LEGISLATIVE COUNCIL

Tuesday, 26 November 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 and read prayers.

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

Bills

FAIR WORK (REGISTERED ASSOCIATIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

RETURN TO WORK (EMPLOYMENT AND PROGRESSIVE INJURIES) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

Assent

Her Excellency the Governor assented to the bill.

INDEPENDENT COMMISSION AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

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

Assent

Her Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (SECTION 20A) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Condolence

ARNOLD, HON. P.B.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Peter Bruce Arnold, former minister of the Crown and member of the House of Assembly, and places on record its appreciation for his distinguished public service.

I rise today on behalf of the government to commemorate the life of Mr Peter Arnold, former member for Chaffey, and to offer our sincere condolences to his family on his recent passing.

Born in Berri in 1935, Peter's roots were firmly grounded in the Riverland region. Educated at Cobdogla State School and St Peter's College, Mr Arnold began his career as a fruit grower in the Riverland. His early experiences in primary production, wine making and the development of horticultural machinery gave him a deep appreciation of the challenges and opportunities faced by those in regional industries.

Mr Arnold was elected to the House of Assembly seat of Chaffey for the Liberal and Country League in 1968, as one of two gains which saw then Premier Don Dunstan's government defeated after only one term. Peter Arnold's career suffered the same fate as Steele Hall's Liberal government, being defeated just two years later at the 1970 election.

Peter Arnold came back with a vengeance, though, in 1975, winning with a 13½ per cent swing in his party's favour, and we on this side of the house have been working to win back the seat of Chaffey ever since. After a rocky start to his political career, Peter Arnold would serve in the place for another 20 years, standing down at the 1993 state election. During his parliamentary career Peter's contributions to South Australia were very significant. He held numerous portfolios, including water resources, irrigation, lands, repatriation and Aboriginal affairs.

Mr Arnold served as a member of important committees, such as the Parliamentary Standing Committee on Public Works and the Environment, Resources and Development Committee. On behalf of the government, I extend my deepest condolences to Peter's family.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): I rise today to pay tribute on behalf of the Liberal Party of South Australia and to offer my own personal condolences to the family and friends of the late Hon. Peter Bruce Arnold, the former member for Chaffey. Born in 1935 in Berri, in the midst of the Great Depression and successive droughts, Mr Arnold was a lifelong Riverland resident, and as viticulturalists and fruit growers the Arnolds and my own family, the Andrews, had a close association for many years, particularly through my uncle, former Speaker of the house, the Hon. Neil Andrew.

Peter Arnold served as a member of the Cobdogla Irrigation Area Advisory Board, a member of the South Australian Fruit Growers Association, a member of the Riverland Community Council for Social Development, a member of the Australian Dried Fruits Association and a member of what was the phylloxera board, now known as Vinehealth Australia.

Politically, Mr Arnold was president of the Berri Barmera branch of the Liberal and Country League, and I knew him as a valued and experienced member of the South Australian Liberal Party's Berri Barmera branch, although in recent years we did not see Mr Arnold as often as we did in the past. His presence was always one of encouragement and commitment to our party values.

It is well known that Peter Arnold had a lifelong love for tinkering with machinery, particularly horticultural machinery on his own produce farm. Not long prior to his parliamentary days in the early 1960s he developed a hydraulic vine trimmer, which was patented and sold widely across Australia. In the March 1968 election, the year the Liberal Party (led by the Hon. Steele Hall) was elected to office, Mr Arnold entered as the member for Chaffey, representing his beloved Riverland. Peter Arnold proudly held that position from election in 1968 until 1970 and then again from 1973 until 1993. That is 23 years of service to the people of Chaffey and 23 years dedicated to the betterment of South Australia.

As the Leader of the Government spoke about, Mr Arnold held the positions of minister for water resources, of irrigation, of lands, of repatriations and, for a brief period, of Aboriginal affairs. He was appointed to the Standing Committee on Public Works and also the Standing Committee for Environment, Resources and Development. When out of government, Mr Arnold held shadow portfolios for water resources, fisheries and lands. Around his parliamentary duties, Mr Arnold was also a member of the Jubilee 150 Board and the South Australian bicentennial council.

In 1979, as the minister for water resources, Mr Arnold identified water quality and security as a critical issue for South Australia. He was quoted in the Adelaide *Advertiser* in September that year saying:

> There is no doubt that water resources are the key to South Australia's future. The quality of that water is paramount.

That still very much rings true and I attest to the wisdom held back in the 1970s by my former Liberal colleague that water security is state security. Mr Arnold, as minister, made it clear that water security and quality underpin the social, economic and environmental sustainability of South Australia and they are a true foundation of the state's sustainable development and the stability of our food and fibre output.

It is a privilege to serve in the Parliament of South Australia and it is an honour to represent a constituency and deliver their interests here in the state's capital. For over two decades, the former member for Chaffey, the Hon. Peter Bruce Arnold, did just that for my fellow Riverland residents. And though the Hon. Peter Arnold is no longer with us, his legacy lives on in the lives he touched and the positive changes he brought to our Riverland community and to the wider South Australian community through his work as both a minister and a shadow minister.

Let us honour his memory by striving to emulate his values, his tireless dedication to public service, his deep compassion for others, and his unwavering commitment to sensible and sustainable progress. May we find comfort in the knowledge that his impact remains and may we carry forward his vision of a brighter future for South Australia wherever you reside in this great state. Mr Arnold will be deeply missed but never forgotten. Vale Peter Bruce Arnold.

The PRESIDENT: I ask honourable members to stand in their places to carry the motion in silence.

Motion carried by members standing in their places in silence.

ROSSI, MR J.P.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:27): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the recent death of Mr Joseph Peter Rossi, former member of the House of Assembly, and places on record its appreciation of his distinguished public service.

I rise today on behalf of the government to acknowledge the passing of Mr Joe Rossi, former member for Lee in the other place. Mr Rossi was born in Italy in 1948 and came to Australia with his family when he was four years old. Before being elected to the House of Assembly, Mr Rossi served on the ethnic committee of the Liberal Party South Australian division, organising three ethnic food and cultural festivals at Fantasia Convention Centre at Findon.

Mr Rossi was elected at the 1993 'State Bank' election as the member for Lee, becoming the inaugural and to date the only Liberal member for that seat. Mr Rossi held the seat for one term until he was defeated in the 1997 election. On behalf of the government, I extend the chamber's condolences to Mr Rossi's family and loved ones.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I rise on behalf of the opposition to extend our condolences to the family and friends of Mr Joe Rossi, former member for Lee, who passed away on 24 October 2024. Born in the late 1940s, Mr Rossi was born into a farming family from the city of Foggia in southern Italy before moving to Keith at a young age. As is the case with a lot of farming families, Joe developed his work ethic and got his hands dirty from the age of six by helping his parents on their mixed farming property through rabbit trapping, milking cows and using machinery around the farm.

After moving to Adelaide in his teenage years, Joe was first introduced to politics by acting as an interpreter for his parents to connect with his then federal member for parliament about immigration issues. This experience ultimately led Joe to then join the Henley Beach branch of the Liberal Party when he turned 18 years old, in addition to joining the Army Reserve and the St John Ambulance Service.

Representing the Liberal Party of South Australia at the 1993 state election, led by the Hon. Dean Brown AO, Mr Rossi contested and was elected to the seat of Lee in what has been regarded as one of the unlikeliest political wins in the state's history. With this victory Joe brought a new flavour of politics and policy to Parliament House. Whether you agreed or disagreed with Joe's unconventional ways, there is no denying that Joe was a political maverick who was dedicated to his community and to South Australia more broadly.

Joe championed causes ranging from better educational practices and bushfire management practices to the prevention of domestic violence and expansion of gambling services. As a politician and advocate Joe never wavered in his pursuit of servicing the interests of his constituents in Lee. He worked hard, selflessly and tirelessly not only to strengthen government accountability among his fellow members of parliament but to improve the lives of many others in South Australia.

Joe's political career came to wider public attention when he was thrown out by the Speaker after he walked into the House of Assembly eating a meat pie. As an avid meat pie enjoyer I can appreciate Joe's fondness for introducing the baked staple into our chambers, but I am almost certain that if our President, Mr Terry Stephens, was the Speaker of the house at that time Joe would not have got away with it, even if he had offered to share it with you, Mr President.

Nevertheless, Joe served his constituency well until the end of his term in 1997. I have said it many times in this chamber: it is a profound privilege to serve your community in the Parliament of South Australia. There is no doubt that Mr Rossi worked tirelessly to give back to the community which had placed their trust in him.

As we reflect on Joe's legacy let us honour his passion for the protection of women and children from violence, his belief in accountability and his lasting impact on the community he deeply cared for. On behalf of the opposition, we send our condolences and deepest sympathies to Mr Rossi's family and recognise his service to the parliament and the people of South Australia.

Motion carried by members standing in their places in silence.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:32): With the leave of the council, I move:

That, as a mark of respect to their memory, the sitting of the council be suspended until the ringing of the bells.

Motion carried.

Sitting suspended from 14:33 to 14:47.

Parliamentary Procedure

ANSWERS TABLED

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

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. H.M. GIROLAMO (14:47): I bring up the report of the operations of the committee 2022 to 2024, together with minutes of evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON RETURN TO WORK SA SCHEME

The Hon. C. BONAROS (14:48): I bring up the report of the committee, together with minutes of evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON GROCERY PRICING IN SOUTH AUSTRALIA

The Hon. R.A. SIMMS (14:48): I bring up the report of the committee, together with minutes of evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON WATER SUPPLY NEEDS OF EYRE PENINSULA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49): I bring up the report of the committee, together with minutes of evidence.

Report received and ordered to be published.

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. J.E. HANSON (14:49): I bring up the report of the committee on the performance of functions and exercise of powers by the Ombudsman.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:50): I bring up the report of the committee on its inquiry into Environmental, Social and Governance (ESG) in primary production.

Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—
- Balaklava Riverton Health Advisory Council
- Barossa Hills Fleurieu Local Health Network
- Berri Barmera District Health Advisory Council
- Bordertown and District Health Advisory Council
- Central Adelaide Local Health Network
- Coorong Health Service Health Advisory Council
- Hawker District Memorial Health Advisory Council
- Keith and District Health Advisory Council
- Kingston Robe Health Advisory Council
- Limestone Coast Local Health Network
- Lower North Health Advisory Council
- Loxton and Districts Health Advisory Council
- Mallee Health Service Health Advisory Council
- Mannum District Hospital Health Advisory Council
- Mid North Health Advisory Council
- Naracoorte Area Health Advisory Council
- Native Vegetation Council
- Northern Yorke Peninsula Health Advisory Council
- Penola and Districts Health Advisory Council
- Preventative Health SA
- Veterans' Health Advisory Council
- Yorke and Northern Local Health Network

SA Health's Response to the Coroner's finding into the death of Lynne Patricia Fisher dated September 2024

Regulations under Acts—
- Adelaide University Act 2023—Transitional

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

Reports, 2023-24—
- Adelaide Venue Management Corporation
- South Australian Multicultural Commission
- South Australian Tourism Commission

Port Operating Agreement for Narungga between Minister for Infrastructure and Transport and T-Ports Pty Ltd

Regulations under Acts—
- Harbors and Navigation Act 1993—Harbors and Ports—Narungga, Port Adelaide and Wallaroo

Regulations under National Schemes—
- Heavy Vehicle National Legislation Amendment Regulation 2024—Miscellaneous

Question Time

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:02): My questions are to the Minister for Primary Industries on the topic of testing results for market access of the tomato industry. How many properties are currently waiting for testing results for the tomato brown rugose virus? How many of these properties have been waiting for more than 10 days for these results and how many of these properties have been waiting more than three weeks for results?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I thank the honourable member for her question. PIRSA continues to work diligently to prevent the tomato brown rugose fruit virus from spreading from the three infected properties on which it has now been contained for around three months. Through these efforts, another 240 South Australian growers—or roughly 240 South Australian growers—remain protected from the direct impacts of this devastating disease.

Obviously, we would prefer that all markets were open to all South Australian growers, but through the significant efforts of my department we have been able to maintain trade for all South Australian growers, bar the three infected properties, to markets in South Australia, the Northern Territory, New South Wales, Victoria and Tasmania.

There have been numerous trade discussions, which have also established sampling regimes to allow those growers to access the West Australian and Queensland markets. PIRSA has established a new accredited biosecure testing facility at the Waite campus to support these arrangements and greatly increase the number of tests that can be undertaken for this disease every week.

Without these efforts, we would have seen devastating impacts to our $230 million industry. The vast majority have been protected from this disease through the response that has been led by PIRSA. Over 5,000 samples, I am advised, have now been collected as part of the response, with more than 4,700 of these returning a negative result. This work has seen 18 trace properties now assessed as negative for the disease, with three properties able to certify produce to Western Australia and Queensland.

The weight of numbers continues to evidence that the disease spread has been contained and so continues to strengthen the argument that the vast majority of South Australian growers should be able to trade to all markets interstate without restriction. Obviously, we would prefer that all samples are returned extremely quickly, but there has been an incredible demand for trade certification, which has seen some growers having to wait longer than we would have wished for test results.

This has not been helped by the fact that a significant number of samples have also needed to be retested before the required full set of negative results can be obtained. It's worth just explaining that a little bit further. When results come back, if they are in a certain range they will be considered negative, if they are in a certain other range they will be considered positive, and then there is a range in the middle which is considered inconclusive. This is based on the national agreements that come from the national bodies that are part of this response. When I say 'national bodies', that's involving all the states and territories, as well as the commonwealth government.

I am advised there are currently 170 test results that are considered inconclusive because they are in that range that I mentioned and that are trying to be resolved. I am advised that 34 growers have so far registered their intent to send product to Western Australia or Queensland, and because of that for that market access they require testing to be done. I am advised a few have multiple properties, so 39 in total. Of these, three have either requested a hold on sampling or no longer wish to be involved in export to those two states. I am advised that 31 have been sampled.

The time that is being taken by the SARDI laboratory is less than what it takes to send these tests interstate. It is still taking longer than we would wish. PIRSA is taking action to reduce this time further through establishing an additional processing room for the laboratory and running extra sample batches every day. Case managers are in touch with growers whenever results come in and,

I am advised, at least once a week. PIRSA is also communicating partial results to explain that that retesting is required in those circumstances.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:07): Supplementary: of those 31 growers sampled, how many of those growers are currently still waiting for test results, and, of that, how many have been waiting more than 10 days, and how many have been waiting more than three weeks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07): I am happy to provide additional information on notice. I would point out, though, that there is a situation where—I have to try to remember the dates in the information that I have here. There was one property where the first sample was taken on 28 August as they were a trace property to one of the infected properties, a number of those tests were inconclusive and required retesting, and then clearance was provided on 15 October.

On 31 October, further tests were taken to allow for interstate market access—so the two different purposes of tests. These samples were sent to New South Wales as the Adelaide lab, SARDI, at that time was not up and fully operational. I am advised that PIRSA is currently awaiting those results. There have been multiple follow-ups with the New South Wales lab, but unfortunately I don't have any further update on the status of those tests.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:08): Further supplementary: have any of those 31 growers sampled received results?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): My understanding is yes, but I am happy to take that further on notice and bring back further information.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:09): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of primary production.

Leave granted.

The Hon. N.J. CENTOFANTI: Two weeks ago in this chamber, I asked the minister a question regarding the delay in the testing results for Cafcakis Produce. At the time, the minister conceded that she herself had not spoken to the Cafcakises and refused to commit to the chamber that she would do so in the future.

Last Friday, the Cafcakises were informed by the department that, despite having waited for over three weeks for test results, only half of their results had been processed and that further testing was likely to take another three to four weeks. This has resulted in the Cafcakises having to dispose of produce because they cannot send it to their market order. My questions to the minister are:

1. Since our last question time, has she personally spoken with the Cafcakis family about their situation? If not, why not?

2. Is the minister aware that markets are saturated in the Eastern States due to oversupplies, which have caused prices to bottom out for many growers now forced to send to these states due to her government's failure to deliver test results in a timely manner?

3. What does the minister say to these growers who feel that they have been let down by her government promising testing turnaround times that they cannot deliver and who now, because of these delays, cannot send fruit to WA and Queensland markets?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:10): I thank the honourable member for her question. I have just outlined the testing in regard to the particular case that she is referring to. As I said, on 31 October further tests were taken to allow for interstate market access. Those samples were sent to New South

Wales because, at that time, the Adelaide lab was not fully operational. PIRSA is currently awaiting those results.

When it became clear, earlier on in this tomato brown rugose fruit virus response, that relying solely on the interstate labs was going to be problematic—remembering that there were only two labs available in the entire country who were accredited to test for tomato brown rugose fruit virus—we took action to establish a lab here in South Australia. It's the first time that there has been a South Australian lab established for this particular virus, and I am very pleased that it is up and running. I would also like to acknowledge the hard work of those working at SARDI in attempting to get the testing done as quickly as possible. However, the case that is referred to occurred before that lab was fully operational, and therefore the tests had to go to New South Wales.

As a government, we are obviously very keen that results come back as soon as possible. We have had all the attempts to have those returned from New South Wales after being assessed—that would obviously be the best outcome. Unfortunately, it's something that we are not able to directly impact. We have asked for priority but the results have not as yet come back; at least, they haven't in terms of my most recent update.

I think it's also worth pointing out that, notwithstanding the difficulties that there are for some of the growers—and I certainly do not underestimate those—on the whole there is strong support in industry for the response to this virus. A media release released by the Horticulture Coalition just this week states, and I quote:

> In a business that relies heavily on the ability for SA growers to trade produce across State Borders, steps taken by PIRSA and the State Government have been taken with the foremost intention to instil confidence in other States. Due diligence has been followed to ensure the minimisation of the spread.

It goes on:

> It's important to emphasize that while there is pain and disruption in the industry, we—

'we' being the Horticulture Coalition—

> fully support the actions taken by PIRSA to prevent the spread of this virus to other farms. Their decisive measures are essential to protecting the future of tomato farming in our region.

I have said on a number of occasions here before that we are subject to getting national agreement. This is a national response to a disease, a virus, that hasn't been here in Australia before. That means that there is constant work with the other states and territories, with the commonwealth government and with industry in terms of what the response to this virus is.

I am glad that, as of last Friday, there is now an agreement by all those I have mentioned as to what the national response is, and that refers to the eradication, the disinfecting and so on that needs to occur and what the process is for proof of freedom. That has taken a lot of work to get to, and that is using the same approach that has been used for other national diseases in the past. It is interesting to try to understand what it is the opposition wants here. Do they want us to open up and just to be able to let this virus rip? They are constantly, constantly undermining biosecurity in this state.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: They are undermining biosecurity in this state. They are not willing to represent—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the 230 growers who are affected in this state. What they clearly want to do is open up and let this virus be throughout the industry, despite the millions of dollars—

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition! The Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN: —that would be lost by South Australian growers every single year.

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: The honourable Leader of the Opposition, order!

The Hon. C.M. SCRIVEN: Those opposite talk about livelihoods, yet they are willing to ignore the millions of dollars in losses that would occur every year for this industry if PIRSA had not taken the actions that are part of a nationally agreed response to this virus.

I have acknowledged just within the last few minutes that the testing regime we would want to be swifter—that is clear and obvious. In my public statements I have said that it will depend on demand. Obviously, there is a high demand. PIRSA and SARDI are working very hard to meet that demand. We are continuing to utilise the labs in New South Wales and Victoria because of the high demand. I think it would be more useful if those opposite actually supported the industry, took notice of bodies such as the Horticulture Coalition, instead of undermining biosecurity in this state and hurting our industries.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:16): Supplementary arising from the original answer: what day was the South Australian lab fully operational, and are SARDI personnel running double shifts to allow testing over a 24-hour period?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17): My advice is that SARDI is running double shifts. In terms of the exact date, I will certainly take that on notice and come back to the chamber. It is worth remembering that there was the announcement of the opening of the lab and then a period where it was required to have validation, which means both tests here in South Australia and tests had to go to the interstate labs for that validation period. All of that was earlier this month. In terms of the specific date, I am happy to come back to the chamber.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:17): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of biosecurity.

Leave granted.

The Hon. N.J. CENTOFANTI: According as to the PIRSA website, the outbreak of tomato brown rugose virus was confirmed in Virginia on 14 August. We understand the first businesses received quarantine orders within days. The brown rugose fruit virus, one of the several exotic tobamoviruses, is listed on the Australian government's list of National Priority Plant Pests. The testing methods to confirm presence or absence of tomato brown rugose virus—namely, the PCR or ELISA testing methods—are similar for confirmation of xylella fastidiosa, which is No.1 on the National Priority Plant Pests list.

When it comes to exotic disease, being able to ramp up testing capacity rapidly when required is an important aspect of biosecurity preparedness. In fact, on the DAFF website, under questions and answers back in 2019 on brown tomato rugose virus, it stated that the virus was an emerging biosecurity risk to the Australian tomato and capsicum production industries in Australia.

On the Australian government's Outbreak: Animal and Plant Pests and Diseases website, it states that other so-called emerging biosecurity risks include highly pathogenic avian influenza, foot-and-mouth disease and lumpy skin. My questions to the minister are:

1. Given that tomato brown rugose virus has been an emerging biosecurity risk since 2019, why didn't South Australia have its own laboratory testing facility?

2. Why did it take three months for the government to establish its own accredited testing facility for South Australian growers?

3. Considering the huge delays for the return of testing results for the tomato brown rugose fruit virus that we are currently seeing, what is the government's level of preparedness regarding laboratory capacity for other emerging biosecurity risks, possibly at short notice?

4. Has the minister's department audited their capacity to respond to other emerging biosecurity risks and, if so, when?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for her question. The first part of her first question she would have to refer to her colleagues who were in government in 2019. As I remember correctly, it was a Liberal government that we had here in 2019 so—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —in terms of the first couple of years, they would need to ask their own Liberal colleagues. Secondly, there is a list of diseases—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Secondly, there is a list of priority diseases. If I remember correctly, it is around about 40 to 43, something like that. That may not be quite exact but it is around about those sorts of numbers. They are diseases or viruses that are agreed nationally—agreed nationally, not just agreed by the Leader of the Opposition in this place, who clearly is an expert on all of these matters—in terms of what those priorities are.

Obviously any of these diseases could enter through any particular point. I am sure even those opposite, even the Leader of the Opposition in this place, wouldn't expect that every single one of those would have facilities in every single state and territory. It is a matter of prioritisation based on risk, and a risk matrix, as I understand it, is what is used to determine the prioritisation of these various diseases.

In terms of establishing the laboratory here, she should also be aware that there is an accreditation process which involves the federal Department of Agriculture, Fisheries and Forestry. So, as soon as it became clear that there were going to be delays by sending to interstate labs and that the testing would need to be quite large in number, we started that process. We started that process and were able to get accreditation here in South Australia.

The member opposite obviously thinks that these things can happen in a split second or overnight. The accreditation process she should understand; after all, she used to be a vet. Surely she should understand that accreditation has a process and that accreditation takes some time to achieve. In this case, it involved visits from the federal department. It involved visits from the federal department—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and it involved demonstrating meeting the criteria that is needed. After all, that is what accreditation is, as those opposite should understand. In terms of being able to set up a lab, I think it has been an important step forward.

Members interjecting:

The PRESIDENT: Order! Sit down. Has everybody finished? Minister, can you conclude your answer so we can move on, please.

The Hon. C.M. SCRIVEN: It has been an important step forward to have the laboratory up and running, to have it accredited here in South Australia, and I would like to suggest that those opposite would be well served to not undermine the hard work of those at SARDI who are working so hard—as I understand it, on double shifts—to be able to provide this testing service. Yes, we want

it done more quickly. Of course we do. We are well aware of what this means for the producers. We are well aware of how difficult it is.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: We are well aware of how difficult it is. In regard to the particular example that I believe the honourable member referred to, I can advise, since you referred to last Friday, that my adviser spoke with Mr Emmanuel Cafcakis on Friday the 22nd at 2.06pm and at 4.31pm, and Paul Cafcakis, Emmanuel's son, if that is the right way around, on that same day, Friday, at 4.19pm and on Monday 25 November at 5.39pm, all about testing issues and challenges.

The Hon. N.J. Centofanti: Can I ask a supplementary?

The PRESIDENT: No.

ABORTION LEGISLATION

The Hon. M. EL DANNAWI (15:24): Pursuant to standing order 107, my question is to the Hon. Ben Hood. Given that the Leader of the Opposition, the Hon. Mr Vincent Tarzia, has publicly stated that those seeking to amend abortion laws won't be welcome in the shadow cabinet or in the cabinet, would the honourable member rule out ever introducing further legislation on this topic?

Members interjecting:

The PRESIDENT: The Hon. Ms Franks.

FORENSIC MEDICAL EXAMINATIONS

The Hon. T.A. FRANKS (15:25): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General regarding the provision of forensic medical exams.

Leave granted.

The Hon. T.A. FRANKS: A forensic medical examination, something that many would refer to as a rape kit, is typically required for a person—a victim survivor—reporting sexual violence to the police and possibly seeking redress through our justice system in the courts. Medical professionals—doctors or nurses—are able to provide this health service if given the appropriate training, supports and, importantly, leadership to have a level of experience to ensure that the victim survivor is supported to have evidence that may later be used in our justice system through our courts processes, the training, of course, to include vicarious trauma for those health professionals.

That training is currently available from Yarrow Place in our state. The Attorney-General would well know this, and it has been the case for some time—that a model of care was developed, and this issue as a concern was identified well over a decade ago. In that time the Attorney-General from I believe 2012 through his department has funded work to ensure regional and remote medical doctors and nurses are trained and supported to provide this very important service, first through many health services—over 60 or so in the regions—but more specifically later on through the big four hospitals: Whyalla, Port Lincoln, Mount Gambier and Berri, that funding also going to ensure that appropriate counselling services are available.

It seems, however, that this work has recently fallen away, and I understand that you as Attorney-General may well have expressed concern regarding this matter in correspondence to the health minister. Through the current royal commission processes it has come to renewed public attention in recent days that for rural and regional victim survivors our current system is failing. When we say failing what that means is that they are not able to access forensic medical exams in their own community close to their supports, to their family, to their friends.

Indeed, prior to any forensic medical examination preservation of evidence is vital. That means where mouth swabs are required they may not be able to eat or drink. That means that where other examinations are required they may not be able to change or wash. Currently, where these forensic medical exams are not possible close to home it can then mean a victim survivor is forced not just for hours but sometimes for days to travel and have that traumatic content on their bodies,

unable to eat, drink, wash or change for as long as days. My questions therefore to the Attorney-General are:

1. Does the Attorney-General find this acceptable, that currently a victim survivor of sexual violence is put through this system?

2. What is the current status of the scheme put in place by the Attorney-General's Department to ensure health professionals are appropriately trained and supported?

3. How many regional, rural and remote South Australians have been forced to travel more than an hour to access forensic medical examinations in the past financial year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I thank the honourable member for her question and for raising this issue. Of course, it is concerning when you hear of any factors that not just affect the charging and prosecution of sexual and violent offenders but then also affect the wellbeing of victim survivors who have bravely come forward.

As the honourable member has pointed out, there has been funding and initiatives put in place over the last decade to try to address this. I believe that South Australia's Health and Recovery Trauma Safety Services, which manages the Yarrow Place service, gave evidence in recent days to the Royal Commission into Domestic, Family and Sexual Violence.

I do acknowledge there are difficulties and complexities in terms of the interaction between SA Health and SA Police about what needs to occur to give the best possible chance of a successful prosecution, particularly in terms of the collection of evidence. In a perfect world where there were facilities in every part of South Australia, it would mean that there would be more timely access to these facilities.

Off the top of my head—and I am happy to go and check on the figures—I think it might be somewhere around eight places in regional South Australia that have the ability to take the sort of forensic samples that are required, but I will double-check that. Certainly, I think the royal commission is probably an unparallelled opportunity to examine all of the factors that go towards making sure that victim survivors are supported and that we get the best possible chances for successful prosecution.

While we will keep going with initiatives that we have in place and look to make improvements, I certainly look forward to—and I think many others do—any suggestions that the royal commission will make in these areas.

FORENSIC MEDICAL EXAMINATIONS

The Hon. T.A. FRANKS (15:30): Supplementary: in the meantime, for those victim survivors who have had to travel, will the Attorney-General make sure that the Victim Support Service can cover their accommodation, travel and other incidental expenses?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30): I thank the honourable member for her question and I will undertake to look at that.

BESTON GLOBAL FOOD COMPANY

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:30): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding agricultural jobs.

Leave granted.

The Hon. J.S. LEE: Today, at 9am, staff at Beston Global Food Company in Murray Bridge were told that they no longer have a job. At 9.15am, around 30 farmers, who are owed somewhere in the approximation of $10 million, were told that negotiations had collapsed and that NAB was walking away.

The opposition have been advised that a final business case to support continued operations was still being worked through by administrators, and we understand that a report on a final solution

was due in about a fortnight, but that is no longer the case. In September, Beston was reported as having 159 staff across two locations. Now we have more jobs in primary production slashed right before Christmas. My questions to the minister are:

1. When was the last contact the minister had with executives at Beston and NAB prior to this morning's announcement?

2. What plans are in place to support those affected by the job losses from the Beston Global Food Company?

3. Why are we seeing so many job losses in SA under this minister in the vitally important primary industries sector?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:32): I thank the honourable member for her question. Members may recall that Bestons went into administration I think on 23 September. Sorry, the announcement I think was on 23 September. On 20 September, KPMG were appointed as joint and several administrators of Bestons and its wholly owned subsidiary, Beston Pure Dairies Pty Ltd.

I understand that on 17 October the Federal Court of Australia granted an extension of the convening period of the voluntary administration and ordered that the administrators are justified in entering a loan between Beston and NAB to fund the continued trading by the business during the voluntary administration. The convening period was then to end on 28 February 2025, with the second meeting of creditors being held no later than 7 March 2025.

It is correct that as of today there has been an additional change in those circumstances. I have been advised that NAB made the decision to no longer fund those operating expenses. Therefore, notification has been made to staff and to the farmers who provide milk to Bestons.

My understanding is that it is still within the administrative process and that there is still hope that there may be a purchaser of the Beston business, although I think the actual suppliers and operations will cease on 1 December, according to my advice, so that is next week. It is still possible that there may be someone who has put in—there was a preferred bidder who was working with the administrators, and that was the business case to which I think the honourable member refers.

It is important that there is the opportunity for the business to go through the rest of that process. Clearly, it would have been preferable if that could have been sold as an ongoing concern. It is not yet clear whether that is still possible and, if so, who some of the other bidders may be; however, the South Australian Dairyfarmers' Association has been working closely with government to see whether there is an opportunity to assist, and I have been in frequent contact with that organisation.

BESTON GLOBAL FOOD COMPANY

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:35): Supplementary question: when was the minister made aware of the job losses within the Beston Global Food Company prior to the announcement this morning, and was there any strategy from the state government to safeguard SA jobs?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:36): I became aware of the announcement today, as others did obviously, and not before the staff and the farmers who are suppliers to Beston.

PAIRING ARRANGEMENTS

The Hon. R.B. MARTIN (15:36): Pursuant to standing order 107, my question is to the Hon. Ben Hood. Having had further time to reflect upon the events of the last month, has the Hon. Ben Hood yet apologised to his colleague the Hon. Jing Lee, and does the Hon. Ben Hood support his colleague the Hon. Jing Lee?

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter! Order! I can't hear the Hon. Ms Game.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. S.L. GAME (15:37): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding South Australia's First Nations Voice to Parliament.

Leave granted.

The Hon. S.L. GAME: It was recently reported by ABC Adelaide that four elected members of the South Australian First Nations Voice to Parliament had resigned since the first meetings were held in June. In the report, inaugural presiding member of the Voice who is among the resignations, Tahlia Wanganeen, described the current model as 'unsustainable'. The report said supplementary elections will be held to replace those who have stepped down. My questions to the Attorney-General are:

1. Does the government agree with Tahlia Wanganeen that the current model of the South Australian First Nations Voice to Parliament is unsustainable, and can the government explain why Ms Wanganeen has made this statement?

2. How much will these supplementary Voice elections, plus the recruitment process to replace the outgoing director of the Voice secretariat, cost South Australian taxpayers?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:38): I thank the honourable member for her question. I won't go into the individual personal circumstances of individual people and members of the Voice. I know that a number have had changes in circumstances that make it not sustainable to keep on the Voice, given new working conditions and new opportunities that they have undertaken.

I think, as the Hon. Sarah Game pointed out, there were four members since the Voice elections in March of this year who have indicated they were intending to resign. One of those members gave that indication as they were moving interstate. That hasn't happened so, as I understand it, there are now three resignations from the Voice body.

There is a combination of replacements through supplementary elections and also, as the legislation provides, from the person who was next highest elected, if they are willing to serve, so some of those will be replaced where it is in compliance with the legislation from the next one on the list, others will require a supplementary election.

In relation to resignations, do I think this shows any sort of failure or problem with the Voice? No, I don't. Not at all, actually. This is the first time we have had a body like this anywhere in Australia. The people who bravely put their hands up to be elected to represent their communities are doing something that no-one has ever done before around Australia. I make no criticism of someone who, in whatever circumstances, has elected to resign from the Voice.

If you look at the numbers who have resigned from the Voice, with three out of 46, that is somewhere between 6 per cent and 7 per cent of the 46 people who were elected. If you compare that to the whole Liberal contingent elected in the House of Assembly, 16 members elected and three have resigned. That is close to 20 per cent. Liberal members of the House of Assembly have resigned at nearly triple the rate of the Voice members who have resigned.

Not just when you look at the cost of the by-election but when you look at what they knew they were getting in for, all of those members of the lower house of the Liberal Party knew they were being elected to a job that pays $200,000 a year. Members of the Voice were elected knowing that their yearly pay was $3,000 a year. No-one is doing this for the money. They are doing it because they believe in their communities.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (15:40): Supplementary question.

Members interjecting:

The PRESIDENT: Silence, please.

The Hon. L.A. HENDERSON: Supplementary question arising from the original answer: what is the projected cost of both of these subsequent by-elections, and when will they be held?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:40): I thank the honourable member for her questions. I am happy to take them on notice. I am not sure that I will have an answer yet as to what the cost of the supplementary elections will be. While I am at it, I will probably be able to come back with a figure for the dollar per vote value that the honourable member had for all of her first preference votes from all of those available as well.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (15:40): Supplementary question.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.A. HENDERSON: Minister, have meetings and other activities been postponed due to the resignation of these members?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:41): I am not aware that any activities have been postponed due to the three out of 46 resignations that have occurred.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (15:41): Supplementary question: is the minister satisfied, and has he been able to satisfy himself, that the Voice is a sustainable model?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:41): One thing I am quite certain of is that as the Voice develops, as it progresses, there will be changes about its processes. There may even need to be legislative change about how it operates and, again, when you set up something for the first time in Australia I think that is a natural consequence.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. L.A. HENDERSON (15:41): Supplementary.

The PRESIDENT: Final supplementary question, the Hon. Mrs Henderson.

