. Peter Malinauskas, will announce that about 3,600 homes will be built at the former Port Stanvac oil refinery in a pre-election pitch targeted at easing the housing crisis. It was further reported that the state government intends to work with the developer, MAB, and site owner, Exxon Mobil, to remediate the site, open it up to the community, and include a minimum of 15 per cent affordable housing in the new development.

In a meeting with Exxon Mobil in Washington DC in May, the Premier apparently threatened to do whatever it takes legislatively to force the firm to remediate and sell the site for housing. My questions to the minister representing the Minister for Housing and Urban Development therefore are:

1. Will the government commit to increasing the mix of housing at the proposed Port Stanvac development to include at least 30 per cent social housing?
2. Will the government make Exxon Mobil responsible for the costs of remediation to ensure the Port Stanvac site is safe for residential developments?
3. Is the minister satisfied that the new developments will be appropriately serviced by public transport?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I thank the honourable member for his question. I will refer it to the minister in the other place and bring back a reply.

STATE VOICE TO PARLIAMENT

The Hon. H.M. GIROLAMO (14:47): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the State Voice.

Leave granted.

The Hon. H.M. GIROLAMO: Thank you, Mr President. Yesterday, in question time, you said in your response that four members of the State Voice had resigned. You also confirmed that the—

The Hon. C.M. SCRIVEN: Point of order: it is being alleged that 'you' said this, Mr President, whereas I think the—

Members interjecting:

The Hon. C.M. SCRIVEN: Whereas I think the honourable member is referring to the Attorney-General.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo, sit down. Minister, what is your point of order?

The Hon. C.M. SCRIVEN: That the Hon. Ms Girolamo is addressing a question to you instead of through you to the Attorney-General.

The PRESIDENT: The Hon. Ms Girolamo, ask your question through me to the minister.

The Hon. H.M. GIROLAMO: Yesterday, in question time, a response was given indicating that four members of the State Voice had resigned, and there was confirmation that the director of the State Voice secretariat had also resigned. My questions to the minister are:

1. Who are the four members of the Voice who have resigned, and can information please be provided to the chamber on who the replacements will be?
2. Has the recruitment process for a new director of the State Voice secretariat concluded and, if so, who is the new director and what is their salary?
3. When will all five people commence in their positions?
4. When and why did the four members of the Voice resign?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question. In relation to people who have resigned from the Voice, my advice is that from the Central ward, Ms Tahlia Wanganeen has resigned; and also from the Central ward, Ms Cheryl Axelby; from the Murraylands, Riverland and South-East local ward, Mr Darryle Barnes; and from the Yorke and Mid North local ward, Ms Joy Makepeace. I know there were a variety of reasons for the people who have resigned, from moving interstate to taking on new employment that doesn't allow the flexibility to do that, as well as for other personal reasons. It is not necessarily my place to go into people's personal details.

In relation to the director of the Voice, that was to move back to her home town for very personal family reasons. I understand a recruitment process is underway for a replacement for that position as director of the Voice. In relation to replacements, my understanding is that as per the legislation and after discussions that occurred with the Electoral Commissioner—and I am happy to go back and double-check this—I believe that under the provisions of the act two of the positions, if I remember correctly, can be appointed from whoever was next on the list.

For two of the other positions, I think one of the reasons is that the next on the list is, for medical reasons, not able to take it up, and the way the legislation is written you can't go to the next one after that, so a supplementary election will be required. For similar reasons, a supplementary election will be required for one of the other positions. So my advice is I think two of the four positions will be filled by the person who would have been elected next, but for two of the four—and, as I said, I will double-check this—there will be a supplementary election, I presume sometime in the new year.

VEHICLE HOIST SAFETY

The Hon. R.B. MARTIN (14:51): My question is to the Minister for Industrial Relations and Public Sector. Will the minister please inform the council about action taken by SafeWork SA in relation to the dangers of working with vehicle hoists?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for his question and acknowledge his role in keeping workers safe. I know it is something he is passionate about in this chamber and it was something that was actually a part of his professional life before coming into this chamber, dedicating his working hours to keeping workers safe in their workplaces.

I am very pleased to have recently been able to work with the Motor Trade Association and SafeWork SA to draw attention to safety issues mechanics face when working with vehicle hoists. The automotive industry in this state employs almost 33,000 South Australians and, like any other industry, has its own set of work health and safety challenges. Vehicle hoists pose a particular danger because they require workers to position themselves directly underneath a suspended vehicle while carrying out work. If there is a failure in the hoist, the risk of a crushing injury is extreme. There are also potential hazards in the process of moving vehicles on and off hoists.

Tragically, back in 2011, a worker died after being found crushed beneath a vehicle hoist in an automotive workshop in Wingfield. SafeWork SA's investigation revealed that the death was significantly contributed to by the poor condition of the hoist. Since then, SafeWork SA has run regular proactive campaigns, visiting automotive workshops across the state and auditing safety control measures in place for vehicle hoists and pressure vessels.

Vehicle hoists are required to be checked annually by an accredited person and have to undergo a major service at least every 10 years. There are also a range of control measures that should be put in place to guard against the risk of injury. These include:

- workers not working under a suspended load without checking that the safety features are engaged and working correctly;
- moving parts of a hoist should be at least 600 millimetres away from other fixed structures or moving equipment to avoid worker entrapment;
- operator controls must be undamaged, clearly marked and positioned for safe and effective use; and

- hoists must also have a valid design registration issued by an Australian work health and safety regulator.

SafeWork SA's most recent campaign involved audits of 72 different workshops and resulted in 315 compliance notices being issued. This includes 19 prohibition notices which prohibit an area or piece of equipment from being used until compliance measures are taken. Concerningly, over 80 per cent of workshops audited were found to have a noncompliance issue. The issues identified included hoists not being maintained in line with the legislation and pressure vessels not complying with legislative requirements.

In addition to these audits, SafeWork SA has also published a self-assessment tool for businesses to help them identify risks with their equipment and has been providing businesses with advice and information about hoist safety.

I particularly want to thank the Motor Trade Association and their CEO, Darrell Jacobs, for the support that he himself and the association have provided for this campaign. It is an excellent example of the business community and the government regulator working together to improve safety in their industry and particularly an industry association that is taking the safety of workers in that industry very seriously.

ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE IN SOUTH AUSTRALIA

The Hon. C. BONAROS (14:54): My question is to the Attorney-General. Can he please provide the chamber with an update on the domestic and family violence royal commission, including the urgent and pressing need and importance of that body of work when it comes to misogyny and the rapid spread of vulgar and degrading terms and slogans like 'Your body, my choice' and 'Get back in the kitchen'?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the honourable member for her question and it is a very important process that is being undertaken. As the honourable member points out, the government established a royal commission, which commenced formally in the middle of this year. Respected South Australian advocate, author, former diplomat and Senator, Natasha Stott Despoja AO, has been appointed to lead the state's Royal Commission into Domestic, Family and Sexual Violence.

Ms Stott Despoja is highly qualified to undertake this role. Her credentials are extensive. Her investment, understanding and activism in the areas of domestic, family and sexual violence make her, I think, ideal for the appointment of the work that is being undertaken. As the founding chair of Our Watch, Ms Stott Despoja has been a vocal advocate and ally in working to prevent violence against women and girls. Things like her work at the UN have been particularly noted and her representation not just on our national stage but on the international stage.

The royal commission itself is expected to take 12 months and will have powers at the end to recommend policy, legislative, administrative and structural reform. The royal commission will examine five key themes, aligned with the National Plan to End Violence Against Women and Children and they are:

- prevention: how can South Australia facilitate widespread change in the underlying social drivers of domestic, family and sexual violence;
- early intervention: how can South Australia improve effective early intervention through the identification and support of individuals who are at high risk of experiencing or perpetrating domestic, family and sexual violence;
- response: how can South Australia ensure best practice response to family, domestic and sexual violence through the provision of services and support;
- recovery and healing: how can South Australia embed an approach that supports recovery and healing through reducing the risk of retraumatisation and supporting victim survivors to be safe and healthy; and

- coordination: how can government agencies, non-government organisations and communities better integrate and coordinate efforts across a spectrum of prevention, early intervention, response and recovery.

There has been \$3 million allocated to conduct the inquiry. I know that the commission has been exceptionally hard at work, issuing earlier this year in July an issues paper. Submission responses to the issues paper were accepted until, I understand, mid-August.

I have mentioned in this chamber before the launch of the Share With Us survey, inviting responses about domestic, family and sexual violence in South Australia and to provide any other information that people wish to share. Written submissions through this were sought by 27 September. I know there have been other initiatives that have been undertaken, particularly in engaging with different groups. I note that the commission is particularly interested in hearing from the experiences and the needs of First Nations, particularly women, girls and children, and their experience with domestic, family and sexual violence.

I am also aware that the Share With Us online survey has an option for anonymous submissions and voicemail that is running until, I think, 10 December this year, particularly important in relation to the question at the end that the honourable member asked in relation to some of the unfortunate attitudes that we often find in social media.

A statewide student summit was held on 1 November, with more regional visits, including Port Lincoln, where the commission is hosting an Aboriginal partnerships committee to hear from Aboriginal people on domestic, family and sexual violence issues. So the commission is proceeding at speed but as inclusively as it can, hearing from those in the sector, those victim survivors with lived experience to inform the recommendations that will be made.

POLICE RETENTION AND RECRUITMENT

The Hon. D.G.E. HOOD (15:00): I seek leave to make a brief explanation before asking questions of the Minister for Industrial Relations regarding police wages in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: Earlier this week, we heard that South Australia Police had sworn in the first 15 recruits from its \$12 million international, interstate and local recruitment drive to urgently boost the numbers in our force. The most recent Productivity Commission's Report on Government Services indicated that South Australia currently has 238 sworn operational officers per 100,000 people.

Given the Australian Bureau of Statistics projects our state's population will reach two million by approximately 2030, an additional 401 sworn operational officers will need to be recruited over just the next six years in order just to maintain the current ratio of police officers to residents of South Australia.

It was announced earlier this week that police in New South Wales are set to be the best paid in the nation due to a wage increase of up to 40 per cent over four years under a new agreement negotiated between the Police Association of New South Wales and the New South Wales state government. I know it is a little bit of a stretch in terms of the minister's direct responsibilities, but given the importance to the state I put this matter to him seeking a response:

1. Does the minister view this situation as a threat to maintaining and indeed improving our police force representation numbers here in South Australia?
2. If so, what can and will be done about it and what other measures does the state government have at its disposal in order to improve retention rates and thus maintain or indeed ideally increase our police numbers here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for his question and his consistent concern about community safety in South Australia, including making sure the police have the resources and personnel they need to do their job in keeping us safe.

If I am remembering correctly, and I am happy to double-check this, the last report for around February, the RoGS—Report on Government Services—had South Australia sitting at the highest of any state in terms of sworn police officers per head of population, a very significant achievement and investment by the government in police officers in South Australia.

I think it is no secret at all—it is well documented, and you see it publicly very regularly—that for a number of years there has been an exceptionally tight labour market right around Australia in a whole range of areas. I don't think there have been many areas at all that have been immune. Recruitment is a challenge, there is absolutely no doubt about that.

I know there have been significant recruitment campaigns, particularly in the UK, to recruit police officers to come to South Australia, with I think quite a deal of success, over recent months and years. I think senior police officers have in recent months themselves visited the UK as part of that campaign, and we look forward to that paying dividends for South Australia.

So while wages is one factor—and I know the Hon. Robert Simms has asked a number of times about comparative wages as enterprise agreements are struck in other jurisdictions around Australia compared to South Australia, and of course that is something we will keep track of—there are many, many other reasons that make South Australia a fantastic place for people to come and work in and particularly to recruit for from other jurisdictions like the UK.

There is a tremendous amount of work being done, but I know there is more work to do. But it is heartening, as I think the figures were from the last Report on Government Services—as I said, I believe we had the highest rate of sworn officers of any state per head of population in the country.

POLICE RETENTION AND RECRUITMENT

The Hon. D.G.E. HOOD (15:03): Supplementary: I thank the Attorney for his answer. Given that an additional 401 sworn officers will be required by 2030, is he concerned about achieving that number or is he confident that we can actually achieve that?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:04): I thank the honourable member for his question. I am absolutely confident that SAPOL are conducting everything they can to make sure we have as many officers recruited as possible. As I said, some of the measures are recruiting particularly from the UK. I know they are very active in recruiting from other areas. I am confident that they are doing everything they can do to make sure they have the officers, and as I have said the figures from the Report on Government Services certainly show quite a degree of success in that.

VARROA MITE

The Hon. R.P. WORTLEY (15:04): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the council about the recently endorsed SA Varroa Detection Response and Transition to Management Plan?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for his question. South Australia's preparedness for the possible incursion of varroa mite and its future management has taken the next step, as the South Australian Varroa Detection Response and Transition to Management Plan has been approved and is now available publicly.

I am pleased to update this place about the recent endorsement of the varroa transition to management plan by the South Australian Varroa Industry Advisory Council (SAVIAC). As I have discussed in this place previously, the exotic bee pest varroa mite, or varroa destructor, was detected in hives in the port of Newcastle in New South Wales on 22 July 2022 as a result of routine surveillance on the sentinel hives. Varroa mite is considered the greatest biosecurity threat to both Australia's honey bee industry, which is valued at some \$437 million per annum, and Australia's agricultural and horticultural honey bee pollination-dependent industries, where the economic value of honey bee pollination is estimated at some \$14 billion per annum.

Last year, members of the Consultative Committee on Emergency Plant Pests (CCEPP) agreed nationally that, despite best efforts, the position had changed and varroa mite eradication was no longer considered technically feasible and that the response should shift to a transition-to-

management program. As a result, I authorised the establishment of the South Australian Varroa Industry Advisory Committee (SAVIAC). The members who served on this committee were:

- Mr Don Plowman, chair of SAVIAC;
- Ms Monica du Plessis from the Beekeepers' Society of South Australia;
- Mr Peter Mew from the Beekeepers' Society of South Australia;
- Mr Tony Tenney from the South Australian Apiarists' Association;
- Mr David Campbell from the South Australian Apiarists' Association;
- Mr Danny Le Feuvre from the Australian Honey Bee Industry Council; and
- Mr Keegan Blignaut, a member nominated as a representative of large commercial beekeepers.

This committee represented a good cross-section of the apiary sector and ensured that the development of a transition-to-management plan was representative of all stakeholders.

The South Australian Varroa Detection Response and Transition to Management Plan was developed by SAVIAC to prepare beekeepers for varroa and respond to its detection within South Australia, should that occur in the future. The main aim of the plan is to assist the apiary industry, including both commercial and recreational beekeepers and pollination industries, to prepare for the possible eventual establishment of varroa in South Australia in order to:

- maintain freedom from varroa for as long as is achievable, whilst balancing business continuity;
- once detected in South Australia, to minimise the impact of varroa; and
- to provide business continuity through a risk-based approach.

I have previously spoken in this place about the number of department staff recruited to assist in the ongoing response and I am pleased today to update the council on this. I am advised that there are now three varroa development officers, along with a coordinator, who have now commenced at PIRSA and will be dedicated to assisting beekeepers to develop skills and knowledge necessary to prepare for and manage varroa.

The varroa development officer team will be working closely with industry in metropolitan Adelaide and our regions. Their services are freely available to all apiarists, regardless of registration status or apiary association affiliation. I want to emphasise that varroa has not been detected here in South Australia, but it is of course incredibly important that we are prepared for if and when it does.

The South Australian Varroa Detection Response and Transition to Management Plan can be found on the PIRSA website. I want to take this opportunity to thank all members of the advisory committee who have represented the apiary sectors extremely well and have worked closely and together across the various aspects of the apiary industry and with government in developing this plan.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:09): Supplementary: why has it taken 12 months for the Detection Response and Transition to Management Plan to be released to the South Australian beekeeping industry by this government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I thank the honourable member for her supplementary. It hasn't been delayed and now released by this government, as the wording is; it has been developed by the industry sectors that I outlined.

It's important to note that this government is interested in consultation, this government is interested in making sure that there is a seat at the table for those people from the industry who are incredibly involved and will be affected by varroa mite should it eventuate here in South Australia. I am very sorry to hear that the opposition is criticising the beekeepers' association, criticising the

South Australian Apiarists' Association, criticising the Australian Honey Bee Industry Council, criticising the representative of large commercial beekeepers.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Why do those opposite pretend they think consultation is important and then criticise the government for consulting? Why do they criticise industry for taking the time to work through an incredibly important response plan for a disease, a mite, that could have such a negative impact? Why do those opposite continue to attack stakeholders? We saw it in the previous government. We saw how they absolutely drove a wedge between themselves and important industry stakeholders.

Now they want to criticise those important stakeholders in this industry for taking the time to meet regularly—I think they had 12 meetings altogether—for taking the time to work through scenarios, for taking the time to then send out the draft management plan for public consultation. They obviously don't think it's important to discuss with industry the things that will affect industry, and I think everyone in South Australia should be very disappointed with the performance from those opposite.

Members interjecting:

The PRESIDENT: Order!

STATE VOICE TO PARLIAMENT

The Hon. F. PANGALLO (15:11): 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: Highly respected Adnyamathanha elder Charles 'Charlie' Jackson OAM was last week announced as South Australia's Senior South Australian of the Year, a deserving recognition for a distinguished South Australian who has spent most of his life speaking out about injustices for his people. As he told me this morning, and I quote, 'I was put on this earth to speak for the rights of individuals who can't speak for themselves.'

That was exactly what he was doing this week in a media interview opposing increased police powers in Port Augusta, believing they were disproportionately impacting First Nations people. Charlie is a trusted and well respected First Nations person the media go to when they are seeking comment on issues impacting his people in the region. He gave the interview as an Aboriginal elder, not as a member of the Voice.

You can imagine Charlie's anger when he received a phone message from the Voice Secretariat Director Andrea Mason following that story being published attempting to gag him from speaking to the media. He is so angered he is considering resigning from the Voice. He also strongly opposes government employees being members of the Voice because of clear conflicts of interest, which I believe the majority of members are. My questions to the minister are:

1. Why are members of the State Voice being gagged from speaking to the media about matters that impact their people?
2. How can members of the Voice be truly independent if they are being gagged?
3. How can the Voice be truly independent of government when a large percentage of members are full-time public servants?
4. Do you believe these government-paid public servants on the Voice have a conflict of interest on the advice they give to parliament?
5. Why haven't you, this week in this place, publicly acknowledged the outstanding award Charlie won last week by way of a Dorothy Dixier like you have done with so many other deserving First Nations people who are recognised with awards instead of the fatuous bullying your colleagues have served up this week against the Hon. Ben Hood and the Hon. Jing Lee?

Members interjecting:

The PRESIDENT: Order! Attorney, you will ignore the last part of the question. I call the Attorney-General.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I will ignore the last part of the question because if we are talking about bullying behaviour I think the honourable member's comments are probably directed at some of those that he might have been referring to, not on this side of the chamber.

I thank the honourable member for his question in relation to a number of issues: the South Australian First Nations Voice and Uncle Charlie Jackson. I congratulate Uncle Charlie Jackson. Certainly there are many achievements of many Aboriginal South Australians that I am very proud of and I think many of us in this chamber are very proud of and many in South Australia are very proud of. I do my best to recognise as many Aboriginal achievements as possible.

I think it was SA Senior Australian of the Year that Uncle Charlie was nominated for and received, and I absolutely and wholeheartedly congratulate him on the award that was bestowed upon him. I spend quite a deal of time with Uncle Charlie, whether it be over the last few months at Wami Kata Old Folks Home near the Davenport Aboriginal community or Gladstone park in Port Augusta, where I have sat at length at tables with Uncle Charlie to talk about issues affecting Aboriginal people.

I recognise Uncle Charlie's status in the community's election in regard to that particular regional First Nations Voice. I absolutely appreciate the advocacy that Uncle Charlie has done for his Aboriginal community over many years, and I think it is a reflection of the standing that Uncle Charlie has that he was elected to the Voice. But, and I think this is part of how the Voice will operate, it doesn't mean that we will agree on everything all the time.

As I said, I very much respect the views that Uncle Charlie puts forward in relation to the declared public precinct in Port Augusta, I understand and appreciate the views he has put forward, but I disagree with him on aspects of what he said in relation to that declared public precinct. This is designed as a circuit breaker in relation to social issues that are occurring in Port Augusta and it will apply equally to everyone within that declared public precinct, which I think is bound by Flinders Terrace, the Augusta Highway and the waterfront area in Port Augusta, for a six-month period.

I am not aware of anyone trying to silence Uncle Charlie Jackson. Having known Uncle Charlie for many years, I don't think any attempts of that sort would be at all successful. I think Uncle Charlie has been, and will continue to be, a staunch advocate for his people.

I think it might have been last week in a media report that I heard about Uncle Charlie putting forward his views. It referred to Uncle Charlie as an elected member of the Voice from that area, and I think that is a welcomed elevation of an Aboriginal elder's input and voice, that because of their standing in the community they have been elected to the Voice. As I say, I respect and appreciate the role Uncle Charlie has played over many decades. We will continue to liaise, but it doesn't mean that we will agree on every issue every single time.

STATE VOICE TO PARLIAMENT

The Hon. F. PANGALLO (15:17): Supplementary: I also asked how can the Voice be truly independent of the government when a large percentage of members are full-time public servants?

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 repeating that part of the question that I didn't get around to answering. I had forgotten that he had asked that. I don't have a breakdown, but certainly there are public sector employees who are members of the Voice and who work in the not-for-profit sector, the ACCO sector and in the private sector.

I don't have a breakdown of who are state public sector employees or federal public sector employees, but certainly there are some of those. The South Australian public sector and the federal public sector are often an employer of choice for members of the Aboriginal community, and I am

very proud that is the case and that there are many Aboriginal South Australians who choose to work in the South Australian public sector.

There are many boards and committees that advise government that have members who are members of the state or federal public sectors. If there is a direct conflict with the advice that they provide, such as on the Voice, there are appropriate measures to deal with any such conflicts. I understand that has been part of the training for Voice members.

So I understand the question the honourable member is asking, but I don't accept and I disagree that having a career or a job in the state public sector or the federal public sector—because they are often employers of choice for Aboriginal people in South Australia—ought to preclude you from standing to represent your community and being part of our Voice in SA.

STATE VOICE TO PARLIAMENT

The Hon. F. PANGALLO (15:18): Supplementary: does the minister recall that I have actually asked a question in this place, and I have not received a response, about how many and who they are in terms of government employees who are on the Voice? The fact is that they are not only getting paid as public servants by the state government but also they are getting paid to be on the Voice. Perhaps that also constitutes a conflict. Secondly, the other part of the question I asked, does he have concerns that the secretariat may try to stop members of the Voice who have opinions from speaking to the media, as has been done to Mr Jackson?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for his question. To the second part about speaking to the media, I am not aware that that has occurred. I will certainly pass on the question that the honourable member has asked. What was the first part of that supplementary?

The Hon. F. PANGALLO: The first part of the question was that earlier this year I put a question to the minister asking how many South Australian public servants were on the Voice and the fact is that they were not only getting paid by the government but also receiving a stipend for being on the Voice.