The Hon. L.A. HENDERSON: Is the minister satisfied that the Voice is able to function while those members are absent, while we wait for elections?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:42): I am much more satisfied that the Voice is able to function while there are members awaiting replacement, than the state division of the SA Liberal Party is able to function at any time, even with a full contingent.

REGIONAL UNEMPLOYMENT

The Hon. H.M. GIROLAMO (15:42): I seek leave to provide a brief explanation before asking a question of the Minister for Regional Development regarding regional unemployment.

Leave granted.

The Hon. H.M. GIROLAMO: It has been recently reported by the Australian Bureau of Statistics that the unemployment rate has increased from 2.6 per cent to 3.4 per cent for regional SA between August and October this year. This comes at a time when unemployment for under 30s and the employment for women is dropping significantly as well, resulting in the unemployment rate for females under 30 in regional SA increasing from 3.5 per cent to a concerningly high 7.7 per cent in the month of October. My questions to the minister are:

1. Has the minister familiarised herself with these statistics?

2. What conclusion has the minister drawn from the increases in unemployment?

3. Has the minister met with any recently unemployed cohorts from the regions and, if so, what has the minister learnt from these discussions, and what actions has the minister considered to address these concerns?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:43): I thank the honourable member for her question. In terms of unemployment overall, of course South Australia has been doing very well. We have seen recent statistics saying that over a good part of this year we have had either the lowest or the second lowest of mainland states in various indicators, so that particularly refers, I think, to the strength of South Australia as a state and the excellent plans that this government has for the state going forward.

Of course, there is a fair bit to do in terms of the different factors that feed into an unemployment rate. The participation rate is also an important factor, and the honourable member didn't mention what the participation rates have been and whether there have been changes. I think it is reasonable to reflect on one of the biggest barriers to workforce participation in regional areas, which is child care. This is something that we have spoken about on a number of occasions. A lot of the aspects of child care are a matter for the federal government, but where there are opportunities for the state government to have an impact then we certainly do so as well.

Separate to child care, our initiatives around three-year-old preschool will also have, indirectly, the benefit of potentially freeing up parents who are currently at home caring for children to be able to have more availability in terms of the hours that they may be able to participate in paid work. Through my own regional fund, the Thriving Regions Fund, there have been a number of successful applicants to extend childcare facilities. I remember visiting the Naracoorte site back at the time that we made an announcement in regard to the establishment of a childcare facility there, which will potentially have a significant impact on the ability of local people to participate in the workforce.

We know that we have had real staff shortages and labour shortages across the state. That includes in the agricultural sectors but also in many other sectors as well. This government has taken a number of initiatives to try to assist with this, for example, the Key Worker Housing Scheme. That is something that is devoted to ensuring there is housing for key workers, whether they be in the health sector, in the teaching sector, in education, police, etc., which will then enable some of those professionals who are going to regions to be able to find accommodation.

I have talked before in this place about various anecdotal evidence of a region being able to attract a particularly important specialty, only for that person to not take up the role because they have been unable to find appropriate accommodation. That is yet another way that our government is looking holistically at the various barriers that there are in terms of employment and in terms of training in our regional areas. I think it is something that we continue to work with, because this is a government that is dedicated to representing the entire state and providing opportunities and initiatives across all of our regional areas, as well as in Adelaide.

REGIONAL UNEMPLOYMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:47): Supplementary: how many physical houses has the Malinauskas Labor government built so far in regional South Australia?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Okay, how about I adjudicate. That's what I get paid for. How about that? Answer the question if you wish, and then we will move on.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:47): I thank the honourable member for her question. In terms of the Key Worker Housing Scheme, I am happy to take that on notice and bring back a response.

SOUTH AUSTRALIAN LIBERAL PARTY

The Hon. R.P. WORTLEY (15:47): Pursuant to standing order 107, my question is to the Hon. Ben Hood.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: Does the Hon. Ben—

Members interjecting:

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

The Hon. R.P. WORTLEY: Does the Hon. Ben Hood support the Hon. Vincent Tarzia as leader of the Liberal Party?

The Hon. B.R. HOOD (15:48): Yes.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bonaros has the call.

Members interjecting:

The PRESIDENT: Order! Attorney! The Hon. Ms Bonaros, sit down for a sec.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bonaros will be heard in silence. The Hon. Ms Bonaros, please.

WORKING WITH CHILDREN CHECKS

The Hon. C. BONAROS (15:48): Thank you, Mr President. I seek leave to make a brief explanation before asking the Attorney a question about working with children checks.

Leave granted.

The Hon. C. BONAROS: The McKell Institute this month released a report commissioned by the Shop, Distributive and Allied Employees' Association titled 'Safety not guaranteed: preventing young workers from experiencing predatory behaviour'. As noted in an article from today's print of *The Advertiser*, the release of the report has prompted calls for the national implementation of safety police checks for adults working in the fast food, hospitality and retail sectors. The 'Safety not guaranteed' report details many situations where children work alongside adult supervisors in hospitality and retail industries and suggests that no state or territory has a bail framework that adequately protects children from convicted or charged offenders in the workplace.

However, it does go on to include an entire passage under the heading South Australia is Leading the Way on Defining 'Child-Related Work', wherein the actions this parliament took to bar child sex offenders from applying for workplaces which hire underage employees are held up as a model to be replicated throughout the commonwealth, and indeed one which will be promoted as such amongst other jurisdictions. In light of this report and subsequent public pressure and appeal, my questions to the Attorney are:

1. What, if any, updates can the Attorney provide on police checks for employers who hire minors?

2. Has the Attorney held discussions with his state and commonwealth counterparts on this issue?

3. Is this state government willing to commit to a national approach to working with children checks in these instances?

4. What actions are the Attorney-General and his state and commonwealth counterparts taking to ensure that states and territories develop a harmonised comprehensive bail framework that adequately protects children from convicted or charged offenders in the workplace,

but of course also in relation not just to bail, where we are leading the way, but working with children police checks specifically?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:50): I thank the honourable member and I thank her for her advocacy in this area. We are seeing some very sensible changes made, which have had a very large contribution from the Hon. Connie Bonaros, on protecting children in the workplace.

In relation to working with children checks, I won't go into great detail as they fall under the Department of Human Services with my colleague the Hon. Nat Cook and her similar colleagues who have responsibility interstate, although I will talk about it in relation to the default restriction on accused child sex offenders and convicted child sex offenders working with children in the workplace.

These are Australian-leading laws. I note that a report that was released from the SDA union by the McKell Institute entitled 'Safety not guaranteed' recommends all jurisdictions adopt those laws. It is certainly something that I will be happy to advocate with my colleagues around Australia after that to occur and to adopt what we have done in South Australia. I am always keen to look at further ways, as we have done already in this parliament, to increase the safety of children in the workplace.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. D.G.E. HOOD (15:52): I seek leave to make a brief explanation before asking questions of the Minister for Primary Industries and Regional Development regarding tomato brown rugose fruit virus testing.

Leave granted.

The Hon. D.G.E. HOOD: It was reported in the media yesterday that Gawler River Tomatoes was forced to cease tomato production after laboratory testing allegedly provided a false positive result for the presence of the tomato brown rugose fruit virus, according to the company's owner, Mr Harry Kapiris. It is understood that Perfection Fresh notified PIRSA of the results of independent testing that apparently identified the presence of the virus at Gawler River Tomatoes.

Mr Kapiris advised that before his crop was destroyed, however, more than 60 samples were sent for testing by the Agriculture Victoria's health services, which all came back negative. PIRSA's director of plant and invasive species, Nick Secomb, said PIRSA did not request in-depth results of the positive test prior to placing Gawler River Tomatoes into quarantine, nor has it asked for them since. My questions to the minister are as follows:

1. How many independent tests were conducted to detect the presence of the virus at Gawler River Tomatoes, and how many came back positive prior to PIRSA placing the company into quarantine?

2. Is the minister absolutely confident that her department acted with all the necessary due diligence prior to placing Gawler River Tomatoes into quarantine to ensure this particular course of action was absolutely required in these circumstances?

3. Can the minister rule out a false positive test result in this instance from the most recent testing, and will the state government provide compensation to Gawler River Tomatoes if it's found that the initial tests were in fact incorrect, as it now seems they may be?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:54): I thank the honourable member for his question. My advice is that there is no evidence to suggest that the test from the Kapiris property was a false positive. Mr Nick Secomb, who is from PIRSA and has been intimately involved with the entire response, has indicated that it is not necessarily unusual that, for tests from the same area, one may be positive and one may be negative. So my advice is that there is no evidence that there is a false positive.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. D.G.E. HOOD (15:55): Supplementary: is the minister aware of any false positives in this testing regime?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:55): As I referred to earlier, what is the case in terms of the science-based framework that has come back from the nationally agreed involvement with the national response is that the results will come back as either clearly positive, clearly negative or where they are in a particular range. Clearly negative is one range of numbers, clearly positive is another range of numbers and there is a range within that, in the middle of that, where they are considered to be inconclusive.

At the moment, according to my advice, such results are required to have additional testing undertaken. That is where, quite understandably, there has been frustration. PIRSA has been arguing that there should be some changes to the sampling regime. When I say that PIRSA has been arguing, remembering that this framework has to be agreed nationally. PIRSA is using its expertise to advocate for the growers in the infected properties.

Just some of the things that PIRSA has been able to do are, I think, worth highlighting. As I mentioned earlier, the spread of the disease has been limited to only three infected properties, and that is as a result of the application of control measures and the intensive tracing and sampling campaign. PIRSA has been able to argue to maintain markets for all but the three infected properties for trade to the Northern Territory, New South Wales, Victoria and Tasmania.

All other South Australian growers can access these markets without limitation. PIRSA has been able to negotiate sampling programs to allow all growers but the three infected properties to access the Western Australia and Queensland markets, albeit obviously with the testing and sampling regimes that have been set nationally.

I am also advised that PIRSA has very recently been able to argue to Western Australia, successfully, that Western Australia should modify its sampling regime to allow one 300-leaf test to be taken within each greenhouse rather than separate 300-leaf tests for every variety within every greenhouse. That will mean that less sampling and testing is required. PIRSA continues to take that same argument to Queensland for consideration.

These are just some examples of where PIRSA has successfully advocated in regard to this. Again, it needs to be based on the scientific evidence available. There is a science panel, which I have referred to before in this place, that was set up nationally when it became evident that this disease had arrived in Australia. That body is doing a lot of the work and is of course advising the national management group.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. D.G.E. HOOD (15:58): Final supplementary: in the event that a false positive is confirmed, minister, will the government then take steps to compensate those who have lost substantial revenue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:58): That is a speculative question—it's hypothetical.

HOOD, HON. B.R.

The Hon. J.E. HANSON (15:58): Pursuant to standing order 107, my question is to the Hon. Ben Hood.

Members interjecting:

The PRESIDENT: Order! Sit down. Is everybody finished?

The Hon. J.E. HANSON: Pursuant to standing order 107, my question is to the Hon. Ben Hood. Given the Leader of the Opposition, Vincent Tarzia, has publicly stated that those seeking to amend abortion laws 'won't be welcome in the shadow cabinet or in the cabinet', when did the Hon. Ben Hood offer his resignation from that shadow cabinet?

Members interjecting:

The PRESIDENT: The Hon. Ms Franks, whenever there is a bit of silence you can ask your question—when there is silence.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks is on her feet.

POLICE COMPLAINTS AND DISCIPLINE ACT

The Hon. T.A. FRANKS (15:59): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the workings of the Police Complaints and Discipline Act.

Leave granted.

The Hon. T.A. FRANKS: As was well publicised last week, an Aboriginal man in the Davenport community was charged with, I believe, hinder police, while footage of that man was broadcast not only on many TV stations but tens of thousands of times on social media. That footage has been authorised by Police Commissioner Grant Stevens to remain published under the workings of our Police Complaints and Discipline Act, which applies some secrecy provisions once a police complaint is made.

My understanding is that that man suffered a fractured skull and broken rib. Further, after attending hospital he was taken to the police station and charged and was then required to walk back to his community almost an hour away from the police station. My question to the Attorney-General is: is that man allowed to tell the public that he sustained a fractured skull and broken ribs and was forced to walk back almost a hour to his community after what happened in that horrific vision?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:01): I thank the honourable member for her question. I think it was Monday of last week, I was contacted by a number of Aboriginal people from around South Australia and made aware of footage that was circulating on social media that depicts the incident the honourable member is talking about. I was concerned when I saw it—they are confronting images. Since then I have been contacted by a number of Aboriginal leaders, particularly in the Port Augusta and Davenport Aboriginal community outside the Port Augusta area about this footage, and I understand the concerns they have raised with me.

The next day I contacted the police commissioner personally about this incident. The commissioner assured me that the incident will be thoroughly investigated under the Police Complaints and Discipline Act processes and that the investigation will be overseen by the Office for Public Integrity, which has the ability to direct how the police investigation is going or to substitute recommendations that a police investigation makes in relation to that.

In relation to the person involved in that incident and what they are or are not able to say about the incident, I am happy to take it on notice. I do not have the specifics of the Police Complaints and Discipline Act provisions in relation to any particular incident, but I also note, as the honourable member pointed out, that the police commissioner has not sought to restrict the footage circulating on social media, and under the act and regime as it applied has determined to allow that footage not to be restricted. Given the circumstances of this, that is a sensible decision.

Bills

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 November 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:04): Disrespectful, undemocratic and, quite frankly, rude: that is the most polite way that I can describe the manner in which the government has conducted itself in ramming through these electoral reforms in the final week of parliament this year. No time for consideration, no time for consultation and no time for proper debate on these issues. We saw this exact same scenario play out just last sitting week, during the passage of the donation reform bill.

During that debate, the government attempted to ram through a bill mired with issues—issues which were due to a lack of ventilation and a lack of consultation. It was only through the due

diligence of this council that these issues were in fact picked up. I ask what further problems will be created by rushing this legislation through that are yet to be realised? As I will note again in this speech, you have an opposition and a crossbench who are willing to listen and to work with the government on electoral and campaigning reform.

There are aspects of this bill that the opposition supports which stem from recommendations listed in the 2022 State Election Report. This includes allowing ordinary votes to be counted on polling day in order to help speed up the counting process; better consistency with commonwealth legislation regarding itinerant electors; electronic lodgement of certain documents; extending the timeframe for postal vote applications; and allowing any elector to vote pre-poll by removing the early voting criteria but shortening that pre-poll timeframe to one week.

There are further amendments outlined in this bill that we can also agree on. Ensuring that each district has at least one pre-poll location is one such measure. This assists in providing ease of access in every electorate. Reforming federal election regulations to be in line with state election guidelines around banning the use of corflutes on public infrastructure is another measure which the opposition is in full support of, and reducing waste and providing South Australian voters with consistency in messaging. In addition, powers to better protect staff from the Electoral Commission of South Australia near polling places, regulating the use of AI-generated material which could mislead voters, telephone-assisted voting, and administrative changes on authorisations and nominations.

However, there are some aspects of concern with some of these amendments that do require highlighting. The decision to ban the ability of parties to send out postal vote applications (PVAs) is one such measure. Many voters, in particular older electors across Labor, Liberal and marginal seats, rely on postal votes and the PVA process. I know of offices which have hundreds if not thousands of constituents who utilise the PVAs they send out. In fact, they do not just utilise this service, they rely on this service in order to assist with obtaining a postal vote, particularly if they are not computer-savvy. They expect these forms to be delivered to them and contact their local electorate office directly if they do not receive one. To remove this service is a travesty and borders on voter disenfranchisement.

Additionally, the government proposes to remove many aspects of campaigning which are critical in connecting with prospective voters, such as automated calls. Whilst in principle we are not against reforming the way that campaigns are run, it is important that candidates and parties are provided avenues to directly connect with the constituency.

I find it highly hypocritical that the government has brought in these proposed changes, but at the same time are expanding their marketing reach. Honourable members in this chamber are being curtailed in their ability to exercise democratic freedoms as this government is establishing the government advertising and insights hub to do this on their behalf and offering to pay up to $429,000 for a potential executive director through the use of hard-earned taxpayers' money. While there are certain aspects of electioneering that the opposition believes are essential, we will not stand in the way of this reform which compounds the frustrations on the speed in which this bill is being rushed through this parliament even further.

The government has an opposition and a crossbench which are willing to work with them, but the government has decided to ignore them, ignore us and ignore due process. In saying that, the opposition will not be supporting the amendment from the Hon. Rob Simms to reduce the voting age to 16 and to reinstate federal corflutes at the next election—to continue federal corflutes, I should say, until the next election.

The Greens are rushing through an amendment to an already rushed bill with zero understanding of the consequences. The development that an individual goes through between the ages of 16 and 18 is monumental, and voting is and should remain the right of all adult South Australians.

Furthermore, the opposition will not be supporting the amendments moved by the Hon. Connie Bonaros. Whilst we appreciate the sentiment the reality is that due to public funding Independent candidates will see a dramatic increase in resources for campaigning, some of which

will no doubt be used to increase overall their name ID. So the opposition are of the opinion that the ballot paper itself should remain free of candidate promotion.

I do want to place on the record, obviously, that I have an amendment which I have filed and which I will also be moving. This amendment will strengthen the voting public's access to a pre-poll during standard business hours.

In closing, whilst the opposition does have some concerns on several provisions, we do broadly support the Electoral (Miscellaneous) Amendment Bill 2024, but I do look forward to the committee stage where I will be asking the leader a series of questions.

The Hon. S.L. GAME (16:10): I rise to speak on the government's Electoral (Miscellaneous) Amendment Bill 2024. This bill is primarily concerned with implementing the recommendations from the Electoral Commissioner's report into the 2022 state election. However, the bill also contains several other state government initiatives, including a ban on robocalls, regulation of artificially generated electoral content and prohibiting the display of federal electoral corflutes.

The recommendations from the Electoral Commissioner's report are predominantly concerned with improving the democratic process for new electors, postal voters and itinerant electors. There is also an allowance for the electronic lodgement of certain documents and an allowance for ordinary votes to be counted on polling day under tight security as well as the removal of political involvement in the postal vote application process. These measures are commendable steps towards enhancing democratic participation, ensuring a more efficient electoral process aligning with our core democratic principles.

In addition to this, the government has also proposed further amendments to the Electoral Act, including the provision of telephone-assisted voting for sight or motor-impaired electors, which is both commendable and worthwhile. The removal of requirements for Independent candidates to provide a physical address to authorise electoral material provides appropriate privacy protections for Independent candidates.

However, the amendments to printing additional information on ballot papers for Independents appears to be a rather punitive measure. Under this proposal Independent candidates will no longer be able to print up to three additional words on their ballot paper, thereby restricting Independent candidates from designating themselves as an Independent for a particular political cause or movement, such as the 'Independent for peace' or the 'Independent for human rights'. While removing this allowance brings Independents into line with the restrictions on all other candidates, it is difficult to justify this measure as one that upholds or protects democratic principles. Instead it appears to impose unnecessary restrictions on Independent candidates expressing their values and affiliations.

Another initiative proposed by the government is the broadening of powers to deal with disruptive behaviour at electoral events, which the government wants to be extended to capture disruptive behaviour that occurs not only within voting and counting centres but also within the vicinity of these centres. Safeguarding access to voting is commendable, and deliberate disruptions of the electoral process warrant clear deterrence. However, it is crucial to ensure that these measures do not infringe on the fundamental right to peaceful protest or the freedom of political movement.

Another initiative within this bill is the proposed regulation of electoral advertisements generated by artificial intelligence and the prohibition of deepfakes. The growing prevalence of digital technology and the increasing sophistication of deepfakes pose a serious risk to the integrity of political discourse. Manipulating a person's likeness to create convincing but false content undermines political trust and can cause significant harm. We should all be concerned about the use of deepfakes in the production and distribution of content which is designed to persuade us into believing that a simulated image is reality. This is particularly concerning for political content where digital manipulation can be used for strategic and persuasive purposes to influence public opinion.

In response to these growing concerns the government has proposed a $10,000 penalty for a body corporate and a $5,000 penalty for a person who distributes artificially generated electoral advertisements that contain a depiction of a simulated person performing an act that the real person depicted in the depiction did not perform. No-one wants to be depicted doing or saying something

they did not do or say, especially when the depicted statement or action is not only untrue but also causes embarrassment or humiliation.

Any digital content that is intentionally created to cause harm should be restricted and penalised by law. However, not all digital content is created to deceive or cause harm. In fact, there is a lot of political content that is satirical and parodies political figures, and there is the potential for such material to be captured under the broad legislative definitions of depiction and simulation proposed by this bill.

Finally, there is a proposal to ban corflutes during federal election campaigns to match the ban imposed during South Australian elections. While the removal of corflutes marks the end of a longstanding tradition, it also reflects the evolving nature of political campaigning in an increasingly digital era. Political messaging now resides in the complex, dynamic and contested realm of online discourse, and I support the ban of corflutes at federal election campaigns as well.

In principle, I do support the bill. However, I will also be supporting the amendment put forward by the Hon. Connie Bonaros and also the Liberal amendments. I will not be supporting the Greens' amendments.

The Hon. C. BONAROS (16:15): I rise to speak on the Electoral (Miscellaneous) Amendment Bill 2024. As we have heard, the bill seeks to implement recommendations from the Electoral Commissioner's report on the 2022 state election and the Bragg by-election, along with several additional measures.

As we have heard, key changes include modifying the timeframe for postal votes (something I agree with), providing ECSA with greater flexibility to conduct certain processes electronically (another good move), removing fines for individuals of no fixed addresses, allowing enrolments up to and on voting day, and of course eliminating the outdated requirement to display the name of a printer on campaign materials. The bill also reduces the early voting period from two weeks to one, and I understand the number of early voting centres will be increased to accommodate demand.

I note that during an election it might not seem like a lot, but a lot depends on the news cycle of the day. So, aside from being an issue of convenience, there is every possibility as well that that longer timeframe influences a vote when it occurs so early before actual voting day rather than closer.

For me, that in and of itself is another justification for shortening that timeframe because, if someone is likely to go and vote two weeks before and there is something in the press that day that is not particularly complimentary of one party over another or one minor party over another or one Independent over another, that certainly can have some bearing on a person's decision on that day, and it is worth remembering that that is not actually the polling day. For me, that is another justification for shortening that period to a more reasonable timeframe.

I note that the opposition does have amendments to those particular provisions of the bill and I do not see that they are problematic in any way. I think they state the obvious basically in terms of the opening hours not being less than what has been stipulated in there but certainly not limited to that. I would expect that you would find that those voting booths would be open during those hours in any event, but that amendment seeks to make that clear, although we will get to that further in the committee stage of the debate.

In addition, the bill introduces several measures not arising from the report but aligned with electoral reform. That includes a ban on robocalls, fulfilling a Labor election commitment. It is not just a Labor election commitment. I think there were many of us calling for the ban on robocalls way before Labor made that one of their election commitments, given the barrage of calls that we saw when those first took off. There is a requirement to protect candidate privacy by no longer mandating the publication of home addresses. This is particularly important for those Independents who choose to run. We all know the importance of that, especially given that the rest of us are able to apply to have our addresses suppressed.

There is a ban on deepfakes, ensuring the integrity of campaign materials. I do note the point that the Hon. Sarah Game just made. I am glad that this does not extend to thought bubbles because I quite like those, but I agree in principle that deepfakes, artificial intelligence, can be very damaging, and should not be used for those purposes at all in any context, let alone an election campaign.

Restrictions on the display of federal election corflutes on public roads and related areas aligning with the reforms passed for state elections earlier this year ahead of the Dunstan by-election. I do note that the Greens are proposing for the corflute restrictions to commence on 1 July 2025 after the next federal election, and with some irony because I think last time we debated this issue it was only me who was trying to save the corflutes, but this time it is my friends in the Greens.

When you are from a minor party or an Independent, I have always argued that there is a place for corflutes. They do have an important purpose because we just simply do not have the means of the major parties and particularly on election day. I note we have preserved their use on election day. They serve a very important purpose at election booths, and that has been preserved.

We do know, though, that corflutes after all are not biodegradable and take hundreds of years—hundreds of years—to decompose. Members may recall that after my frustration at banning corflutes last time I moved an amendment earlier this year to restrict the use of federal election corflutes to designated areas in line with the state ban.

I did that on the same day that everybody in here was patting themselves on the back for their amazing work on the ban on plastics, and I think it is fair to say that proposal was met with resistance and a moment of panic across the chamber, but it seems in hindsight that my suggestion was not only reasonable but very forward thinking. I am pleased that we found a way to work around the restrictions that applied at the time and used our plastics laws that everybody was raving about that day, that everyone was taking credit for, to actually propose that ban.

That was not successful at the time. I think everybody said that they would go away to consult with their relevant federal counterparts. It appears that they have, and they have come back here with some positions. I do note on that point, though, that I will not be supporting the Hon. Robert Simms' position, and also note that I have filed an amendment to this bill opposing the government's proposal to amend section 62 of the Electoral Act, which seeks to remove the ability of Independent candidates to include up to three additional descriptive words after the term 'Independent' on the ballot paper.

I will speak to this a little bit now because I think that is a very important provision in the existing act. In 2013, there were amendments moved when the Hon. John Darley was here, and the moves at the time, from memory, were to reduce the words from five to three as a compromise and, at the same time, it introduced the concept of grouping.

I think it is very important to bear in mind and to remember that for Independents, unlike minor parties and groups, their name only appears under the line on the ballot paper. You have your above the line votes and your below the line votes, and below the line is 'Independent Joe Smith, anti-nuclear'. That might be what they are running for, and they can use that sort of description. The reason that compromise was reached was that it was a very important reflection of the fact that the Independents are at a huge disadvantage compared to the major parties and, indeed, those minor parties who have the ability to be named above the line.

To use an obvious example, I have been through three iterations of my former employer's history in this place over a very long time, so I can use the Nick Xenophon example. I have used the Colin Shearing example in discussions that I have had with members. You might remember somebody's name, or you might remember the issue they stand for, but you will not necessarily remember both, and so it was levelling the playing field, noting that they could not appear above the line.

Above the line we have our party name and we have our names listed. Below the line, when you just have a name, you are relying on the fact that people are going to remember who Jan Smith is without that reminder of what Jan Smith stands for. That is the purpose that those descriptor words have always served.

If I said to you 'Colin Shearing' you may not know that Colin Shearing had a position on shop trading hours, but if I said, 'Colin Shearing, shop trading hours,' I think you would know who I was talking about

The Hon. R.A. Simms: He should set up a party.

The Hon. C. BONAROS: Well, he could set up a party but he may not want to set up a party, and he does not have to set up a party under the current rules, and that is the very reason why we had these rules in place. Of course, thinking back to my own position in this place, when my former boss started in this place he was an Independent. He was not grouped and he was not a party. He was Nick Xenophon, and he was 'no pokies'.

I might not remember the name Nick Xenophon—I would have to be living under a rock not to—but I might remember 'no pokies', and that prompts me to remember who it is that we are talking about. It is the issue that that person stands for where those descriptor words serve their purpose. I think it is fundamentally important that Independents maintain the ability to do that, to have that descriptor there.

I do note, though, and very importantly, that in the case where let's say you have somebody who wants to be a little bit cheeky and use—I will use myself as an example—they might want to call themselves 'Jan Smith, SA's Best.' If they have used a part of another existing party's name, then the second part of those provisions that the bill seeks to strike out actually allow the commissioner to reject such an application. If you had 'Jan Smith' and she wanted to put, I don't know, 'Wacky Labor' as her two descriptors, she would not be able to because the word 'Labor' is already used to describe a political party.

If you had Peter Smith and he wanted to use 'Conservative Liberal' that would also be knocked out on the basis that 'Liberal' attaches to an existing party. So there were already protections there built into the legislation to prevent individuals from using names to effectively try to trick people into voting for someone thinking that they were voting for an actual party. Sorry about the wacky part—

The Hon. R.B. Martin interjecting:

The PRESIDENT: The Hon. Mr Martin, stop badgering the Hon. Ms Bonaros.

The Hon. C. BONAROS: That is the reason why back in 2013, when this section was last amended, there was some acknowledgement of the fact that these descriptors were actually very important to Independents, and so rather than eliminate them altogether we reduced the descriptor words from five to three, but the government is now proposing to eliminate those descriptor words altogether.

I know minor parties and Independents have been given a leg up in the other reforms that we have seen in this bill, but I do not think that detracts from the need to be able to maintain these descriptor words so that people can prompt the public when they are voting on the issues that they support.

It is for that reason that we should not lose sight of the inherent disadvantages faced by Independent candidates, who are already relegated to below the line positions on the ballot paper who may not want to group themselves with somebody else, or indeed form a party no matter how big or small, The importance that those words play, restricting the ability of Independents to provide additional information to voters, does compound their challenges and further risks, in my view, of disenfranchising those who choose to stand outside of the party system.

It is for these reasons that I will be moving those amendments. There are plenty of examples we could give, but with those words I indicate for the record at this stage that it is my intention to (a) support in principle the position of the opposition when it comes to early voting, (b) I do not support the issue of the corflutes, and (c) just to disappoint the Hon. Rob Simms a little further, I certainly do not support lowering the voting age to 16 or 17. With those words, I look forward to the committee stage debate.

The Hon. R.A. SIMMS (16:30): I rise to speak in favour of the Electoral (Miscellaneous) Amendment Bill 2024. I am pleased to see this bill come before us, as it contains many changes which will help update and improve the accessibility of our electoral system. Indeed, I commend the Electoral Commission of South Australia for their work in identifying areas of improvement and recognise that the government has taken up many of these as part of this bill.

At the heart of the changes to the electoral act before us is a recognition that our legislation is out of step with the current realities of the world we live in and the needs of voters. Indeed, we have seen many elections over the last few years where many people have voted early. Those votes have not been counted on election night and it can create a false impression around the views of electors and, indeed, those results whilst the vote is still being counted. I think most people in the community would welcome this as a commonsense change.

There are also some important measures within the legislation that I submit to you will help protect the integrity of our elections. These include measures such as banning robocalls and regulating the use of artificial intelligence in election advertisements. Indeed, on the issue of robocalls, the Greens have been supportive of banning that for many years.

I remember during the dying days of the Marshall government there was an electoral reform bill that came to this place. I think the then shadow attorney-general, leader of the Labor Party in this place, put forward an amendment to ban robocalls, which was inserted into the act. The Greens supported that. It passed the upper house, but then my recollection is that the bill languished in the lower house because the Liberal Party did not want to bring in that change in the lead-up to the state election. That was disappointing, because robocalls are something that I think undermine the public confidence in our elections. They are very unpopular and they are irritating for a lot of electors, so I think getting rid of robocalls is something that will be welcomed by many in the community.

A number of elements of the bill will make it easier for South Australians to vote, and I think that is a really good thing. Before I delve much further into the key elements of the bill, I will outline the basis of two of the amendments that the Greens will be moving today. We recognise that fundamental to this bill is the intention to make South Australia's electoral system more inclusive and better able to engage with the public, particularly young people. Some of the provisions of the legislation I think will make it easier for young people to vote, and that is a good thing.

However, one of the omissions, I think, is the failure to act on lowering the voting age. We are not proposing that voting be compulsory for 16 or 17 year olds. Rather, we are suggesting that voting for that cohort be optional. Sixteen and 17 year olds in our state are already able to work. They pay taxes, they can get a provisional licence and they can even join the army, but they are not able to vote and have their say on the direction of the government in our state.

I heard the Leader of the Opposition say in her remarks that young people's brains are still developing and they are not able to make decisions in that regard. Let's not forget that in South Australia the age of criminal responsibility is 10, so we are saying to these young people that they can be held criminally responsible under our laws, but they are not able to actually determine their views on politics when they are 16 or 17 years old. I find that a ridiculous proposition. Surely, people who are paying taxes, people who are out in the workforce, people who are engaging as citizens, should have a right to vote.

It is the Greens' hope that were a change like this to become law, then political parties would become much more responsive to the views of young people. If we look at issues like the housing crisis, if we look at issues like the climate crisis, these are long-term policy challenges. The impacts of the decisions that we make are intergenerational. The Labor and Liberal parties are doing a woeful job in terms of addressing those challenges in a meaningful way. Maybe one way to reorient the politics of this place is to enfranchise those young people. They deserve a voice.

I also recognise the work of the government in terms of civics education—that is great, but what better way to improve the engagement with young people in our politics than through giving them the opportunity to vote on an optional basis. I think it would be welcomed by a number of young people. Indeed, I recognise that the Commissioner for Children and Young People in our state has been doing a lot of advocacy around this.

I will briefly turn to the second amendment that the Greens are moving. This amendment delays the provisions relating to changes regarding the placement of corflutes for federal elections. When the government put forward draft legislation, it wrote to political parties asking their views. It wrote to the Greens party asking the views of the party organisation. The election campaign committee had a discussion regarding the bill and provided some feedback, which was the basis of the amendment that I am moving. Indeed, it has been the concern, through some of the feedback

that I have received, that making this change so close to the federal election, given the federal election is only a few months away, could pose some challenges, so the amendment reflects that.

I now turn to some of the provisions within the bill that are informed by the recommendations of the Electoral Commission. One of the alterations to the existing act is that voters will now be able to enrol to vote on the actual day of the election. Voters will no longer be required to enrol beforehand; they can enrol up to and on the election day. I think that is a really positive advancement for democracy in our state. It will bring South Australia into line with other jurisdictions and it will help young people actually exercise their vote because we know, for a lot of reasons, young people may not always be on the roll.

We know also that young people are more likely to rent, they are more likely to be transient in terms of their address, and so giving them the flexibility to enrol right up until election day I think is a really positive advancement. After all, we should be doing what we can to encourage people to vote and exercise their democratic right.

Another alteration, in terms of change to the status quo, that I note within the bill is the change to the act allowing South Australians to vote early without needing to sign a declaration and without needing to provide a reason. I think a lot of South Australians who exercise their early vote do so without necessarily having a compelling reason.

It used to be that if you were going to cast your vote early, you needed to demonstrate that you were working or attending a wedding or had some significant event that you could not get out of. I think, in recent years, more and more South Australians have sought to avail themselves of the early voting provisions. It makes sense to relax those requirements to reflect what is actually happening.

I am also pleased to see amendments relating to itinerant electors—that is, people who are homeless or those who might be travelling within Australia. This bill exempts electors who have no fixed address from compulsory voting. It also allows them to stay enrolled, even if they are outside of South Australia for longer than a month. This is an important step as a compulsory voting requirement, which I am strongly supportive of, but this can be difficult for someone to comply with if they are itinerant, if they are someone who is homeless, or if indeed they are travelling interstate.

We support moves to encourage itinerant electors to stay enrolled and accommodations for this cohort to prevent them being punished for their lack of permanent address. Of course, my views on addressing the homelessness crisis are well known in this place and I think the government and indeed the Electoral Commission should do what they can to engage homeless voters.

We also support the changes to postal voting that come with the bill. Sadly, Australia Post is becoming increasingly unreliable. It is important for our laws to reflect that. The bill goes further to make inherently sensible changes, allowing postal vote applications to be made online or over the phone, rather than needing to be made via the post.