The Hon. K.J. MAHER: I thank the honourable member for his question. I appreciate him putting forward his views but I don't agree whatsoever with his views that getting a very small stipend for being elected as a member of the Voice somehow means that you are conflicted or can't provide that sort of advice. Members of the Voice aren't doing it for the money. Each of the 46 local members of their six local Voices receive an annual stipend of \$3,000 to represent their community, to bring their lived experience and their views to bear to help decision-makers and provide advice in the state government.

The presiding members of each of the local Voices—and I am going from memory here—I think have a stipend of \$10,500 and the two presiding members of the statewide Voice, I think the stipend for those two people is about \$17,000. The idea that somehow people are doing this for the money and it is a rich cash cow—Aboriginal and Torres Strait Islander leaders who have put themselves forward and elected to the Voice aren't doing this for the money, aren't motivated by receiving money and conflicted in their roles because of that. They are doing it because they genuinely want to provide advice and help their communities.

Bills

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985 and to make a related amendment to the Local Government Act 1999. Read a first time.

*Second Reading***The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I move:**

That this bill be now read a second time.

Today, I introduce the Electoral (Miscellaneous) Amendment Bill 2024. This bill amends the Electoral Act 1985 to implement recommendations of the Electoral Commissioner's Report into the 2022 South Australian state election and 2022 Bragg by-election.

In addition to the recommendations in the 2022 report, the bill implements an election commitment to prohibit political parties, candidates, members of parliament and third parties acting on their behalf from making unsolicited robocalls and undertaking robopolling. It further implements several other government-initiated reforms. The bill also includes amendments to the Local Government Act 1999 to further regulate the use of electoral corflutes.

The proposed amendments in the bill will improve administration, streamline and modernise processes and allow more flexibility for early voting options. The bill will enable the state to provide voting services that are more consistent with options available in other jurisdictions and to meet community expectations. As noted by the Electoral Commissioner in his 2022 report, South Australia has had no form of electoral legislative reform for several years. The changes in this bill will deliver some of the electoral modernisation and reform that South Australia requires.

The bill provides that eligible new electors will be able to enrol to vote up to and on polling day. While the Electoral Commissioner will continue to focus on improving enrolment levels among young people, citizens from culturally and linguistically diverse backgrounds, and First Nations people, allowing enrolment up to and on polling day is likely to lead to greater enfranchisement of people who inadvertently miss the deadline and turn up to polling booths to find they are not on the roll and cannot vote. This reform creates a mechanism so that all eligible electors are able to cast a vote, ensuring that nobody who is eligible is turned away from exercising a vote.

The bill includes new protections for itinerant electors. The Electoral Act already provides voting options for itinerant electors, being a class of voters who do not have a fixed address. If itinerant electors fail to vote or are outside of South Australia for more than one month, they will not lose their status. Itinerant electors will not be fined if they do not vote. This is to avoid creating hardship for people experiencing homelessness and travelling retirees.

Amendments have also been made to the date for the deadline to apply for postal votes, which maximises the opportunities for postal voters to receive their ballots in time in order that they may be returned and counted in the election.

The bill expands the options for assisted voting currently available to sight-impaired electors. Currently, under the Electoral Act, the Electoral Commissioner can offer a range of voting options. There is not currently any provision for telephone-assisted voting. Sight-impaired electors and electors who otherwise cannot vote without assistance because of a motor impairment will be able to access voting using telecommunications technology under reforms introduced in this bill.

The bill also provides that electors who attend an early voting centre will have the convenience of being able to cast an ordinary vote. Issuing ordinary votes to electors takes significantly less time than issuing declaration votes and is likely to mean reduced queues and waiting times. Further, electors voting early at early voting centres prior to polling day will no longer be required to meet eligibility requirements in order to vote prior to polling day. Early voting will now be available within the seven days before polling day, in recognition that electors increasingly want convenient options that allow them to fulfil their democratic duties and obligations under compulsory voting.

Further changes will allow electors voting at an early voting centre or on polling day outside the district for which the elector is enrolled, to cast an ordinary vote, provided the elector can be marked off the electoral roll. A process is set out in the bill to allow ordinary votes for absent voters to be placed in a separate ballot box, from where they will be transferred to the relevant district returning officer and be counted in the week after polling day along with declaration votes.

The bill also provides that the Electoral Commissioner will be able to establish a polling booth at a polling place established 'for' a district rather than 'within' a district. This will assist with polling for a by-election when a suitable polling location may exist outside of the designated district and allows the Electoral Commissioner the flexibility to provide the most accessible and convenient voting services.

The bill contains a range of amendments that provide both electors and candidates with flexible options for lodging information with the Electoral Commissioner. The Electoral Commissioner will be able to permit candidates to lodge information online rather than using paper forms for processes, including candidate nominations, voting tickets and how-to-vote cards. The use of technology-based options will enable more accurate, timely and robust mechanisms to assist and support parties and candidates with meeting legislative obligations. The bill also allows for a single authorisation of a poster that comprises multiple how-to-vote cards. This will make preparing these posters simpler for political parties and easier for voters to read.

Additional changes will remove barriers to the Electoral Commissioner receiving applications from electors for postal voting and application for the register of declaration votes electronically, which provides more flexible options for electors and will bring South Australia's processes into line with other Australian jurisdictions.

It is not intended to fully replace paper systems so as not to disenfranchise candidates or electors requiring manual or paper-based programs or assistance. Rather, these changes will be permissive of a range of options such that the processes can be determined by the Electoral Commissioner, which will allow the use of both paper and electronic systems as required.

In response to a range of emerging issues, the bill also introduces new offences. In the lead-up to the 2022 election, the Electoral Commissioner received numerous calls and emails from electors anxious about the whereabouts of their postal voting forms. This arose from the practice of political party websites purporting to invite electors to apply for a postal vote and creating confusion for electors who mistakenly believed they were interacting with the Electoral Commissioner's website. In some instances, it was too late to send a postal vote pack by the time the Electoral Commission of South Australia was contacted. For electors who were physically unable to attend a polling place, they were unable to vote at the election.

In response to this, the bill provides that it is an offence for a person, other than a person acting under the authority of the Electoral Commissioner, to distribute forms or materials containing links or codes that purport to facilitate an elector to apply for the issue of declaration voting papers. This will remove the involvement of political parties in the postal vote process, to minimise confusion experienced by electors and provide the Electoral Commissioner with the ability to take action against those responsible for any misleading websites.

The Electoral Commissioner has noted that, in recent Australian electoral events, electoral officials have been subject to harassment and threats, as well as being filmed and followed to their homes. This includes concerning behaviours during the 2023 federal referendum.

It is vital that election staff can go about their business unhindered. In response, changes have been made to the existing offences in the Electoral Act to more suitably deal with disorderly conduct connected to electoral events. This bill broadens the power for authorised officers to remove persons and captures behaviour occurring at places where polling or counting is taking place as well as in the immediate vicinity of such a place. This ensures disorderly behaviour outside of a polling booth can be appropriately managed and provides increased penalties for the offences. Of course, some of these behaviours may also constitute offences under existing criminal laws.

In response to perhaps the newest threat to elections and the broader political sphere, the bill will introduce new regulations and offences relating to the use of artificial intelligence and material intended to mislead, known as electoral deepfakes. Increasingly, the use of this technology is causing concern. Around the world, deepfakes of politicians, electoral candidates and other public political figures have been used to mislead voters into believing that the depicted person said or did something they did not.

In this context, deepfakes are usually created for the purpose of causing reputational harm to the depicted person in an effort to influence voter opinion and the potential outcome of an election. This emerging new risk warrants legislating to protect South Australians from the harmful and misleading impact deepfakes could have on our electoral processes and to maintain public trust in our democratic institutions.

Firstly, the bill prohibits the distribution of an electoral advertisement containing audiovisual, visual or audio content that was wholly generated by artificial intelligence or where it contains a depiction of a simulated person performing an act that such person did not perform. It will be a defence to prove that the distribution of the artificially generated electoral advertisement occurred with the written consent of each real person depicted or that the defendant took no part in determining the content and could not reasonably be expected to have known that the advertisement contravened the offence provision.

Secondly, the bill provides that a person must not distribute or cause or permit to be distributed an electoral advertisement containing audiovisual, visual or audio content that was wholly generated by artificial intelligence unless it contains a statement that it is an artificially generated electoral advertisement. The bill sets out the requirements of such an authorisation.

Similar to the misleading advertising provision in section 113 of the Electoral Act, the Electoral Commissioner may take action where he or she is satisfied that an artificially generated electoral advertisement contravenes these new provisions. The Electoral Commissioner may request the advertiser to withdraw the advertisement from further publication, or publish a retraction in specified terms and in a specified manner and form. The Electoral Commissioner will also have the ability to apply to the Supreme Court for an order that the advertiser take the abovementioned actions.

The purpose of these reforms is to safeguard elections by preventing voters from being unduly swayed by realistic artificially generated misleading content. In recognising this purpose, the definition of artificially generated electoral advertisement is for advertising containing audiovisual, visual or audio content that is wholly generated by artificial intelligence. This tailors the requirements to the new provisions to the threat that they seek to prevent.

A regulation-making power is included in the definition of artificially generated electoral advertisement for the purpose of audiovisual, visual or audio content that is created or altered by the use of technology of a prescribed kind, where this might become necessary in the future.

It is not intended to capture electoral advertisements where artificial intelligence is working in the background—for example, where formatting changes or grammar improvements are automatically applied to a software program—nor is it desirable that all electoral advertising be labelled as artificially generated in a precautionary manner to avoid breaching the provisions where background software function is not wholly understood.

It must be noted that these reforms are occurring ahead of other Australian jurisdictions. The use of artificial intelligence and deepfakes is an area of particular specialist knowledge and is rapidly evolving; therefore, care has been taken to ensure the South Australian provisions can be enforced by the Electoral Commissioner and is confined to the purpose of the reforms at this time. There may be cause for further review or expansion of provisions in the future as knowledge of this area of technology evolves and lessons are taken from other jurisdictions who may look to introduce similar legislation.

A further amendment in the bill will prohibit political parties, candidates, members of parliament and third parties acting on their behalf from making robocalls consisting of unsolicited automated calls containing a pre-recorded message and undertaking robopolling, where automated opinion polls are conducted using computer scripts rather than by an individual, which contain material relating to a state election. This is broader than electoral advertising and therefore captures calls made at all times.

The prohibition will apply to political parties, candidates and members of parliament from South Australia as well as other states, territories and parliaments where the material relates to a South Australian election. For example, the prohibition would apply to a member of the Victorian

branch of a political party making robocalls to South Australian electors where the material relates to a South Australian election. This implements a state government election commitment to ban unsolicited robocalls to ensure lives are protected from such intrusion and disruption.

The purpose of this reform is to protect South Australians' privacy from the unwanted intrusion and disruption of automated calls containing a political matter, to minimise the potential for the improper, deceitful or fraudulent use of robocalls for political purposes and to restore public confidence in the state's democratic and political institutions.

Section 115A of the Electoral Act already regulates the content of automated political calls, requiring authorisation details to be included in an automated political call. Pursuant to section 115A, an 'automated political call' comprises a telephone call consisting of a pre-recorded electoral advertisement. Such authorisation is common for any form of electoral advertising and these new requirements will be maintained for persons not prohibited under the new provisions.

The bill makes a series of changes to provisions in the Electoral Act that require persons publishing material to include the name and street address of the person responsible for the publication. For Independent candidates without a campaign address, this may mean having to use their residential address. For some candidates this raises concerns for their personal safety. Under changes made by this bill, a candidate who is not endorsed by a registered political party may, with the approval of the Electoral Commissioner, include a post office box instead of a street address. The candidate must ensure that the published material also contains a statement of the suburb in which the candidate resides.

The bill will also amend section 62 of the Electoral Act so that the ability for Independent candidates to add additional words to ballot papers for use in an election after the word 'Independent' is removed. An amendment to the Local Government Act will permit any individual to display a corflute in a form pre-approved by the Electoral Commissioner notifying electors as to an upcoming election. This will allow generic update corflutes to be displayed to notify electors of an upcoming election. The generic corflutes will be allowed to be placed on a road without authorisation if they relate to a state election, are exhibited during an election period and are identical to a sign approved by the Electoral Commissioner. The Electoral Commissioner will publish a copy of an approved sign on the Electoral Commission of South Australia's website.

A further amendment to the Local Government Act will prohibit the exhibition of corflutes related to federal elections on road and road-related areas, including structures, fixtures and vegetation on a public road or road-related area, similar to the prohibition introduced for state election corflutes. It is proposed that a general prohibition instead be applied to the exhibition of federal corflutes other than in the circumstances currently exempted for state election corflutes under the Local Government Act.

This means that for a federal election, advertising posters may be exhibited by a person holding the electoral advertising poster where the poster is not attached to a building or structure on a road and is exhibited at or in the vicinity of a designated event and only immediately before, during and after that event for no more than six hours. A designated event includes an organised gathering, meeting or function relating to a commonwealth election and a person canvassing for votes relating to a commonwealth election.

The government considers that, similar to the prohibition that has been implemented for state election corflutes, this further prohibition will reduce physical and visual pollution caused by these posters, in addition to preserving roadside amenity, and addresses concern about electoral posters presenting a road safety risk as a distraction to drivers.

This has been a period of substantial reform to the Electoral Act and has required considerable effort made by people over many months. I would like to thank all those who have contributed, in particular Jo Kreis of legislative services. I would also like to acknowledge the tireless efforts of Mark Emery of parliamentary counsel, whose work has been integral to the development of this and other reforms. I commend these reforms to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

3—Amendment of section 4—Interpretation

Certain definitions are inserted or amended for the purposes of the measure.

4—Amendment of section 18—Polling places

Pre-polling centres are provided for in the provision.

5—Amendment of section 31A—Itinerant persons

These amendments relate to arrangements for itinerant persons.

6—Amendment of section 32—Making of claim for enrolment or transfer of enrolment

This amendment relates to the making of claims for enrolment in connection with enrolment on polling day.

7—Amendment of section 40—Order in which applications are to be determined

This amendment is technical.

8—Amendment of section 53—Multiple nomination of candidates endorsed by political party

This clause makes amendments related to the nomination of candidates endorsed by political parties.

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

This clause makes amendments related to the nomination of other candidates.

10—Amendment of section 54—Declaration of nominations

The reference to 'papers' is removed.

11—Amendment of section 58—Grouping of candidates in Legislative Council election

The reference to 'signed' is replaced.

12—Amendment of section 60A—Voting tickets

This clause makes amendments related to voting tickets.

13—Amendment of section 62—Printing of descriptive information on ballot papers

This clause makes amendments to descriptive information printed on ballot papers.

14—Amendment of section 65—Properly staffed polling booths to be provided

These amendments relate to the provision of properly staffed polling booths.

15—Amendment of section 66—Preparation of certain electoral material

These amendments relate to the manner and form of material to be submitted under the provision.

16—Amendment of section 69—Entitlement to vote

This clause makes amendments related to the entitlement to vote in connection with the measure.

17—Amendment of section 71—Manner of voting

This clause makes amendments related to the manner of voting, primarily in relation to voting at pre-polling centres.

18—Amendment of section 74—Issue of declaration voting papers by post or other means

This clause makes amendments related to the issuing of declaration voting papers by post or other means.

19—Amendment of section 74A—Offence to distribute application form for issue of declaration voting papers

This clause makes amendments related to offences relating to the distribution of application forms for the issue of declaration voting papers.

20—Amendment of section 77—Times and places for polling

This clause makes amendments related to the times and places for polling.

21—Amendment of section 79—Vote to be marked in private

22—Amendment of section 80—Voter may be accompanied by an assistant in certain circumstances

23—Amendment of section 80A—Voting near polling booth in certain circumstances

These amendments are consequential on the changes relating to voting at pre-polling centres or in certain circumstances on polling day.

24—Insertion of Part 9 Division 5B

New Part 9 Division 5B is inserted:

Division 5B—Voting for eligible electors using telecommunications technology

84D—Voting for eligible electors using telecommunications technology

Section 84D provides for an eligible elector (which is defined) to vote in an election using a telecommunications technology voting method prescribed by the regulations.

25—Amendment of section 85—Compulsory voting

These amendments relate to the requirements relating to compulsory voting and itinerant electors.

26—Amendment of section 91—Preliminary scrutiny

This amendment relates to the verification of the identity of certain electors during the preliminary scrutiny.

27—Amendment of section 95—Scrutiny of votes in Legislative Council election

28—Amendment of section 96—Scrutiny of votes in House of Assembly election

These amendments are consequential on the changes relating to voting at pre-polling centres or in certain circumstances on polling day.

29—Amendment of section 112—Publication of electoral advertisements, notices etc

One amendment relates to removing the requirement for the name and address of the printer of an electoral advertisement to be included. The other is a special provision for a candidate who is not endorsed by a registered political party.

30—Amendment of section 112A—Special provision relating to how-to-vote cards

Certain amendments make special provision for a candidate who is not endorsed by a registered political party. Other amendments relate to authorising how-to-vote cards combined in a single electoral advertisement.

31—Amendment of section 115A—Automated political calls

This clause makes amendments related to automated political calls.

32—Insertion of sections 115B to 115D

New sections 115B to 115D are inserted:

115B—Certain artificially generated electoral advertisements prohibited

This section contains provisions relating to the prohibition of the distribution of certain artificially generated electoral advertisements.

115C—Prescribed artificially generated electoral advertisements to include certain statements

This section relates to the inclusion of certain statements in respect of certain artificially generated electoral advertisements.

115D—Withdrawal etc of certain advertisements

This section provides for the withdrawal or retraction of certain artificially generated electoral advertisements.

33—Amendment of section 116—Published material to identify person responsible for political content

This amendment inserts a special provision for a candidate who is not endorsed by a registered political party.

34—Amendment of section 116A—Evidence

These amendments are consequential.

35—Substitution of section 119

Section 119 is substituted:

119—Maintenance of order at and near places for voting and counting centres

New section 119 makes provision in relation to the maintenance of order around places for voting and counting centres.

36—Amendment of section 130G—Requisites for appointment

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

These amendments are consequential on the change of references from signatures to endorsements for the purposes of electronic processes.

Schedule 1—Related amendments to *Local Government Act 1999*

1—Amendment of section 226—Moveable signs

One amendment relates to the approval of a sign by the Electoral Commissioner to facilitate the display of signs that are identical to the approved sign during the election period for a State election. Another amendment relates to the control of electoral advertising posters for Commonwealth elections.

2—Insertion of section 226A

New section 226A is inserted:

226A—Control of electoral advertising posters for Commonwealth elections

This provision relates to the control of electoral advertising posters for Commonwealth elections.

Debate adjourned on motion of Hon. H.M. Girolamo.

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

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2024.)

The Hon. C. BONAROS (15:39): I rise to speak in support of the Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Amendment Bill 2024. The bill establishes a framework to address longstanding issues in the industry which, as we know, has been troubled by incidents of misconduct and extremely alarming incidents. From significant gaps in oversight to accountability issues, this industry has unfortunately seen its share of so-called black sheep.

The ICAC report tabled in 2022 made it clear that reform in this space is urgently needed and this bill aims to tighten those cracks, introducing a code of conduct alongside crucial reforms to the graduated licensing scheme. The majority of those impacted by these training and examination processes we need to remember are young drivers, a particularly vulnerable cohort in our community. Their safety and that of all road users absolutely deserves to be strengthened and that is what these measures are all aimed at.

Some aspects of the bill have sparked concern, especially among those advocating for learners with disabilities. I have received, as I am sure others have, a considerable amount of correspondence on this and I want to acknowledge these voices. I understand that through the regulations specific provisions will be made for individuals with needs and I am assured through my discussions with stakeholders and indeed the government that these will be addressed appropriately and will also, of course, be the subject of scrutiny by all of us.

The bill is the product of extensive work and collaboration, and I am pleased the government has listened. I have been having ongoing discussions now with the minister and his team and department for weeks and I am pleased that has resulted in the consultative working group, which the minister I am sure will speak to further, that is aimed at ensuring ongoing input from industry and community representatives as these reforms are implemented.

That includes, of course, experts industry wide, including the RAA and others. I have worked very closely with the RAA in this space to ensure that their concerns on behalf of industry are

addressed. I am confident that this partnership, this collaboration that we have landed on, will actually achieve that end and will help refine the details, making these changes effective and lasting.

I think it is important to note the media release by the RAA that welcomes the commitment from the state government to encourage learners to undertake professional driving lessons through the new incentive scheme as part of the package of reforms to improve the driver training industry and the RAA's commitment to working collaboratively with the state government to ensure that the proposed reforms for the driver training industry benefit all learner drivers and road safety into the future.

They have been advocating for wholesale reforms to the driver training industry for several years now to stamp out corruption, improve the availability and affordability of lessons, and train safer drivers for our roads. They have indicated their support for, as I said, stamping out corruption in the driver training sector, improving safety for learner drivers with the mandatory installation of cameras and GPS devices in vehicles, bolstering compliance and introducing a code of practice, and providing a consistent method of final assessment with government-appointed authorised examiners, amongst other things.

I do note the earlier debate we had on the issue of cameras and GPS; this is not the first time we have canvassed this issue. But do not underestimate the vulnerability of the cohort of people who are most likely to be using this scheme. Do not underestimate their vulnerability. We have had instances that have effectively resulted in sexual harassment, particularly of young girls who are accessing driver training, and that is completely unacceptable.

When I was turning my mind to this I was thinking of the Ubers and the taxis and everything else we access and the fact that they all have these cameras in there, yet the one vehicle that we allow our children to go into as part of this scheme is not necessarily covered by the same thing. That is not to suggest that there is an industry full of rotten apples who are going to take part in this, but the same can be said for Uber and taxis as well and we still go to that very important length. I think it is absolutely necessary and critical that we do so when we are dealing with such a vulnerable cohort of young people in our community. The RAA, as I said, has said that it:

...supports these much-needed reforms which will build a better foundation for the driver training industry to give learner drivers the best possible opportunity to learn the correct skills, attitude and roadcraft.

The RAA said that ultimately their interest is in ensuring that learner drivers are safe drivers—I think that also extends to being safe while they are learning to drive—so that we have safer roads and safer communities and reduce the number of people killed or injured on our roads in the long term.

It is to that effect that not only have they supported the government's initiative but also, through the consultative forum which we have established under the commitments given by government, undertaken to continue to work with government on the regulations that will inform the implementation of this legislation, including developing a new practical driving test, the potential to retain other elements of the scheme and ensuring the cost of obtaining a licence remains affordable for everyone, which is one of the other issues that has been raised.

On that note I do acknowledge, again, the extensive advocacy of the RAA but also in terms of the development, like I said, of the reforms going forward. I thank, in particular, for all of their time and effort on that front Samuel, David and Charles.

Enhanced driver training will lead to more skilled drivers and ultimately safer roads. Of course, there are accessibility concerns, particularly around cost, that cannot be overlooked as part of this. For many families the high price of driver education is prohibitive. Where you have more than one child that is multiplied. A driving test alone can cost over \$500, and that is unattainable for many families. I do intend to ask the minister to provide an explanation and further information during the committee stage regarding the programs that can support those unable to afford these services and, indeed, how the government anticipates that those costs will decrease under this scheme.