Also, it stops political parties from being able to control those postal mail-outs, which again is something that I think is not really in the spirit of democracy in our state. There are some important changes here, too, allowing sight-impaired and motor-impaired voters to use telephone-assisted voting. That is another really positive change that we think will help people.

Of course, there is a final change that will allow absent voting, simplifying the process for voting outside of your electorate. I have heard stories of people going into polling booths and not being able to vote because they do not live in that particular area. Again, it makes sense to streamline that, so I welcome the government taking action on that.

In closing, the Greens are supportive of the provisions within the bill, but we would like to see the government go further to give 16 year olds and 17 year olds the right to vote. Just recently, this parliament made history when we became the first place in the world to ban political donations. We could become the first state in Australia to give 16 year olds and 17 year olds the right to vote. I urge the government to consider this sensible suggestion from the Greens and to show some leadership in that regard.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:41): I thank honourable members for their considered contributions on this important bill. I know that there have been questions indicated for the committee stage. For the benefit of the committee stage, I might just indicate what the government's position will be, as we go through the bill, on amendments that are put forward. In relation to the amendment from the Liberal opposition in regard to the time for early voting, for very similar reasons as those the Hon. Connie Bonaros outlined we have no problem with that, so we will be supporting that provision.

In relation to the amendment that was put forward by the Hon. Connie Bonaros, we hate to disappoint but we will not be supporting that amendment. It is our view that if you run as an Independent you are an Independent. If you wish to have an issue named that you support in there, then it is your right to go through the registration, as many others have done, for establishing a party.

In relation to the provisions put forward by the Hon. Rob Simms, again I hate to disappoint but, like a number of other times when the Hon. Rob Simms' predecessor put up amendments in relation to the voting age, we will not be supporting those. Having supported what was a Liberal private member's bill in relation to banning corflutes in a state election, I am sure it will come as no surprise that we will not be supporting the amendment to have them in a federal election.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: In the interest of time, I thought it might be useful for me to outline the Greens' position on the amendments that we are going to consider a little bit later on. I forgot to do so in my second reading remarks. I indicate that the Greens will support the proposal put forward by the Hon. Nicola Centofanti in relation to the opening hours of polling booths; it seems like a sensible suggestion. But if there is some cuckoo in the nest—a phrase I have used previously—that comes up in committee and I need to revisit my position, I will do so.

In terms of the amendment from the Hon. Connie Bonaros, I understand the argument the government has advanced in terms of 'if you are an Independent you are an Independent; if you are running under a party banner you are running under a party banner'. On balance, I am inclined to support the proposition put by Hon. Connie Bonaros; that is, if these changes potentially will discourage new entrants or emerging parties, the Greens are often concerned about that. So we will err on the side of caution and support the honourable member's amendment.

The Hon. N.J. CENTOFANTI: Can the Attorney please outline for the chamber how the enrolment of new electors up to and on polling day will operate?

The Hon. K.J. MAHER: As the Hon. Rob Simms pointed out, this is not an unknown procedure; it operates in other jurisdictions. My advice is that how we have been advised the Electoral Commissioner intends to undertake would be, firstly, if someone turns up at a polling booth wanting to vote and not being on the roll, I am advised that it is intended that the first procedure will be to check that it is the case—that they are not on the roll—and, presuming that person is not on the roll as they have suggested, I am advised an application for enrolment would be filled out, as would usually happen, then a vote being made that would be a declaration vote. Once the procedure has gone through, as it normally would, to see whether or not that person is eligible for enrolment, if they are eligible for enrolment then that vote would go into the count.

The Hon. N.J. CENTOFANTI: Will electors be able to transfer enrolment up to and on polling day?

The Hon. K.J. MAHER: No, my advice is they are not and that has to do with the Australian Electoral Commission, being the ones we have looking after our enrolment. My advice is that it is very difficult to do that.

The Hon. N.J. CENTOFANTI: So that would be the same process as exists currently?

The Hon. K.J. MAHER: Yes. My advice is that, to transfer enrolments, the same processes will apply as currently apply, and they are unaffected by this legislation.

The Hon. N.J. CENTOFANTI: Can the Attorney outline what the new postal vote timeframes will be?

The Hon. K.J. MAHER: This is pursuant to a recommendation from the Electoral Commissioner's report—I am advised, recommendation 8.1. My advice is that the change will be that the deadline to apply for a postal vote under this recommendation, as proposed in this bill, will be 5pm on the Tuesday prior to polling day for applications from South Australian locations and 5pm on the Friday, eight days prior to polling day, for applications from interstate locations.

The Hon. C. BONAROS: Can I just start with the issue of those cohorts who will be captured by electronic voting. I recall that during the previous debate on these issues in the last term of government there were moves in this place to extend them beyond the cohorts that have been identified in this particular bill. Are those discussions still underway for any potential future reforms, noting that they are limited to certain cohorts under this bill?

The Hon. K.J. MAHER: The government is never opposed to considering further reforms, but I am advised that the reforms in here are all we are proposing at this stage. I can remember debates on this in past parliaments where it has been debated. It is finding that balance. I think we have a remarkably secure election system that has developed in Australia—where you can go back and rescrutinise how people have voted, look at paper ballots over and over again—that I think is the envy of many jurisdictions in the world.

It is that balance between the security we have and the assurity we have of being able to rescrutinise and double-checking elections compared to other places we see in the world where you will probably need a PhD in computer science to understand how votes are tabulated and recorded. The simplicity of being able to look back on what has happened in an election is a fundamental part of, I think, what sets us apart from a lot of places in the world. That is balanced against some cohorts of people who have difficulty voting and are needing to vote. We think the limited measures in this bill strike the right balance. We are not closed off in the future but we are certainly not contemplating it any further in this bill.

The Hon. C. BONAROS: Just in relation to robocalls, again thinking back to the last election, given the criticism that was raised of robocalls during the last election, there were a number of candidates who were actually physically picking up the phone and ringing voters in their electorates to, effectively in person, relay their messages that would have otherwise been relayed on a robocall. Does the government propose to look at that at any future point in time depending on the nature of the phone calls that are being made?

The Hon. K.J. MAHER: In relation to using the telephone to talk directly to electors, we have no intention to ban that. I think it is our view that whether it is the traditional doorknocking or making phone calls as a candidate directly, that interaction between elected members or those seeking to be elected directly in person, whether over the phone or at a door, is a very healthy thing for democracy.

The Hon. N.J. CENTOFANTI: Just on that, can the Attorney perhaps provide some other examples of what robocalls the government is attempting to ban as a result of this amendment bill? For instance, would the ban include ringless voicemail messages where the voicemail message is left on a phone without the phone having rung?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am guessing it is if a candidate is ringing and someone does not answer, are they allowed to leave a message? If that is the question, then my advice is that is the case. This is not on the end result, that is, whether you talk to a person or leave a message. I am advised that this is on the process of making the call. If it is that automated process of making the call, that is what this seeks to do—and if it contains regulated content.

The Hon. N.J. CENTOFANTI: Sorry, just so I can be clear, if you have a situation where people are using ringless voicemail messages—so the phone does not actually ring, it just leaves a

voicemail from the candidate—will that be considered banned? It is a pre-record. So you are suggesting it is automated. I am just trying to clear it up. So if it is a pre-record—

The Hon. K.J. MAHER: My advice is that if it contains regulated content effectively relating to a state election, if it is that automated call, whether or not a person answers, it is likely captured under what is in the bill.

The Hon. N.J. CENTOFANTI: Just finally on those calls, can the Attorney indicate whether the ban would include a scenario in which a volunteer is phone canvassing, the phone is not answered and a recorded message of the candidate or the member is placed on the voicemail; is that also included?

The Hon. K.J. MAHER: My advice is, if it is a pre-recorded message and not, as we have been talking about, a live message, then it is likely to be captured.

The Hon. C. BONAROS: Just to be clear, those issues can be addressed by way of regulation to make it crystal clear that you are talking about an automated pre-recorded call, not somebody leaving a voicemail message on a phone.

The Hon. K.J. MAHER: Was that a statement or a question?

The Hon. C. BONAROS: Both. I said, just to be clear, that there is a regulation making power there which would allow us to distinguish between actually calling somebody and leaving a voicemail as opposed to a pre-recorded or automated call, which is really what we are trying to capture here.

The Hon. K.J. MAHER: My advice is, in relation to what is a robocall, that is spelt out in the act rather than being left to regulation, but in the examples that have been given if it is a person or a volunteer calling the number themselves and either speaking to someone who answers the phone or upon getting a voicemail leaving a message for that person as opposed to a machine dialling up and leaving a pre-recorded message or someone dialling up and leaving a pre-recorded message then the former is likely to be allowed.

The Hon. F. PANGALLO: I would just like to ask the minister about the regulation of electoral advertisements generated by artificial intelligence and prohibiting the use of electoral advertisements designed to mislead, known as deepfakes. Firstly, the definition of advertisements created by artificial intelligence: what exactly does the government envisage in terms of artificial intelligence? What ads will be or will not be acceptable?

The Hon. K.J. MAHER: I thank the honourable member for his question. It is a good one, because it is something we are seeing more and more, but we are also seeing rapid development and changing of this sort of technology. The definition that is included in the bill is:

> …an electoral advertisement containing audiovisual, visual or audio content that—
>
> (a) is generated wholly by artificial intelligence; or
>
> (b) is created or altered by use of technology of a prescribed kind;

That ability to prescribe the kind I think is particularly important in an area that is changing so rapidly.

The Hon. F. PANGALLO: This is quite puzzling, minister, because we have had software for many years now in relation to creating advertisements, political commentary and satire. Now, because that has evolved into quite sophisticated software, the government seems to think that there is something sinister about having a more creative tool to create a political comment. I will give you an example.

If at the 2026 election I were to create a 15 or 30-second advertisement using AI that may poke fun at the Premier and Labor and it was made using artificial intelligence, do I have to declare that? Would that be banned? What is the situation there if somebody is utilising a tool that makes it a lot easier and cheaper to produce election material?

The Hon. K.J. MAHER: The proposed new section 115B provides:

> 115B—Certain artificially generated electoral advertisements prohibited

> (1) A person must not distribute, or cause or permit to be distributed, an artificially generated electoral advertisement that contains a depiction of a simulated person performing an act that the real person depicted in the depiction did not perform.

I take the member's point about things that have occurred for a long time, but the technology that we see today is so realistic and can depict someone that you could not possibly picture a difference between. You could use it against a political opponent to say that they held certain views that they do not, and the electorate has no way of knowing whether that is that person doing that or not.

It is an area we have seen around the world now. We have seen people who have passed away I think in Indian national elections purporting to have endorsed candidates. We are seeing this being used in ways that I do not think we had ever considered only in recent years.

The Hon. C. BONAROS: I want to go back to the point the Hon. Sarah Game made, in particular to this specific question. If I think back to previous examples, if I were to make a cartoon (which we have done) or if I were to use puppets to make a cartoon depicting the Leader of the Government and the Leader of the Opposition, that would not necessarily be captured by these provisions because I am not using artificial intelligence in the way that the Attorney has just described where it actually looks like it is the Premier or the Leader of the Opposition in real, in person actually standing and making those comments.

So if it looks like Peter Malinauskas standing up and saying, 'Vote Liberal on 17 March,' using artificial intelligence, then that would be a clear depiction, but if it was some satire using puppets or whatever else it may be then clearly you can tell the difference between the two. Is that the point that we are trying to pick up in the bill?

The Hon. K.J. MAHER: My advice is that a very clearly simulated cartoon character would not be covered, but what is covered is a simulated person. This may give the Hon. Frank Pangallo some comfort. You can still do things as long as you are not trying to pass it off as if that really is that person doing that.

A simulated person is defined in the bill as meaning a person depicted in an artificially generated electoral content that purports to be a depiction of a particular real person; or—and this is the important part that I think the Hon. Connie Bonaros is going to—so it is either purporting to depict that actual person, not a caricature of that person, or, '(b) so closely resembles a depiction of a particular real person that a reasonable person who knew the real person would consider it likely to be a depiction of the real person.'

The Hon. N.J. CENTOFANTI: Going back a step in relation to the pre-record versus the actual voicemail—and for those people who know me know that I am certainly no IT guru—but in relation to the differentiation between a pre-recorded voicemail and an actual voicemail, do we know how this is going to be policed?

The Hon. K.J. MAHER: It is a matter for the Electoral Commissioner. As with many offences, it is up to the authorities in terms of how they are investigated or policed. It would be a question of looking at the evidence, taking statements from people. Like many things—not just in these bills, but in much of the legislation we pass—it is a question of obtaining the evidence in the usual course if someone has done something contrary to the bill.

The Hon. F. PANGALLO: I want to go back to this AI because there is a lot of ambiguity here, and I think it could actually lead to almost an issue about expression of speech as well, I have to say. If I give you this example: if I am to create an image of a bare-chested Premier coming out of a swimming pool, and then made some statement in that still or an advertisement about promises being made about swimming pools and blah, blah, blah, would I be breaching the act by using an image that I have created on AI, rather than the statement itself?

I know what you are trying to get at because, yes, they are very realistic these days as the Premier has even pointed out himself on his own social media pages about how voices can also be manipulated. What if I create an image and then make a statement on there? Would I be breaking the law by the mere fact that I have created that image that is not a real one?

The Hon. K.J. MAHER: I thank the honourable member for his question. Of course, there are many provisions of the Electoral Act, including being misleading or not being authorised, that

people could potentially fall foul of, but I think I understand the honourable member's question. He wants to use an image of someone that very closely resembles that image, in fact so closely resembles the depiction of a particular person that a reasonable person who knew that real person would consider it likely to be a depiction of that person in an advertisement.

I guess my response to that is: why don't you just use the original image? Why create an artificial image that is deliberately designed to make people who knew that person think it is actually that person? Why not just use the actual image, and if it complies with all the other sections of the legislation it might be allowed?

The Hon. F. PANGALLO: Can I just say, minister, there is such a thing called copyright. You cannot just use the real image if it is subject to copyright or ownership. It might be Getty Images or whatever. It is much like a cartoonist who would create an image. If you can create an image out of AI that looks like that particular person, and it is an original visual, it is not covered by copyright. Also, can you answer this: is the use of Adobe Premiere Photoshop considered AI?

The ACTING CHAIR (The Hon. I.K. Hunter): The Leader of the Government, the Hon. Mr Pangallo has made a comment and has asked a question about Adobe Photoshop.

The Hon. K.J. MAHER: Yes, I think the first question was in relation to photos. I am not going to go into whether someone has breached copyright laws or not, but you may be breaching intellectual property by using photos. In relation to the question about the Adobe images, as I said, if it so closely resembles a particular real person—where a reasonable person who knew that real person would consider it likely to be a depiction of the person—in an artificially generated electoral advertisement, then this may likely apply.

The Hon. C. BONAROS: Is that not actually the mischief that we are trying to prevent here through these provisions in that it is an unauthorised depiction of a person by somebody else as opposed to using an image that is out there in the universe already—a real image? If we use that example of the Premier in the swimming pool, there is an image out there and everyone knows that image by now, but if I were to use artificial intelligence to create an image of the Deputy Premier in a bikini in a swimming pool without her knowledge and consent, then basically what we are saying is that you should not be able to do that of another person.

You can do it of yourself, if that is what you want to do, but you should not be able to do that of another person during an election campaign and attach to it whatever messaging you like so that the general public is led to believe that that person stands for whatever it is that the person creating the image is saying they stand for.

The Hon. K.J. MAHER: I thank the honourable member for her contribution. That is essentially what this is looking to do. As I said, the technology is becoming so advanced that it is impossible in a lot of cases to tell the difference. The honourable member raises a good point. If you want to do it for your own advertisements there is nothing stopping you, or you can use artificially generated electoral content if you have the written consent of the person to do it.

For example, if the Hon Connie Bonaros wanted to depict exceptionally realistically—so that person who knew him thought it was him—the Hon. Rob Simms, in a photo in a pool, and the Hon. Rob Simms agreed to look like the Premier did in the swimming pool in that area—

The Hon. R.A. Simms: Sounds good!

The Hon. K.J. MAHER: —as long as the Hon. Rob Simms consents in writing then the Hon. Connie Bonaros can make that electoral advertisement.

The Hon. C. BONAROS: Just going on from that then, there is obviously the messaging that also comes with that, so you might have that depiction with a form of a message, whether it is words or whatever it is, that misrepresents that particular candidate to the public, and that is really what we are trying to overcome here as well.

The Hon. K.J. MAHER: I am advised that the answer to that may already likely be captured. In section 113, I think misleading to a material extent may well be captured already, which is not allowed.

The Hon. N.J. CENTOFANTI: Would the ban on artificially generated advertisements extend to only those made, used or posted by political participants, or would it include anything made by members of the public? And does ECSA have the ability and resourcing to be able to police such advertisements?

The Hon. K.J. MAHER: My advice is that it is the same as it currently is; that is, any electoral advertisement can potentially be captured. It does not have to be someone who is in parliament or someone else. The prohibition on misleading to a material extent that already exists is in relation to electoral advertisements and that does not need someone to be a participant in the political system, essentially. It is already known, and something that is already understood and already regulated in that sense.

The Hon. N.J. CENTOFANTI: Resourcing?

The Hon. K.J. MAHER: In relation to resourcing, the Electoral Commission already has these functions in terms of regulating electoral advertisements. This will be another part, but there is already substantial work that the Electoral Commission undertakes in terms of regulation of electoral advertisements.

The Hon. F. PANGALLO: This is actually quite disturbing, because there is a potential here for unintended consequences that can impede political commentary and satire, simply because somebody will take offence to a particular image that is being used and only because it is very realistic. It will be quite obvious if something was created that certainly was not the voice or whatever of that particular person, but it could also have the unintended consequence of affecting free speech and political satire. As I said before, this type of software has been around for years. What if somebody simply created that image and said that it was created by artificial intelligence? Would that be acceptable?

The Hon. K.J. MAHER: We respectfully do not agree with the honourable member's concern that this is going to be some big impediment to electoral processes or being able to get your messages out. If it is just satire, it may well not meet the threshold for an electoral advertisement. If it is just a satire, it may not meet that. That does not mean that that is not something that ought not to be able to be regulated. We have a discussion paper about the use of artificial intelligence more generally in relation to someone's likeness that has nothing to do with this bill.

There is a way that if it is not depicting a person so realistically that it would be passed off to someone who knows that person as that person, then again it may well not meet the threshold for that content. I understand the honourable member's concerns, but respectfully do not agree with those. It is only in recent times that technology has developed that is so advanced and so readily accessible that these sorts of depictions have been available that so closely resemble someone that it is impossible to distinguish, as I say in the definition, and that a reasonable person who knew that real person—it is not just any person on the street; it is a real person who knew that person—would consider it likely to be a depiction of them.

The Hon. F. PANGALLO: Again, I am quite disturbed by this because this has been going on for years where people can actually produce images that very closely resemble the person that is being depicted in there quite clearly. The other issue is that, as I mentioned, the technology is such today that you may not use what looks like an actual photograph because there are so many filters and things that are available on your phone these days that you can actually convert an image that you may have created through artificial intelligence to perhaps look cartoonish or look differently. Would that be banned by this bill?

The Hon. K.J. MAHER: I am not going to give definitive proclamations about what will and will not be included, but if you are creating a cartoon, I would think it very highly unlikely that a reasonable person who knew that person, saw a cartoon of someone then considered it likely to be, 'That is actually a real depiction of that person.' It would be difficult to see how that would be the case given what the definition of 'simulated person' means in the bill.

The Hon. C. BONAROS: Just so we do not lose sight of what we are dealing with here, if I can use another real example, there are already other provisions in the bill, and I think I am more concerned about the enforcement side of things. We have had previous elections where someone

has used an actual depiction of a person, but put that person in a photo, for instance, with the Leader of the Government in a bed under a sheet, and those images have already been found to be misleading, which we found in previous elections.

The real question is the response time to those advertisements. There are not going to be any more corflutes, but if you wake up on election day and find that an image of you has been used in that way, then have we beefed up the response time before it is disseminated so widely that everyone has had the opportunity to see it? I use that real-life example of two political people, real images used to put them under the sheets of a bed, and that is disseminated across the state—that was found to be misleading by the Electoral Commission. But the response rate has to be adequate, otherwise the damage is already done in terms of misleading voters.

The Hon. K.J. MAHER: I am advised that there is no adjustment in terms of the Electoral Commissioner's powers in terms of material and there is no provision in this bill that affects a lengthened or shortened time to respond.

The Hon. C. BONAROS: But if I were to use artificial intelligence to type in and say, 'Make an image of Connie Bonaros in a swimming pool' or whatever else and to use that, then there would be penalties for the individual who actually created that sort of material and disseminated it publicly?

The Hon. K.J. MAHER: If it was someone else and not Connie Bonaros doing it, or not Robert Simms doing it with Connie Bonaros's written consent, yes, then the penalty provisions within the act could apply.

The Hon. N.J. CENTOFANTI: What is the political involvement in the postal vote application process that the bill is trying to resolve?

The Hon. K.J. MAHER: This bill makes it abundantly clear that it is the Electoral Commissioner who runs the postal vote system and creates an offence for a person other than a person acting under the authority of the Electoral Commissioner to distribute or cause or permit to be distributed to an elector, a form or a form purporting to be a form for an application for the issue of declaration voting papers or materials containing or purporting to contain a link, code or other means by which an elector is able to apply for the issue of declaration voting papers.

The Hon. N.J. CENTOFANTI: Just to be clear, does this mean that an electoral office will not be able to legally send an email with a link to the ECSA website to a constituent who has contacted their office asking for a voting form?

The Hon. K.J. MAHER: My advice is, not unless they are acting under the authority of the Electoral Commission, but I do not think there is anything stopping someone from suggesting they go to the Electoral Commission and having the Electoral Commission do that.

The Hon. N.J. CENTOFANTI: Therefore, if the constituent asks the office to provide the ECSA webpage, the office are still not allowed to do that legally?

The Hon. K.J. MAHER: My advice is, if you were to provide a link to a part of a website that is the postal vote form itself, that is unlikely to be permissible. I know, because I can remember it, that as a parliament we have tried to regulate this before and to take out the parties' involvement in the postal vote process. Due to a mix of interpretations, participants are finding ways around it and have still had some involvement, and that is something for which we are seeking to make sure that it is the Electoral Commissioner and only the Electoral Commissioner who is involved in postal voting.

The Hon. R.A. SIMMS: I have a query. In the circumstance that the Leader of the Opposition has described—namely, if a member of the public proactively reaches out to a member of parliament and says, 'I want to do a postal vote'—if the member's office provides a link to the Electoral Commission's website and says, 'This is who you need to contact,' is that considered a breach? It seems a bit curious.

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that if it is a link to the general Electoral Commission website it is unlikely to be captured by this provision. The honourable member is right: it is the balance between making sure that, as members of parliament, we can point someone in the right direction without actually providing the actual form or a link to that form, which is what we are seeking to take parties' and candidates' involvement out of.

My advice on the question the honourable member has asked is that it is likely that you can provide the general website address for the Electoral Commission.

The Hon. R.A. SIMMS: Just so that I am very clear: it is not the government's intention, in including that provision, that they prevent members of parliament from providing information to electors about the Electoral Commission and its processes. What you are seeking to prevent is a member of parliament or their office being involved in getting the elector to populate the form and from participating at that level.

The Hon. K.J. MAHER: My advice is that is essentially correct.

The Hon. N.J. CENTOFANTI: On that, can the Attorney give an indication as to whether this would include a member of parliament or an electorate office providing a constituent with the prescribed ECSA postal vote application form?

The Hon. K.J. MAHER: My advice is that is precisely what this seeks to not allow to happen.

The Hon. N.J. CENTOFANTI: Would political parties be able to advertise postal voting in any format?

The Hon. K.J. MAHER: My advice is, if you provided the form itself or a link directly to the form or, for example, on my advice, a QR code that would link directly to a form, that is what it is seeking to not allow. My advice is that if you made a statement or published something that said, for example, 'If you think you need a postal vote, contact the Electoral Commission', my advice is that is unlikely to be prohibited here.

The Hon. N.J. CENTOFANTI: I am a little bit confused, Attorney, because previously you have said that an electorate office can provide them with a link to the actual form, an email?

The Hon. K.J. Maher: No.

The Hon. N.J. CENTOFANTI: Only to the site?

The Hon. K.J. Maher: Yes.

The Hon. N.J. CENTOFANTI: The form on the site or the site?

The Hon. K.J. MAHER: What I have said in response to a couple of questions, particularly to the Hon. Rob Simms, I am advised that if you provide a link that goes directly to the form you would likely fall foul of this, but if you provide a link to the Electoral Commission website generally—and, as the Hon. Rob Simms said, we are not stopping you from contacting or finding your way to the Electoral Commission generally—that is unlikely to fall foul of this.

Clause passed.

Clause 2.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 3, lines 6 to 8 [clause 2(1) and (2)]—Delete subclauses (1) and (2) and substitute:

(1) Subject to subsection (2), this Act comes into operation on a day to be fixed by proclamation.

(2) Schedule 1 comes into operation on 1 July 2025.

I have already outlined the rationale for the amendment.

The Hon. F. PANGALLO: I oppose this amendment by the Hon. Robert Simms. It seems that his party may well have thrown him under the bus—a green bus I think it is—in relation to trying to keep alive the corflutes. I want to go through some quotes from the last time we discussed corflutes in this place and what Robert Simms said:

- Politics is not a beauty pageant.
- Corflutes are single-use plastics, except of course when they feature the images of politicians.
- We should be judged on our policies, not simple slogans.

- The community will breathe a sigh of relief if the parliament finally does away with corflutes.
- Our political party's candidate should be judged on the merits of their policies.
- This brings South Australia in line with other jurisdictions and is something that will be welcomed by most people in the community.
- The Greens have long advocated for a ban on corflutes in public spaces.

The Liberals of course were supportive of the legislation, but it seems that the Greens have suddenly decided that self-interest might be a horse worth putting money on for the federal election. Unfortunately, I will not support this. It is a good try, but no.

The Hon. C. BONAROS: It would be very easy to stand and have a crack on this issue, but I do have some sympathy, I have to say, for the lateness of the changes before a certain election takes place, which was the point I was trying to make when I moved these amendments the first time. I did that out of frustration, so obviously there is no way I will oppose the government's amendments.

I note that when you shift the goalposts on sitting members at a late stage and before an election, that puts things out for them. The Greens have been very strong on this position, but now we are moving into federal territory and effectively at a state level shifting the goalposts for federal MPs who are not sitting in this place and who may have had a very different campaign strategy than we have here.

The Hon. E.S. Bourke interjecting:

The Hon. C. BONAROS: The voice of reason, Ms Bourke. It is worth acknowledging that, whilst it is very easy in this instance to have a remarkable opportunity to crack, I completely understand that we are effectively shifting the goalposts for an election that we have nothing to do with.

The Hon. K.J. MAHER: As I indicated, the government will not be supporting this amendment. I was going to say something about the Greens' reintroduction of single-use plastics but the Hon. Frank Pangallo has made some of those points so I will not need to.

Amendment negatived; clause passed.

Clause 3.

The Hon. R.A. SIMMS: I move:

Amendment No 2 [Simms–1]—

Page 3, after line 10—Insert:

(a1) Section 4(1), definition of *elector*—delete '18 years' and substitute '16 years'

I have already explained the rationale behind it. Just to indicate to members, I do intend to call a division on this so get yourselves prepared.

The Hon. F. PANGALLO: I rise to say that I will not be supporting this amendment by the Hon. Robert Simms. It is another attempt by the Greens to try to lower the voting age in our community. It is interesting that there has been debate both here and nationally about 16 year olds being banned from social media because they are not considered mature enough or perhaps would be influenced by the use of social media.

Here we are, we have the Greens trying to get voting rights for 16 year olds, who I would not think at that age would be capable or mature enough to be able to comprehend complex political issues. They may believe in something at this age, as a lot of us did when we were teenagers, but certainly within a space of a couple of years when you have matured, you would have a totally different take on it, so they would be likely to change their view. I certainly believe that 16 is not the age that people should be given a right to vote in state elections, let alone federal ones.

The Hon. R.A. SIMMS: I do think it is worth responding to the point the Hon. Mr Pangallo has made. I know he was not present for my second reading contribution so he probably did not catch it. One of the points I made at that time is that in South Australia we have an age of criminal

responsibility of 10. I think it is a bit rich if we say that children of 10, 11, 12, 13 are old enough to be held criminally responsible, but then 16 and 17 year olds are not old enough to vote and do not know their own minds. I find that a pretty patronising assumption to make about young people.

The committee divided on the amendment:

Ayes 2
Noes.....16
Majority 14

AYES

Franks, T.A.	Simms, R.A. (teller)

NOES

Bonaros, C.	Bourke, E.S.	Centofanti, N.J.
El Dannawi, M.	Game, S.L.	Girolamo, H.M.
Hanson, J.E.	Henderson, L.A.	Hunter, I.K.
Lee, J.S.	Maher, K.J. (teller)	Martin, R.B.
Ngo, T.T.	Pangallo, F.	Scriven, C.M.
Wortley, R.P.		

Amendment thus negatived; clause passed.

The Hon. R.A. SIMMS: I think my remaining amendments are consequential, so I will not progress those.

Clauses 4 to 12 passed.

Clause 13.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 6, line 23 [clause 13(1)]—Delete subclause (1)

I note that my amendment following this one is consequential. I have already spoken to this during my second reading. We are effectively opposing the government clauses that allow the descriptor words to be removed for Independents. The second amendment, which is consequential, is the provision that actually allows the Electoral Commissioner to knock out something that is inappropriate. So I will move the first one and—

The CHAIR: And we will see what happens, and you may not move the second one.

The Hon. C. BONAROS: Yes.

Amendment negatived; clause passed.

Clauses 14 to 19 passed.

Clause 20.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 9, lines 29 and 30 [clause 20(2), inserted subsection (2a)]—

Delete inserted subsection (2a) and substitute:

(2a) Polling at a polling booth at a pre-polling centre—

(a) may only be conducted within the 7 days before polling day; and

(b) must be conducted between 9 am and 5 pm (or for a longer duration determined by the Electoral Commissioner) on at least 6 of those days.

As I spoke about in my second reading speech, this amendment is really about ensuring that there is a minimum requirement for operating hours of a pre-poll centre to ensure that everyone has ample opportunity to cast their ballot. As is clearly stated in this amendment, the Electoral Commissioner has the discretion to expand those hours during that seven-day period if he or she chooses to do so, but this amendment simply legislates a minimum foundation to work off.

The Hon. K.J. MAHER: The government supports the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (21 to 37), 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) (17:46): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (VICTIM IMPACT STATEMENTS) BILL

Final Stages

Consideration in committee of message No. 196 from the House of Assembly.

(Continued from 14 November 2024.)

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

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

Motion carried.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 September 2024.)

The Hon. R.A. SIMMS (17:48): I rise on behalf of the Greens to speak in favour of this bill. I recognise it has been a long time coming. Indeed, we have had consistent advocacy from groups that support those living in villages urging the parliament to deal with this matter as a priority. It has been languishing on the *Notice Paper* for many months. We welcome the fact that it is finally being made a priority and can be resolved by Christmas.

The Greens believe that residential care for older South Australians must prioritise quality of care, not profits. Furthermore, the aged-care system should be underpinned by transparency and accountability at every level. Many of the measures contained within the bill respond to recommendations made by an independent review conducted by PEG Consulting in 2021, which serve to strengthen the Retirement Villages Act.

Whilst the bill goes some way in increasing consumer protections for residents, improved rights for residents and transparency of disclosure documents and contracts, the Greens believe that the bill could go further. The Greens have filed a number of amendments to strengthen this bill.

The first amendment ensures that residents are not required to undo any approved changes to their units upon their exit. These include removing or replacing fixtures and fittings, specifically functional or personal aids such as handrails that might have been added as an approved alteration by the operator. I had an advocacy group who came and met with me earlier this year and flagged this issue with me. It was not something that I was aware of previously, but it does seem curious that when someone vacates a property they are required to remove any alterations they have made to a property in one of these villages, even if the alterations have been approved by the village. They might have to undergo the removal and restoration work at significant cost.

One of the examples that was provided to me was someone having solar panels installed on their property and then being required to remove them at the point of sale, or someone having handrails installed in their property and having to remove them at the point of sale, even though these alterations have been approved by the village operators. That seems a bizarre state of affairs to me. The Greens' amendment seeks to address that. Leaving functional aids in place will save on resources, money and potentially time of the SACAT in dealing with disputes over both installations and removals.

The second amendment seeks to prevent operators from charging advertisements and marketing fees upon exit. Again, these are add-on costs that people may not always be familiar with when they are signing on to a contract, and it significantly hikes up the cost for someone when they are selling their property. At present, many operators charge a remarketing cost of 2.5 per cent of the sale price, plus a 10 per cent GST. Residents should not have to bear this cost given it is not theirs and the property is no longer occupied. This does not occur with tenants within rental properties, for instance, or on the open market. Why should those who are living in retirement villages be subject to different rules?

The third amendment that the Greens are moving ensures that all of the proposed changes in the bill apply to existing residents, including those under contract, rather than just future residents. I understand this will be the most controversial of the Greens' amendments, but it would ensure that these protections that the government is seeking to impose today apply to all of these retirement village residents. There are roughly 26,000 residents who are already living in retirement villages across South Australia. They will be excluded from the improved conditions in the government's bill because the bill will not take effect retrospectively. It does seem unfair to see those South Australians being left out of the bill, and not to get the protections that they deserve.

I also want to take this opportunity to acknowledge and thank the many constituents who have reached out to my office on this bill, including representatives of the South Australian Retirement Villages Residents Association (SARVRA). I also acknowledge the work of the minister and his office. I know that this is a topic that he is passionate about, and has been working on for some time, and I know that these reforms will be welcomed by people living in retirement villages across the state. I will make it clear that the Greens, obviously, will be advancing our amendments, but in the event that the amendments are not successful, we will still, of course, support the government bill.

The Hon. S.L. GAME (17:53): I rise briefly to address and support the Retirement Villages (Miscellaneous) Amendment Bill, which aims to bring wideranging benefits for current and future residents. The bill stems from recommendations made by an independent review to increase consumer protection, and to increase understanding for residents and operators. It also aims to ensure the ongoing health and sustainability of the sector, and says it minimises any negative impacts on retirement village operators. Suggested changes include:

- greater regulation of residents' contracts, such as how fees and charges are calculated, and how these fees can vary, explained in easy-to-understand terms;
- more clarity on financial reporting and resident consultation;
- strengthened rights for rental tenants; and
- improved dispute resolution processes.

These are among a long list of changes, most of which have been welcomed by the industry, including the SA Retirement Village Residents Association which are among those we consulted to inform our position on this bill.

The association and its members harbour concerns about the issue of the cap on capitalisation replacement fund money, which involves outgoing residents being charged on exit. However, the association is overall supportive of this bill, as is the Retirement Living Council, provided the bill broadly retains its current shape.

The council told my office it is comfortable that the bill strikes an agreeable balance in that it injects more consumer protections but still allows operators to remain sustainable into the future. The council said it now considers the South Australian legislative framework best in class.