I note that others in this chamber had initially signalled their intention to refer this bill to a committee, but they have since changed their tune and now support its passage today. That is a good outcome. It is a good outcome all round, I think. It is, I think, a good indication of how

constructive those discussions of those of us who have been partaking in those discussions behind the scenes with industry and with government and with the minister's department have been.

The extensive work already invested in these reforms and the government's commitment to ongoing consultation through a working group I think quite rightly make any further delays to the scheme unnecessary. Based on comments I have heard this week I think that view will be shared by others in this place, but we will wait and see.

With this shift in support I am pleased to see broader recognition of the urgency of the need. If we just look at ICAC, that was a 2022 issue. If we look at the other issues that have been raised, they pre-date that. So they are very urgent reforms in terms of improving driver training, industry standards and ultimately road safety, without additional hold-ups.

In closing, I would like to thank the minister's departmental team for all of their hard work on this issue and especially my mate Nick for his persistence and patience, particularly with me. With those words, I reiterate my full support for this bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:49): I thank those members of this place who have made contributions: the Hon. Ben Hood, the Hon. Frank Pangallo, the Hon. Reggie Martin, the Hon. Rob Simms and the Hon. Connie Bonaros. I point out that in the contribution by the Hon. Ben Hood he stated that the minister had suggested that all or the majority of the industry was corrupt or were sexual predators. Many of the other comments here have certainly shown that not to be the situation.

There is a small number, but a significant number nonetheless, of people within the industry who have not been doing the right thing. The volume of convictions and administrative sanctions imposed on industry members over the past eight years, along with the findings of the ICAC investigation, showed that there are significant issues.

I reflect that the Hon. Mr Pangallo referred to his positive discussions with the minister, and the Hon. Ms Bonaros has referred to her ongoing and constructive discussions. That is certainly what we are all looking for in this bill—an outcome that addresses significant issues that have come to the fore, while maintaining the outcomes we are looking for.

We have heard that some licences have been obtained but that not all mandatory driving tasks have been done. That is a clear example of a safety risk for all South Australian road users. We know there have been in some cases, particularly in regional areas, very high costs to obtain a licence. We are looking for certainty of costs for tests, which will provide all learner drivers and their families, who might be supporting them, with the opportunity to know exactly what they will be up for in terms of the testing regime. Improved safety, improved certainty and safety for individuals going through the process are all key aspects of the goals of this bill and I commend it to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: My first question to the minister is one that I referred to in my second reading contribution in relation to the issue of costs. The government has said that it is anticipating that costs, in terms of accessing driver training, will plummet or decrease under the scheme as a result of the changes. I am hoping the minister can explain how that is.

The Hon. C.M. SCRIVEN: I am advised that information is that currently the average cost of the testing is around \$300. That will be reducing to \$240. In regional areas, for example, applicants will not need to be paying for travel costs of the examiners. The certainty that will be forthcoming, in terms of the cost of the test, will be of significant assistance to those who are seeking to get their licences.

The Hon. C. BONAROS: How many authorised examiners are anticipated to function, in terms of FTEs, under the scheme?

The Hon. C.M. SCRIVEN: I am advised that the number is likely to be between 40 and 50—most likely closer to 50. Obviously, it will be demand driven. Should the member be asking, that will include in regional areas in terms of the demand; that will dictate what the number of examiners is.

The Hon. C. BONAROS: How many learner drivers are there in any given year on average, and how does that compare to the number of examiners? Noting, of course, that not everybody is going to an examiner at the same time, so there are ebbs and flows and that will fluctuate throughout the course of a year, but was that used in coming to that number of 40 to 50 FTEs?

The Hon. C.M. SCRIVEN: I am advised that we do know the numbers because every test at the moment has to be booked through the government and so the accurate numbers are available. There are approximately 50,000 tests per year and so that is what the number of required examiners has been based upon.

The Hon. C. BONAROS: Just as a matter of record, can the minister highlight any of the other sorts of schemes and subsidy schemes that exist that will continue to exist alongside of this in terms of making getting your driver's licence affordable, particularly amongst not just regional drivers but also the program that relates specifically to Indigenous young drivers?

The Hon. C.M. SCRIVEN: I am advised that the On the Right Track program will continue. It is a program in the Far North which aims to assist people in the APY lands in terms of gaining their licence. There will now be a greater pool of examiners available for that. We are aware of other programs which are run by community organisations around the state, which will not be directly affected by this.

The Hon. R.A. SIMMS: I have a few questions of the minister regarding the composition of the consultative forum that has been referenced during the second reading discussion. Can the minister advise who will be on the consultative forum, how those stakeholders have been selected, and what opportunities there will be for members of the community to express their views through that forum? Will it have a similar structure to an inquiry? What will it look like?

The Hon. C.M. SCRIVEN: I am advised that there are two parts in the answer to the question. The first is in terms of public consultation. There has been consultation over many years in the development of this bill, and so it is fair to say that a lot of that consultation has been taken on board. In terms of general public input, that has already occurred. For the consultative forum, it will include the Professional Driver Trainers Association, the Australian Driver Trainers Association, the RAA and groups that are involved with road safety, such as the Get Home Safe Foundation. We will also engage with those involved with the disability sector; for example, the Office for Autism—particularly looking at those who are neurodivergent—in addition to other disability representative groups.

The Hon. R.A. SIMMS: Who will convene the forum? Is it being convened by the minister, and what timeframe will it operate under?

The Hon. C.M. SCRIVEN: I am advised that, whilst it has not been finalised, the expectation is that it is most likely to be convened by the Registrar of Motor Vehicles. The consultation, given that it will involve the drafting of the regulations as well as the codes of practice, is likely to take a number of months.

The Hon. R.A. SIMMS: This is my final question. I can see the Hon. Heidi Girolamo is keen to get on her feet, so this is the last one from me. When will we get a report on the outcome of that consultative forum? Will the minister undertake to share the findings of that forum with the parliament?

The Hon. C.M. SCRIVEN: I am advised that the outcomes of the consultative forum will be the regulations and the codes of practice.

The Hon. R.A. SIMMS: Just one more associated question, sorry. This is my final question. I understand the minister has said that the feedback from the consultative process will inform the regulations, but will the minister also undertake to provide a summary of the outcome of that consultation to the parliament so that there is a level of transparency around the information that is being shared?

The Hon. C.M. SCRIVEN: I think I cannot answer on behalf of the minister. I will certainly note that request and pass it on.

The Hon. H.M. GIROLAMO: In regard to the consultative committee, will we have assurance that there will be regional representation on the committee?

The Hon. C.M. SCRIVEN: The associations, I am advised, have interests across the entire state. If we think about the RAA, for example, they are very active in regional areas, not to mention some of those other organisations that I have already referred to.

The Hon. H.M. GIROLAMO: So there will not be a formalised, I guess, allocation of representatives from the regions on the committee?

The Hon. C.M. SCRIVEN: It is worth noting that the committee is not comprised of members of the public, as I mentioned. The public consultation has been undertaken over a number of years. The associations will put forward those who are most well equipped, in their view, to be able to represent the various views of the associations that I have referred to and provide the important input to that process.

The Hon. C. BONAROS: Just to be clear on the record, the associations that we are talking about are the Australian Driver Trainers Association, the Professional Driver Trainers Association and, of course, the RAA. In and of themselves a critical element of what they do is actually dedicated towards our regions and how these schemes operate in the regions, so they have people who deal specifically with this issue and have had input not only to date but will continue to have input into that forum going forward.

The Hon. C.M. SCRIVEN: I think that is an accurate representation, yes.

The Hon. C. BONAROS: Just to be clear, throughout the process that has taken place thus far, that has been a key element that has been canvassed by all of those groups—certainly through the discussions I have had—and it is one of their primary objectives in terms of the formulation of any regulations around this scheme.

The Hon. C.M. SCRIVEN: Yes, that is my understanding.

The Hon. R.A. SIMMS: Would the minister consider holding a special session of the consultative forum in a regional area to give regional communities more of an opportunity to have input?

The Hon. C.M. SCRIVEN: Obviously, again, I cannot speak directly on behalf of the minister, but I would point out that this is the consultative committee, as I have already mentioned now I think several times in the last 10 or 15 minutes, and it is a committee of those associations. The public consultation has occurred over a number of years. It has been extensive, it has involved the opportunity for people across the state to be involved. I think it is also fair to say in all sincerity that there are many of us here who are very keen to ensure that these reforms make a positive difference for people in regional areas.

We have already heard about the additional costs that to date have been experienced by people in regional areas. As someone living regionally myself, I am obviously very aware of that. I think it is fair to say there are plenty of people in this place who are. The associations that we have referred to, and have been alluded to by the Hon. Ms Bonaros, are well used to considering the regional impacts of the current regime that we have and will be very involved in ensuring that there are no unintended consequences for regional areas going forward.

The Hon. R.A. SIMMS: I understand the minister has canvassed the role of the forum over the last 15 minutes or so. It is new to me. That is why I am asking questions about it, just to get my head around how it will work and what role it will play, because I had understood there was likely to be an inquiry that would look at some of these issues. In light of the fact that there is not likely to be a session in a regional community, would the Minister for Regional Development herself consider attending a session of the consultative forum so that she can communicate the views of regional communities and ensure that they are taken into consideration?

The Hon. C.M. SCRIVEN: Given that the purpose of the consultative committee will be to develop the regulations and the codes of practice, I think it is clear that there will be strong regional input into that process.

The Hon. C. BONAROS: Can I just say, and I am not—well I am defending the government here. I mean no disrespect to the minister but I would have thought—frankly, minister, I mean no disrespect—the associations that we have listed who have individuals who work specifically in this area would be more equipped to deal with those issues than the minister herself. Although I am sure the minister would like to take a keen interest in those outcomes, we are dealing with bodies which have extensive experience and expertise in this area and it forms part of the critical work that they do and has led to this point.

Just in terms of that role—and I am hoping the minister will agree with everything I am saying here, other than the fact that they may have more experience than her—the reason why this is so important is that there is obviously a regulatory framework that has to follow. The concern from industry would be that they have no input into that regulatory framework regardless of all the work that has already happened in the background. This actually ensures that they have a place at the table in terms of the development of that regulatory framework and their feedback into that going forward.

The Hon. H.M. GIROLAMO: In regard to the standardised fee of \$240, I presume that would be included within the regulation. Are you able to expand on that for me further and how that amount has been determined? Also, the minister's media release announcing the reforms on 30 August 2024 refers to a survey that found the median price for the test is currently \$319. Can the minister confirm the current situation and how that prescribed fee was calculated?

The Hon. C.M. SCRIVEN: I am advised that the amount of \$240 has been established through modelling the full cost recovery. I think it does speak to the fact of one of the things that this bill is trying to address, which is that there have been very inconsistent amounts being charged across the state and across the metropolitan area. It is important that we have some certainty. The advice is that the model will be looking at full cost recovery, and that amount equates to \$240.

The Hon. H.M. GIROLAMO: In regard to the amount currently being charged that I also referred to, \$319 on average, the *South Australian Government Gazette* outlined the prescribed fee for government-authorized examiners of \$62 for a test less than 40 minutes and \$142 for a test exceeding 40 minutes duration, in addition to a level 2 fee for administration and bookings. Can you explain whether there are concerns around current prescribed fees not being adhered to and whether that is currently being policed?

The Hon. C.M. SCRIVEN: I am advised that the amounts that have been referred to by the honourable member relate to the prescribed fees for a government assessor and that there are no regulated fees in the private sector under the current framework. That indeed explains why there is such a discrepancy and great differences found between different learner drivers' experiences, and it is something that will be addressed through this proposed framework.

The Hon. H.M. GIROLAMO: In regard to that, have there been concerns raised over the current prescribed fees? Does the minister have further details on how the \$319 median price was determined? You estimated the median price to currently be around \$319. How has this been determined or calculated?