The flood of emails my office received about this matter in recent weeks suggests many retirement village residents support the government's bill in its current form, and these residents are adamant that limiting exit fees is the number one issue facing the sector currently, with many considering the current laws and regulations too heavily weighted in favour of operators. They want this bill passed as is and as soon as possible.

The Hon. F. PANGALLO (17:55): I rise to say that I will be supporting this bill and flag now that I do have some amendments which I believe make parts of the contracts fairer and more balanced. I commend the health minister and the Office for Ageing and Wellbeing for the effort that has been put into this amendment bill to try to achieve better outcomes for all concerned, but specifically for the residents who enter into these complex agreements.

Since the last bill passed before the 2018 election, there has been some disquiet from residents and their representative organisation, the South Australian Retirement Villages Residents Association(SARVRA). I still recall attending a SARVRA meeting in the city during the 2018 election campaign with the current minister, who was then in opposition. Many there expressed their frustration with punitive contracts and exit provisions, which they wanted fixed.

The Hon. Chris Picton took note of those concerns and has tried to come up with a refreshed piece of legislation to try to strike a balance between the rights and needs of the residents and the owners and operators of these retirement lifestyle independent living accommodation places. It is far from perfect and I am sure residents and potential residents will still have concerns and will not be overly happy, but it has won approval from SARVRA and also Care of The Ageing (COTA). However, while some of the more troubling aspects of these contracts appear to have been addressed, not all are going to be pleased with it.

The bill looks at improving disclosure in (among other things) contracts and documents, financial reporting, mandatory consultation between management and residents, the reduction in the repayment of fees and charges, remarketing costs and responsibilities, terminating of occupancy, upholding of professional standards of operators and staff who work in these villages, and probably one of the most contentious of all, imposing a cap on capital fund contributions.

I will outline my amendments shortly to cover some of these areas. I would have liked to have seen the establishment of an office of a retirement villages commissioner or ombudsman where residents could take their concerns and complaints without having to go through the arduous process of making applications to the SACAT, which involves unnecessary expense.

Many retirees are often loath to complain about their circumstances or they simply do not understand the complexities of what they have signed up for. There could also be other disputes in play at their village that may require a more focused approach. Having an office and staff which understands this area would be beneficial in seeking to resolve disputes quickly.

New Zealand has appointed its own independent retirement villages ombudsman. Our neighbour across the Tasman has nearly 30,000 people living in retirement villages, almost the same number as we do in our state. From all reports, this office is working very well. With more than 26,000 people living in these villages in South Australia, that number is expected to grow substantially, with an ageing population and more retirees contemplating downsizing from their existing homes and looking at alternatives before they contemplate aged care.

The Property Council, which of course lends its support to the sector, estimates retirement villages will save around $1 billion a year in delaying entry into aged-care homes. That is nice to know, except there are a lot of retirees a long way from going into an aged-care facility and still enjoying their independence.

The Retirement Living Council claims in a report that 41 per cent are happier and 15 per cent are more physically active and experience reduced levels of depression and loneliness, because they can make new friends and socialise in these communities. According to the Property Council,

the retirement industry requires 67,000 homes to be built to meet the level of demand from older Australians. I seek leave to conclude my remarks after the dinner break.

Leave granted; debate adjourned.

Sitting suspended from 18:01 to 19:45.

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) (CHILD DEATH AND SERIOUS INJURY REVIEW COMMITTEE) AMENDMENT BILL

Final Stages

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

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

Final Stages

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

STATUTES AMENDMENT (PARLIAMENT—EXECUTIVE OFFICER AND CLERKS) BILL

Final Stages

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

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (ORDERLY EXIT MANAGEMENT FRAMEWORK) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (19:47): I move:

That this bill be now read a second time.

As Australia responds to climate change, the National Electricity Market is transitioning from a centralised energy system that relies on thermal generation to a modern energy system containing widely dispersed renewable generation. The pace and scale of this transition brings new opportunities to Australia for cheaper and cleaner forms of energy; however, this transition also brings key challenges to the National Electricity Market.

Thermal generators face long-term difficulties from challenging market conditions and an ageing fleet. To maintain system reliability and security, it is essential that, as thermal generators retire, there is adequate renewable generation and supporting network infrastructure in place. Governments are doing much to support the transition, including through support for new generation, such as the Australian government-supported Capacity Investment Scheme and through support for new network investment, including through the Australian government's Rewiring the Nation program.

South Australia is fully committed to a national approach, becoming in July 2024 the first state to sign a final Renewable Energy Transformation Agreement. This agreement includes Australian government underwriting support for a minimum 1,000 megawatts of new wind and solar projects in the state and 400 megawatts of new storage capacity in the state. But there are practical limits as to how much infrastructure can be put in place in a given timeframe, leading to the possibility of timing mismatches associated with the exit of coal or gas-fired generation, and risks of reliability or system security shortfalls. As well, key projects may be subject to delays.

In this context, existing mechanisms in the National Electricity Law and Rules, such as market pricing and settings, including the market price cap and the Retailer Reliability Obligation, may not be sufficient to address all potential risks associated with the early closure of a thermal

generator. As a result, there is a need for a mechanism to ensure the potential early exit of thermal generation does not adversely impact on reliability and system security needs.

The National Electricity (South Australia) (Orderly Exit Management Framework) Amendment Bill 2024 serves to meet this need by establishing an orderly exit management framework. On 17 September 2024, energy ministers approved this bill and, with South Australia the lead legislator for the national energy laws, it is being debated here today. The framework establishes a transparent process that enables jurisdictions to, firstly, identify whether the early retirement of a thermal generator creates system reliability or security risks; secondly, investigate alternatives to replace the outgoing capacity, undertake voluntary negotiations with the generator; and, thirdly, as a last resort, direct the generator to continue to operate until the risk of its retirement is managed.

It is important to note that the framework will only apply in a jurisdiction if that jurisdiction opts in by making the necessary regulations in their respective application act. The cost of the framework will be met by consumers in the jurisdiction in which the generator is located. The intention of the framework is that any reliability or system security issue arising from the proposed early closure of a generator should first be addressed by identifying an alternative solution or seeking a voluntary agreement with the retiring generator. Only once these stages have been fully explored can the minister then take the step of directing a generator, via a mandatory operation direction, to provide system services for the period required to avoid a system needs shortfall.

The first stage, or gateway stage, of the orderly exit management framework is where a generator submits or has submitted an early closure proposal for a generating unit. This stage aims to identify whether a generator bringing forward the closure date of a generating unit will create a shortfall in reliability or systems security. As part of this gateway stage, the minister can elect to obtain a system-needs assessment from the Australian Energy Market Operator. This advice assesses the impacts of the proposed closure of the generating unit on the reliability and security of the electricity system.

If the minister believes there is likely to be a system needs shortfall, the minister can decide whether to trigger the next phase of the framework. As part of this next stage, the minister issues a direction to the market operator to perform a search for alternative solutions to address the system needs shortfall. Additional action such as market sounding activities may also be undertaken at the discretion of the minister. The minister must decide whether to engage in negotiations to establish a voluntary agreement with the generator to extend its operation. This can be done either following or in parallel to the search for alternative solutions.

The bill enables the minister to issue a mandatory operation direction as a last resort. Such a direction requires the generator to operate if the minister is satisfied that giving such a direction is necessary to maintain power system security or system reliability, or for reasons of public safety. Before issuing a mandatory operation direction, the minister must be satisfied there are no reasonably practicable alternatives to issuing the direction, must obtain advice from the market operator on alternative solutions, and must ensure good faith negotiations with the generator.

The generator may be required to provide prescribed information which will help facilitate informed negotiations. A mandatory operation direction to a generator will set out amongst other things the capacity to be supplied, the way in which the generating unit may be operated, the period for which the generating unit must be operated, and the circumstances in which the minister must consider amending the direction. The generator and affiliates that provide services to the relevant generating units are required to comply with the terms of the mandatory operation direction. A generator that is subject to a mandatory operation direction will be compensated for its continued operation.

The bill provides for a jurisdiction to establish a financial vehicle to make payments to a generator under a payment order issued by the minister, with the amounts to be received by the generator under the payment order being determined by the Australian Energy Regulator. The payment order may include the payments the generator is to receive for the reasonable costs of operating and maintaining their generating unit, a risk management margin, a fair margin and other costs to be prescribed by the rules. The bill provides for a mechanism to recover the costs of a voluntary agreement, a mandatory operation direction and administrative costs.

The orderly exit management framework process will be highly transparent, support good governance and provide confidence in the process to consumers through the release of key advice from market bodies. The bill allows for the South Australian minister to make initial rules. The initial rules are in the process of being finalised and are expected to be progressed to energy ministers in December 2024. If adopted, the Minister for Energy and Mining will make the initial rules pursuant, as provided for in the national energy law.

I will now step through some of the key provisions of the bill in more detail. Division 1 includes key definitions and establishes that, as I mentioned before, the orderly exit management framework will only apply if a jurisdiction decides to opt in. Jurisdictions can, by regulation, also specify the extent to which the part applies, potentially including the application of limiting criteria on the generators to which the orderly exit management framework will apply. A jurisdiction may also prescribe a regulation that an existing agreement with the generator be a voluntary agreement within the orderly exit management framework. The main reason for doing this would be to engage the provisions of the orderly exit management framework that provide for cost recovery from electricity consumers.

The gateway for the framework will be where a registered generator submits or has submitted an early closure proposal for a scheduled thermal generating unit. This is a prerequisite for the issue of a mandatory operation direction and, in practice, acts as a trigger for subsequent processes under the framework. When a generator submits an early closure proposal it is required to prescribed information intended to help inform assessments by energy market bodies and, if required, support balanced negotiations between the generator and the jurisdiction.

Division 2 describes the mandatory operation direction. In practice, the requirements for the issue of the mandatory operation direction largely establish the sequencing of processes under the framework. These processes establish a solid information base for the minister to make an informed decision on the best way to address a system need arising from the early closure of a generator. The minister is required to obtain advice from the Australian Energy Market Operator on the impact of the proposed closure of the generating unit on the reliability and security of the electricity system before issuing a mandatory operation direction.

The minister is also required to obtain advice from the Australian Energy Market Operator on alternatives and be satisfied that there are no reasonably practicable alternatives before issuing a mandatory operation direction. These measures will help ensure that the minister can only issue a mandatory operation direction as a last resort to support system needs. The bottom line is that the minister will have access to the necessary information to make decisions.

The minister must engage in good faith voluntary negotiations with the generator for its continued operation before issuing a mandatory operation direction. However, the bill is not prescriptive of the terms of a voluntary agreement in order to allow flexibility in the negotiations.

Beyond those described above, division 2 specifies the requirements that must be satisfied before the minister may issue a mandatory operation direction and what this direction must include. Note that, to provide greater certainty to markets, there are limits to the period that a mandatory operation direction can require the continued operation of a generating unit. Division 2 also sets out the processes for amending and terminating a mandatory operation direction.

Division 3 includes provision for the information and reporting requirements. The detail of the prescribed information requirements for generators will be set out in the rules but is anticipated to cover information on the technical condition of the plant and also financial information with respect to the generator, including information on the generator's costs.

Division 4 covers financial matters, including the payments to be made to and from the generator and the structures for determining and making those payments. Note that the payment and cost-recovery structures may be used to make payments to and from a generator that is subject to a mandatory operation direction but also for a voluntary agreement with a generator or, in some cases, an alternative option.

The structures for making payments to the generator and to market bodies for administrative costs include the establishment of a financial vehicle and an orderly exit management fund. The

financial vehicle will make payments to the generator and also market bodies, drawing money from the fund. This division also specifies what money must be paid into the fund, including that received by the financial vehicle from distribution network service providers under a contribution order or from a generator under a generator payment instrument.

The costs of the framework will be recovered from the consumers through distribution network service providers. The Australian Energy Regulator will determine the orderly exit management contribution to be paid by a distribution network service provider. The financial vehicle will direct a distribution network service provider to make the payments in accordance with the contribution determination to the orderly exit management fund through a contribution order.

Division 5 covers miscellaneous items, including exemptions from some of the requirements for the issue of a mandatory operation direction, mainly related to situations where there is less than 30 months to the proposed early closure date. The division also protects the minister from any claims relating to actions under the framework and a process for the Australian Energy Market Commission to periodically review whether the policy objective in terms of the orderly exit management framework remains appropriate. I commend this bill to members of the council.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for the measure to commence on the day that it is assented to by, or on behalf of, the Crown.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 34—Rule making powers

Section 34 of the National Electricity Law as amended by this clause will authorise the AEMC to make rules for or with respect to any matter or thing related to, or necessary or expedient for, the purposes of orderly exit management under Part 8AA of the Law.

5—Insertion of section 90EG

This clause inserts a new section.

90EG—South Australian Minister to make initial Rules relating to orderly exit management

Proposed section 90EG authorises the South Australian Minister to make Rules for matters or things necessary or expedient for the following:

- the making of mandatory operation directions under Part 8AA Division 2 of the Law;
- the information that must be given to the AER, or otherwise disclosed, under Part 8AA Division 3 of the Law;
- the functions of the financial vehicle under section 118AS of the Law;
- the administration of the OEM fund under Part 8AA Division 4 Subdivision 2 of the Law;
- payments to and by MOD generators under section 118AY of the Law;
- the orderly exit management cost recovery mechanism under Part 8AA Division 4 Subdivision 4 of the Law.

6—Insertion of Part 8AA

The clause proposes the insertion of a new Part.

Part 8AA—Orderly exit management

Division 1—Preliminary

118AA—Definitions

This section provides definitions of terms used in Part 8AA.

118AB—Application of Part to jurisdiction

Under this section, Part 8AA does not apply in a participating jurisdiction unless a regulation made by the Governor of that jurisdiction, on the recommendation of the Minister, is in force specifying—

- the date from which the Part applies; and
- the extent to which the Part applies; and
- the way the financial vehicle is to be established.

The section also provides that an agreement made between the Minister and a Registered participant before Part 8AA applies in the participating jurisdiction may be prescribed by a regulation as a voluntary agreement.

Division 2—Mandatory operation direction

118AC—Generating units that may be subject to mandatory operation direction

This section provides that the Minister may issue a mandatory operation direction for a relevant generating unit if the relevant Registered participant has submitted an early closure proposal for the unit.

118AD—Mandatory operation direction

This section makes provision for the Minister to issue mandatory operation directions requiring a Registered participant to operate 1 or more relevant generating units. Before issuing a direction, the Minister must be satisfied that giving the direction is necessary for the national electricity system or a region within the national electricity system to maintain power system security or system reliability, or for reasons of public safety.

118AE—Registered participant must comply with mandatory operation direction

If a Registered participant receives a mandatory operation direction, they must comply with the direction and also with the Rules obligations. This section also provides—

- that a Registered participant does not incur liability for breach of contract, breach of confidence or another civil wrong by complying with a mandatory operation direction, including the Rules obligations; and
- for the Rules to prescribe circumstances in which a Registered participant is not required to comply with a mandatory operation direction.

118AF—Minister to make information public

This section requires the Minister, when issuing a mandatory operation direction, to make the following information publicly available in accordance with the Rules:

- the reasons the Minister is satisfied that giving the direction is necessary;
- a list of the energy projects considered before making the direction.

118AG—AEMO to make information public

Advice given to the Minister by AEMO (as required under section 118AD) on the impact, or likely impact, of the closure of a generating unit must be made publicly available by AEMO within 60 days after the advice is given.

118AH—Voluntary agreement

Under this section, the Minister must, before issuing a mandatory operation direction, negotiate in good faith to seek agreement with the Registered participant for continued operation of the relevant generating units

118AI—Mandatory operation direction applies to affiliates

This section provides that a mandatory operation direction, including the Rules obligations, applies to an affiliate of a Registered participant in the same way as the direction applies to the Registered participant if the affiliate provides services for 1 or more relevant generating units subject to the mandatory operation direction.

118AJ—Amendment of mandatory operation direction

This section authorises the Minister to amend a mandatory operation direction by revoking the direction and issuing a new one under section 118AD.

118AK—Termination of mandatory operation direction

Under this section, the Minister may terminate a mandatory operation direction by giving the Registered participant subject to the direction and the AER written notice specifying that the direction is terminated. The notice must also specify the date, not less than 3 months after the date of the notice, on which the termination takes effect.

The section specifies circumstances in which a mandatory operation direction may be terminated by the Minister.

118AL—Closure of generating unit after mandatory operation period

Immediately after the mandatory operation period applying to a MOD generating unit ends or is terminated under section 118AK, the Registered participant that operates the generating unit must cease operating the generating unit. In addition, the Registered participant's registration under section 12 in relation to the generating unit ends.

118AM—Compliance with obligations after closure of generating unit

This section requires a Registered participant who is or was subject to a mandatory operation direction to keep in place arrangements to ensure the Registered participant can, on the closure of a MOD generating unit, comply with all of the Registered participant's obligations associated with the generating unit and meet all liabilities associated with the generating unit including liabilities arising from closing the unit.

Division 3—Information and reporting

118AN—AEMO and AER may disclose information

This section authorises the Minister to direct AEMO and the AER to provide information to the Minister or to each other.

118AO—Information must be given to AER

Information of a kind prescribed by the Rules must be given by a Registered participant to AER as required by this section.

118AP—AER may request other information

The AER may, under this section, request a Registered participant, in writing, to give the AER information the AER reasonably requires for its functions under Part 8AA or other information of a kind prescribed by the Rules. A Registered participant who receives a request under the section must comply with the request.

118AQ—Information disclosure

This section requires the Minister, if they issue a mandatory operation direction, to publish a notice that includes the following information:

- the Registered participant to whom the direction was issued;
- the relevant generating units to which the notice applies;
- the way the relevant generating units must be operated;
- the generating capacity that must be supplied by the relevant generating units;
- the period for which the relevant generating units must be operated;
- the circumstances in which the Minister must consider amending the direction;
- information prescribed by the Rules.

Further, if the Minister enters into a voluntary agreement, they must publish a notice containing information prescribed by the Rules.

118AR—Annual performance report

Under this section, if a Registered participant is subject to a mandatory operation direction, they must, in accordance with the Rules, prepare an annual report setting out the following:

- the Registered participant's compliance with the direction;
- the technical condition of each relevant generating unit to which the direction applies;
- the duration, scope and cost of forecast maintenance for each relevant generating unit to which the direction applies;
- financial information prescribed by the Rules;
- information, prescribed by the Rules, about the fuel used in each relevant generating unit;

- other information prescribed by the Rules.

Division 4—Financial matters

Subdivision 1—Financial vehicle

118AS—Establishment and functions of financial vehicle

Under this section, the Minister must, within a reasonable time after a regulation is made under section 118AB, establish the financial vehicle in the way prescribed by the regulation. The functions of the financial vehicle are the functions set out in Part 8AA Division 4 in addition to the functions prescribed by the Rules. The financial vehicle is required to act in a commercially reasonable and prudent way.

Subdivision 2—Orderly exit management fund

118AT—Establishment of orderly exit management fund

The financial vehicle is required under this section to establish a fund called the orderly exit management fund. Money in the orderly exit management fund must be paid into an account kept with an authorised deposit-taking institution.

118AU—Payments into orderly exit management fund

It is a requirement under this section that the following money be paid into the orderly exit management fund:

- all money received by the financial vehicle under a contribution order or a generator payment instrument;
- interest paid on money in the fund;
- all money appropriated by the Parliament of a participating jurisdiction, or advanced by the Treasurer of a participating jurisdiction, for payment into the fund;
- all money borrowed by the financial vehicle;
- other money required to be paid into the fund under the Regulations, the Rules or another law of a participating jurisdiction.

118AV—Payments from orderly exit management fund

This section specifies that the following payments may be made from the orderly exit management fund:

- money required for the functions and obligations of the financial vehicle under Part 8AA;
- money required for the functions and obligations of AEMO and the AER under Part 8AA;
- money required to be paid from the fund by the Regulations, the Rules or another law of a participating jurisdiction.

118AW—Payments where mandatory operation direction not made

Under this section, if the Minister is satisfied there is a reasonably practicable alternative to issuing a mandatory operation direction, the Minister may direct the financial vehicle to make payments from the orderly exit management fund to meet reasonable costs associated with the reasonably practicable alternative.

118AX—Payments where voluntary agreement made

This section provides that if the Minister makes a voluntary agreement, the Minister may direct the financial vehicle to make payments from the orderly exit management fund in accordance with the agreement.

Subdivision 3—Payments to and by MOD generators

118AY—Ministerial order

Under this section, the Minister must, following the making of a mandatory operation direction, by 1 or more written orders made in accordance with the Rules, direct that the payments set out in the order be made by the financial vehicle to a MOD generator or be made—

- by the financial vehicle to a MOD generator; and
- by a MOD generator to the financial vehicle.

A payment order may specify the payments a MOD generator is to receive for the following:

- the reasonable costs directly related to operating and maintaining the relevant MOD generating unit and, in accordance with the Rules, a fair margin on those costs;
- a risk management margin, including risks associated with the relevant MOD generating unit being inoperable for 1 or more periods of time;
- other costs prescribed by the Rules.

A person subject to a payment order is required to comply with the order.

118AZ—Excluded matter

This section provides that a generator payment instrument is declared, under the *Corporations Act 2001* of the Commonwealth, to be an excluded matter for Chapter 7 of that Act.

Subdivision 4—Orderly exit management cost recovery mechanism

118AZA—Orderly exit management contributions

This section specifies how the amounts of orderly exit management contributions to be made by a distribution network are to be determined:

- amounts determined by the AER for payments under a payment order;
- amounts determined by the Minister for payments made—
- to a Registered participant under a voluntary agreement; and
- under section 118AW;
- amounts determined by the Minister to meet—
- costs incurred by AEMO and the AER for advice, assessments, determinations, information and reports and other functions under this Part; and
- the financial vehicle's reasonable exercise of functions under this Part;
- amounts provided for in the Rules.

118AZB—Public notice of orderly exit management contributions

This section requires the AER to determine the orderly exit management contribution to be paid by a distribution network service provider for a financial year and make the determination publicly available in the Gazette and in other ways determined by the AER or the Minister.

118AZC—Orderly exit management payments by distribution network service providers

Under this section, the financial vehicle may, by written order, direct a distribution network service provider to make payments to the orderly exit management fund in accordance with the contribution determination applying to the distribution network service provider.

118AZD—Cost recovery by distribution network service providers

This section provides that the Rules may make provision for a distribution network service provider to recover certain amounts from electricity consumers and refund an amount, or part of an amount, paid by electricity consumers.

Division 5—Miscellaneous

118AZE—Minister not required to take certain actions before making mandatory operation direction

This section provides that the Minister is not required to comply with certain provisions of Part 8AA before issuing a mandatory operation direction for a relevant generating unit if, on the application of the Part in the participating jurisdiction, there are less than 30 months before the expected early closure date of the generating unit.

Further, the Minister is not required to comply with section 118AH before issuing a mandatory operation direction for a relevant generating unit if—

- there are less than 30 months before the expected early closure date of the generating unit; and
- the Minister is of the opinion that the anticipated closure of the relevant generating unit represents an unacceptable risk to power system security or national electricity system reliability.

118AZF—No liability for enactment or operation of Part

This section provides that no action, claim or demand lies, or may be made or allowed by or in favour of a person, against the Crown, the Minister or another person exercising functions under Part 8AA for or in relation to any damage, loss or injury sustained or alleged to be sustained because of the enactment or operation of Part 8AA or because of anything done, or purporting to be done, or a rule made, under the Part.

118AZG—Review of Part

The AEMC is required under this section to periodically review Part 8AA to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.

118AZH—Consultation between NSW and ACT

The relevant Minister of New South Wales is required under this section to consult with the relevant Minister of the Australian Capital Territory in certain specified circumstances.

The Hon. H.M. GIROLAMO (20:01): Clearly, this government has become even more arrogant as they rush through yet another important bill. This is not fair on the opposition, but particularly unfair on the crossbench, having to get across multiple bills within a very tight timeframe and we are ramming through this bill at this stage.

This piece of legislation comes at a time when South Australians are facing unprecedented energy costs. While this bill attempts to address the orderly exit of thermal generators from the National Electricity Market, we must recognise that our first goal should be ensuring affordable and reliable energy for all South Australians.

On 24 November 2023, the Australian energy ministers agreed to an opt-in orderly exit management framework for the National Electricity Market. The exposure draft bill and rules were open for consultation until 24 July 2024, and the bill was approved by the energy ministers on 17 September 2024. As with previous amendments to the national energy laws, South Australia is the lead jurisdiction.

For many years now the energy market has been subject to a rapid and unregulated push towards renewable energy, often with little consideration of its practical implications. While the pursuit of a cleaner energy future is important, we cannot ignore the reality that the transition to renewable energy sources, without proper planning and safeguards, has placed our energy security at risk. The closure of base load thermal generation plants, such as coal-fired and gas power plants, has left us vulnerable to power shortages and higher electricity prices.

On paper, the orderly exit management plan seeks to provide governments with the ability to manage the early exit of thermal generators. While the intention is to help ensure a secure and reliable energy supply during this transition, we must question whether this bill goes far enough in addressing the real concerns of South Australians, and that is skyrocketing energy prices and increasing risk of blackouts.

The reality is that for many years the focus of renewable energy has led to a lack of planning and foresight for the future needs of our electricity grid. With the rapid closure of coal-fired power stations, we have been left scrambling to replace their capacity and unreliable sources, such as wind and solar, being our only option. This has resulted in a grid that is no longer as stable or as reliable as it once was and, as a result, South Australian families and businesses are paying the price. Our power bills are now the highest in the nation and there are few signs that this trend will reverse any time soon.

While this bill may provide a mechanism to manage the retirement of thermal generators, we must be cautious about its long-term impacts. If we do not address the fundamental issue of affordable energy, we will continue to see South Australians burdened with high electricity prices and our energy security will remain at risk. While the orderly exit management framework may offer some short-term solutions, it does not solve the larger problem of rising energy costs and unreliable supply. I urge this government to consider the long-term implications of this bill and to strive for energy policies that prioritise affordable and secure energy for the future.

The Hon. S.L. GAME (20:05): I rise to speak on the government's National Electricity (South Australia) (Orderly Exit Management Framework) Amendment Bill. The relentless and rapid push toward the 100 per cent net renewable energy target in South Australia continues to have a negative

impact on business and consumers in this state. In May this year, the Australian Energy Market Operator called for urgent investment to cover a forecasted reliability gap between supply and demand, a gap which is destined to widen and peak with the increasing demand for power over the summer months.

The recent closures of two diesel power stations in South Australia within months has only made the situation worse, creating less available electricity and therefore an inevitable increase in price. The high cost of electricity is already crippling both businesses and households, but the march to 100 per cent renewable by 2027 rages on. However, what this bill shows us is that even the government is concerned about the increasing pace of this energy transition.

The government has raised concerns about the exit of coal or gas-fired generation and how the early closure of thermal generators will impact the reliability of system shortfalls. Hence, the government's proposal for an orderly exit management framework, which is designed to address the potential risks associated with the early closure of thermal generators. The proposed framework will firstly identify the level of risk to reliability and security posed by the early retirement of a thermal generator.

Secondly, alternatives to replace outgoing capacity will be negotiated and, lastly, if the previous steps are unsuccessful, the minister will have the power to issue a mandatory operation direction which will require the generator to continue operating in order to maintain the security or reliability of the system. It is clear that the transition to renewables is moving way too fast and that even the government, which has devoted itself to renewables, is so concerned about this that they are seeking to give themselves the power to compel thermal generators to continue operating to maintain the reliability of the system.

The real concern about this proposed framework, however, is that the cost of implementing this framework will be met by consumers. While I extend my gratitude to the minister and his office for being transparent about passing this cost on to consumers, it does not lessen the impact that any increase in cost will have for a business or household already struggling to make ends meet. Effectively, consumers are not only paying for the cost of moving to renewable energy but consumers are also being asked to foot the bill for the additional cost of propping up a collapsing system that continues to buckle under the pressure of meeting the unrealistic target of net zero.

The South Australian community must have reliable electricity, and the purpose of this bill is to achieve that outcome; however, the ongoing and rising cost of electricity is not an issue that can be shelved for another day. While it is possible that the proposed framework might not be adopted by the South Australian government, the potential cost to consumers remains and the drive for renewables continues unabated.

The Hon. R.A. SIMMS (20:08): I rise to speak on the National Electricity (South Australia) (Orderly Exit Management Framework) Amendment Bill on behalf of the Greens. From the outset, I want to join in the sentiments of the Hon. Heidi Girolamo when she remarked on the arrogance of this Labor government in approaching a bill of this magnitude in such a hasty way. I do find it highly frustrating and might I say insulting to the crossbench members in particular, but also to the opposition, that the government would seek to deal with a bill with this level of complexity in the last sitting week before the Christmas break. Not only do they want us to deal with the bill in terms of doing our second reading speeches, they want us to go through every stage of the bill.

When did we get this bill? It was introduced into the other place I think this morning. It has been rammed through there and now it has come through here. This is not a sausage factory. It is meant to be a house of review. Our role is to work through bills and to form a position on bills that are put to us based on engagement with stakeholders, based on consideration of the relevant issues. My office did not have an opportunity to have a briefing on this bill until Thursday of last week. I have not had any time to undertake any consultation.

This is a bill that apparently has national implications. There has not been an opportunity to consider what this might mean for other jurisdictions. I have repeatedly asked the government for more time and I have been told, 'No, it has to be done now.' I think the government really needs to justify to this chamber what the urgency is, when the relevant minister became aware of this proposal and why it has only been brought to the parliament now. I find it very hard to believe that the minister

only found out about this last week and that there was no opportunity for members of the parliament in the opposition or indeed the crossbench to be given information and to form a considered position.

It is arrogant, and it is inappropriate. I am all for the government working through their agenda in the parliament, but the role of the crossbench is to look at bills the government puts forward and to work out whether the government has got the balance right. I am not sure how we are meant to do that at literally a minute to midnight under a timeframe that has been imposed on us by the government.

I think they are going to have some explaining to do at the committee stage: who knew what and when, what is the urgency here and what are the potential implications? Simply reading a second reading speech into *Hansard* and saying, 'Hey, presto. Just back this bill,' I do not think is the appropriate way to be dealing with people in this place.

I will make a few general comments in relation to the bill, and they are of a general nature because I have not had the opportunity to do the deep dive I would like to do into a bill such as this, because we simply have not had the time.

I understand that the purpose of these laws, for which South Australia is the lead legislator, is to ensure the reliability and stability of our electricity grid in circumstances where the operator of a thermal generator indicates that the generator will make an early exit because of its age, unreliability and inability to compete. Under the rules set out in this bill, I understand there will be a three-step process that could lead to a ministerial intervention, which is described as a backup tool for governments to address any reliability or system security shortfalls and, if not, to ensure enough other capacity in renewables has been built in time.

It is essential that we have a stable and reliable electricity grid, but it is concerning to the Greens that under these laws state energy ministers will be given the power to force coal-fired generators and other fossil fuel plants to stay open for up to three years if they believe the capacity is necessary for grid reliability and security and if a negotiated deal with the market operator cannot be reached.

I understand that these powers are only intended to be used as a last resort—that is, when there is a risk to grid stability and when there are no viable alternatives to replace the outgoing capacity. Nevertheless, it opens up the possibility of artificially extending the life of not only coal generators but potentially gas generators too.

I am concerned about the Malinauskas government's reliance on gas. They do seem to like hot air, and I am concerned about the way in which gas is forming part of their hydrogen plan. The Greens warned about this over a year ago. We sought to have a parliamentary inquiry so we could look at the implications of what the government was putting forward then, and again they said, 'No, we can't possibly have that. Let's just invest a huge amount of public money in this project. Let's go down the gas path, and God forbid we have any parliamentary scrutiny of this proposal.'

We are now starting to see, a year on, that the agenda of the Malinauskas government when it comes to hydrogen is fraying at the edges. It is looking more like a mirage for that community. We were told at the time that it was going to be a gold rush for the people of that community. It is looking a lot more like fool's gold now for the people of that community because the government did not allow the parliament to do the due diligence.

When are they going to stop rushing ahead with energy policy like this without giving us an opportunity to actually look into the details? I am concerned about what this might mean for gas. It is concerning that the cost of this framework could be recovered from consumers through distribution network service providers. The last thing South Australian families need now is yet another spike in energy bills.

We have long known that Australia's fleet of fossil fuel generators are aging and increasingly unable to compete with renewable energy sources, just as we have known about the urgent need to transition to renewables to address the climate crisis. It is threatening our planet and we need to take action. Disappointingly, state and federal governments have dragged their heels on investing in large-scale renewable generation and storage, and this is what we need for an orderly transition to renewable energy. Of course, the result is the failures that we are seeing today. These laws must

not be misused to prop up the failing coal and gas industry or to further delay the inevitable transition to renewable energy.

Now more than ever we need governments to step up and commit to the large-scale public investment in renewable energy and storage that we need to replace every coal-fired power station in the country, ensuring that we deal with the climate emergency in time. Again, this is a national approach that is being taken here. I would like to really understand what the consequences might be for coal-fired power stations in other jurisdictions. Are we throwing them a lifeline? What are the long-term consequences of what the government is proposing here?

It is going to be very difficult for us to work through that in the timeframe that the government has imposed on us. I really make a plea to them: when you are dealing with energy policy in the future, please give this chamber of parliament the time it needs to do its job. Stop rushing ahead on these complex matters.

The Hon. F. PANGALLO (20:16): I, too, share the frustration, exasperation and annoyance that this bill has been brought to the Legislative Council on the same day as it has come through the House of Assembly. This is a very poor way for the Malinauskas government to conduct its business and its legislation. As the honourable member has pointed out, this is a house of review. Even though we understand and it has happened before that there is some urgent legislation that sometimes we do need to get through, I would not have minded 24 hours even to be able to review this legislation.

Here is the irony: I was told this morning by Labor that they did not have time to consider my terror symbols bill, which I intended to bring to a vote tomorrow and which I introduced a couple of weeks ago. They had no time to consider that but they want us to consider their bill in a matter of hours today and put it through. They are rushing it through. Why are they rushing this bill through? I will tell you why, and this is just going on my brief brief that I received from the government this morning.

Of course, they would not want the publicity at this time, but quite clearly what is going to happen here, if the powers in this bill are actually exercised, is it will lead to an increase in power bills. They made it quite clear to me this morning in relation to getting the power companies to keep their old power stations, whether they be gas or coal-fired, going beyond the life that the companies envisaged, somebody has to pay those operators for that.

When I asked the question, 'Who is going to pay for it?' of course they will be compensated, and of course from that it is going to be passed on to consumers. That is what they said to me today: 'Ultimately, we expect companies like SA Power Networks to pass that on to consumers.' What we are going to get as a result of this legislation, if it is enacted, is higher power bills from Labor. It is not just Labor in South Australia but Labor in New South Wales, Victoria and other states.

My understanding is that essentially this is intended—the fact that we are part of this national structure—to assist New South Wales which, of course, is facing a crisis as a number of their coal-powered power stations are going to be shut down. What this is all about is actually like insurance. It is an insurance policy to get 24/7 dispatchable power to keep the lights on because the government here and in Canberra do not have confidence in the security of their costly push to renewables—wind and solar—which is going to cost taxpayers hundreds of billions of dollars which are going to be spent by a totally deluded federal minister, Chris Bowen, and his leader, the Prime Minister, Anthony Albanese.

This legislation is designed to keep fossil-fuelled power stations operating beyond their use-by dates while transmission lines continue to be connected to what has become an unstable and unreliable grid. As I said, who is going to pay for all this? Well, taxpayers. It is going to come in the form of higher power bills. Remember that Anthony Albanese and his government promised that they were going to reduce power bills by $275 during the term of their government. That has not happened. Power bills have actually gone up.

In South Australia, both Labor and the Liberals have constantly consistently promised to reduce power bills, and South Australia continues to have amongst the highest power bills in the world. Power bills are not coming down. There is no relief for families that are being subjected to enormous cost-of-living pressures and higher power bills. This legislation is being rushed through

simply because they want to have their insurance in place in case anything goes wrong, or they need to keep the gas-fired power stations at Torrens Island and elsewhere, and also the coal-fired power stations. They just need to have them there ready in the event that we have another power blackout as we had in 2016 in South Australia, or what happened in New South Wales recently where a city like Broken Hill was left without power for nearly two weeks.

As I was saying before, how ironic that federal Labor—and, to an extent, state Labor, but federal Labor—is against gas and coal. Of course, state Labor wants gas as part of its mix, and it is not just part of its mix; it is also that gas is an important part of the state's economy, with our Moomba gas fields. That is why Labor in South Australia is keen to continue the use of gas in this state. I have no objection to it—I am sorry, Mr Simms. I think gas is a valuable commodity to the state, and will continue to be, and companies like Santos play an important part in the economy of this state. I would always support the use of gas even though we are likely to see higher prices for gas.

As I said, I was told this morning that consumers will ultimately be slugged for any costs incurred if it means that they need to exercise the aspects of this legislation in future. Again, here is a Labor government in this state that is trying to deliver hydrogen energy. I say this to the Premier, who continues to chase that folly of hydrogen. Again this morning, the Premier was noncommittal about when contracts are going to be signed for this. I will call it now this 'unicorn'—or could it be a green elephant?—in Whyalla, because at this point no contracts have been signed for that plant.

Even though the Premier promised it to be delivered, or to start to have it ready, by 2026, it looks like, from his comments today, 'We did put a date on it, but don't worry. It's not important that we did that. It's really about making sure that we can deliver and have the proper contracts in place for when it all starts.'

If you wanted reliability in power supply 24/7, when it is night and day, you would support nuclear energy rather than beat around the bush just to appease the left of the Premier's party. He says, 'Show me the proof that it's viable and we will look at it.' He knows—he knows, because I think he quietly supports it—that nuclear is going to be the way to go. He said on radio this week that there was truckloads of evidence to show why nuclear energy, nuclear reactors, are too costly and not viable.

Yet, I will say this to the Premier: why are more advanced and progressive economies embracing it, and in some countries they are now bringing it back? What does the Premier know that these countries—and as I said, these are bigger economies than ours—do not? We have the world's best reserves of uranium, gas, oil and coal, yet federal Labor wants to forsake all that for Chris Bowen's mad pursuit of solar, wind and whatever else except for those fossil fuels.

We know that, as I said, gas is going to be important to the economic welfare of this state. It looks to me that in some states they are now thinking again about coal. Certainly, Queensland is going to be looking at that again, and that is because governments around the country—quietly—and the leaders of those governments, do not have confidence in the stability and the security of the power grid in this country, because of this incredible pursuit of net zero.

Everything else was set aside to get wind and solar projects off the country and at the same time build this enormous transmission power grid across the country, which again is costing hundreds, maybe even billions, of dollars. It is an enormous cost, an enormous cost that power ideology by political parties, particularly Labor, and the Greens—

The Hon. R.A. Simms: Ah, Frank.

The Hon. F. PANGALLO: Especially the Greens, sorry—especially the Greens—are trying to impose—

The PRESIDENT: Interjections are out of order. Responding to them, the Hon. Mr Pangallo, that is out of order. Just continue on and let's be respectful here.

The Hon. F. PANGALLO: Thank you. I am winding up, Mr President; you do not need to wind me up.

The PRESIDENT: Hear, hear!

The Hon. F. PANGALLO: It is not going to be a long one. All I am saying is that we are getting to a situation here where the power and energy needs of this country are obviously not going to be met by the current policies that are being pushed by federal Labor.

In closing, I will reiterate my disappointment that we have not had an opportunity to really absorb what is in this bill. I am sure there is a lot in there. There is going to be a sting in the tail, there is going to be an unintended consequence. This is all about, firstly, a government in this state that was not organised enough to get this bill prepared and ready before the end of the year, and also the necessity of New South Wales, which actually wants this in place as well, which probably has greater needs than we have. So it is really trying to appease the other states in order to get this going. We set the groundwork and then they will follow.

With that, I will have to support the bill but, as I said, there could be unintended consequences that this legislation could ultimately add to the cost of power bills in this country and in this state.

The Hon. C. BONAROS (20:31): I rise to speak very briefly on this bill. In response to some of the questions that I have had, I have been advised that, as we all know, we are the lead legislator for national energy laws. In its own words, the government is seeking to pass this bill through both houses this week to ensure passage before the end of the year. This, we are told, is to enable the rules package of the orderly exit management framework to be finalised and progressed to energy ministers for approval at the Energy and Climate Change Ministerial Council meeting that is scheduled for 6 December.

The framework we are told, or at least I have been told, has been informed by two rounds of public stakeholder engagement, namely the design of the framework, which was consulted on between December 2023 and February 2024, and an exposure bill and rules package was released for comment between June and July of this year. Following this, I am told that energy ministers approved the bill to establish the framework and that that took place on 2 September.

My questions in response to those particular comments, which I now have some answers to, were, 'What happened between 2 September and now?' and the response to me has been that following the drafting of the bill through parliamentary counsel and cabinet approval, the bill was introduced into the House of Assembly. So from 2 September until we saw the passage of the bill, the package that we are talking about was the subject of those two things: drafting, firstly—very important—and cabinet approval.

None of us really know what priority this took in that cabinet approval process but I agree with the sentiments expressed this evening in relation to bringing this, indeed, briefing most if not all of us and expecting us to pass a bill in one day. There are of course ramifications not just for this jurisdiction but for every jurisdiction if we do not do that because the other jurisdictions will not have the ability to opt in through regulation unless we pass this bill.

So if, as we are told, New South Wales, for instance, and Victoria are waiting eagerly for this bill to pass and we do not get it done this week and there is nothing for the minister to present at the next meeting on 6 December, then they cannot get cracking with their own regulatory framework to complement what we are doing.

We are not the experts in this area. We have not done the leg work. We do not know the details of the stakeholder engagements that I have referred to other than, of course, what the government has told us. All we know at this stage—and I am grateful to the team, who certainly answered a lot of my questions—but all we really do know is that if we were to alter this bill the 6 December timeframe would not be met.

It is very unusual for us to alter a national bill, and I think a national bill where we are the lead legislator at least, and I think therein lies the issue with these bills around this particular issue more generally because we all kind of look at them and think, 'Well, there's not a lot that we can do here,' because it is nationally consistent laws and every other jurisdiction has signed off on them somewhere, and they just land on our tables and we are expected to sign off on them. That is generally the approach that we have taken when it comes to these bills.

Even if we do have questions or do have concerns, the chances of this parliament actually doing anything about them is zero to none because if we do we know that that means effectively going back to the drawing board at a national level with every other jurisdiction to get approval to the changes that South Australia made that every other state would have to agree to before they can even be implemented. So it is problematic, but that does not mean that we should not give this chamber the respect at least that it deserves insofar as allowing us the sufficient time to digest what it is that we are actually doing.

I have digested it in the dummy of dummies dummiest way that I possible can, thanks to the team who have provided me the extraordinarily dumbed down version of what we are doing, so that I can get my head around this in order to be talking on it today. I would not dare try to repeat any of that, other than what I have managed to get my head around, but insofar as process is involved it is terrible, and I agree with all the sentiments to that extent. It is a terrible process, and it is a terrible effort by the government to come in here and expect this bill amongst all the others.

I remind the government, while their spin doctors and media advisers and whoever else are getting pay rises and are being hired by the dozens, we have very small offices and very small teams, and this is an extraordinary workload that is being shoved on us. You might have the numbers downstairs, but you do not have the numbers here to ram things through. I think there are two, in fact at least three priorities that we have managed to put through in the last two sitting weeks in record timeframes, and I do not think any of us were expecting another this week in this form at least. I certainly was not, and so as far as process is concerned, it is a crappy one.

That said, I also acknowledge that if we do not pass this it is going to have ramifications, not just for South Australia but for the entire nation, and that is unacceptable as well. That does not sit with us now. That responsibility is going to sit well and truly with the government. When it comes to the issue of New South Wales and Victoria, I am told they are eagerly awaiting for this to pass. They need this legislation to pass. There are jurisdictions that need this to pass.

If it does not happen by 6 December we are not going to have a chance to do this until February next year, or whenever it is we next sit—I have not looked at the calendar yet. Whenever we next sit, we are going to have to call another ministers' meeting before then or after then to get the approval, and in the meantime we will have nothing, so those jurisdictions cannot move ahead with any plans because we are the lead legislator and we have control of the timing of this legislation in this place. I will not go on about it anymore.

In terms of what the bill actually does, I do not disagree with many of the sentiments that have been expressed. The only thing I would say is I, too, ask the question around the issue of who wears the cost, if there is any, in terms of an agreement being reached with a provider? The understanding I have is twofold: either it is passed on to the consumer or the government absorbs that cost—the government basically foots the bill. I think that in at least one jurisdiction interstate that has been the case, where the government has actually footed the bill for one of these arrangements that has been put in place. That is all we know.

I will wait to see what else is said before we make a final decision, but ultimately I think we are in a bit of a no-win situation in terms of this bill passing this week, and nothing we say or do here will change that in terms of the urgency of this piece of legislation. Certainly, the way the government has conducted itself tonight leaves a lot to be desired. This might be the case because it is a piece of national legislation, but if they think this is going to be the case with every piece of legislation, which sometimes I think they do, then they are sorely mistaken.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (20:40): I was not going to speak tonight, but I now feel compelled to rise to speak very briefly to this bill because of listening to members in this chamber speak of their disappointment, their disgust, at the hubris of this government in pushing this bill through tonight. The bill was only introduced into the House of Assembly today, then it passed in the House of Assembly and now we see it here in our chamber tonight—when members have not been allowed time to adequately assess and discuss this piece of legislation. I find it incredibly disappointing.

It may be convention for oppositions to support these bills, as we have indicated that we will, but it is also convention for governments to treat this place and members of this place with respect.

We have not seen that tonight, with the government pushing ahead with this piece of legislation despite concerns being raised by a number of members in this place. So, because of the arrogance displayed by the government tonight, I stand in this place and seek that this debate be adjourned.

The Hon. D.G.E. HOOD (20:42): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes 11
Noes.....8
Majority 3

AYES

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

NOES

Bourke, E.S.	El Dannawi, M.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Martin, R.B.
Scriven, C.M. (teller)	Wortley, R.P.	

PAIRS

Lensink, J.M.A.	Ngo, T.T.

Motion thus carried; debate adjourned.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. F. PANGALLO (20:47): To go back to what I was saying before the dinner break, more than 26,000 people live in retirement villages in South Australia and that number is expected to grow substantially with an ageing population and more retirees contemplating downsizing from their existing homes and looking at alternatives before they have to contemplate aged care. The Property Council, which of course lends its support to the sector, estimates retirement villages will save around $1 billion per year in delaying entry into aged-care homes. As I said, nice to know that, except a lot of retirees are a long way from going into an aged-care facility and are still enjoying their independence.

The Retirement Living Council claims in a report that 41 per cent are happier, 15 per cent more physically active and experience reduced levels of depression and loneliness because they can make new friends and socialise in these communities. According to the Property Council, the retirement industry requires 67,000 homes to be built to meet the level of demand from older Australians. They also point out that many villages are ageing and could be hindered from being developed for other housing users by restrictions on the termination of a village scheme.

In other words, if an operator wants to expand its facilities and there is an objection from just one resident despite overwhelming support from others, the minister is unable to proceed to terminate the scheme and the operator is unable to take court action for 10 years. They want the 10-year rule removed and I note there are further amendments to be moved in this place covering this.

I still continue to get complaints from village residents. They range from the behaviour of the operators, changing the goalposts of the contract's costs and obligations, and one I had more recently was problems getting anything done about addressing the building standard in a new development affecting residents living in ground floor units. To cut corners on this particular block, the builder decided not to soundproof the floor separating the ground units and upper units. Consequently, those living below get to hear everything happening on top.

These units were expensive to buy, around $675,000. This defect, unless fixed, and at considerable cost, will ultimately affect the resale price once the residents decide to move out. Who would want to buy here when you have that kind of disturbance? Remember that in the sale process, issues like that need to be disclosed to potential buyers. The problem is yet to be resolved to the satisfaction of residents. This is a prime example where a commissioner or an ombudsman could be involved.

I would like to acknowledge the enormous input and advocacy of Mr Bob Ainsworth in reshaping this legislation so that it is not tilted wholly in favour of the operators and owners. I have known Mr Ainsworth for many years. In his working life, he was a highly respected leader in business and finance in South Australia. In his retirement, he has led the charge for better rights for people in residential villages as past president of SARVRA.

Some of the more significant changes in this bill are because of Bob's input, in particular the modification to include retrospectivity to proposed changes to section 28, the capital funds contribution amendment. As it stood, it would have put departing residents at the On Statenborough village in Leabrook at an enormous disproportionate financial disadvantage. During debate in the other place, Minister Picton, at the lobbying of Mr Ainsworth, agreed to a retrospective amendment to section 28 which caps CFC at exit to 12.5 per cent or 1 per cent of the market value multiplied by the number of years of occupancy, whatever is less.

For residents at On Statenborough, the savings in CFC from this range from around $30,000 departing after 10 years to $100,000 for 15 years and almost $200,000 at 20 years if you take into account an initial sale price of around just over $1 million. These are significant savings which are not taken from the departing resident who may need to have funds to enter an aged-care facility.

But that is not the worst of what would have applied at On Statenborough. Operators use what I would describe as an unconscionable tactic in asking potential residents to submit their best offer. In effect, it is a blind offer and they really have no idea what they are bidding against. In some cases, they could be bidding against themselves if the operator's property agent comes back and says, 'Well, there is another offer on the table and you may be required to up your offer because of a demand in places.'

In one recent instance at On Statenborough, one person who was keen to reserve his place submitted an offer which in hindsight he says might have been somewhat higher than what it was worth. He got the shock of his life when he saw the estimated exit entitlement calculation based on the same resale price as his original purchase. After the operator took out all their fees and charges, he would have come out with $810,000 less from his original investment after just 10 years—$810,000 less. As this person said:

> As you can see, they are quite outrageous and quite beyond their intent of providing accommodation in retirement villages.

As you can see, the ball is firmly in the court of the operators. Residents at On Statenborough and other villages will be thankful for Mr Ainsworth's contributions and insights into rectifying an unfair imposition. So well done, Bob.

I will also just briefly highlight another issue my attention was called to by constituents at another residential village facility, at Kingswood. Again, the operator decided to change the goalposts for the residents. They lost a kitchen that had been operating in there and that was required, where the operator was required to provide meals for these residents, who had applied for that and were paying for it. The operator decided that because of the costs they would remove that benefit of having meals provided for the residents in a dining room. It was also because the operator claimed there were not enough takers for the meals so they were not going to provide them. That was in direct contravention of the contract and agreement residents had signed when they went into that place.

Furthermore, there was a requirement to have an overnight caretaker at the place in the event there were any incidents where residents may have required some kind of assistance. The operator decided that no, they were not going to maintain the overnight caretaker because of costs, and that caretaker ended up being removed. So if something happened to one of the residents they had to call another emergency number before they could expect somebody to come and see them. It did happen to one of the residents: she suffered a collapsed and had to wait a considerable amount of time before assistance came. Again, it just demonstrates that the owners of these villages will certainly take the advantage, if they can, over residents.

There was another one I went to south of Adelaide. The residents there were alarmed that the operator, once a resident had moved out, would then remove beautifully kept gardens that were there. They would totally raze them, and it went from being a visually attractive place to one that lacked the proper amenity and outlook that other residents had enjoyed. Of course, that is part of the contract situation where the operator can then return the unit or the residence there to what it was before the previous resident had moved in. Of course, who pays for that? The outgoing resident.

The other issue was solar panels. On this particular unit the outgoing resident had spent a considerable amount of money putting in solar panels on that roof. Once they moved out there was a requirement that those solar panels be removed. Not only that but repairs had to be undertaken to the roof. No opportunity was given to the incoming resident in saying, 'There are solar panels on the roof. Do you want to take them over? Would you like them?' No, they had to be removed, along with modifications and renovations also to the interior. That sometimes can be understandable. When you sell a place you want to make it as attractive and new looking as possible.

After consultation with Mr Ainsworth I have seven amendments that I will outline here, and I trust they will get the support of members in this chamber. First up, my amendment No. 1 introduces requirements for operators to disclose any special levies in place, including the purpose, amount, frequency of payments and the proposed date of the final payment. Additionally, operators must provide information on any major capital expenditure projects planned within the next two years, including the cost and funding methods. This will enable residents and prospective residents to make informed decisions regarding their long-term financial commitments.

Amendment No. 2 ensures that prospective residents receive copies of the minutes from any resident meetings held within the previous two years. This allows incoming residents to gain an insight into recent decisions, financial issues, the operational history and ongoing concerns within the village.

Amendment No. 3 reduces the maintenance fee payment period for vacated residences from six months to three. This maintenance fee is comprised of water rates, council rates and other maintenance for the village. We all know that most village departures are sadly involuntary. They are triggered by entry to an aged-care facility or the passing of a resident. The transition from a village into an aged-care facility is the most stressful time in an old person's life.

Quite frankly, it is unconscionable that six months after a resident has moved out they are still liable for these maintenance fees. My amendment helps alleviate the financial burden on former residents or their families during the transition period following a departure. I am sure that the Property Council would be stridently opposed to this amendment because it does not favour the operator or the owner of the village. However, again, it places an unfair burden on the resident who is departing.

Amendment No. 4 prohibits operators from passing certain operational costs, such as industry accreditation expenses, on to the residents. These costs relate to sales and after sales service functions. Again, they have no place in being passed on to residents. If you cannot afford to operate without passing on these costs, you should not be operating at all. My addition ensures that only relevant costs are borne by the residents.

Amendment No. 5 provides a 10 business day deadline for meeting minutes to be provided to all residents of a village. This ensures transparency and that residents have timely access to important information discussed, like major works or a deterioration in the financial health of a village. I honestly cannot see why there would be members in this place who would oppose this. It is a transparency measure to ensure that residents remain fully informed about the status of their village.

Amendment No. 6 extends civil liability protections to subcommittees appointed by residents' committees, ensuring they, too, incur no liability for acts or omissions made in good faith. Again, why would you oppose an amendment like this? Finally, amendment No. 7 requires that operators provide each resident with a certificate of insurance for every current policy relating to the village. It also mandates that within 10 days of a request residents be supplied with a copy of any insurance policy in place. If this is not complied with, a $2,500 penalty should apply.

Residents, as funders of the village, have a right to know they are covered for insurable events. Very few operators will currently provide copies of their policies to residents. We have been advised of a situation where a resident committee at a village was explicitly instructed by the operator not to inform residents of personal contents insurances in case they make a claim. This amendment is practical and promotes transparency and peace of mind for residents.

My amendments are sensible, logical and provide a fundamental step towards fairer more transparent retirement village operations. I urge the council to support these amendments to ensure that the interests of residents remain the priority.

The Hon. D.G.E. HOOD (21:05): I rise on behalf of the opposition to indicate that we will support this proposed legislative reform. I might say at the outset that I believe that this is the parliament acting at its best in a way because this bill was somewhat different when it was originally presented to the House of Assembly, and it has undergone substantial change during its passage through that chamber. I think both the opposition and the government, as well as I believe a number of the crossbench in the other place, have reached a consensus-type position.

It is important to acknowledge that these changes were introduced as a response to the PEG Consulting report that was triggered by the third anniversary of the Retirement Villages Act. This bill is certainly an important and necessary step towards providing greater consumer protection for prospective residents of our state's retirement villages, the immediate improvement of current residents' rights, and to enhance the overall transparency of disclosure of documents and contracts relevant to those environments.

There are some 520 villages in South Australia, which I think is surprising, and they are run by various large and sometimes small operators spread right throughout metropolitan Adelaide and, of course, in our regions, which house some 26,000 South Australians. For perspective, that is the equivalent of an entire lower house constituency or entire lower house voting base in a lower house seat.

The Retirement Villages Act and accompanying regulations apply to all retirement village schemes operating throughout our state, setting out the legal responsibilities of developers, managers and owners in an attempt to clarify the rights and responsibilities of all parties involved.

Consultations with various stakeholders has been thorough in the opposition's estimation, with general feedback indicating that there is broad support for most of this amendment bill if not all. I am aware that during the statewide consultation period, 373 unique submissions were made on the draft amendment bill, and the Liberal opposition commends the efforts of those who have made these important contributions which have served to guide the debate on this bill in the other place.

I note that the largest village in South Australia has some 347 units, and that is known as the Golden Grove Lifestyle Village, and the residents in this particular village have been especially active in making their concerns known throughout the consultation process and in the lead-up to this bill being introduced and thereafter. Indeed, I have had the opportunity to meet a number of these residents personally and to listen to their concerns with the provisions in this act firsthand, and I believe we have come to a position that is satisfactory to most.

The bill we are dealing with here seeks to incorporate new regulations for prospective future residents' contracts and more informative disclosure statements, including defining and explaining contractual terms, occupancy information, residential rights and, of course, the associated responsibilities.

This bill proposes how changes are calculated and how these fees can vary depending on the length of time the resident lives in the particular village and by providing calculations based on a resident leaving a village at two, five and 10 years after occupation. Retirement village contracts

have historically been technical and very challenging for consumers to understand adequately and this bill rightly aims to address this significant concern and the imbalance therein.

I know that the shadow minister for ageing has worked diligently in her efforts to ensure that both the grievances of current residents in retirement villages are considered, whilst balancing this with the importance of creating an investment environment that will foster more housing options for our ageing population. During her own consultation process the shadow minister certainly remained cognisant of the financial implications any legislative amendments may have on villages, including their valuations and, importantly, the cash flows, with many operators raising concerns that certain retrospective clauses may undermine future investment confidence.

Having said this, the Liberal opposition would argue that there has been an imbalance for residents over many years and that that imbalance needs to be rectified. Most South Australians have aspirations of ensuring that they have set up well enough for retirement and may well seek the option of spending their twilight years in a retirement village, where they can afford a safe and comfortable lifestyle.

Our parliament has the opportunity to ensure South Australian retirees are treated fairly when entering into contracts that may have considerable financial impact upon themselves and their families in the event their circumstances change and they need to exit the agreements they have entered into, whilst ensuring retirement village operators are afforded the ability to continue their businesses without disproportionate disruption. The Liberal opposition believes this bill is an appropriate move towards striking the right balance in these competing interests.

I would also like to foreshadow that there are a number of amendments to this bill. We have heard the Hon. Mr Pangallo outline some of his amendments. We are inclined to support a couple of them at this stage. Of course, we will listen to the debate, but our indication at this stage is that we are inclined to support a couple of them.

The Hon. Mr Simms has also filed some amendments, which we are not inclined to support at this stage. Of course, we will look forward to listening to his arguments. The Hon. Ms Bonaros has also tabled some amendments which we are open to considering, and we look forward to the further explanation on those as it unfolds. As I say, we are inclined to support the bill.

The Hon. R.P. WORTLEY (21:10): I rise to speak on the Retirement Villages (Miscellaneous) Amendment Bill 2024. The bill seeks to enhance the consumer protections of residents of retirement villages in South Australia while also supporting the growth and sustainability of this sector. The bill will help establish a contemporary, balanced and comprehensive framework for the regulation of retirement villages in South Australia, which puts consumer protection at the forefront while also minimising any unnecessary impacts on retirement village operators.

Retirement villages provide an important accommodation option for older South Australians. There are more than 500 retirement villages across South Australia, which are home to over 26,000 residents. The Retirement Villages Act 2016 commenced in 2018. It replaced the Retirement Villages Act 1987 and introduced significant reforms aimed at balancing consumer protections with the interests of operators and established a contemporary legislative framework to modernise the regulation of retirement villages across South Australia.

In 2021, an independent review of the act was completed by PEG Consulting, with 187 submissions made by residents, operators, peak bodies and other interested parties. The independent review found that many of the provisions of the act were appropriate, effective and operating as intended. However, it also identified that there is room for improvement and made several recommendations for legislative change.

A draft amendment bill introducing important reforms recommended by the independent review was drafted and provided for public consultation, along with several additional reforms aimed at enhancing consumer protections. A public consultation period of seven weeks was held last year, with the Office for Ageing Well hosting 13 information sessions across metropolitan and regional South Australia, including Tea Tree Gully, Adelaide CBD, Aberfoyle Park, Findon, Mount Barker, Victor Harbor, Berri, Kadina, Barossa, Murray Bridge, Mount Gambier, Port Lincoln and an online session, which in total were attended by over 420 residents, operators and interested stakeholders.

The consultation resulted in 373 unique submissions. Following the consideration of feedback provided by the consultation, the bill was finalised and introduced by the Minister for Health and Wellbeing in February this year. The amendments include:

- a greater regulation of resident contracts and disclosure statements, including defining and explaining contractual terms, occupancy information, residents' rights and responsibilities, the presence of embedded networks, how fees and charges are calculated, and how those fees can vary depending on the length of time the resident lives in the village, by providing worked calculations based on leaving a village at two, five and 10 years;
- a new offence of representing that a resident or prospective resident purchases a title to a residence if they do not;
- earlier provision of the premises condition report;
- additional clarity regarding financial reporting and resident consultation;
- strengthened rights and participation for rental tenants;
- a framework for managing residence contract deposits;
- improved dispute resolution processes;
- an obligation for operators to provide safe premises and maintain adequate insurance;
- enhanced standards for operators and staff, including mandatory training and disqualifying offences;
- additional information-gathering powers for the registrar and expanded capacity to publish relevant information on the register;
- additional enforcement actions, including enforceable voluntary undertakings, increased expiable offences and more appropriate timelines for prosecution; and
- some administrative and technical amendments to clarify the operation of the act.

The bill also includes additional measures that were subject to extensive community consultation and aimed to increase consumer protections for existing residents. These include:

- reducing the statutory buyback period from 18 months to 12 months so that vacating residents and their families can receive their exit entitlements sooner. The 12-month buyback period is based on similar provisions in place or being introduced in other Australian jurisdictions and will provide certainty for residents while remaining feasible and achievable for operators;
- where not addressed in the residence contract, capping increases on recurrent charges within the operator's control to the same rate as the consumer price index to keep charges affordable for residents during the cost-of-living crisis; and
- a cap for the amount a resident or their family pay for capital maintenance when they leave a retirement village to a maximum of 12.5 per cent of the outgoing sale price.

With all of these amendments, it is important to note that if the resident has more favourable conditions within their existing contract, the more favourable conditions will continue to apply. The Malinauskas government are committed to ensuring the Retirement Villages Act provides a contemporary, balanced and comprehensive framework for the regulation of the retirement village sector, which puts consumer protection at the forefront while supporting the growth, sustainability and diversity of the sector.

The Hon. C. BONAROS (21:17): I rise to speak in support of the Retirement Villages (Miscellaneous) Amendment Bill 2024. The bill, as we have heard, brings forward critical recommendations from the review conducted some three years ago after the act's commencement, incorporating additional consumer protections informed by extensive community and stakeholder

consultation. While I will not delve into the detailed provisions, I do endorse the enhanced protections for residents, noting of course that there is always room for further improvement.

With over 500 retirement villages in South Australia—a number that will only grow as our population ages—I think it is absolutely critical that we get this balance right. Without these protections, we risk creating a power imbalance between residents and operators or at least worsening a power imbalance between residents and operators.

As we know, residents in these communities can be especially vulnerable, often with limited resources and difficulties in having their voices heard. That brings me to the amendment that I will be moving today. Can I just say, the amendment itself has been the subject of extensive back and forth with government since this bill was first introduced in an effort to land on a reasonable outcome without detracting from its objective. I believe we have effectively reached that point.

There is perhaps one issue that I would liked to have pursued a little further in relation to the issue of cost; however, I can readily understand that that would be difficult given that a village could have many residents and there could be a hefty legal bill at the end of that. Notwithstanding that, I think that is something that we can look at further, subsequent to this bill passing.

In essence, the amendment seeks to clarify and codify existing case law, giving the Supreme Court clearer guidance when faced with applications for termination or partial termination of a village scheme. Recently, in the case of Caton Holdings Pty Ltd [2024] SASC 66, the Supreme Court considered an application to partially terminate a scheme under section 58 of the Retirement Villages Act, and this case involved a proposal to construct an aged-care facility on the village land. In the absence of explicit guidance in the act, Justice McIntyre accepted the submissions of Caton and the minister regarding relevant considerations.

At paragraphs 60 and 61, Her Honour outlined these considerations, which my amendment aims to make explicit in legislation, providing future cases with greater clarity and consistency. I have to say what sparked this was a particularly concerning situation brought to light by a very brave individual, Linda Knock, who, unfortunately did visit us during the last sitting week to be here for this debate, so passionate was she about what we were debating tonight, but given the urgency with which we have brought this on this evening, and the short timeframe, I was not able to have her back here today.

I know she wanted to be here to see us debating this, but can I just say what an immense pleasure it was, and has been, to spend time with Linda Knock. She is a 73-year-old retiree who invested her savings and super to buy into Bellara Village in 2013 expecting a stable community-focused home for her retirement years. For Linda, and indeed other residents, that expectation was absolutely shattered when they found out only after the fact that the village's owner, Crawford Giles, had secured approval to subdivide the property and build a petrol station and fast-food outlet on part of the village land. That was a shock to the residents, as the residents were only informed after the development application had been approved, with the operator citing a desire to avoid creating unnecessary anxiety.

When you buy into a happy place in which you expect to see out your years of life, and find out after the fact—well, you have kind of been sitting back and scratching your head and trying to figure out what is going on at the village for awhile, and then find out afterwards that half of it is effectively being sold off to become a petrol station and a fast-food outlet. I can tell you that is going to cause you some pain and anxiety, so anything that Mr Giles may have wished to avoid, I think, was actually compounded in this instance.

Under the act, any proposal to terminate a retirement village scheme requires the consent of all residents or, failing that, an application to the Supreme Court. Mr Giles did apply to the court, and Linda, with the limited resources available to her, was left to contest this matter on her own, with the general assistance of a pro bono legal counsel.

When I met Linda, and I have been out there a few times now with her, and visited Bellara, I saw firsthand the unoccupied, poorly maintained units earmarked for development. It really is day and night in terms of the village. On the right-hand side there is very unkempt, messy, empty units. The actual so-called display unit is a hollow shell with a ripped-out kitchen and the rest of it. There is

a couch sort of upside down sitting there, and then there is a sign on the door that says 'display unit' and a number. On the other side, so looking over to the left, is a well-maintained nice garden and the homes that were to be kept under the development.

There is no question in my mind—absolutely none—that that particular purchase was made for one reason, and one reason only. It is quite sad in my mind to think that you have elderly, vulnerable people living in these villages and we are effectively waiting for them to die off for the financial gain that comes off that piece of land. That is why these amendments are so critically important. I am sure others may disagree with me with my assessment about that, but it is hard to think otherwise if you visit that village and actually see how many of these individuals are left there, and what the extent of the application was.

I will say that Linda herself took on this fight, and she said, 'If I didn't fight this it opens the door for other retirement village owners to take advantage.' When she moved there, there were 28 living units for permanent residents, and now I think there are, in total, around 14 that are still occupied, with only a handful of those in the same situation as Linda herself.

It is fair to say that it has had a devastating impact on her wellbeing, mental health and health all round, and I do not think it is just her. She is the person who has put herself out there in this instance. I know how desperately she wants to save other people from going through what she has been through, but I do not think she could ever have envisaged seeing out the rest of her years in this sort of environment, knowing that she had put everything into the village that she initially bought into.

It left me thinking that there is absolutely no question that, if that matter had continued, it would have set a very dangerous precedent, moving forward, for vulnerable members of our community, and it could very well just be the tip of the iceberg in terms of what is being proposed. So I think that is why these amendments are particularly important. It has become very clear to me that more robust protections are needed for retirees, who deserve stability and community and not uncertainty and profiteering.

The amendments that I will be moving aim to provide this protection, and I will speak to them now by establishing clear considerations for the Supreme Court when deciding whether to terminate a retirement village scheme. While Mr Giles, as I have said, has since withdrawn his case, which is a positive outcome, for what it is worth we do need to prevent such situations from arising in the first place. I do regret that that damage has been already done in this instance, and I think Linda's courage in coming out has come at great personal cost. But it is something that she is extraordinarily passionate about, in ensuring that other people do not face what she and her neighbours in her village have faced, particularly when it comes to things like retribution and everything that goes along with that.

I am very thankful for her advocacy to ensure others do not face the same ordeal. I am very thankful that she has put in the time and the effort. Indeed, we have had the assistance of others and pro bono work in terms of getting this done to strike a fair balance—as far as we can within the parameters of what I know will be acceptable, at least—between the rights of operators and the protections and needs of residents.

With those words, I indicate my support for the bill. Indeed, I hope that there is more work to be done in this space once we have had the opportunity to review how these particular provisions are operating after some time.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (21:28): I thank all honourable members for their contributions tonight and particularly the demonstration of goodwill that has gone into this bill. As members have spoken about, this has been a very involved review, a very involved piece of legislation, with a lot of work that has gone into where we have got to now. I look forward to continuing that thoughtfulness in that area. I think changes in here will have a significant positive impact on people's lives.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 4, after line 2—After line 2 insert:

(a1) Section 4(1)—after the definition of *annual meeting* insert:

approved alteration means an alteration to a residence authorised under, or otherwise approved in accordance with, the residence contract applying in respect of the residence, and includes an alteration approved under section 43B;

The Hon. K.J. MAHER: I rise to indicate the government will not support this amendment. While the proposed amendment will not on its own have a substantive impact on the operators or residents of retirement villages, it is the first of a series of amendments proposed by the Hon. Robert Simms relating to the arrangements governing alterations to residences. It will have, in the government's view, a serious and potentially negative financial impact on both operators and residents as a whole. We will not support this amendment, and I do not think it will come as a surprise that, as a result of that, we will not support the suite of amendments the honourable member is moving.

The Hon. D.G.E. HOOD: The opposition will not be supporting it either.

Amendment negatived; clause passed.

Clauses 4 to 13 passed.