The Hon. C.M. SCRIVEN: I am advised the research was undertaken by contacting a number of driving schools and authorised examiners and asking for what their prices are, as well as searches on websites and so on.

The Hon. C. BONAROS: Just as a point of clarity again, some of the questions the member is asking—I am hoping the minister might be able to elaborate on this—go to the heart of the issues that have been looked at through ICAC, and the complaints and also the disciplinary actions that have been taken, so that when we are talking about a cost and whether that is reasonable or not we have to factor that against those business practices that people have been partaking in that have resulted in high costs to learner drivers—disproportionately high costs—or practices that are just

unethical, and that is the mischief, in a sense, that we are also trying to overcome through this scheme.

The Hon. C.M. SCRIVEN: Yes, it is certainly the case that issues such as inconsistent costs are one of the issues that are trying to be overcome through this scheme, in addition to other matters that have been well ventilated either through this process or through the ICAC investigation outcomes and the various consultation that has happened over many years. We have heard many stories of people having to pay what appear to be exorbitant amounts. I guess a simple difference, it is probably very obvious, is that with the government assessors they will not be looking for a profit margin.

Of course, any private business needs to build in a profit margin for their business to be profitable. It is stating the obvious, and it is not suggesting that businesses should not be able to have a profit margin, but this comes to the core of what will be different under the new scheme, and that will result in both consistency and costs which are simply cost recovery and not involving a profit.

The Hon. H.M. GIROLAMO: In regard to when you were looking at what the median price was, how many motor driver instructors were surveyed?

The Hon. C.M. SCRIVEN: We do not have that number available.

The Hon. H.M. GIROLAMO: I guess concerns have been raised with the opposition where many say that the motor driver instructors have indicated that they take issue with the \$240, saying that they actually are charging less than that overall. What is the department's response in regard to those concerns?

The Hon. C.M. SCRIVEN: The member herself referred to this being the average, and that means that some are higher and some are lower. Some will be incurring costs for a statewide coverage which would therefore result in higher costs than those who are not offering that service, but this will give certainty and a figure that is based on cost recovery.

The Hon. H.M. GIROLAMO: In regard to regional motor driver instructors in particular, it has been indicated that their fees are much lower than the figure of \$240. Did the survey find a significant difference between testing fees in metropolitan South Australia versus country or regional South Australia?

The Hon. C.M. SCRIVEN: I am advised that it showed that there were huge variances between different regions. For example, in regions or a town that has no authorised examiner, either the learner driver would need to travel long distances to access an authorised examiner, obviously at their own cost or, in some cases, pay extra for the examiner to come to them, hence the huge variances. When we talk about an average that comes down to taking into account those higher amounts as well as lower.

The Hon. H.M. GIROLAMO: Upon implementation, if it is found that the \$240 does not in fact recover the costs of the department, is it possible that the fee will increase, and what conditions may cause this fee to be increased?

The Hon. C.M. SCRIVEN: The current figure has been calculated based on the current situation. It will be a regulated fee and therefore it will be treated the same as many other regulated fees within the government.

The Hon. H.M. GIROLAMO: In the departmental briefing, the opposition was told that market failures already exist in certain regional markets. Can you confirm where these market failures currently are and what has caused them?

The Hon. C.M. SCRIVEN: I am advised we do not have available a list of particular areas. It is worth noting that that can change almost from week to week because, at times, market failure will be due to, for example, an authorised examiner going on leave or something like that. At other times, it will be simply because of distance—that is, market failure—because no profit can be made. That generally explains the reasons for market failures.

The Hon. H.M. GIROLAMO: What are the current wait times across the state and how do they differ in regional locations?

The Hon. C.M. SCRIVEN: The government does not have access to the wait times for private companies.

The Hon. H.M. GIROLAMO: By reducing authorised examiner numbers by more than 80 per cent, from 260 to just 40 or 50, how does the department expect that these reforms will fix those market failures that we were discussing previously?

The Hon. C.M. SCRIVEN: I would like to point out that the figure of 40 to 50—and the expectation is that it will be closer to 50—is full-time equivalents. My advice is that the number of examiners in total in South Australia includes many who work part-time.

The Hon. H.M. GIROLAMO: In regard to the comments before around market failures, without data or information on waitlists, how has the department come up with these concerns and how have they been raised with the department?

The Hon. C.M. SCRIVEN: First of all, I am advised that a number of pieces of correspondence come into the department from people complaining that they are not able to access a test and asking for assistance on how to do that. Secondly, there were large amounts of feedback. A consultation process began in late 2018 by asking the community about their driver training or driver testing experiences and what could be improved.

A number of consultation methods were used, including a YourSAy survey where the government received approximately 1,500 survey responses from people in the community who had an experience with the driver training industry in the previous five years. Those are just some, but I think even anecdotally many of us would have heard experiences of people who have had this issue, particularly in regional areas for those who go to the regions.

The Hon. H.M. GIROLAMO: Given people are able to have lessons on weekends, will the government assessors be working on weekends as well?

The Hon. C.M. SCRIVEN: Yes, that will be part of the employment arrangements.

The Hon. H.M. GIROLAMO: In the member for King's second reading speech she said there will be permanently based authorised examiners in regions. This differs from what the opposition were told in the departmental briefing. Could you please confirm whether this is the department's intention and what location the department is considering to permanently locate examiners?

The Hon. C.M. SCRIVEN: The expectation is that in the larger regional centres there will be permanently based staff. Obviously, that depends on being able to attract those staff through normal employment arrangements. That has also been described as potentially a hybrid model, in that there may not be the opportunity to recruit the full complement all at one time, in which case that would be supplemented by examiners who would travel to the area. However, the expectation is and the intention is that there will be permanently based regional examiners. We also have data on exactly how many tests are done in each regional area, so we will be able to establish what the appropriate staffing model is for those.

The Hon. C. BONAROS: I might change tack for a little bit, if that is okay with the member. I was hoping the minister could confirm also that as part of this reform there will be a public register that will provide details of every industry member, including their names and geographical service areas, and the importance of that public register, particularly in relation to the new and higher standards that operators will have to meet. So you will be on the register, people will know where you are, but those who are on the register will also obviously be subject to a much higher level of industry standards.

The Hon. C.M. SCRIVEN: The Hon. Ms Bonaros is correct: there will be a public register that will record the examiner's name, the region they service, the classifications they are able to test for and if they are involved in heavy vehicle assessment. Of course, the code of practice and the standards and expectations will be much higher than they have been so far, with the goal of increasing safety and transparency for all those going through this system.

The Hon. C. BONAROS: Just on from that then, I am hoping the minister might be able to elaborate a little on the bonus hours for learner drivers who train with qualified instructors.

The Hon. C.M. SCRIVEN: Members would be aware that there is currently a requirement to have 75 hours of accompanied driving through your learners permit before you are able to go to get your full licence. For every hour, up to a maximum of five, that a person is driving with a qualified instructor, that will be considered the equivalent of three hours. The clear intent there is to encourage people who have their learners permit and are attempting to get their licence to engage with qualified instructors to ensure that there is a good strong level of instruction and, ultimately, safer road users.

The Hon. C. BONAROS: And that in turn then also, it is hoped, will improve, obviously, their chances at passing that final road test. So you have had the benefit of the bonus hours and you have had the benefit of a qualified instructor with the aim and objective of passing that test when you do sit it.

The Hon. C.M. SCRIVEN: Yes, that is right.

The Hon. C. BONAROS: Which in turn addresses the issue of costs for the scheme as well.

The Hon. C.M. SCRIVEN: Potentially, if one is well prepared for the test, they are less likely to then need to resit the test. So having high-quality instruction and encouraging learner drivers to have that qualified instructor and then hopefully have a better chance of passing the test when they attempt it will all go towards that better outcome.

The Hon. H.M. GIROLAMO: In regard to the fact that the department will potentially hire private motor driving instructors, has the department modelled or considered how many motor driving instructors will leave the industry as a result of the changes and the consequent reduction in the supply of motor driving instructors that will potentially increase costs to students?

The Hon. C.M. SCRIVEN: It is not clear why these changes will result in people leaving the industry, as the member has claimed. Learner drivers will be encouraged to have lessons—we just talked about the bonus hours, for example, as one of the things that would encourage learner drivers to engage with those—and there will still be a high demand, is the expectation.

The Hon. H.M. GIROLAMO: Just to clarify, my question is in regard to the fact that the government will be hiring 50 instructors. No doubt, currently, many of them I assume would be working in the industry as private instructors. Has the government modelled any of the potential impact of these changes on the industry as a whole?

The Hon. C. BONAROS: Perhaps in answering that question the minister might confirm that we are talking about examiners, not instructors.

The Hon. C.M. SCRIVEN: I am advised that a number will be involved with both training and assessment, and that training component will not be significantly reduced. I would also point out that, as we mentioned earlier in terms of the numbers, the numbers the honourable member referred to were not full-time numbers. They were I think a headcount, essentially, and the approximately 50 that will be engaged by government are FTEs, so, again, there may be more individuals involved in that if they should choose to work on a part-time basis.

The Hon. H.M. GIROLAMO: One of the major concerns raised by learner drivers—is the scrapping or perhaps the merging of the competency-based training and assessment or the logbook method. What is the take-up rate currently of the logbook compared to the test?

The Hon. C.M. SCRIVEN: I am advised that VORT, the Vehicle On Road Test, comprises about 84 per cent, and the competency-based training assessment comprises 16 per cent.

The Hon. H.M. GIROLAMO: Stakeholders have indicated to us that it was as high as 80 per cent previously. Can the minister outline why the decrease in the logbook has occurred over time?

The Hon. C.M. SCRIVEN: It is individual choice whether someone chooses to use the VORT method or the competency-based.

The Hon. H.M. GIROLAMO: I understand that the competency-based logbook is unique to South Australia and has been popular with those who live with anxiety, disabilities and things like that. How will this change potentially impact, given that the logbook will no longer be an option?

The Hon. C.M. Scriven interjecting:

The Hon. H.M. GIROLAMO: What will be the impact potentially on people with anxiety who would struggle with a test?

The Hon. C.M. SCRIVEN: The department has already begun engagement with the Office for Autism. I am advised that they are supportive of these changes. We need to remember that the purpose of these changes is to make the environment of learning to drive safer for those seeking their driving licence, to remove some of the totally inappropriate behaviour that has been reported as having occurred.

The department, I am advised, is also consulting with the Department of Human Services to mitigate any unintended accessibility impacts. I appreciate that the member was not asked about physical accessibility issues, but in case that is where she was going to go, I will try to get ahead of that. The department has agreed to seek advice from the Disability Minister's Advisory Council on best practice testing environment and lived experience to inform potential mitigating measures and information, education and training materials. As I mentioned, the department will engage with the Office for Autism, as well as other key disability stakeholders.

The Hon. H.M. GIROLAMO: Some motor driver instructors have suggested utilising the two-year implementation phase to trial the proposed regime alongside the current one. Has the department considered this as an option, either during the transition phase or after it?

The Hon. C.M. SCRIVEN: I am advised there would be a number of issues with that proposal, one of which would be the competitive neutrality, because the government would then be in competition with private operators.

The Hon. H.M. GIROLAMO: The opposition was advised in the briefing that counselling has been offered to the motor driver instructors as a result of these reforms. We were told that only one or two had taken up the option as of about a month ago. Can the minister confirm how many have sought health and wellbeing support to date?

The Hon. C.M. SCRIVEN: I am advised that we do not have an update on that number.

The Hon. H.M. GIROLAMO: Some motor vehicle driver instructors have told us they are holding off investing significant capital in their driver training business due to uncertainty around these reforms and timeframes. For the benefit of the motor driver instructors, can the minister confirm that the current regime will remain in place during the transition phase over the next two years?