Clause 14.

The Hon. R.A. SIMMS: I assume that my amendments Nos 2 and 3 would both be considered consequential; is that right?

The CHAIR: Apparently 2 is consequential, 3 is not, so you will not move 2?

The Hon. R.A. SIMMS: Yes, that is right. Therefore, I move:

Amendment No 3 [Simms–1]—

Page 8, lines 16 to 19 [clause 14, inserted section 20(1)(c)(vi)]—Delete subparagraph (vi)

Amendment negatived.

The Hon. R.A. SIMMS: I move:

Amendment No 4 [Simms–1]—

Page 9, after line 2 [clause 14, inserted section 20]—After subsection (1) insert:

(1a) A residence contract must not include any of the following terms:

(a) a term requiring a resident to pay an amount in relation to the remarketing of the resident's residence;

(b) a term requiring a resident to be responsible for the reinstatement of a residence to the condition it was before an approved alteration was made to the residence.

(1b) A term included in a residence contract in contravention of subsection (1a) is void and of no effect.

I will not talk through what all the amendments achieve as I did that at the second reading stage.

Amendment negatived.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 10, after line 40 [clause 14, inserted section 21(1)(b)]—After subparagraph (ii) insert:

(iii) any special levy in place and payable by residents of the retirement village, including the purpose of the special levy, the amount and frequency of payments and the proposed date of final payment; and

(iv) any major capital item expenditure project in place or planned for the next 2 years, including the cost of the project and how it will be funded; and

I will just go through it briefly even though I have already said what it was about previously. This is all about transparency and requires operators to disclose special levies in place as well as operators providing information on any major capital expenditure projects that might be planned within two years, including the cost and funding methods. Again, this will be for the benefit of residents and any incoming residents who can make informed decisions about their long-term financial commitment.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting this amendment. A key focus of the bill is to ensure that comprehensive and transparent information is provided to prospective residents. It is essential that prospective residents are informed and provided a disclosure statement of all fees and charges that they will be responsible for.

I might for the benefit of the committee indicate that we will be supporting the Hon. Mr Pangallo's amendments Nos 1 and 6. When the honourable member moves No. 2, I might explain briefly that we will not be supporting that and the other amendments on the basis that this bill attempts to strike a balance between the administrative burden it can place on operators and the rightful expectations and needs of residents. So we will support Nos 1 and 6 but not the other amendments of the Hon. Mr Pangallo.

The Hon. D.G.E. HOOD: I might indicate that the opposition takes exactly the same view, in fact, that we will also be supporting amendments Nos 1 and 6 but not the others from the Hon. Mr Pangallo.

Amendment carried; clause as amended passed.

Clause 15.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 11, after line 32—After subclause (1) insert:

(1a) Section 22(c)—after subparagraph (ii) insert:

and

(iii) a copy of the minutes of any other meeting of residents convened by the operator within the preceding 2 years;

This amendment is quite a simple one and it is bizarre that nobody wants to support it, and I would like to know the reason why they are not supporting it. It is basically to provide a copy of minutes of any meetings that have been convened by the operator with residents for the preceding two years of going in there, just to ensure that people who are either contemplating buying or about to sign contracts in there have a fair idea about the history of what they are going into. For the life of me, I do not know why you would oppose something as simple as that, that provides information to prospective buyers. There is nothing sinister in it.

The Hon. R.A. SIMMS: I rise to indicate the Greens will support the amendment. It seems to me to be a pretty commonsense measure. As the Hon. Mr Frank Pangallo says, when people are making a major purchase like this they should get access to all of the relevant information. I think this information is relevant. It should be made available to a prospective buyer. I understand his pain. I was shocked to see my very sensible amendments met with such underwhelming support but know, the Hon. Mr Pangallo, that the Greens support you in that endeavour.

The Hon. K.J. MAHER: In supporting the first amendment, the government will not be supporting this amendment. It is the government's view that, in conjunction with the proposed amendments Nos 5 and 7, they will operate to increase the administrative burden on the operators

of retirement villages, including many small operators and not-for-profit operators, and I am advised that the overwhelming majority of these facilities are not-for-profit.

Together, it is the government's view that the amendments will significantly increase the amount of administrative paperwork that must be prepared by an operator and distributed to residents and/or prospective residents, having a resource impact for that overwhelming majority who are not-for-profit operators, which may then be subsequently recovered from the residents in the form of recurrent fees or charges.

Under the current Retirement Villages Act an operator is already required to give prospective residents a copy of the minutes from at least two annual general meetings of residents of the village if two or more such meetings have been held or at least one annual general meeting if only one such meeting has been held.

The Hon. F. PANGALLO: Can I ask the minister: were they lobbied by the Property Council to oppose this amendment?

The Hon. K.J. MAHER: My advice is that is not the case.

The Hon. F. PANGALLO: Were they lobbied by the Retirement Living Council or SARVRA or COTA?

The Hon. K.J. MAHER: My advice is that is not the case. As members have spoken about in their second reading speeches, in the development of this legislation there was obviously a lot of consultation that has occurred, but I am advised that not supporting these amendments is not a result of lobbying from the two bodies that have been suggested by the Hon. Mr Pangallo.

Amendment negatived; clause passed.

Clause 16 to 21 passed.

Clause 22.

The Hon. F. PANGALLO: I move:

Amendment No 3 [Pangallo–1]—

Page 17, after line 38—After subclause (3) insert:

(3a) Section 29(5)—delete '6 months' wherever occurring and substitute in each case '3 months'

(3b) Section 29(6)—delete '6 months' and substitute '3 months'

As I said briefly, it is quite unconscionable that six months after a resident has moved out they are liable for these ongoing maintenance fees. I thought the reforms that we have been debating here and that were also debated in the other place were to try to minimise the expense that is being placed on residents when exiting retirement villages. We have already seen instances—and members in here have spoken of instances—of the financial hardship that can be put upon residents when they go into these places. What this is intended to do is ease that financial pressure on them.

You only have to see the report on ABC TV that demonstrated the extent of the difficulties created by these measures that villages put in their contracts that make it difficult for the residents to be able to move on with their lives and still have some reasonable amount of money when they exit these villages. Again, I think moving it down to three months is fairer on residents.

The Hon. K.J. MAHER: As I indicated, the government will not be supporting this amendment. It is the government's view that the independent statutory review specifically considered the topic of recurrent charges payable after exiting a village and did not make any recommendations with respect to the lowering of a timeframe. The bill before us already includes significant consumer protections with respect to financial liability when a resident vacates a village, and it is the government's view that the amendment bill strikes the appropriate balance with respect to ensuring robust consumer protections and responsibility for costs after a resident vacates a residence; therefore, the government does not support the amendment.

The Hon. R.A. SIMMS: The Greens support the amendment. I think the Hon. Mr Pangallo has outlined a sound rationale. It is certainly my view that residents in these retirement villages are often in quite a vulnerable position. There is a significant power imbalance that exists between them and the retirement village, so anything we can do to redress that I think we should.

Amendment negatived; clause passed.

Clause 23 passed.

Clause 24.

The CHAIR: There are amendments in the name of the Hon. Mr Pangallo and the Hon. Mr Simms. However, the Hon. Mr Simms, yours seem to be kind of redundant now.

The Hon. R.A. SIMMS: Are they? Because I thought the latter—

The CHAIR: So now you want to challenge the Chair, the Hon. Mr Simms, do you?

The Hon. R.A. SIMMS: No, I am not challenging the Chair. I am querying the rationale, but I will follow your guidance. If that is the view of the Clerk and the Black Rod, I am happy to not proceed with those.

The CHAIR: We will just check that, but that is the advice at this point. In the meantime, we can move on with amendment No. 4 [Pangallo-1].

The Hon. F. PANGALLO: I move:

Amendment No 4 [Pangallo–1]—

Page 18, after line 9—Insert:

(1) Section 31(3)—after paragraph (b) insert:

(ba) costs incurred by the operator in obtaining and maintaining an industry accreditation for or in relation to the retirement village; and

(bb) costs incurred by the operator in relation to employee recruitment and the education and professional development of employees; and

As I outlined in my second reading speech, the intent of this amendment is to prohibit operators from passing certain operational costs, like industry accreditation expenses, onto residents. Why should residents have to pay for these costs on top of whatever else is put upon them?

The Hon. K.J. MAHER: As indicated, the government will not be supporting this amendment. Industry accreditation is voluntary and not regulated by states and territories. In response to the recommendation of the independent statutory review, the government carefully considered the industry standards and code of conduct and determined that, as observed by the review report, the diversity of the operator market and types of villages operating in South Australia means it is not reasonable to expect all operators to subscribe to them and would likely pose an unnecessary cost burden upon the residents.

The Hon. R.A. SIMMS: I feel a bit like Cilla Black on Instagram. I have been seeing those 'surprise, surprise' videos at the moment. I am not surprised that once again the Labor Party do not support it, but I think the Hon. Mr Pangallo's suggestion is a good one and the Greens are happy to support it.

Amendment negatived.

The CHAIR: The Hon. Mr Simms, we have been advised that your amendments are consequential so they are redundant.

The Hon. R.A. SIMMS: Yes, I will not be moving them then.

Clause passed.

Clauses 25 to 27 passed.

Clause 28.

The Hon. F. PANGALLO: I move:

Amendment No 5 [Pangallo–1]—

Page 21, lines 42 to 43 [clause 28(1)]—Delete subclause (1) and substitute:

(1) Section 34(4)—delete subsection (4) and substitute:

(4) The convener of a meeting must ensure that written minutes of the meeting are provided to each resident within 10 business days after the meeting.

Again, this is all about providing information to residents and potential residents. It asks that there is a 10-day deadline for meeting minutes to be provided to all residents of a village. I cannot see what is wrong with a village providing that information within an acceptable timeframe of 10 working days. As I have said, this is all about transparency so that the residents know what is going on with their village. I mean, they are important stakeholders. Why should they be denied this information? I just do not understand the government and the opposition—unless of course they have been lobbied by the Property Council, which I expect they would have—

Members interjecting:

The Hon. F. PANGALLO: Well, I am sure they would have. I do not understand why they would not support something like this, which is a transparency measure that provides information to people. What is wrong with it? I cannot see it incurring great costs on them, despite what the government is saying.

The Hon. K.J. MAHER: As I indicated when I spoke at amendment No. 2 [Pangallo-1], the government will not be supporting this amendment. The act currently provides that the minutes of the annual general meeting must be distributed within 10 business days and all other meeting minutes must be made available for residents to inspect at a place that is easily accessible. We think this strikes an appropriate balance already.

The Hon. R.A. SIMMS: Surprise, surprise! Unfortunately, the government are not supporting that amendment, but I think it is a sensible suggestion and the Greens are happy to support it.

The Hon. D.G.E. HOOD: Just for the record, I think we have made our position clear on this but I have some sympathy for what the Hon. Mr Pangallo was saying. It seems simple but the fact is that when we were doing our consultation on this issue, with residents and owners and the various associated bodies, no resident groups suggested to us that this was an important issue for them.

But, on the other side of that, there were a number of the owner groups that did present an argument to us that said that this was an administrative burden particularly on the smaller villages. They are not-for-profits, most of them, of course, so there are barriers in that regard. I think the Hon. Mr Pangallo makes a sound point, but in fact when you consult with the groups relevant here, there did not appear to be a compelling need or a strong push for it on the residents' side. I would say also just for the record that I have not been lobbied by the Property Council at all on this issue.

Amendment negatived; clause passed.

Clause 29 passed.

New clause 29A.

The Hon. F. PANGALLO: I move:

Amendment No 6 [Pangallo–1]—

Page 22, after line 10—After clause 29 insert:

29A—Amendment of section 38—Residents' committees

Section 38(14)—after 'residents' committee' insert:

, or a sub-committee appointed by a residents' committee,

I thank the members in this place for agreeing to at least support this one which extends civil liability protections to subcommittees that have been appointed by residents' committees so that they do not incur any liability for acts or omissions that had been made in good faith by those committees, so I am glad of that.

Can I just point out that I am not suggesting that the Hon. Dennis Hood was lobbied by the Property Council, but I am sure that the Property Council and Mr Gannon and perhaps even Mr Bruce Djite may well have been lobbying the Liberals and the government on some of these amendments.

New clause inserted.

Clauses 30 and 31 passed.

Clause 32.

The Hon. F. PANGALLO: I move:

Amendment No 7 [Pangallo–1]—

Page 23, lines 9 to 16 [clause 32(2)]—Delete subclause (2) and substitute:

(2) Section 42—after subsection (2) insert:

(3) The operator of a retirement village must—

(a) provide each resident of the retirement village with a certificate of insurance for each current policy of insurance that is in place in relation to the village; and

(b) within 10 days of a request made by a resident for a copy of a policy of insurance that is in place in relation to the village, provide the resident with the requested copy of the policy.

Maximum penalty: $2,500.

Note—

This does not include policies of insurance taken out by individual residents of the village.

I know it is going to go down with the ship but, nonetheless, again I think this is all about disclosure and protections for residents in villages. It requires that operators provide each resident with a certificate of insurance for every current policy relating to the village. Again, I do not know why residents—who have bought into the place, who have a significant financial interest and an investment in the place—should not know what insurance cover applies to the village and perhaps even extends to them. Again, I just do not understand why this would be opposed.

The Hon. K.J. MAHER: The government will not be supporting this amendment. We do not believe it provides a benefit commensurate with the increase in administrative burden. The bill already introduces amendments that require that the operator must maintain adequate insurance cover, and it also makes insurance information, according to the bill, available free of charge to a resident upon request. A request for information must be responded to within 10 days, so we think rather than having to provide it to everyone—who does not necessarily want to see it—and increase that burden, this strikes a much better balance.

The Hon. R.A. SIMMS: The Greens support the amendment. I do not find this argument around the administrative burden of printing off a certificate really compelling, particularly when one considers the huge amount of money that people are investing when they are moving into these retirement villages. I do not think it is huge impost to say they can get access to this information as a matter of course. It is a pretty significant financial decision that people are making. Why not ensure that they are furnished with all the relevant information and make it a proactive thing? It is not a big, onerous requirement to run off a photocopy of a document.

The Hon. F. PANGALLO: I just want to point out that in the nearly seven years I have been in this place I have actually had a lot of interaction with residents in retirement villages—a lot of interaction. Every year, I am seeing people or they are calling me. In my previous career, it was the same thing: people complaining about the way that they were being treated and these onerous contracts that were placed upon them in relation to that.

The thing that struck me about many of these residents who have gone in there is that they were not familiar with contractual law or with contracts. These contracts are quite complex, and there were not people who were able to explain it to them. I found a lot of them did not understand them. In fact, even their own family members did not understand a lot of them until there was an issue with them.

I can tell you something, Mr President. I will not name this person, but a very eminent person who contacted me as recently as this week—a very knowledgeable person—even was flummoxed at the complexity of these contracts. He asked me not to name him and I will not, but I can tell you he is an extremely well-respected person, and extremely knowledgeable, and even he found it difficult to comprehend some of the language in these contracts and the conditions that were being placed upon them. That gives you an idea of the complexity.

This has been mentioned. There are something like 26,000 people in these residential villages, and there are something like 500 villages. You have a wide range of people in these villages. Some of them may not have been well educated or have university degrees or whatever, and they find it very difficult to understand. I have a woman who still contacts me on a regular basis, who says, 'Frank, I just don't understand why these exit fees are so expensive. Why do I have to lose a significant amount of my investment, particularly when there is really nothing wrong with my place? I am going to leave it that way. Why do I have to lose so much money as a result?'

I say to them: 'These are the contracts that you have signed.' She says she did not understand them. It was not explained to them properly. That is another issue that faces people today. As I said, this amendment is just all about disclosure and protections for those people. I thought the intent of the reforms of this bill was all about more protections for people in there, not making it difficult or some excuse that it is too onerous and it is too costly and if they want them they can ask for them.

No, they should be given to them as a matter of course when they sign contracts. When they are putting a considerable investment into these places, they should be able to access as much information, or be given that much information, about these places that are going to impact on their lives.

I am disappointed that it is not going to get the support. I am sure that I will get more complaints about this bill. Even though there are some considerable and good reforms in it, I know that there are going to be some unintended consequences or others who are not going to be happy with it. Again, I am disappointed that it does not have the support, but I thank the chamber for at least supporting two of those amendments.

Amendment negatived; clause passed.

Clauses 33 to 37 passed.

Clause 38.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 31, after line 8—After subclause (3) insert:

(3a) Section 58—after subsection (2) insert:

(2a) In addition, the following persons are entitled to appear in proceedings before the Supreme Court under this section:

(a) a resident of the retirement village the subject of the application;

(b) any other any person who, in the opinion of the Court, has a sufficient interest in the proceedings.

(2b) Subject to subsection (2c), a person who proposes to apply for the termination of a retirement village scheme or part of a retirement village scheme under this section must, before making the application—

(a) give notice in writing of the proposed application and termination to each resident along with any prescribed information relating to the proposed termination; and

(b) allow a period of 60 days after giving the notice for residents to make representations to the person in response to the notice; and

(c) keep a record of representations made by residents in response to the notice.

(2c) The Supreme Court may, on application, dispense with the requirement to comply with subsection (2b) if satisfied that it is appropriate in the circumstances of a particular case.

(2d) Notice of an application to the Supreme Court under subsection (2c) must be given to each resident.

(2e) An application for the termination of a retirement village scheme or part of a retirement village scheme under this section must include information about the results of consultation undertaken in accordance with subsection (2b) (if any).

(2f) In determining whether to approve the termination of a retirement village scheme or part of a retirement village scheme under this section, the Supreme Court must have regard to the following matters (insofar as the matters are relevant to the proposed termination):

(a) the views of residents of the retirement village (including the results of any consultation undertaken in accordance with subsection (2b)) and the operator in relation to the proposed termination;

(b) whether the proposed termination would be likely to benefit residents of the retirement village or may result in detriment to residents;

(c) whether the proposed termination would be likely to affect the capital value of residences in the retirement village;

(d) whether the proposed termination would be likely to involve a breach of any residence contracts;

(e) the conduct of the operator and residents of the retirement village,

and the Court may have regard to any other matter the Court considers to be relevant in the circumstances of the particular case.

I have already spoken to this amendment insofar as it relates to clarifying and codifying existing case law, giving the Supreme Court clearer guidance when faced with applications for termination or partial termination of a village scheme and effectively, as far as reasonably possible, reflects the judgement that I referred to earlier, the submissions of Caton and the minister regarding what ought to be relevant considerations in these instances.

The Hon. K.J. MAHER: The government will be supporting this amendment. It is this government's view that it is consistent with provisions in the bill and provides clarity to what is intended.

The Hon. D.G.E. HOOD: The opposition will also be supporting this amendment for exactly the reasons as outlined by the Attorney.

The Hon. R.A. SIMMS: The Greens are also supportive of the amendment. Might I just make the comment that, whilst I am disappointed that my amendments were not successful, I do welcome the fact that many of the amendments advanced by the Hon. Mr Pangallo and the Hon. Connie Bonaros have been accepted by the government. I think they do strengthen the bill and, indeed, the bill itself is a positive advance forward.

The Hon. F. PANGALLO: I rise to say that I will be supporting the amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 31, after line 10—After subclause (4) insert:

(5) Section 58—after subsection (4) insert:

(5) A reference in this section to a *resident* includes a person who is not in occupation of a residence but is, under a residence contract, entitled to payment of an exit entitlement and has not received payment of the exit entitlement.

I think I can speak to all of them. Effectively, the subsequent two amendments are consequential. They are all part of the one package.

Amendment carried; clause as amended passed.

Clauses 39 to 48 passed.

Schedule 1.

The Hon. C. BONAROS: I move:

Amendment No 3 [Bonaros–1]—

Page 40, after line 25—After clause 7 insert:

7A—Termination of retirement village scheme on application to Supreme Court

Subsections (2a) to (2f) of section 58 of the principal Act, as inserted by this Act, apply only in relation to proceedings commenced under section 58 of the principal Act after the commencement of section 38 of this Act.

Again, this is a consequential amendment and is related to the other two.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (22:03): I move:

That this bill be now read a third time.

The Hon. D.G.E. HOOD (22:03): I want to acknowledge the comments of the Hon. Mr Pangallo throughout this debate. I want to say to him, through you, sir, that I understand his disappointment. I think a number of the amendments that he has put before the chamber are indeed sensible, but in the end, speaking for the opposition, during our consultation they were seen as—I say this respectfully—lesser matters, if I can put it that way, for the broad consultation that we did.

This bill, I am sure the Hon. Mr Pangallo would acknowledge, makes some very significant steps forward for consumers, for those people who are investing in retirement villages. From the opposition's perspective, we saw this as the right balance at this time. That said, we will be watching this space closely, and should the bill need to be revisited and the sorts of amendments that the Hon. Mr Pangallo has put to this chamber be further considered, then we are absolutely open to that.

The Hon. F. PANGALLO (22:04): I would like to acknowledge the input from all the members in this place, and I would like to commend the minister, Chris Picton. This has been a piece of legislation a long time coming. As I mentioned in my second reading speech, I can recall attending a meeting back in 2018, and it was a packed meeting, of residential village people in Pilgrim Church, I think it was, with the minister at the time—sorry, he was shadow minister at that time. He showed a lot of empathy and compassion for the problems that residential village people were feeling at the time, and he gave the commitment that they would look at it.

I know it has been nearly six or seven years, but it has come through. I welcome it, and I am sure there are many in the community, families as well, who have members in residential villages who would also welcome these changes. It was a pity the changes could not go a little bit further, but nonetheless there has been significant progress. Again, I thank the government and the minister for their input, and also the other members who have taken a strong interest in this.

Bill read a third time and passed.

BIOSECURITY BILL

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: In noting that states and territories are the first responders to any incidents that occur within their jurisdictions and have primary responsibility for emergency

management activities, including biosecurity, can the minister inform the chamber how often South Australia's exotic disease preparedness plans are reviewed and updated? When was the last review and update?

The Hon. C.M. SCRIVEN: I am advised that this bill does not affect the frequency of when such plans might be reviewed.

The Hon. T.A. FRANKS: Noting that this bill does not revoke the Landscape South Australia Act 1999, the bill states that the minister may declare any biosecurity matter to be prohibited at, I think, clause 13(1), much in the same way the landscape act can be used to declare a specified class of animals or plants. If a new invasive animal or plant species needs to be declared, will this continue to be done under the landscape act or through this proposed bill to become an act?

The Hon. C.M. SCRIVEN: I am advised that if the pest species was native to Australia that declaration would be under the landscape act. If it was exotic to Australia, it would be under this new proposed biosecurity act.

The Hon. N.J. CENTOFANTI: Has South Australia developed a resource plan for potential exotic disease outbreaks, including identifying the mission critical supplies that are needed to operationalise our response plans?

The Hon. C.M. SCRIVEN: I am advised that this bill does not specify or impact the preparation of resource plans, supplies and so on.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [PrimIndRegDev–1]—

Page 16, line 8 [clause 3(1)(a)]—Delete 'species Apis mellifera L.genus Apis or Megachile' and substitute 'genus Apis or Megachile'

Subsequent to the introduction of this bill a minor error was discovered in the definition of 'bee'. This needs to be corrected to ensure that it is clear and taxonomically correct. The proposed change would be consistent with the approach in the Livestock Act 1997, in which bees are defined at the genus level and not the species. Genus *Apis* includes the species *Apis mellifera L*, which is more commonly known as the western or European honey bee. Genus *Megachile* includes the species *Megachile rotundata*, an introduced species that pollinates some crops, as well as around 120 to 150 species native to Australia. Unfortunately, the error in the definition of 'bee' was not identified during drafting, internal review or the consultation process. It is now proposed to make that correction.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition will support this technical amendment to correct the error.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 25, after line 17 [clause 8(1)]—Insert:

(pa) accesses land used for the production of the biosecurity matter or carrier; or

This amendment to clause 8 of the general biosecurity duty provides clarity that any third party accessing land for primary production is assumed to pose a biosecurity risk and must take certain steps to reduce that biosecurity risk. One of the key biosecurity challenges our producers regularly

encounter is a lack of awareness, diligence and accountability from third parties seeking access to their land, whether through existing agreements or otherwise.

This presents a significant risk for the introduction and spread of pests, diseases and other invasive species. For instance, under the Mining Act 1971 mining companies can obtain an exploration licence that permits them to enter land for search of minerals; however, there are no requirements for implementing biosecurity measures when accessing this land, except for PEPR agreements.

Whilst there are occasions when producers can negotiate access arrangements and enforce biosecurity protocols, this is not always the case, therefore establishing a legislative requirement for companies to implement measures to mitigate these biosecurity risks would be beneficial.

Specific measures could be outlined in regulations and tailored to different land uses. For example, the requirements for cropping land may differ from those for a horticultural property. Consequently, the bill should be revised to clarify that any individuals accessing certain types of land are presumed to pose a biosecurity risk and must take specific steps to mitigate that risk.

The Hon. C.M. SCRIVEN: I appreciate that primary industry sectors are certainly very interested in and concerned about third parties creating biosecurity risks by entering premises. However, I understand that this amendment seeks to expand the meaning of 'dealing' to include any situation where a person accesses land used for the production of the biosecurity matter or carrier. It is in contrast to the existing definitions. This inclusion does not require any direct connection with or manipulation of the biosecurity matter or carrier, and as such is inconsistent with the other things listed in the definition.

I am advised that the existing meaning relates to a range of circumstances in which a person may deal with biosecurity matter or a carrier and the person has some connection with or in some way manipulates the biosecurity matter or carrier, as opposed to the person simply being in a particular place. The amendment would expand the definition in a way that may expose people who do not pose a biosecurity risk to criminal liability.

My advice is that the existing definition is already sufficient to manage risks associated with access to primary production land. For example, if a person has possession of or moves biosecurity matter or a carrier—such as a vehicle, machinery or dirty socks and shoes for that matter—that would be considered a 'dealing' and any associated risks may be addressed through that dealing. This includes the scenario where the person is accessing primary production land.

As their current definition of 'dealing' is sufficient to address biosecurity risks as needed, I indicate the government will not be supporting the amendment. One example that was proposed where this amendment, if it was successful, could be problematic is that it may actually mean that some personnel who might need to access land for a valid reason, such as to do with electricity infrastructure maintenance, may be unwilling to access the land at all and thereby cause unintended consequences for those landholders.

The Hon. T.A. FRANKS: The Greens will not be supporting this amendment.

Amendment negatived; clause passed.

Clauses 9 to 12 passed.

Clause 13.

The Hon. N.J. CENTOFANTI: Can the minister explain the need for a declaration of a prescribed matter by notice in the *Gazette* as opposed to declaring it through a regulation?

The Hon. C.M. SCRIVEN: I am advised that it is necessary for prohibited matter to be declared by *Gazette* for the bill to achieve its aim of being both flexible and future proof. For example, there are hundreds if not thousands of potentially serious emergency pests and diseases that would require swift action to contain, eradicate or control if they were detected in South Australia. While many of these are known, others are new or emerging, and it is not possible to pre-emptively declare them all. A suitable mechanism is required that would allow new pests to be added to the prohibited matter list with great rapidity, and gazettal is the appropriate mechanism to provide this.

The current equivalent lists of plant pests and diseases under the Plant Health Act and animal diseases and contaminants under the Livestock Act are made by gazettal, and this has proven to be a sound and suitably responsive mechanism. This decision is made based on advice from technical subject matter experts, usually utilising a rapid risk assessment. In many cases decisions are made at a national level and subsequently require declarations to be implemented by jurisdictions.

Wherever possible and sufficient time is available, industry consultation is undertaken before varying the notice; for example, when removing something from the list if eradication is unsuccessful and a decision is made to transition to management. It is expected that this practice would continue. So, essentially, it may need to happen in a rapid manner and therefore the *Gazette* is considered the most appropriate mechanism.

Clause passed.

Clauses 14 to 18 passed.

Clause 19.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 29, after line 17—Insert:

(d) without limiting a preceding paragraph, acts, transactions and matters done, entered into or occurring on the Internet or other e-commerce platforms or online spaces (wherever done, entered into or occurring).

This goes to the advice that I have received from the Wildlife Crime Research Hub at the University of Adelaide Environment Institute and the ARC-funded work that is going on there. Of course, we are, as I said in my second reading speech, all very aware of the changes brought to the way we shop, and that is often by the internet. Those changes have seen wildlife crime become a booming business, and this amendment goes some way to addressing that online environment.

The Hon. C.M. SCRIVEN: This bill is intended as a broad framework for managing all biosecurity risks and impacts for South Australia, including those arising through e-commerce. The existing provisions already exert the extraterritorial application of the bill to the full extent possible, and these could be applied to e-commerce. However, reinforcing the intent of this chamber for the bill to apply to e-commerce is not problematic, and therefore the government does not oppose the amendment.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition will also be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–1]—

Page 30, line 5—After 'economically' insert 'or environmentally'

This simply inserts an environmental imperative as well as an economic one. Indeed, if we only look to the economics we will fail to implement the best practice that would enable us to work proactively rather than just reactively to situations. As I noted, again, in my second reading speech, South Australia's economic wellbeing is indeed reliant on nature. The ACF has found that approximately 50 per cent of our nation's economy, some $896 billion of GDP, has a moderate or very high direct dependence on nature but may not be considered something that is purely economic. So the Greens would like to see the environment considered more heavily in this bill.

The Hon. C.M. SCRIVEN: Certainly, the government largely agrees with the sentiments that have been put forward by the Hon. Ms Franks. However, the objects of the bill have already been

carefully crafted to include the environmental aspect. The three key pillars are included in clause 22(a). The first is the economy, the second is the environment and the third is the community. As it currently stands, the bill provides:

(i) pests, diseases and other biosecurity matter that are economically significant for the State…

Hence, pillar 1, economy. Next is:

(ii) threats to terrestrial and aquatic environments arising from pests, diseases and other biosecurity matter…

Therefore, the aspect of environment is also front and centre. The third is around community:

(iii) pests, diseases and other biosecurity matter that may have an adverse effect on public amenities, community activities and infrastructure…

So all three are very important and all three covered. Therefore, to insert as this amendment proposes is considered to be an unnecessary duplication.

The Hon. N.J. CENTOFANTI: I rise to indicate that, whilst we appreciate the intent of the mover's amendment, for the reasons outlined by the minister, the opposition also will not be supporting this amendment.

Amendment negatived; clause passed.

Clauses 23 to 25 passed.

Clause 26.

The Hon. N.J. CENTOFANTI: Given the function and powers of authorised officers, is there any requirement that an authorised officer is to be suitably qualified and, if not, why not?

The Hon. C.M. SCRIVEN: Authorised officers undertake a wide range of duties, and the skills, experience, training and qualifications required are highly context dependent. This could range from inspectors whose sole function is to apply fruit fly bait and pick up fallen fruit from residential properties during a fruit fly outbreak, for example, requiring appointment to confer powers of access, right through to animal health inspectors dealing with complex and varied animal health issues requiring specialised veterinary training.

The instrument of appointment allows for the powers and functions of an authorised officer to be specified and limited. Hence, the approach is for the appointment of suitable persons rather than specifying particular qualifications and for the minister or delegate to use their judgement and discretion in ensuring that only people are appointed with appropriate qualifications, skills and experience for their specific role and that appropriate further training is provided where required.

Relevant skills, qualifications and experience are considered during the recruitment process for particular roles. It is also worth noting that neither the Livestock Act nor the Plant Health Act mandate specific qualifications for inspectors, despite the narrower focus of these acts.

The Hon. N.J. CENTOFANTI: Can the minister confirm then that there is no minimum qualification for an authorised officer?

The Hon. C.M. SCRIVEN: The minimum qualifications would depend on the nature of the role in the given context.

Clause passed.

Clauses 27 to 34 passed.

Clause 35.

The Hon. N.J. CENTOFANTI: Can the minister please outline what the roles and responsibilities of a statutory corporation would be?

The Hon. C.M. SCRIVEN: I am advised that the clause simply allows flexibility to establish statutory corporations by regulation. There is no current intention to establish a new board. The provision is part of the broad flexible framework that this bill provides. The regulations would provide the details of any new statutory corporation and how it would be established in accordance with this

provision. In terms of potential functions, as I mentioned, there is no intention to establish a new statutory corporation under the bill. The bill is intended to be flexible and allow us to adapt and respond to future needs.

Clause passed.

Clause 36 passed.

New clauses 36A, 36B, 36C, 36D, 36E and 36F.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–1]—

Page 38, after line 11—Insert:

Division 4A—Expert biosecurity advisory committee

36A—Establishment of expert biosecurity advisory committee

(1) The Minister must establish an expert biosecurity advisory committee to advise the Minister, on its own initiative or at the request of the Minister, on matters relevant to the operation of this Act.

(2) The expert biosecurity advisory committee consists of up to 5 persons appointed by the Minister.

(3) The committee must include members that represent—

(a) First Nations people; and

(b) the University of Adelaide's Environment Institute (or its successor); and

(c) the Conservation Council of SA (or its successor).

(4) The Minister may appoint a suitable person to be the deputy of a member of the expert biosecurity advisory committee.

(5) A deputy may act as a member of the committee during any period of absence of the member in relation to whom the deputy has been appointed.

(6) A member of the expert biosecurity advisory committee will hold office on terms and conditions determined by the Minister for a term specified in the instrument of appointment and will, at the expiration of a term of office, be eligible for reappointment.

36B—Conditions etc

(1) A member of the expert biosecurity advisory committee will hold office on terms and conditions determined by the Minister for a term specified in the instrument of appointment and will, at the expiration of a term of office, be eligible for reappointment.

(2) The Minister may remove a member of the expert biosecurity advisory committee from office on any ground specified in the member's instrument of appointment.

(3) The office of a member of the expert biosecurity advisory committee becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not reappointed; or

(c) resigns by written notice addressed to the Minister; or

(d) is removed from office under subsection (2).

36C—Validity of acts

An act or proceeding of the expert biosecurity advisory committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

36D—Conflict of interest under the Public Sector (Honesty and Accountability) Act

A member of the expert biosecurity advisory committee will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* by reason only of the fact that the member has an interest in a matter that is shared in common with those engaged or associated with the biosecurity community or industry (including the academic sector).

36E—Proceedings

(1) The quorum for a meeting of the expert biosecurity advisory committee is determined by dividing the number of members by 2, ignoring any fraction and adding 1.

(2) Subject to the regulations, the expert biosecurity advisory committee may determine its own proceedings.

36F—Annual report

(1) The expert biosecurity advisory committee must, on or before 30 September in each year, forward to the Minister a report for the preceding financial year.

(2) A report must contain—

(a) a report on the operation of this Act; and

(b) any other information required by the Minister and the regulations.

(3) The Minister must cause a copy of a report provided to the Minister under this clause to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

This amendment provides for the establishment of an expert biosecurity advisory committee of up to five persons—specifically that those members must represent First Nations people, the University of Adelaide's Environment Institute or its successor and the Conservation Council of South Australia or its successor—and, obviously, up to two others.

The Greens would like to see this bill establish this advisory committee to advise the minister either on their own initiative or at the request of the minister on matters relevant to the operation of the act that should include, of course, at least one environmental biosecurity expert and representation from those groups. We think that this would be a useful addition to the workings of this act when it comes to fruition.

The Hon. C.M. SCRIVEN: A central aim and theme of this bill is to provide a flexible framework that meets today's needs and can also be adjusted to address emerging and future needs and issues. Advisory committees have a role to play from time to time and it is important that such committees have the membership and diversity of skills and expertise to address the challenges concerned or to meet the needs of the time. Limiting membership to five and mandating the affiliation of three of those members, as proposed by this amendment, goes against this fundamental aim of the bill because it undermines its flexibility to meet South Australia's needs into the future.

Other existing organisations, subject matter experts or specialist groups could similarly be put forward as members, but are not in this amendment—whether it be Vinehealth Australia, the Dog Fence Board, the Centre of Excellence for Biosecurity Risk Analysis or the Invasive Species Council, just to name some examples, and there could certainly be additional ones formed or identified in the future.

However, the ability to be responsive and assemble a group of people with the full diversity of skills, perspectives and expertise needed is paramount to ensuring the best available advice on biosecurity is considered. That is why the bill already allows for the formation of advisory groups in clause 301 with up to nine members and without setting the membership composition in stone. It is considered that to do so would be detrimental to the outcomes sought by this legislation and, therefore, the government does not support this amendment.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition will also not be supporting this amendment, primarily due to the existing clause 301. The opposition also have concerns that this committee is likely to add another layer of bureaucracy to primary production at a time when industry is calling for a sensible reduction in red tape. We also note that three out of the five members of this committee which would be legislated for have no professional attachment to biosecurity nor food and fibre production.

New clauses negatived.

Clauses 37 to 48 passed.

New clause 48A.

The Hon. T.A. FRANKS: I move:

Amendment No 4 [Franks–1]—

Page 44, after line 17—Insert:

48A—Minister to notify sellers or agents dealing with biosecurity matter

(1) The Minister may, by written notice, require a seller or agent, including an e-platform providing third party sales services, to withdraw, or cause to be withdrawn, from sale any prescribed biosecurity matter.

(2) If a notice under subsection (1) has not been complied with within 30 days after the service of the notice, the person to whom the notice was served is guilty of an offence.

Maximum penalty: $10,000.

This again comes from the advice that the Greens have sought from the Wildlife Crime Research Hub at the University of Adelaide, where there needs to be a proactive measure to force those who are putting things online for sale to remove them in a more forceful way than currently exists.

The Hon. C.M. SCRIVEN: Again, the government supports the intent of this amendment, but our advice is that the amendment is unnecessary. Clause 202 of the bill provides that the chief executive may issue a general biosecurity direction, and clause 204 provides that a designated entity may issue an individual biosecurity direction. Such directions may prohibit, regulate or control or require or authorise any of the things specified in schedule 3, which includes a prohibition or restriction on the sale or supply of any biosecurity matter or other thing. This is in addition to the power to prohibit, regulate or control an activity.

The bill provides for the parliament's intent for extraterritorial application of the act in clause 19. A direction in relation to an item for sale in South Australia, or for sale elsewhere for supply into South Australia, would be considered likely to have a sufficient connection to the state. Therefore, the government is satisfied that the bill enables appropriate action to be taken to manage the sorts of online risks that we understand are envisaged by the mover of the amendment.

The Hon. N.J. CENTOFANTI: I rise to indicate that the opposition will not be supporting this amendment. The sale and packaging and shipping for sale of a prescribed biosecurity matter is already a criminal offence under this legislation, and should the removal of prescribed matter from sale by a third party or at a third-party location need to be explicitly stated in this legislation then the power should rest with the law enforcement and not with the minister.

New clause negatived.

The Hon. T.A. FRANKS: I am not pursuing amendment No. 5 [Franks-1] as it is consequential.

Clauses 49 to 78 passed.

Clause 79.

The Hon. N.J. CENTOFANTI: I refer to subclause (1)(a) of clause 79—Accreditation authorities. In what circumstances would an accreditation authority be someone other than the chief executive?

The Hon. C.M. SCRIVEN: I am advised that this could allow for third-party accreditation schemes to be recognised under the act. This is an area of growing interest as part of the move towards greater recognition of industry biosecurity initiatives and shared responsibility.

An example of this could be Greenlife Industry Australia's BioSecure HACCP accreditation scheme. So if there is the ability to appoint a third party, then potentially that is less red tape and more streamlined in terms of the procedures and processes that need to be undertaken.

Clause passed.

Clauses 80 to 101 passed.

Clause 102.

The Hon. N.J. CENTOFANTI: I refer to subclause (3)(c). Under what sorts of circumstances would biosecurity auditors be able to enter private premises without consent, as per the regulations?

The Hon. C.M. SCRIVEN: Could you repeat the question?

The Hon. N.J. CENTOFANTI: Yes. Clause 102(3)(c) provides:

(3) Nothing in this section prevents a biosecurity auditor from—

(c) entering or remaining on premises or any public place in circumstances prescribed by the regulations.

My question is: under what sorts of circumstances would biosecurity auditors be able to enter private premises without consent, as per those regulations?

The Hon. C.M. SCRIVEN: I am advised that it is not envisaged that an auditor would need to enter such premises without consent. Subclause (3)(c) simply states:

(3) Nothing in this section prevents a biosecurity auditor from—

(c) entering…in circumstances prescribed by the regulations.

So my advice is that this is simply directing to the regulations any particular additional processes or frameworks that might be required.

The Hon. N.J. CENTOFANTI: Can the minister just confirm then that in those cases the biosecurity auditor would not be entering private premises without the consent of the owner of those premises?

The Hon. C.M. SCRIVEN: First of all, I would just like to clarify that this clause is in relation to a biosecurity auditor as opposed to an authorised officer. They may be the same person, but not necessarily. A biosecurity auditor is the particular part that we are referring to here. I am advised that it is not envisaged that there would be any circumstances currently that could be envisaged that would necessitate an auditor who is only an auditor to enter premises without consent. There is the opportunity to prescribe, by regulations, particular circumstances, but it is not envisaged that that would be without consent if the individual was a biosecurity auditor only.

Clause passed.

Clauses 103 to 116 passed.

Clause 117.

The Hon. N.J. CENTOFANTI: Can the minister provide an example of an audit frequency policy?

The Hon. C.M. SCRIVEN: I am advised that there is currently not an audit frequency policy in place. This is a new provision under this Biosecurity Bill and it is simply to enable, for example, a requirement that an audit must occur every five years in a particular circumstance or a particular sector. That would obviously be only where it was expected to be useful in terms of preventing biosecurity risks or minimising or mitigating them.

The Hon. N.J. CENTOFANTI: Can the minister indicate then who would have oversight of these audit frequency policies?

The Hon. C.M. SCRIVEN: I am advised that an audit frequency policy would only have effect if approved by the chief executive. I am referring of course to the Chief Executive of PIRSA.

The Hon. N.J. CENTOFANTI: Perhaps, if the minister can then answer: will the audit frequency policies be codesigned with industry input with the chief executive? Will those audit frequency policies be codesigned with industry input and, if not, why not?

The Hon. C.M. SCRIVEN: It is a general policy to consult with industry about matters that will impact them. Anything that would be developed would be envisaged that it would have that close sense of collaboration and consultation.

Clause passed.

Clauses 118 to 125 passed.

Clause 126.

The Hon. N.J. CENTOFANTI: Can the minister explain what other powers would be prescribed by the regulations as per paragraph (e)?

The Hon. C.M. SCRIVEN: Paragraph (e) refers to 'exercise any power prescribed by the regulations' and the regulations obviously are yet to be developed. Regulations will be developed, if this bill is passed, in close consultation with industry.

The Hon. N.J. CENTOFANTI: Why do additional powers need to be prescribed by regulations?

The Hon. C.M. SCRIVEN: Is the question why they need to be prescribed by regulation as opposed to prescribed by some other mechanism?

The Hon. N.J. CENTOFANTI: Clause 126 states:

> A biosecurity certifier may do any or all of the following before issuing a biosecurity certificate in relation to any biosecurity matter, carrier, thing or area:—

and—

> (e) exercise any power prescribed by the regulations;

Can you give me an example of what one of those powers might be that is prescribed by those regulations, obviously other than what has been prescribed in (a) to (d)?

The Hon. C.M. SCRIVEN: On advice, there is no particular example that can be provided. This is simply in line with the intent of the bill to be as flexible as future circumstances might require and to enable anything to be prescribed within the regulations. Of course, as I mentioned, the development of regulations will be done in consultation with industry and other stakeholders.

The Hon. N.J. CENTOFANTI: Does clause 126(f) not cover that, when it states:

> (f) do anything else that the biosecurity certifier considers necessary to be done for the purposes of determining whether to issue a biosecurity certificate and, if so, the contents of the biosecurity certificate.

I am just wondering why the need for (e).

The Hon. C.M. SCRIVEN: I am advised it is because that will provide a more formalised structure, and obviously a power prescribed by regulations has more scrutiny here in this place.

Clause passed.

Clauses 127 to 163 passed.

Clause 164.

The Hon. N.J. CENTOFANTI: Referring to clause 164(2)(b)—an area outside of the biosecurity zone, can the minister inform the chamber whether this is akin to a buffer zone? If so, how will the size of these buffer zones be determined and who will be consulted on the size of these buffer zones?

The Hon. C.M. SCRIVEN: I am advised that one potential application of this would indeed be something that has been described as a buffer zone. In terms of the size of a buffer zone, that would depend on what type of biosecurity incident was in question and what kind of movement of the biosecurity risk or cause was relevant at the time, and it would be determined based on the best advice wherever possible. Such things would be determined in consultation with industry, but clearly, in an emergency event, sometimes that consultation needs to be briefer than would otherwise be desirable.

The Hon. N.J. CENTOFANTI: How often are these biosecurity zones reviewed and reassessed? Is it dependent on up-to-date science around the biology of the disease process?

The Hon. C.M. SCRIVEN: I am advised that it would depend on the nature of the particular biosecurity risk. For example, if we are talking about a biosecurity zone set up for fruit fly it would be quite different from a biosecurity zone set up for the protection of, for example, the Kangaroo Island apiary industry. Essentially, it will depend on the circumstances of the individual case at the time.

Clause passed.

Clauses 165 to 235 passed.

Clause 236.

The Hon. N.J. CENTOFANTI: Can the minister indicate to the chamber in what other circumstances she envisaged an authorised officer being able to enter a residential premises as prescribed by the regulations?

The Hon. C.M. SCRIVEN: I am not sure if I have understood the question correctly. Clause 236 says:

(1) An authorised officer may only enter a dwelling—

This dwelling is referring to a residential premises—

under this Part if the authorised officer—

(a) is entering the dwelling with the consent of an occupier of the relevant premises; or

(b) is acting under the authority of a warrant; or

(c) is acting in the case of an emergency.

I am not sure if that provides enough clarification for the honourable member.

The Hon. N.J. CENTOFANTI: I am talking about entry to residential premises under 236(2):

(2) An authorised officer may only enter any other part of residential premises under this Part if the authorised officer—

And then it says:

(e) is entering the premises in circumstances prescribed by the regulations.

Can the minister indicate to the chamber in what other circumstances does she envisage the authorised officer being able to enter?

The Hon. C.M. SCRIVEN: I thank the honourable member for the clarification of the question. Again, there is nothing specific envisaged at this time, but this is included in order to enable futureproofing of this bill as it becomes an act and to be as flexible as may be required in any given circumstance.

The Hon. N.J. CENTOFANTI: Given we are talking about property rights, though, why is the minister not more prescriptive around what circumstances an authorised officer is able to enter a residential premise?

The Hon. C.M. SCRIVEN: The reasons that are currently in clause 236 outline those that are expected to be necessary and appropriate. However, by including 236(2)(e), enabling additional circumstances to be prescribed in the regulations, it enables there to be flexibility in the event that that should be required in the future. Given that regulations are subject to the scrutiny of parliament, it is considered that that is an appropriate mechanism to ensure that any such circumstances are only those that would be appropriate.

Clause passed.

Clauses 237 to 243 passed.

Clause 244.

The Hon. N.J. CENTOFANTI: In regard to subsection (3)(a)(vi) with 'any regulation', in what other situation would destruction be authorised?

The Hon. C.M. SCRIVEN: I am advised that the rationale for including this is similar to what we have just outlined in the previous discussions on clauses enabling maximum flexibility in the event that in the future there should be an appropriate reason to have an additional purpose. Again, given that it would be through regulation, there would be parliamentary oversight of any such regulation.

Clause passed.

Clauses 245 to 253 passed.

Clause 254.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 2 [Centofanti–1]—

Page 143, after line 18 [clause 254(2)]—Insert:

or

(c) that the employee or agent has acted contrary to a direction given by or on behalf of the employer or principal.

This amendment is around liability for offences, and it removes the liability of employers in situations where biosecurity breaches have occurred by an employee, where that employee has directly contravened instructions given by the employer when committing an offence. Currently, clause 254 reads that, if an employee or agent commits an offence under this Act, the employer or principal is taken to have committed the same offence, except under certain circumstances.

I am simply adding in another circumstance where it will be a defence for an employer in proceedings for an offence under this act if the employee or agent has acted contrary to a direction given by or on behalf of the employer or principal.

The Hon. C.M. SCRIVEN: The government is not supporting this amendment. The proposed amendment would limit the responsibility and liability of an employer and make it more difficult to prosecute employers in the event an employee or agent commits an offence in the course of their duties. This undermines the intent of the bill to provide a strong biosecurity system to protect our all-important primary industries now and into the future. It is not clear what would constitute a direction. For example, could it be a verbal or written direction, and who could issue the direction? This lack of clarity would likely lead to confusion for employers and employees regarding their responsibility.

I think, though, most importantly, the bill already provides defences for an employer or principal if they establish that they could not by the exercise of due diligence have prevented the commission of the offence or that the offence did not occur in the course of the employment or agency.

This is considered sufficient to limit the liability of employers who have appropriate biosecurity practices and procedures to ensure compliance with the bill and where an employee has acted outside of the bounds of their employment. The amendment would limit the vicarious liability of employers to an unreasonable expectation and could restrict compliance and enforcement efforts. As such, the government does not support it.

The Hon. T.A. FRANKS: The Greens will not be supporting the opposition amendment.

Amendment negatived; clause passed.

Clauses 255 to 302 passed.

Clause 303.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 3 [Centofanti–1]—

Page 164, after line 5—Insert:

(2a) The Minister must establish a scheme for oversight by an individual of anything done, determined or created under subsection (2).

(2b) Without limiting subsection (2a), the scheme must provide for public reporting of decisions or determinations made under subsection (2) on an annual basis.

This amendment makes additions to clause 303, which is the use of equipment or computers to make decisions. As written, the proposed legislation grants the ability for a computer program or AI model to be used in order to make automatic determinations. The amendment seeks to create mechanisms for review of these decisions by, one, creating provisions for oversight through a scheme which

records all decisions made and, two, enforces the department and minister to create public report of all listed decisions. Given artificial intelligence is a new technology, the opposition feel it is important to review these decisions and ensure that there is a level of oversight over those decisions made by that artificial intelligence.

The Hon. C.M. SCRIVEN: I understand that this amendment would require a scheme to be established for oversight of anything done, determined or created, which could include a device used to make a decision, to perform a function or to give notice of any decision or determination. If each action required this oversight, it would create an unacceptable inefficiency.

The public reporting requirement would also create an administrative burden and raises concern about the level of disclosure that would be required under such a scheme, noting that any reporting should not result in the release of a person's confidential information. If such a system is used to make a decision that is a reviewable decision, the person would be able to seek a review of the decision and therefore their rights are not in any way diminished.

I think it is probably worth using an example of why this amendment would make efficiencies virtually unworkable. For example, if maybe AI was being used and a questionnaire was filled out by someone who has an accreditation or needs renewal of their accreditation, someone could fill out a questionnaire saying that nothing has changed on a number of questions and then that might automatically say, 'Nothing has changed. Therefore, that particular registration can be renewed.' What is being proposed by this amendment is that every time that happens there would need to be a public report of that, which would clearly be detrimental to efficiency and effectiveness. Essentially, it would add red tape and reduce efficiency.

The Hon. T.A. FRANKS: We do not support the amendment.

Amendment negatived; clause passed.

Clauses 304 and 305 passed.

Clause 306.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 4 [Centofanti–1]—

Page 165, after line 17—Insert:

(2a) However, the Governor may only make a regulation imposing a levy of a kind referred to in Schedule 5 item 18 on the recommendation of the Minister.

(2b) The Minister must not make a recommendation under subsection (2a) unless the Minister is satisfied that consultation has occurred with bodies (including industry bodies) that the Minister considers represent persons liable to pay any proposed levy.

This amendment adds a provision to clause 306, under regulations, notices and instruments, and ensures that any additional levies imposed through the bill will require consultation with all relevant stakeholders and will require ministerial review before gaining approval. Schedule 5 of the bill specifies various matters in relation to which associated regulations may be made. Clause 18 of schedule 5 of the bill provides that regulations may be made in respect to the imposition of levies to fund the establishment or operation of any body, facility, program or activity for any purpose under this act and for the payment, recovery, enforcement, reduction or waiver of any such levy as if it were a charge under that item.

The provision for cost recovery related to biosecurity programs or activities is not universally supported by all major commodity groups; therefore, it is crucial to establish appropriate safeguards that allow each industry to evaluate any future proposals for levies based on their specific risks. Whilst it is acknowledged that such regulations may be necessary down the line, it is vital to implement proper checks and balances. This is important because the imposition of such of these levies could unintentionally affect the wrong parties, face public backlash or fail to achieve the intended results.

The Hon. C.M. SCRIVEN: This amendment appears to be mandating what would occur in any case, and in fact consultation would be far more expansive than what is proposed by this

amendment. It is basic common practice consultation, particularly with industry bodies. Therefore, it is not considered that the amendment is needed, but at the same time there is no harm in the proposal, so the government does not intend to oppose this amendment.

The Hon. T.A. FRANKS: For the record, the Greens are supporting this amendment.

Amendment carried; clause as amended passed.

Schedule 1 passed.

Schedule 2.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–2]—

Clause 21, page 180, line 2—Delete 'The board may, with the approval of the Minister' and substitute:

Subject to subclause (1a), the board may, with the approval of the Minister and the Treasurer

Amendment No 2 [Centofanti–2]—

Clause 21, page 180, after line 17—Insert:

(1a) A declaration may only be made under subclause (1) in relation to a council if—

(a) the board has taken action in the area of the council (other than action involving the construction or maintenance of an effective barrier against the movement of wild dogs) either—

(i) pursuant to subclause 13(3) on the basis that the owner of any part of a dog fence has failed to comply with subclause 13(1)(c) or 13(1)(d); or

(ii) to deal with an emergency related to movement of wild dogs; and

(b) the board is satisfied that the rates levied under the other provisions of this Part are insufficient or will be insufficient to defray the board's costs of taking such action; and

(c) any contribution to be paid pursuant to the declaration is calculated to defray no more than those costs referred to in paragraph (b).

Amendment No 3 [Centofanti–2]—

Clause 21, page 180, after line 19—Insert:

(2a) Subclause (1a) applies to the amendment or variation of a notice in the same way as it applies to a notice making a declaration under subclause (1).

I will speak to the essence of the amendments in their entirety. The proposed legislation ensures the entirety of the current Dog Fence Board provisions through the Biosecurity Act. However, a provision for the Dog Fence Board to raise contributions by councils as alternative to rating by the board in clause 21 of schedule 2 has raised concerns with the Local Government Association. It is worth noting that this provision has been present within the Dog Fence Act for some time but has never been enacted. Nonetheless, given the update of the act and the movement of the Dog Fence Board into the Biosecurity Bill, this has been raised as a significant concern.

The amendment seeks to retain the provisions in clause 21 for the raising of contributions through local councils when required, but attempts to tighten the circumstances in which this can occur and ensure the provision must have ministerial approval and approval from the Treasurer of the day. Hence, this measure would only be enacted following consultation with the LGA and approval of both the minister and the Treasurer.

The Hon. C.M. SCRIVEN: I would like to ask the mover of the amendment what consultation she undertook with industry, particularly the Dog Fence Board and Livestock SA, on these amendments.

The Hon. N.J. CENTOFANTI: I have had conversations with both the Local Government Association and the Dog Fence Board. I do want to raise the point that it is my understanding that the Local Government Association raised clause 21 as an issue with the government back in

September of last year, more than 12 months ago. However, it seems that those concerns were not communicated to the Dog Fence Board until the opposition recently raised the issue.

I think this highlights the importance of communication and collaboration, because I do think that ultimately there is an opportunity to ensure that the clause remains within the schedule but the circumstances surrounding the activation of the clause are tightened to provide some comfort to councils and ratepayers around the state.

The Hon. C.M. SCRIVEN: Can the mover of the amendment advise whether the Dog Fence Board supports these amendments?

The Hon. N.J. CENTOFANTI: The Dog Fence Board has indicated that they would prefer that the clause stay as is, but that they acknowledge the concerns of the LGA.

The Hon. C.M. SCRIVEN: The mover of the amendment acknowledged that in the current bill that simply replicates the existing provisions in the Dog Fence Act. Can she explain why she considers they need to be changed?

The Hon. N.J. CENTOFANTI: Because there has not been an incident for the entire time that these provisions have been within the act, the Local Government Association raised concerns. They were unaware that this provision was even within that act. They have raised concerns about this provision within that act, now the schedule, so that is why I am moving this amendment.

The Hon. C.M. SCRIVEN: Is the mover of the amendment concerned that this amendment would undermine the security of the dog fence and therefore undermine confidence of pastoralists and others in the commitment of those opposite to the dog fence?

The Hon. N.J. CENTOFANTI: No, I do not believe so in any case. I am still seeking to retain the provisions of clause 21 but simply tightening the circumstances in which that can occur.

The Hon. C.M. SCRIVEN: The amendments seek to limit the circumstances in which the board may declare a council a 'participating council' under clause 21 of schedule 2 for contributions to be paid to the Dog Fence Board as an alternative to a rating by the board. The effect of the amendments, according to our advice, would mean that essentially the board could not make a declaration under this clause. This unreasonable constraint of the clause is on several fronts, including:

- the amendment requires that the board has already taken action, potentially putting it in an untenable financial position of not being able to access necessary funding to carry out the action in the first place; and
- the amendment requires that the action must be on the basis that the owner of any part of a dog fence has failed to comply with its duties under clause 13(1)(c) or 13(1)(d), which is to take all reasonable steps to destroy all wild dogs in the vicinity of the relevant part of the fence and any other action required by the regulations.

This would essentially limit a declaration on this basis to recovery of costs for shooting, trapping or laying poisoned baits for the destruction of wild dogs. The bill already provides for the board to recoup costs incurred in these circumstances from the owner of the fence.

The amendment also provides for action taken to deal with an emergency related to the movement of wild dogs, but importantly the amendment does not allow for declaration in relation to costs for construction or maintenance of the fence or an effective barrier against the movement of wild dogs. This is a serious and unreasonable constraint on the Dog Fence Board.

Finally, under the amendment a declaration would only be able to be made in relation to a council if action had been taken in the area of the council. The board's powers to take an action relate to the fence itself or to destroying wild dogs within the vicinity of the fence. In view of this a declaration would only be able to be made in relation to a council area which the fence is within or which is in the vicinity of the fence. The vast majority of the dog fence is within the area of the Outback Communities Authority and not a local government area—that is, not a council area. Given the lack of proximity of the dog fence to local government areas in this regard it is likely the District Council of Ceduna would be the only council which could be declared under this amendment.

Further, the bill already provides that a declaration cannot be made in respect of a council whose area is comprised of or includes rateable land. Based on the current rateable area, the District Council of Ceduna includes rateable land which, unless the rateable area changed in the future, means the amendment would make the entire clause unusable.

The committee divided on the amendments:

Ayes 9
Noes.....7
Majority 2

AYES

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

NOES

Bourke, E.S.	El Dannawi, M.	Hunter, I.K.
Maher, K.J.	Martin, R.B.	Ngo, T.T.
Scriven, C.M. (teller)		

PAIRS

Lensink, J.M.A.	Hanson, J.E.	Game, S.L.
Wortley, R.P.		

Amendments thus carried.

Remaining schedules (3 to 6) 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) (23:26): I move:

That this bill be now read a third time.

I have been advised that it might be prudent to make a clarification in regard to a question that was asked by the Hon. Tammy Franks early in the committee stage of the bill. That is simply to clarify that, in regard to determinations under the landscape act versus the Biosecurity Bill, this does not make any changes to the existing arrangements of what is covered in regard to that question under the landscape act.

Bill read a third time and passed.

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL

Final Stages

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

No. 1—Page 20, after line 21, insert:

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

Section 130P(1) and (2)—delete subsections (1) and (2) and substitute:

(1) Subject to this Division, the amount of election funding payable in respect of a general election (including a simultaneous Legislative Council election) for—

(a) each candidate in the general election or candidate or group in the Legislative Council election endorsed by a registered political party at least 1 member of which was a member of Parliament at the time of the dissolution of the Parliament in relation to the election is for each eligible vote given to the candidate or group $5.50 (2026 indexed); and

(b) each candidate in the general election or candidate or group in the Legislative Council election endorsed by any other registered political party is—

(i) for each eligible vote given to the candidate or group that falls within the range of 0% to 10% of the total primary vote—$6.00 (2026 indexed); and

(ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—$5.50 (2026 indexed); and

(c) for each candidate in the general election or Legislative Council election (other than a candidate of a kind referred to in paragraph (a) or (b)) who was a member of Parliament at the time of the dissolution of the Parliament in relation to the election is for each eligible vote given to the candidate $8.50 (2026 indexed); and

(d) for any other candidate or group in the general election or Legislative Council election is—

(i) for each eligible vote given to the candidate or group that falls within the range of 0% to 10% of the total primary vote—$9.00 (2026 indexed); and

(ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—$8.50 (2026 indexed).

(2) Subject to this Division, the amount of election funding payable in respect of an election for a House of Assembly district (other than an election held as part of a general election) for—

(a) each candidate in the election endorsed by a registered political party at least 1 member of which was a member of Parliament at the time of the event that resulted in the vacancy that gave rise to the election is for each eligible vote given to the candidate $8.50 (2026 indexed); and

(b) for any other candidate in the election is—

(i) for each eligible vote given to the candidate that falls within the range of 0% to 10% of the total primary vote—$9.00 (2026 indexed); and

(ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—$8.50 (2026 indexed).

No. 2—Page 21, after line 29, insert:

20—Insertion of sections 130PA to 130PG

After section 130P insert:

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

(1) Subject to this Division, in relation to a general election, the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of a person or body referred to in the second column of the following table (under the heading 'Recipient') the payments referred to in the third and fourth columns of the table (under the headings 'Payment A' and 'Payment B') in accordance with the provisions of the table:

Advance payments relating to House of Assembly districts at general elections			
Item	Recipient	Payment A	Payment B
1	entitled registered political party that endorses 1 or more candidates in the election	if— (a) the party elects to be treated as a recontesting party—60% of the notional amount for the party; or (b) the party does not so elect—$2,500 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	if— (a) the party elects to be treated as a recontesting party—20% of the notional amount for the party; or (b) the party does not so elect—$2,500 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party or the issue of the writs for the general election (whichever occurs later)
2	registered political party (other than an entitled registered political party) that endorses 1 or more candidates in the election	60% of the notional amount for the party, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	20% of the notional amount for the party, to be paid as soon as reasonably practicable after the issue of the writs for the general election
3	candidate in a House of Assembly district who is not endorsed by a registered political party and is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)	60% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate	20% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the issue of the writs for the general election
4	entitled candidate in a House of Assembly district	if— (a) the candidate elects to be treated as a recontesting candidate—60% of the notional amount for the candidate; or (b) the candidate does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate	if— (a) the candidate elects to be treated as a recontesting candidate—20% of the notional amount for the candidate; or (b) the candidate does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which the person is nominated as a candidate

(2) The following provisions apply for the purposes of the table:

(a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;

(b) for the purposes of the payments referred to in item 1, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous general election for each candidate endorsed by the party in a House of Assembly district; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;

(c) for the purposes of the payments referred to in item 2, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous general election for each candidate endorsed by the party in a House of Assembly district; by

(ii) the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the previous general election from that amount) for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;

Example—

Party A has at least 1 member of Parliament (or had at least 1 member at the time of the dissolution of the Parliament for the 2026 general election). The number of eligible votes given at the 2022 general election for candidates endorsed by Party A in House of Assembly districts is 100,000. The amount of election funding payable under section 130P for each eligible vote as if those votes were given at the general election to which the payments referred to in item 2 relate (that is, the 2026 general election) is $5.50 (2026 indexed). The *notional amount* is $550,000.

(d) for the purposes of the payments referred to in item 3, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous general election for the member at the previous election at which the member was elected; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;

(e) for the purposes of the payments referred to in item 4, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous general election for the candidate at the previous election at which the candidate was elected; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;

(f) the *prescribed maximum number* is the number equal to the number of House of Assembly districts in the State.

130PB—Advance payments—other House of Assembly elections

(1) Subject to this Division, in relation to an election for a House of Assembly district (other than an election held as part of a general election), the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of a person or body referred to in the second column of the following table (under the heading 'Recipient') the payment referred to in the third column of the table (under the heading 'Payment') in accordance with the provisions of the table:

Advance payments—other House of Assembly elections		
Item	Recipient	Payment
1	entitled registered political party that endorses a candidate in the election	if— (a) the party elects to be treated as a recontesting party—80% of the notional amount for the party; or (b) the party does not so elect—the designated amount, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party
2	entitled candidate in the election	if— (a) the candidate elects to be treated as a recontesting candidate—80% of the notional amount for the candidate; or (b) the candidate does not so elect—the designated amount, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate

(2) The following provisions apply for the purposes of the table:

(a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;

(b) for the purposes of the payment referred to in item 1, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous election for the district (whether held as part of a general election or otherwise) for the candidate endorsed by the party; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election to which the payments referred to in the item relate;

(c) for the purposes of the payment referred to in item 2, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the previous election for the district (whether held as part of a general election or otherwise) for the candidate; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election to which the payments referred to in the item relate;

(d) *designated amount*, in relation to an election for a district, means the lesser of the following amounts:

(i) the amount determined by dividing $50,000 (2026 indexed) by the number of candidates endorsed by entitled registered political parties and entitled candidates at the election;

(ii) $5,000 (2026 indexed).

130PC—Advance payments—Legislative Council election

(1) Subject to this Division, in relation to an election for the Legislative Council district (held simultaneously with a general election), the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of a person or body referred to in the second column of the following table (under the heading 'Recipient') the payments referred to in the third and fourth columns of the table (under the headings 'Payment A' and 'Payment B') in accordance with the provisions of the table:

Advance payments relating to Legislative Council election			
Item	Recipient	Payment A	Payment B
1	entitled registered political party that endorses 1 or more candidates in the Legislative Council district (whether or not the party also endorses candidates in 1 or more House of Assembly districts at the general election)	if— (a) the party elects to be treated as a recontesting party—60% of the notional amount for the party; or (b) the party does not so elect—$2,500 (2026 indexed) for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates), to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	if— (a) the party elects to be treated as a recontesting party—20% of the notional amount for the party; or (b) the party does not so elect—$2,500 (2026 indexed) for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates), to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party or the issue of the writs for the general election (whichever occurs later)
2	any other registered political party that endorses 1 or more candidates in the Legislative Council district (whether or not the party also endorses candidates in 1 or more House of Assembly districts at the general election)	60% of the notional amount for the party, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	20% of the notional amount for the party, to be paid as soon as reasonably practicable after the issue of the writs for the general election
3	candidate in the Legislative Council district who is not endorsed by a registered political party and is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)	60% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate	20% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the issue of the writs for the general election
4	group of candidates in the Legislative Council district not endorsed by a registered political party and a member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)	60% of the notional amount for the group, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the group	20% of the notional amount for the group, to be paid as soon as reasonably practicable after the issue of the writs for the general election

Advance payments relating to Legislative Council election			
Item	Recipient	Payment A	Payment B
5	entitled group in the Legislative Council district	if— (a) the group elects to be treated as a recontesting group—60% of the notional amount for the group; or (b) the group does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the group	if— (a) the group elects to be treated as a recontesting group—20% of the notional amount for the group; or (b) the group does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which the members of the group apply under section 58 to have their names grouped together on the ballot papers for the election
6	entitled candidate in the Legislative Council district	if— (a) the candidate elects to be treated as a recontesting candidate—60% of the notional amount for the candidate; or (b) the candidate does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate	if— (a) the candidate elects to be treated as a recontesting candidate—20% of the notional amount for the candidate; or (b) the candidate does not so elect—$2,500 (2026 indexed), to be paid as soon as reasonably practicable after the day on which the person is nominated as a candidate

(2) The following provisions apply for the purposes of the table:

(a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;

(b) for the purposes of the payments referred to in item 1, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given for each candidate or group endorsed by the party at the preceding Legislative Council election; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election held simultaneously with the general election to which the payments referred to in the item relate;

(c) for the purposes of the payments referred to in item 2—

(i) the *notional amount* means—

(A) in the case of a party that became registered during the period beginning on the day after polling day for the Legislative Council election (the *twice preceding Legislative Council election*) preceding the general election preceding the election to which the payments relate and ending on polling day for the preceding general election—the amount calculated by multiplying—

- the number of eligible votes given at the Legislative Council election held simultaneously with that preceding general election for each candidate or group endorsed by the party at that Legislative Council election; by
- the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the Legislative Council election held simultaneously with

that preceding general election from that amount) for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate; or

(B) in any other case—the amount calculated by multiplying—

- the number of eligible votes given for each candidate or group endorsed by the party at the twice preceding Legislative Council election; by
- the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the twice preceding Legislative Council election from that amount) for each such eligible vote as if they were given at the Legislative Council election held simultaneously with the general election to which the payments referred to in the item relate; or

(ii) subject to subparagraph (iii), in relation to a notional amount payable to the agent of an eligible Legislative Council minor party calculated under subparagraph (i)(B) in respect of the twice preceding Legislative Council election—

(A) the agent of the party may request that an amount specified in the request (which may not exceed 50% of the notional amount) be paid to the agent for the purposes of the Legislative Council election next occurring after that twice preceding Legislative Council election; and

(B) the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of the party the specified amount as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged for the party for the purposes of the payment; and

(iii) for the purposes of subparagraph (ii)—

(A) a request of a kind referred to in subparagraph (ii) must be included in the certificate lodged with the Electoral Commissioner by the agent of the party in accordance with section 130PF; and

(B) the payment referred to in subparagraph (ii) must be made as soon as reasonably practicable after the day on which the certificate is lodged; and

(C) the amount paid under subparagraph (ii)(B) will be deducted from the amount payable to the agent under this Division in respect of the next Legislative Council election (being the election next occurring after the Legislative Council election in relation to which that amount is paid);

(d) for the purposes of the payments referred to in item 3, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the twice preceding Legislative Council election for the member; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;

(e) for the purposes of the payments referred to in item 4, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the twice preceding Legislative Council election for the group of which the member was a member; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;

(f) for the purposes of the payment referred to in item 5, the *notional amount*, in relation to an entitled group (the *recontesting group*), means the amount calculated by multiplying—

(i) the number of eligible votes given at the preceding Legislative Council election for the group of which the member of the recontesting group whose name is to appear first in the recontesting group on the ballot papers was a member; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;

(g) for the purposes of the payment referred to in item 6, the *notional amount* means the amount calculated by multiplying—

(i) the number of eligible votes given at the preceding Legislative Council election for the candidate; by

(ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate.