The Hon. C.M. SCRIVEN: I am advised yes.

The Hon. H.M. GIROLAMO: Stakeholders are also concerned about the seemingly unlimited powers being handed to the Registrar of Motor Vehicles. Can the minister please outline the changes being proposed to increase the power of the registrar, and do those powers differ from the current situation?

The Hon. C.M. SCRIVEN: My advice is that there is nothing to indicate that there will be increased powers with the registrar, so perhaps the perception of the honourable member could be further explained if it is something she wants to pursue.

The Hon. H.M. GIROLAMO: If you could just outline how the powers differ from the current situation, and will the minister retain oversight of decisions of the registrar and of DIT?

The Hon. C.M. SCRIVEN: I am advised that there is nothing in this bill which changes the relationship between the Registrar of Motor Vehicles and the minister.

Clause passed.

Clauses 2 to 11 passed.

Clause 12.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo-1]—

Page 20, after line 39—Insert:

98AAZ—Review of Part

- (1) The Minister must, as soon as possible after the relevant day, cause a review of this Part to be undertaken.
- (2) A report on the outcome of the review must be tabled in each House of Parliament within 1 year after the relevant day.
- (3) In this section—

relevant day means the day that is 2 years after the day on which section 12 of the *Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Amendment Act 2024* comes into operation.

This is essentially a review of the act. I note that there has also been filed an amendment to my amendment by the government, which I certainly will support.

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

Amendment No 1 [PrimIndRegDev-1]—

Amendment of Amendment No 1 [Pangallo-1]—clause 12, page 20, after line 39 [inserted section 98AAZ(3), definition of *relevant day*]—

Delete 'day on which section 12 of the Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Amendment Act 2024 comes into operation' and substitute:

relevant day (within the meaning of Schedule 1 clause 1 of the Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Amendment Act 2024)

The government does not object to a review but proposes that it should come after two years of full operation of the new framework, which will be realised on the relevant day. In regard to the amendment proposed by the Hon. Frank Pangallo, the government proposes this because the full picture of the new framework will not be known until the relevant day, which is 12 months after the commencement day provided for in the legislation.

Between those two days, driving instructors and examiners who are currently authorised will have to reapply if they wish to continue operating. The new framework includes any new conditions, such as those imposed under proposed section 98AAN(2), and also the requirements to observe a code of conduct and be subject to audits.

The Hon. H.M. GIROLAMO: The opposition will be supporting the amendments and the amendment to the amendment. I also note I do have additional questions at clause 12, but I am happy for the amendment to be moved.

Amendment to amendment carried; amendment as amended carried.

The Hon. H.M. GIROLAMO: In regard to clause 12, page 7, line 22, around the application for grant or renewal of a motor driving instructor licence, we understand that Austroads has produced an Assessing Fitness to Drive guide, which are national driver medical standards that are used by health professionals to assess a driver's ability to drive safely and are used to monitor and manage commercial vehicle drivers' fitness for duty.

My question is: why not adopt Austroads' Assessing Fitness to Drive, the national standards, rather than leaving it up to the discretion of the registrar to determine whether a person is medically fit to be a motor driving instructor?

The Hon. C.M. SCRIVEN: I am advised that the intention is that the registrar would use that particular program.

The Hon. H.M. GIROLAMO: In regard to the granting or renewal of an instructor's licence, this grants almost unconditional powers to the registrar. Subclause (2)(d) provides:

The Registrar must not grant...an instructors licence unless the Registrar is satisfied that—

...the applicant holds any qualification determined by the registrar...

Could the minister please outline what the qualification standards for the instructor's licence are? Why not outline them in the bill?

The Hon. C.M. SCRIVEN: I am advised that the intention is that, through the consultation process that has been outlined and to which we have referred earlier today, these matters would be determined so that they are made in consultation with the industry. The reason these things are often not put directly into the bill is that they can change over time as circumstances change.

The Hon. H.M. GIROLAMO: In regard to the 'fit and proper person' section, industry groups have strong concerns that motor driver instructors, who are ultimately teachers, are being dealt with as if they have been lumped with criminal organisations. Why are such strict and restrictive conditions imposed on motor driver instructors when no similar impositions are on other professions such as that of teachers?

The Hon. C.M. SCRIVEN: I am advised that the bill would give the ability for the registrar to consider associations, for example, with organised crime, in determining whether or not the person is a fit and proper person to take on this role. It does not necessarily mean that such an association would automatically ban the person.

The Hon. H.M. GIROLAMO: In regard to instructor's licence conditions, what recourse will there be for motor driver instructors to appeal decisions of the registrar, and how does that compare to the current situation?

The Hon. C.M. SCRIVEN: I am advised that in the existing act under section 98Z there are appeal provisions, and further appeals can be made to SACAT.

The Hon. H.M. GIROLAMO: In regard to standards for motor driver instructors, significant privacy issues were raised by all stakeholders regarding the recording of camera footage, with the bill not providing any detail that would alleviate concerns. The opposition is advised that costs to purchase, set up and provide access to camera recording systems could be \$5,000, with ongoing maintenance. My question to the minister is: who will be responsible for bearing the costs of purchasing and installing cameras, GPS devices or other designated devices that may be required by the registrar to be provided?

The Hon. C.M. SCRIVEN: I am advised that the consultation process that is being established will look at what is the most appropriate equipment to be used to ensure the safety of people who are under instruction. The cost will be a business cost to an individual business.

The Hon. H.M. GIROLAMO: If the motor driver instructor bears the cost of the devices they should be entitled to retain access. Will motor driver instructors retain access to the footage, which would also be desirable to improve driver training or to defend themselves if there were any disputes or alleged offences?

The Hon. C.M. SCRIVEN: I am advised that the intention is that that footage would remain the property of the Crown, and that is similar to the current situation for taxis.

The Hon. H.M. GIROLAMO: A final question regarding freedom of information. This section excludes the Freedom of Information Act 1991 from being applied in relation to documents and data from designated devices. I understand the intent of this section is to exclude members of the public from accessing camera footage and GPS data. What does this mean to motor driver instructors wishing to access their own documents, data, information, camera footage or GPS data?

The Hon. C.M. SCRIVEN: I am advised that the footage, in line with the answer to the previous question, would remain the property of the Crown and therefore is not considered to be the footage belonging to the instructor. Other documents would be covered under usual FOI requirements.

Clause as amended passed.

Remaining clauses (13 to 21), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PARLIAMENT - EXECUTIVE OFFICER AND CLERKS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2024.)

The Hon. T.A. FRANKS (16:52): I rise very briefly to indicate support for the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill 2024, noting that I have a bill that covers some of the same territory on the *Notice Paper* at present. This bill ensures changes that will ensure that an executive officer is the central person with responsibility for a range of functions currently divided between various other officers, including the clerks of the Legislative Council and the House of Assembly in this parliament and chief officers of the divisions of the Joint Parliamentary Service.

The executive officer is to be appointed by the committee on terms and conditions determined by the committee, including the executive officer's remuneration. In addition to that, the Remuneration Tribunal will, going forward, play more of a role in the setting of salaries of the clerks. I have a page of circulated amendments, two main features of which I will speak to as I move them but will outline right now.

One is to ensure that the purpose of the Joint Parliamentary Service is to provide support and facilities to members of parliament in undertaking their parliamentary duties; and the second is for a review of this particular piece of legislation, which is a really welcome reform, one of many that have been occurring in previous years, the most obvious coming out of the EO commissioner's report for a People and Culture Unit for this parliamentary workplace. Having an executive officer also gives opportunity for the parliamentary workplace to continue to be modernised.

My proposal is that 10 months after appointment that executive officer will provide a report. Originally, I had in my amendments that the minister would then provide a response to that report. I understand, in negotiations with the government, they are supportive of the approach but they would prefer that the presiding members respond to that report, still within the same timeframes. I think it is a reasonable compromise. With that, I commend the bill and I commend the Greens' amendments but note that I have worked with government and that there is a government amendment to the Greens' amendment that is amenable to the Greens.

The Hon. S.L. GAME (16:55): I rise to speak very briefly on the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill. This bill aims to secure some independent consideration oversight of remuneration levels for parliamentary clerks and deputy clerks and to ensure transparency in this process by establishing a new executive officer position and by essentially making remuneration decisions more independent. The changes proposed in this bill are fair and realistic and I will be supporting the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:55): I thank all honourable members who have made contributions during the second reading debate of this bill that proposes some sensible reform about how we operate in this place. I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: For the sake of the efficient operating of this committee, I do not think there is much controversy around this bill. I might indicate that we have amendments, two pretty simple government amendments. The first amendment is for the sake of clarity and is in relation to the purpose of the Joint Parliamentary Service being to provide support and facilities to members of

parliament in undertaking their parliamentary duties, and the second is clarification about a review to occur.

I will invite the Hon. Tammy Franks from the Greens to make comment after this. I understand the Hon. Tammy Franks may not be moving her amendments if the government moves those, and that is what I intend to do.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition supports the government amendment, which is an amended version of amendments originally drafted by the Hon. Tammy Franks. We believe this amendment is sensible.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [AG-2]—

Page 3, after line 36—After its present contents (now to be designated as subclause (1)) insert:

(2) Section 7—after subsection (2) insert:

(3) The purpose of the joint parliamentary service is to provide support and facilities to members of Parliament in undertaking their parliamentary duties.

Amendment carried; clause as amended passed.

Clauses 5 to 8 passed.

New clause 8A.

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

Amendment No 2 [AG-2]—

Page 4, after line 17—Insert:

8A—Review

(1) The Executive Officer must, not later than 10 months after the relevant day, provide to the President of the Legislative Council and the Speaker of the House of Assembly a report that includes an assessment of the way in which the workplace of the joint parliamentary service is managed (including, for example, management of workplace health and safety and performance management).

(2) The President of the Legislative Council and the Speaker of the House of Assembly must, not later than 12 months after the relevant day, jointly cause a review to be undertaken of the matters outlined in the report received under subsection (1) and a report on the review to be prepared and submitted to them.

(3) The review must consider and make recommendations in relation to ensuring the parliamentary workplace is managed consistently with contemporary standards.

(4) The President of the Legislative Council and the Speaker of the House of Assembly must, as soon as practicable after receiving a report under this section, cause a copy of the report to be laid before their respective Houses.

(5) In this section—

Executive Officer and *joint parliamentary service* have the same respective meanings as in the *Parliament (Joint Services) Act 1985*;

relevant day means the day on which an Executive Officer for the joint parliamentary service is first appointed under Part 2 Division 1A of the *Parliament (Joint Services) Act 1985*.

I move this amendment standing in my name for the reasons I indicated at clause 1.

New clause inserted.

Remaining clause (9), schedule and 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) (17:00): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (CRIMINAL PROCEEDINGS) BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:01): I rise today to speak in support of the Statutes Amendment (Criminal Proceedings) Bill 2024, which introduces critical updates to our state's judicial processes through amendments to the Courts Administration Act 1993, the Juries Act 1927 and the Sentencing Act 2017. Each amendment thoughtfully enhances our judicial processes ensuring they are aligned with the needs of safety, transparency and accessibility for all involved parties.

Currently, individuals summoned for jury duty may only be excused if they apply for it, citing reasons such recent service, illness, conscientious objection, or a matter of special urgency or importance. The current provisions do not allow a judge to excuse a juror on health or safety grounds without a formal request from the potential juror. This bill closes that gap by allowing a judge to independently excuse a juror when it is necessary to protect health or safety.

This new provision, which introduces section 16A to the Juries Act, empowers our judiciary to address potential risks proactively, an essential measure for maintaining public safety in the court environment. This practical amendment is particularly relevant in light of health challenges we have faced like the COVID-19 pandemic, and is a sensible step to address health and safety risks that may arise in the future.

Clause 3 introduces an amendment to the Courts Administration Act 1993 requiring an annual report on the use of this excusal power, including how often it is exercised and how often applications for court Sheriffs are made. This addition will ensure public accountability, giving South Australians greater insight into the use of judicial discretion in matters concerning juror safety and wellbeing. This transparent reporting framework will strengthen public trust, allowing South Australians to see firsthand how judicial discretion is applied in public safety and welfare matters.

The bill also modernises the Sentencing Act 2017 by expanding audiovisual link access for defendants in the community who consent to attend sentencing remotely. Current provisions allow defendants in custody to appear at sentencing hearings via audiovisual link, if the court deems it appropriate. This bill extends the same opportunity to defendants not in custody, provided they consent.

Expanding audiovisual link attendance allows defendants with valid reasons, such as health reasons or mobility limitations, to engage in their sentencing proceedings remotely, offering flexibility and improving accessibility. This measure reflects our commitment to ensuring that the justice system is more adaptable to the individual needs of defendants, whilst still maintaining the integrity of the sentencing process.

The Law Society has already expressed support for this bill, emphasising its approval of the amendments to the Juries Act. The society's endorsement of these changes underscores the bill's alignment with best practices and its focus on preserving the integrity of the judicial process. The Statutes Amendment (Criminal Proceedings) Bill 2024 amendments strengthen our justice system by prioritising safety, fostering accessibility and ensuring accountability. They reflect a balanced approach that serves the interests of both justice and public welfare. By supporting this bill, we uphold our commitment to a system that is robust, compassionate and responsive to the needs of all South Australians.

The Hon. M. EL DANNAWI (17:04): I rise to speak in support of the Statutes Amendment (Criminal Proceedings) Bill 2024. This bill contains procedural changes to improve the effective functioning of our courts. The bill proposes to amend the Juries Act 1927 to grant judges the power to excuse jurors on health and safety grounds on their own initiative or on application of the Sheriff.

Currently, a juror who has been summoned for jury service can apply to the court Sheriff to be excused for a range of reasons. However, neither the Sheriff nor a judge can excuse a juror unless the juror first applies. This may be an issue if a person wishes to undertake jury service but is unwilling to comply with measures the courts implement to ensure the safety of jurors and others in the courtroom during a jury trial.

This bill would provide a limited power for a judge to excuse a prospective juror on health and safety grounds regardless of the juror's wishes. This can be on the judge's own initiative or on the application of the Sheriff. In practice, it is most likely to occur on the application of the Sheriff, as the Sheriff is responsible for managing persons summoned for jury service. To oversee that this power is used appropriately, there is a requirement to report on the number of applications and the number of times a person was excused.

The bill also amends the Sentencing Act 2017 to broaden the class of defendants who may attend sentencing via AV links (AVL) to cover defendants in the community as well as defendants in custody. AVL attendance at sentencing for an indictable offence is already available for defendants in custody, provided the court considers it appropriate in the circumstances. The bill will also make this option available for defendants in the community where it is appropriate and consented to by the defendant. This will allow greater flexibility for defendants in the community to attend their sentencing remotely. There are many reasons that a defendant may need to attend sentencing remotely; some common ones are mobility concerns or caring responsibilities. Bringing this change will increase the accessibility of our justice system to these people.

Section 14(5) of the Sentencing Act 2017 provides that the court must ensure that the defendant is present when a victim impact statement is read out, if the victim so wishes. The prosecution can make known to the court the victim's wishes as to their presence at sentencing, and this will be part of the court's consideration as to whether the application is appropriate. 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) (17:07): I wish to sincerely thank those who have contributed to this important bill and I look forward to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:09): I move:

That this bill be now read a third time.

Bill read a third time and passed.

OFFICE FOR EARLY CHILDHOOD DEVELOPMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:10): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill I introduce today is the Office for Early Childhood Development Bill 2024 to provide for the Office for Early Childhood Development and set out its functions and powers.

On 27 August 2023 the Royal Commission into Early Childhood Education and Care, led by the Hon. Julia Gillard AC, made 43 recommendations for reform, aimed at improving child learning and development.

These recommendations set out a plan to give every child the best start to life and envisioned a future in which every child can thrive and learn through getting the support they need.

The Government has committed to action on all recommendations, setting an ambitious goal for South Australia to become a national leader in early childhood development.

At the heart of this is our commitment to providing universal access to quality, teacher-led preschool from the age of 3, growing and sustaining a quality workforce, and greater supports and connected services to better align with the needs of children.

Recommendation 2 of the Royal Commission was that the Government should introduce new legislation establishing the Office for Early Childhood Development as a steward of South Australia's early childhood development system, with a mandate to reduce the proportion of South Australian children who are developmentally vulnerable when starting school.

This Bill will implement this recommendation, enabling the Office to work with all parts of the sector, and broader service systems, to ensure 3- year-old preschool is reliably available and services are integrated and connected for families.

Under the terms of the Bill, the Minister must ensure there is an Office for Early Childhood Development. An attached office was established last year which enabled the Office to start work immediately on delivering the recommendations of the Royal Commission and implementing the government's ambitious early childhood reform agenda.

This work is progressing at pace following the government's historic commitment of an additional \$1.9 billion to early childhood services and support over the period to 2032-33. This investment represents a once in a generation commitment to reducing the number of developmentally vulnerable South Australian children.

Through this investment, generations of South Australian children will benefit from quality early learning, setting them up to thrive.

The roll-out of up to 15 hours of a quality preschool program for 3-year olds will be staged from 2026 to 2032, with a focus on increasing accessibility, flexibility and providing quality education and services.

We have designed the roll-out to enable as many children to access 3- year-old preschool as quickly as possible.

The early childhood workforce will be critical to the success of this investment, and the Office is also working in collaboration with government, non-government and Aboriginal community stakeholders to build capacity through workforce attraction and retention initiatives.

The Bill sets out the functions of the Office with the primary function to act as a steward of the State's early childhood development system, with the goal of reducing the proportion of children in the State who are developmentally vulnerable when starting school. The Bill also sets out numerous additional functions to support the Office in stewarding a robust and responsive early childhood system.

These include functions:

- to promote universal access to 3- and 4-year-old preschool;
- to align supports and services with the needs of children;
- to provide overall strategic direction in relation to government early childhood development services;
- and to promote the participation of children with disability, and children in care, in the early childhood development system.

The Office has functions to support research in the early childhood development space, noting the government is undertaking further work to carefully consider the Royal Commission's recommendation to develop a new child development data system.

To recognise the unique needs of Aboriginal children, and the evidence heard by the Royal Commission about the need for culturally safe and inclusive early childhood and care services, this Bill includes specific additional functions for the Office in respect of Aboriginal children, and the principles to be upheld in performing these functions.

I am particularly grateful for the advice provided by the Commissioner for Aboriginal Children and Young People to strengthen this element of the Bill.

Under the Bill, the Office for Early Childhood Development will perform these functions having regard to

- the principles of Aboriginal self-determination,
- the need to partner with Aboriginal communities and organisations,
- and the safeguarding and promotion of the cultural identity of Aboriginal children.

I note that the State's First Nation Voice to Parliament engaged deeply with the Bill. The Voice provided lengthy feedback which resulted in a meeting attended by the Minister for Education Training and Skills, Chief Executive of the Office for Early Childhood Development and staff of the Office and the department to discuss the overall intent of the legislation, and in particular, the OECD initiatives which specifically relate to Aboriginal children and families. A further meeting was subsequently convened to discuss, and agree, the proposals for Government amendments which were ultimately passed in the other place.

In enacting feedback from the Voice, a key amendment was the change to the earlier definition of *Aboriginal child* to also include a reference to *Aboriginal person* to reflect their views that the importance of recognising family and community should be included in the legislation. Other amendments clarified and strengthened various functions of the Office and will also ensure any Committee established under the Bill will include a member that is an Aboriginal person.

The Bill was subject to consultation with a broad range of stakeholders, including peak representatives of the early childhood sector, universities, and representatives of the Aboriginal and multicultural communities.

Consultation elicited strong support for the Bill and enthusiasm for the role of the Office and more broadly, for the implementation of the transformational reforms committed to by the Malinauskas government to ensure a fairer, better future for South Australian children.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms and phrases in the measure.

4—Meaning of early childhood development system

This clause defines the term 'early childhood development system' for the purposes of the measure.

Part 2—Office for Early Childhood Development

5—Office for Early Childhood Development

This clause requires the Minister to ensure that an Office for Early Childhood Development exists in the State.

6—Functions

This clause sets out functions of the Office for Early Childhood Development under the measure.

7—Additional functions and principles in respect of Aboriginal children

This clause sets out additional functions of the Office for Early Childhood Development in relation to Aboriginal and/or Torres Strait Islander children.

8—Committees

This clause enables the Chief Executive of the Office for Early Childhood Development or the Minister to establish committees to advise the Office for Early Childhood Development.

9—Delegation

This clause is a standard power of delegation.

Part 3—Information gathering and sharing

10—Chief Executive may require State authority to provide report

This clause allows the Chief Executive of the Office for Early Childhood Development to require certain State authorities to provide the Chief Executive with reports in relation to specified matters that may assist the Office in the performance of functions under this measure.

11—Chief Executive may require information

This clause allows the Chief Executive of the Office for Early Childhood Development to require specified entities to provide the Chief Executive with information and documents in relation to specified matters.

12—Sharing of information between certain entities

This clause allows the entities specified to exchange information that would assist in the performance of the entities' functions as they relate to the matters specified in subclause (2). The clause also protects against the use of the information or documents for other purposes.

13—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause clarifies that the measure does not affect the *Public Sector (Data Sharing) Act 2016*.

Part 4—Miscellaneous

14—False and misleading statements

This clause creates an offence for a person to make false or misleading in statements in information provided under this measure.

15—Confidentiality

This clause creates offences for the unlawful disclosure of certain information obtained under the measure.

16—Victimisation

This clause is a standard victimisation clause.

17—Protections, privileges and immunities

This clause sets out the protections, privileges and immunities available to persons under the measure.

18—Regulations and fee notices

This clause is a standard regulation and fee notice making power.

Debate adjourned on motion of Hon. D.G.E. Hood.

CRIMINAL LAW CONSOLIDATION (SECTION 20A) AMENDMENT BILL*Final Stages*

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

*Resolutions***VETERINARY INDUSTRY**

The House of Assembly informs the Legislative Council that it concurs with the resolution of the Legislative Council contained in message No. 192 for the appointment of a Joint Committee on the Mental Health and Wellbeing of Veterinarians in South Australia and that the House of Assembly will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee. The members of the joint committee to represent the House of Assembly will be Mr Pederick, Ms Savvas and Ms Thompson.

The House of Assembly also concurs with the Legislative Council's resolution:

- (a) for the committee to be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the committee prior to such evidence being reported to the parliament; and
- (b) that the members of the committee to participate in the proceedings by way of telephone or video conference or other electronic means shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

*Bills***STATUTES AMENDMENT (VICTIM IMPACT STATEMENTS) BILL***Final Stages*

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

- No.1. Clause 1, page 2, line 4—Delete 'Victim Impact Statements' and substitute 'Victims of Crime'

No. 2. New clause, page 4, after line 12—Insert:

6—Amendment of section 18—Application for compensation

(1) Section 18(2)(a)—delete '3 years' and substitute '5 years'

(2) Section 18(2)(b)—delete '12 months' and substitute '5 years'

**INDEPENDENT COMMISSION AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT
BILL**

Final Stages

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

At 17:14 the council adjourned until Tuesday 26 November 2024 at 14:15.