(3) If a Legislative Council minor party—

(a) endorses 1 or more candidates in a Legislative Council election and 1 or more candidates in House of Assembly districts at the general election with which the Legislative Council election is held simultaneously; and

(b) has not endorsed 1 or more candidates in House of Assembly districts at a previous general election (whether held before or after the commencement of this subsection),

the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent the amount of $5,000 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number (as defined in section 130PA)).

(4) For the purposes of subsection (3)—

(a) the certificate lodged by the agent of the party with the Electoral Commissioner in accordance with section 130PF must include a declaration that the party has not endorsed 1 or more candidates in House of Assembly districts at a previous general election; and

(b) the amount payable under subsection (3) must be paid to the agent as soon as reasonably practicable after the day on which the certificate is lodged.

(5) In this section—

Legislative Council minor party, in relation to an election, means a registered political party in respect of which—

(a) 2 or fewer members of the party are members of the Legislative Council (or were members of the Legislative Council at the time of the dissolution of the Parliament in relation to the election); and

(b) no other member of the party is a member of Parliament (or was a member of Parliament at the time of the dissolution of the Parliament in relation to that election).

130PD—Early payment of certain advance funding

(1) The agent of a registered political party (other than an entitled registered political party) or non party member may, in respect of a general election, give the Electoral Commissioner a notice for payment of either of the following:

(a) a specified percentage of the payment payable to the agent under section 130PA for the election referred to as Payment A in the table under that section (up to a maximum of 10% of Payment A or $100,000, whichever is the lesser);

(b) a specified percentage of the payment payable to the agent under section 130PC for the election referred to as Payment A in the table under that section (up to a maximum of 10% of Payment A or $100,000, whichever is the lesser).

(2) A notice under subsection (1) in respect of a general election—

(a) may only be given during the period commencing from the day falling 30 days after polling day for the previous general election and ending at the start of the capped expenditure period for the general election; and

(b) must—

(i) be given in a manner and form determined by the Electoral Commissioner; and

(ii) contain a verification that the payment under the notice is sought in respect of the general election by the registered political party or non party member; and

(iii) contain an undertaking that the payment under the notice will be used for political expenditure.

(3) The Electoral Commissioner must pay a payment specified in a notice under subsection (1) to the relevant agent as soon as reasonably practicable after receipt of the notice.

(4) An amount paid—

(a) in accordance with paragraph (a) of subsection (1) will be deducted from Payment A referred to in that paragraph; or

(b) in accordance with paragraph (b) of subsection (1) will be deducted from Payment A referred to in that paragraph.

(5) The agent of a registered political party or non party member must ensure that a payment to the agent under this section is only used for political expenditure.

(6) For the purposes of this Part, expenditure attributable to a payment to the agent of a registered political party or non party member under this section in respect of a general election is taken to be political expenditure incurred by the party or non party member (as the case requires) during the capped expenditure period for the election.

(7) If an agent of a registered political party or non party member gives a notice under subsection (1) in respect of a general election, the agent cannot give the Electoral Commissioner another notice under subsection (1) in respect of that election.

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

(1) If an amount is payable under section 130P (taking into account any reduction of the amount under section 130Q) to an agent in respect of an election (whether a general election or otherwise) any amount under section 130PA to 130PD (inclusive) paid to the agent in respect of that election is to be deducted from the amount payable under section 130P.

(2) The Electoral Commissioner may require the repayment of any amount under section 130PA to 130PD (inclusive) received by an agent in respect of an election (whether a general election or otherwise) if—

(a) in all cases—the registered political party, candidate or group for which the agent is appointed does not contest the election, unless, in the case of a candidate or group, the Electoral Commissioner is satisfied that the candidate or group has good reason for not contesting the election; or

(b) in the case of the agent of a registered political party, candidate or group, other than—

(i) a party at least 1 member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election); or

(ii) a candidate who is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election); or

(iii) a group a member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election),

there is no entitlement by virtue of section 130Q(1) or (2) for payment in respect of votes given in the election to be made to the agent; or

(c) in the case of the agent of a registered political party—before polling day for the election, the party ceases to operate or be registered or it has been, or is being, dissolved or wound up.

130PF—Certificate for advance payments

(1) The following provisions apply to a certificate required to be lodged with the Electoral Commissioner by an agent under section 130PA or 130PC:

(a) the certificate must be lodged in a manner and form determined by the Electoral Commissioner;

(b) the certificate must contain a verification that the relevant payments under section 130PA or 130PC, and payment under section 130P, are sought in respect of the election by the person or body to which the certificate relates;

(c) the certificate must contain an undertaking that those payments will be used for State electoral purposes;

(d) in the case of a certificate lodged for an entitled registered political party under section 130PA—the certificate must state the number of House of Assembly districts in which a candidate endorsed by the party will stand for election;

(e) in the case of a certificate lodged for an entitled registered political party under section 130PC—the certificate must state the number of candidates (up to a maximum of 6) endorsed by the party in the election for the purposes of payments under section 130PC;

(f) in the case of a certificate lodged for a group or candidate (other than a group or candidate endorsed by a registered political party)—the certificate must contain a declaration endorsed in a manner determined by the Electoral Commissioner—

(i) if the certificate is lodged for candidates in a group—that each candidate is qualified to stand as a candidate in the election; or

(ii) in any other case—that the candidate is qualified to stand as a candidate in the election;

(g) in the case of a certificate lodged for an entitled registered political party, entitled group or entitled candidate—the certificate must indicate, in a manner determined by the Electoral Commissioner, whether the entitled registered political party, entitled group or entitled candidate (as the case may be) elects to be treated as a recontesting party, candidate or group (as the case requires) for the purposes of the payments to which the certificate relates;

(h) the certificate (other than a certificate lodged for a registered political party) must be endorsed in a manner determined by the Electoral Commissioner—

(i) in the case of a certificate lodged for candidates in an entitled group—by at least 250 electors for the Legislative Council electoral district for each candidate in the entitled group; or

(ii) in the case of a certificate lodged for an entitled candidate in a Legislative Council election (other than a candidate of a kind referred to in subparagraph (i))—at least 250 electors for the Legislative Council electoral district; or

(iii) in the case of a certificate lodged for an entitled candidate (other than a candidate of a kind referred to in subparagraph (i) or (ii))—by at least 20 electors for the relevant district;

(i) in the case of a certificate relating to 2 or more candidates who intend to have their names grouped together on the ballot paper in accordance with section 58 that is lodged in respect of them before the relevant application is made—the certificate must contain a declaration that such an application will be made before the hour of nomination for the election.

(2) The following provisions apply to a certificate required to be lodged with the Electoral Commissioner by an agent of a candidate under section 130PB:

(a) the certificate must be lodged in a manner and form determined by the Electoral Commissioner;

(b) the certificate must contain a verification that the relevant payments under section 130PB and section 130P are sought by the candidate in respect of the election;

(c) the certificate must contain an undertaking that those payments will be used for State electoral purposes;

(d) the certificate must indicate, in a manner determined by the Electoral Commissioner, whether the entitled registered political party or entitled candidate (as the case may be) elects to be treated as a recontesting party or candidate (as the case requires) for the purposes of the payments to which the certificate relates;

(e) in the case of a certificate lodged for an entitled candidate—the certificate must be endorsed in a manner determined by the Electoral Commissioner by at least 20 electors for the relevant district.

(3) A certificate cannot be lodged under subsection (1) in relation to an election before the commencement of the capped expenditure period for the election.

(4) A certificate cannot be lodged under subsection (2) for a candidate in relation to an election before the receipt of the candidate's nomination for the election.

(5) A certificate seeking payment under section 130PA, 130PB or 130PC cannot be lodged on or after polling day for the election for which the payment is sought.

(6) A certificate required to state the number of candidates endorsed by an entitled registered political party may be lodged under this section even if the identity of the candidates is not determined at the time of lodgement.

(7) A certificate lodged under this section cannot be withdrawn.

130PG—Special provisions relating to advance payments

(1) The total amount payable to the agent of a person to whom Division 6 applies under section 130PA to 130PC in relation to an election cannot exceed the amount equal to the person's applicable expenditure cap for the election.

(2) If an entitled registered political party lodges a certificate under section 130PA and, as at the hour of nomination in relation to the election, the number of House of Assembly districts in which a candidate endorsed by the party is nominated is different from the number that the certificate states will stand for election, the following provisions apply:

(a) the Electoral Commissioner must give the agent of the entitled registered political party a notice setting out—

(i) the difference between number of candidates nominated and the number stated in the certificate; and

(ii) if—

(A) the difference is positive, the amount of additional funding payable to the agent under section 130PA (being Payment A and Payment B in respect of each additional candidate nominated); or

(B) the difference is negative, the fact that the agent is required to repay the excess amount of funding paid under section 130PA in accordance with paragraph (b);

(b) for the purposes of paragraph (a)(ii)(B), the agent of the entitled registered political party must repay to the Electoral Commissioner, in accordance with any requirements of the Electoral Commissioner, the sum of Payment A and Payment B multiplied by the difference referred to in the notice under paragraph (a) (disregarding the negative sign).

(3) For the purposes of this Part, additional funding payable under subsection (2)(a)(ii)(A)—

(a) will be taken to be an amount paid under section 130PA; and

(b) must be paid as soon as reasonably practicable after the notice under paragraph (a) is given.

(4) If an entitled registered political party lodges a certificate under section 130PC and, as at the hour of nomination in relation to the Legislative Council election, the number of

candidates endorsed by the party nominated for the election (up to a maximum of 6) is different from the number that the certificate states will stand for election, the following provisions apply:

(a) the Electoral Commissioner must give the agent of the entitled registered political party a notice setting out—

(i) the difference between number of candidates nominated and the number stated in the certificate; and

(ii) if—

(A) the difference is positive, the amount of additional funding payable to the agent under section 130PC (being Payment A and Payment B in respect of each additional candidate nominated); or

(B) the difference is negative, the fact that the agent is required to repay the excess amount of funding paid under section 130PC in accordance with paragraph (b).

(b) for the purposes of paragraph (a)(ii)(B), the agent of the entitled registered political party must repay to the Electoral Commissioner, in accordance with any requirements of the Electoral Commissioner, the sum of Payment A and Payment B multiplied by the difference referred to in the notice under paragraph (a) (disregarding the negative sign).

(5) For the purposes of this Part, additional funding payable under subsection (4)(a)(ii)(A)—

(a) will be taken to be an amount paid under section 130PC; and

(b) must be paid as soon as reasonably practicable after the notice under paragraph (a) is given.

No. 3—Page 40, after line 16, insert:

21—Substitution of section 130Q

Section 130Q—delete the section and substitute:

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

(1) A payment referred to in section 130P will not be made in respect of votes given in an election for a candidate unless—

(a) the total number of eligible votes cast in favour of the candidate is—

(i) in the case of a candidate in a Legislative Council election—at least 2% of the total primary vote; or

(ii) in the case of a candidate in a House of Assembly election—at least 4% of the total primary vote; or

(b) the candidate is elected.

(2) A payment referred to in section 130P will not be made in respect of votes given in an election for a group unless—

(a) the total number of eligible votes cast in favour of the group is at least 2% of the total primary vote; or

(b) a member of the group is elected.

(3) A payment referred to in section 130P will not be made in respect of votes given in an election for a candidate or group unless—

(a) a certificate was lodged under section 130PF in respect of the candidate or group for the election; or

(b) if paragraph (a) does not apply, within 14 days after polling day for the election (or such longer period as the Electoral Commissioner may allow), the agent of the candidate or group lodges a certificate under this paragraph to receive funding in respect of the election.

(4) A certificate under subsection (3)(b) must—

(a) be accompanied by any information or material required by the Electoral Commissioner; and

(b) be lodged in a manner and form determined by the Electoral Commissioner.

(5) The deductible amount for a House of Assembly election or Legislative Council election must be deducted from the amount of election funding payable in accordance with section 130P(1)(a) or (b) to the agent of a registered political party for the relevant election.

(6) No amount is payable under this Division to the agent of a registered political party in relation to an election if the date of registration of the party under Part 6 is less than 8 months before polling day for the election to which the amount relates.

(7) If the agent of a person to whom Division 6 applies fails to ensure that the person does not incur political expenditure in excess of the person's applicable expenditure cap during the capped expenditure period in relation to an election—

(a) the amount payable in accordance with section 130P to that agent is reduced by an amount equal to 20 times the excess amount; or

(b) if the excess amount is greater than the amount payable in accordance with section 130P—the payment will not be made to the relevant agent.

(8) If, in relation to the payment of an amount in accordance with section 130P to an agent, the Electoral Commissioner is not satisfied, based on an expenditure return under section 130ZQ furnished by the relevant agent, that—

(a) in the case of a payment to be made to the agent of a registered political party—the combined political expenditure of the party and candidates endorsed by the party; or

(b) in the case of a payment to be made to the agent of a candidate not endorsed by a registered political party or a group whose members are not endorsed by a registered political party—the political expenditure of the candidate or group (as the case requires),

exceeds the amount that would, apart from this subsection, be payable in accordance with section 130P to the relevant agent—

(c) in a case where there is no satisfactory evidence of political expenditure—a payment in accordance with section 130P will not be made to the relevant agent; or

(d) in a case where there is satisfactory evidence of political expenditure but the total of that expenditure is less than the amount that would otherwise be payable in accordance with section 130P to the relevant agent—the amount payable in accordance with section 130P is reduced to an amount equal to the amount of that expenditure.

(9) The following provisions apply for the purposes of determining the *deductible amount* in relation to election funding payable to the agent of a registered political party:

(a) for a general election (of members of the House of Assembly), the deductible amount is determined—

(i) by dividing the number of districts in which a candidate is endorsed by the party at the general election by the total number of House of Assembly districts and then multiplying the quotient of that division by the aggregate primary vote to obtain the *relevant aggregate primary vote*; and

(ii) by dividing the sum of the eligible votes given for the candidates endorsed by the party at the general election by the relevant aggregate primary vote; and

(iii) by subtracting 0.33 from the quotient obtained in subparagraph (ii); and

(iv) if the result of the subtraction under subparagraph (iii) is negative, the *deductible amount* is $0; and

(v) if the result of the subtraction under subparagraph (iii) is positive, the *deductible amount* is the amount obtained by—

(A) multiplying the result of that subtraction by the relevant aggregate primary vote; and

(B) multiplying the result of that multiplication by $5.50 (2026 indexed);

(b) for a Legislative Council election, the deductible amount is determined—

(i) by dividing the sum of the eligible votes given for the groups and candidates endorsed by the party at the election by the Legislative Council aggregate primary vote; and

(ii) by subtracting 0.33 from the quotient obtained in subparagraph (i); and

(iii) if the result of the subtraction under subparagraph (ii) is negative, the *deductible amount* is $0; and

(iv) if the result of the subtraction under subparagraph (ii) is positive, the *deductible amount* is the amount obtained by—

(A) multiplying the result of that subtraction by the total primary vote; and

(B) multiplying the result of that multiplication by $5.50 (2026 indexed).

(10) In this section—

aggregate primary vote means the total number of eligible votes cast in favour of all of the candidates in a general election of members of the House of Assembly;

deductible amount—see subsection (9);

excess amount, in relation to a person, means the amount by which—

(a) the political expenditure of the person; and

(b) any political expenditure of another person or body incurred as part of a scheme of a kind referred to in section 130ZZE(a3)(a),

exceed the applicable expenditure cap;

Legislative Council aggregate primary vote means the total number of eligible votes cast in favour of all of the candidates (including members of groups) in a Legislative Council election.

No. 4—Page 44, after line 8, insert:

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

(1) Section 130U, heading—delete 'special assistance' and substitute:

administrative

(2) Section 130U(1)—delete 'special assistance' and substitute:

administrative

(3) Section 130U(1)(c)—delete ', setting out the amount of administrative expenditure incurred by the party during that period'

(4) Section 130U(2)—delete subsection (2) and substitute:

(2) The amount to be paid to a registered political party under this Division for a half yearly period is as follows:

(a) if the registered party has 1 member who is a member of Parliament (as at the last day of the relevant period), $85,000 (2026 indexed);

(b) if the registered party has 2 members who are members of Parliament (as at the last day of the relevant period), $245,000 (2026 indexed);

(c) if the registered party has more than 2 members who are members of Parliament (as at the last day of the relevant period), the lesser of the following amounts:

(i) the amount of $245,000 (2026 indexed) in respect of 2 members of Parliament plus $55,000 (2026 indexed) for each additional member of Parliament;

(ii) $800,000 (2026 indexed),

(the half yearly entitlement).

(2a) Subject to this Division, a non party member is entitled to be paid their half yearly entitlement to administrative funding if—

(a) the non party member is a member of Parliament for all or part of the half yearly period; and

(b) the agent of the non party member submits a claim to the Electoral Commissioner, in accordance with subsection (3).

(2b) The amount to be paid to a non party member under this Division for a half yearly period is $20,000 (2026 indexed) (the *half yearly entitlement*).

(5) Section 130U(3)—delete 'subsection (1)(c)' and substitute:

this section

No. 5—Page 45, after line 16, insert:

27—Insertion of sections 130UA and 130UB

After section 130U insert:

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

(1) Subject to this Division, a registered political party is entitled to a one-off payment of administrative funding if—

(a) the party is entitled to administrative funding under section 130U and has received a half yearly entitlement payment; and

(b) the agent of the party submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of prescribed administrative expenditure incurred by the party.

(2) The amount to be paid to a registered political party under subsection (1) is the amount of prescribed administrative expenditure up to a maximum of $200,000.

(3) A claim under subsection (1)(b) must—

(a) be submitted on or after the commencement of this section and by no later than the prescribed date; and

(b) be in a form determined by the Electoral Commissioner; and

(c) be in writing and endorsed in a manner determined by the Electoral Commissioner by the agent.

(4) A one-off payment of administrative funding paid to the agent of a registered political party under this section must only be used to reimburse the party for prescribed administrative expenditure.

(5) To avoid doubt, a registered political party that has received a one-off payment of administrative funding under this Division is not entitled to any further such payment.

(6) This section expires on 31 August 2026.

(7) In this section—

prescribed administrative expenditure means administrative expenditure incurred by a registered political party before the prescribed date for the purpose of complying with this Part (whether the administrative expenditure was incurred before or after the commencement of this section), but does not include administrative expenditure set out in a claim under section 130U(1)(c) (as in force immediately before the commencement of this section) for a half yearly entitlement to special assistance funding.

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

(1) Subject to this Division, a non party member is entitled to a one-off payment of administrative funding if—

(a) the non party member is a member of Parliament on the commencement of this section; and

(b) the agent of the non party member submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of prescribed administrative expenditure incurred by the member.

(2) The amount to be paid to a non party member under subsection (1) is the amount of prescribed administrative expenditure up to a maximum of $50,000.

(3) A claim under subsection (1)(b) must—

(a) be submitted on or after the commencement of this section and by no later than the prescribed date; and

(b) be in a form determined by the Electoral Commissioner; and

(c) be in writing and endorsed in a manner determined by the Electoral Commissioner by the agent.

(4) A one-off payment of administrative funding paid to the agent of a non party member under this section must only be used to reimburse the non party member for prescribed administrative expenditure (within the meaning of that section).

(5) To avoid doubt, a non party member who has received a one-off payment of administrative funding under this Division is not entitled to any further such payment.

(6) This section expires on 31 August 2026.

(7) In this section—

prescribed administrative expenditure means administrative expenditure incurred by a non party member before the prescribed date for the purpose of complying with this Part (whether the administrative expenditure was incurred before or after the commencement of this section).

No. 6—Page 49, line 1, insert:

31—Insertion of Part 13A Division 5A

Part 13A—after Division 5 insert:

Division 5A—Policy development funding for certain political parties

130WB—Preliminary

In this Division—

annual entitlement—see section 130WC(2);

policy development expenditure, in relation to an entitled registered political party, means—

(a) expenditure on conferences, seminars, meetings or similar functions at which policies of the party are discussed; or

(b) expenditure on providing information on policies of the party to members and supporters of the party; or

(c) expenditure on research undertaken by or on behalf of the party for the purposes of policy development; or

(d) any other expenditure, or class of expenditure, prescribed by the regulations.

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

(1) Subject to this Division, an entitled registered political party is to be paid its entitlement to policy development funding in respect of a calendar year if—

(a) the party was an entitled registered political party for all of the calendar year to which the payment relates; and

(b) the agent of the party submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of policy development expenditure incurred by the party during that year.

(2) The amount to be paid to a registered political party under this Division for a calendar year is the amount of policy development expenditure incurred by the party during that year up to a maximum of $20,000 (2026 indexed) (the *annual entitlement*).

(3) A claim under subsection (1)(b) must—

(a) be submitted within 30 days after the end of the calendar year to which it relates; and

(b) be in a form determined by the Electoral Commissioner; and

(c) be in writing and signed by the agent.

130WD—Making of payments

(1) The Electoral Commissioner must, within 28 days after receipt of a claim under this Division from the agent of an entitled registered political party, pay to the agent the annual entitlement of the party.

(2) A payment under this section may be made electronically.

130WE—Use etc of policy development funding

If an amount is paid to an entitled registered political party for policy development funding under this Division, the agent of the party must ensure that—

(a) it is only used as reimbursement for policy development expenditure of the party; and

(b) no part of the amount is paid into a State campaign account kept under this Part.

At 23:29 the council adjourned until Wednesday 27 November 2024 at 14:15.

Answers to Questions

INFRASTRUCTURE PROJECT FUNDING

363 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (28 August 2024). Can the Minister for Infrastructure and Transport advise—

1. What is the reasoning for the 12-month delay and $13 million increase in spending for the Port Bonython Jetty project?

2. Why did the department underspend by $9.2 million on the Port Bonython Jetty refurbishment project in 2023-24?

3. Of the $7.2 million cost for the AGFMA transformation project in 2022-23, how much of these costs were spent on South Australian companies?

4. Can the minister confirm what works will be completed in 2024-25 as part of the $35 million allocated for the Strzelecki Track?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Department for Infrastructure and Transport advises:

1. Since commencing works on the Port Bonython Jetty project in late 2022 and throughout 2023, it was identified that additional concrete remediation and other maintenance work was required.

2. The underspend on the Port Bonython Jetty refurbishment project in the 2023-24 financial year included the need to undertake temporary works design (a process managed by the engaged head contractor) which took longer than initially programmed. Further to this, shipping movements impacted the program more than originally forecast (works cannot take place while a ship has docked for loading).

3. $1.506 million was spent on South Australian companies while the remainder were costs incurred by the South Australian government.

4. Works scheduled for completion on the Strzelecki Track in 2024-25 include:

- Environmental and heritage surveys/clearances for the section between Cobblers Sandhills and Yeralina Creek.
- Construction work on the section between Dillons Highway and Della Road Junction.
- Construction work on the section between Strzelecki Creek Crossing and Cobblers Sandhills.

REGIONAL PUBLIC TRANSPORT

392 The Hon. B.R. HOOD (11 September 2024). Can the Minister for Infrastructure and Transport advise—

What is the agreed scope and methodology of the review into regional public transport services?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Department for Infrastructure and Transport advises that the key objectives of the review are to:

- Undertake a detailed analysis of existing services.
- Gather feedback from key stakeholders regarding existing services and current and future needs.
- Undertake a gap analysis with respect to any unmet needs.
- Liaise with other service delivery agencies in the regions to identify potential integration opportunities that improve service options for communities.
- Develop a proposed suite of options to meet the key transport needs identified by the community.
- This review will also take into account different and emerging service delivery models and technologies, including the potential to introduce
- on-demand services in various regions.

Detailed consultation will be undertaken within each contract area and will include key stakeholders.

REGIONAL TOURISM

400 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

With regard to the decline in regional tourism expenditure, is the government going to give targeted support to regional areas where expenditure has dropped significantly?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The South Australian Tourism Commission (SATC) always-on digital marketing program promotes and drives bookings into specific regions during periods of lower demand. Regions are further supported with cooperative marketing activities that drive direct bookings to operators through third-party booking agents.

In 2023-24, the SATC consumer facing website southaustralia.com generated more than 2.2 million leads for South Australian tourism businesses. More than 60 per cent of these leads were for businesses located outside of the Adelaide metropolitan area. In addition, 64 per cent of the SATC's search engine advertising budget was used to promote businesses and tourism activities located outside the Adelaide metropolitan area.

This digital marketing activity is further supported by tactical intrastate marketing campaigns, such as the Winter. Our Way. and the Spring iteration of the campaign as well as the River Revival Marketing campaigns, to respond to market conditions and actively encourage South Australians into regions.

The SATC has also invested in refreshing its Road Trip marketing campaign and supporting initiatives to promote self-drive itineraries within South Australia.

CRUISE SHIP STRATEGY

401 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

Has the government conducted any feasibility studies into the construction of infrastructure that would support South Australia's cruise ship industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The South Australian government, through the South Australian Tourism Commission continues to work with Flinders Ports, Kangaroo Island Council and Port Lincoln council to assess existing port infrastructure and identify future regional investment requirements.

TOURISM OPERATORS

402 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

1. What is the total number of tourism operators in South Australia?

2. How many tourism operators has the Minister for Tourism met with since March 2022?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

1. According to Tourism Research Australia, there are approximately 20,000 tourism operators in South Australia.

2. It is difficult to quantify the number of tourism operators the Minister for Tourism has met with given the variety of formats in which the minister engages. However, the minister has conducted at least 42 trips to regional areas in South Australia since March 2022, with most of these trips incorporating industry round tables, forums and individual site visits, as well as discussions at conferences and events.

WINTER OUR WAY TOURISM CAMPAIGN

403 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

1. What is the total cost of the 'Winter. Our Way.' marketing campaign for 2024?

2. What is the estimated and actual ROI?

3. Please provide a breakdown of the advertising costs across all paid mediums including print, newspapers, TV, radio, digital media and social media?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

1. Total cost of winter focused marketing activity excluding fees is $1,194,507.

2. The objective of the campaign was to stimulate short-term bookings during the 2024 winter period.

The South Australian Tourism Commission (SATC) sought to drive website traffic to the Holiday Deals and Offers page on southaustralia.com. For the total campaign period of May-August 2024, page views to the Holiday Deals and Offers page were up 46 per cent on the four months prior (May-August 2024 compared to January-

April 2024). 'Claim deal' button clicks increased 280 per cent on the four months prior (May-August 2024 compared to January April 2024).

The SATC also executed 23 cooperative marketing campaigns to drive winter visitation underpinned by Winter. Our Way. message. Based on the SATC's analysis taking into account visitor nights, passenger and NVS data, the campaigned generated a potential total economic benefit of approximately $85 million.

Channel	Total
Radio	$91,352
Out of Home	$29,657
Press	$98,197
Magazines (inc. digital)	$5,800
Pinterest	$2,100
Social	$4,210
Search	$228,244
Total	$459,561

*Please note that this breakdown is exclusive of fees and GST and excludes $734,946 of cooperative marketing investments.

WINTER OUR WAY TOURISM CAMPAIGN

404 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

1. Were any influencers involved in the 'Winter. Our Way.' campaign?

2. If so, what was the total amount paid to influencers for the campaign?

3. What KPIs or expectations were set for influencers involved in the campaign?

4. What was the estimated and actual ROI for influencers involved in the campaign?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

1. The SATC engaged two brand advocates to promote South Australian tourism businesses as part of the 'Winter. Our Way.' campaign: Olivia Molly Rogers (podcaster) and Charli Grant (Matildas player).

2. No brand advocates were paid a fee for their involvement in SATC's 'Winter. Our Way.' campaign.

3. Brand advocates were engaged to promote winter experiences in both Adelaide and the regions across their social media platforms. Deliverables include Instagram posts and daily story sets. Posts were tagged with @southaustralia and #SeeSouthAustralia and relevant tourism operator handles.

4. The activity is considered to have generated strong return on investment especially given no fees were paid to brand advocates as part of the activity.

SOUTH AUSTRALIAN TOURISM COMMISSION

405 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

What was the SATC's transport access budget for the following financial years:

2021-22;

2022-23; and

2023-24?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The value of aviation support cannot be disclosed because it is subject to contractual confidentiality restrictions.

SOUTH AUSTRALIAN TOURISM COMMISSION

406 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

Since 21 March 2022, how much has the South Australian Tourism Commission spent on paid advertising promoting South Australia to: intrastate visitors, interstate visitors and international visitors?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The South Australian Tourism Commission spent $24.44 million on paid advertising promoting South Australia to interstate, intrastate and overseas markets from 21 March 2022 to 30 June 2024.

SOUTH AUSTRALIAN TOURISM COMMISSION

407 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

What does the SATC define as an 'owned event'? Please list all 'owned events'.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

An owned event is a leisure event that is owned and managed by the South Australian Tourism Commission.

The SATC owns and manages three events, namely the:

- Santos Tour Down Under
- Tasting Australia presented by RAA Travel
- National Pharmacies Christmas Pageant.

REGIONAL TOURISM

408 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

How many regional tourism organisations has the minister met with to date since March 2022?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The Minister for Tourism has met with all 11 regional tourism organisations since March 2022.

REGIONAL TOURISM

409 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

The government has announced it will provide dedicated marketing support each to each of the 12 regions in the 2024-25 financial year. Can the minister outline the amount allocated to each region and whether this funding is part of the additional $5 million allocated for tourism marketing to build a distinctive South Australian destination board?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

In 2024-25, the marketing support comprising paid and in-kind is valued at an estimated $100,000 per region. The additional $5 million sits outside the marketing support for each region.

REGIONAL TOURISM

410 The Hon. J.S. LEE (Deputy Leader of the Opposition) (16 October 2024). Can the Minister for Tourism advise:

Can the minister provide a breakdown of current funding arrangements for regional tourism operations, including the local contact person role, development management plans, and new tourism products and experiences?

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

In 2024-25, the SATC has provided each regional tourism organisation (RTO) with $80,254 (plus GST) for the provision of local contact person services.

Regarding the development of destination management plans (DMPs) and new product and experiences, the SATC is currently partnering with each RTO, including Adelaide to develop and deliver the DMPs.

IMMIGRATION POLICY

In reply to **the Hon. S.L. GAME** (20 March 2024).

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

I have been advised:

The federal government has responsibility for immigration.

The state government has released its housing road map that includes the largest ever land release to provide a pipeline of land for housing, to help more South Australians into their own home sooner.

These measures include:

- Abolished stamp duty for eligible first-home buyers
- Investing $1.25 billion infrastructure to support more homes
- Fast-tracking planning approvals, to help build homes faster
- Training more workers to build more homes
- Modernising and upgrading thousands of public homes, to unlock opportunities for people who need housing security
- We've also stopped the sell off of hundreds of public housing properties and building more.

This is in addition to delivering the largest ever cost-of-living package for South Australians, targeted to those on fixed and low incomes who need it most.

HARASSMENT IN THE PARLIAMENTARY WORKPLACE

In reply to **the Hon. T.A. FRANKS** (1 May 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Special Minister of State has advised:

The report by the Equal Opportunity Commission into a Review of Harassment in the South Australian Parliament Workplace makes 16 recommendations. The recommendations are wide ranging and include changes to the standing orders, the introduction of a code of conduct for members of parliament, the implementation of internal policies by political parties and certain amendments to the Equal Opportunity Act 1984.

The state government has introduced the Statutes Amendment (Parliament—Executive Officer and Clerks) Bill 2024 to provide for an executive officer to be appointed to the parliament to assist in implementing the recommendations.

REGIONAL BUSINESS ENERGY COSTS

In reply to **the Hon. R.A. SIMMS** (11 September 2024).

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

1. I am advised that an 8.5 per cent cut in the default market offer for small businesses took effect on 1 July for this financial year.

This was the biggest percentage reduction in any of the areas where the Australian Energy Regulator sets the default market offer which is the ceiling price for retailers' standing offers.

Importantly, South Australian regional business pay the same electricity prices as businesses in Adelaide. The Malinauskas government supports this policy which ensures regional businesses in South Australia get a fair go. In some other states, city businesses get cheaper prices than regional businesses.

In addition, the Malinauskas government is inviting small business to apply for grants which enhance energy efficiency, and which will deliver long-term financial benefits.

Up to 8,000 small businesses will benefit from the Economic Recovery Fund, round 2, which is open now through to 29 November 2024.

Grants of $2,500 to $50,000 are available in matched funding for energy-efficiency investments.

The grants will be available for a range of assets, including:

- Power supply and generation
- Lighting and electrical
- Energy-efficient appliances
- Heating, cooling, and refrigeration
- Water heating
- Motors, pumps, and compressors

- Building upgrades
- Process automation, controls, and automation.

Small businesses are encouraged to go to the website of the Office for Small and Family Business for full details and advice on applications.

2. The Malinauskas government does not plan to hold a commission of inquiry into government ownership of the energy system.

The privatisation of the energy system has been a public policy disaster.

However, if the extremely complex and expensive task of resuming ownership were to be undertaken, there would be a high risk that if the Liberal Party were to be elected to government at some point in the future, they would reprivatise the system again.

When last in office, they privatised the operation of 277MW of generation which had been purchased to ensure reliability by being kept in reserve.

The Malinauskas government is focused on reforms to ensure consumers have clean, affordable, reliable energy.

HORTICULTURAL FOOD SAFETY REGULATIONS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (24 September 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

Food Standards Australia New Zealand (FSANZ) reviewed foodborne illness associated with horticulture produce to enable the development of national horticulture food safety standards. FSANZ documented there were ten outbreaks of foodborne illness associated with consumption of horticultural produce in Australia during 2011 to 2019.

TOMATO BROWN RUGOSE FRUIT VIRUS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (25 September 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised that as part of PIRSA's response to the detection of tomato brown rugose fruit virus, tracing has been undertaken from known infected sites, initially looking at the movement of seed and seedlings to determine other areas at risk. As part of that work, more than 20 linked properties have been identified interstate. Properties that were identified by PIRSA have been tested by interstate departments, I am further informed that only negative test results have been returned.

CHILD PROTECTION

In reply to **the Hon. C. BONAROS** (25 September 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

The death of any child or young person is a tragedy. As this matter is before the courts, I will not comment further.

HOLDING ON TO OUR FUTURE REPORT

In reply to **the Hon. T.A. FRANKS** (25 September 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Child Protection has advised:

The state government welcomed the report from Commissioner Lawrie, which provided a thorough assessment of the government's application of the Aboriginal and Torres Strait Islander Child Placement Principle in this state.

We are taking the necessary time to consider the report's 48 findings and its 32 recommendations.

The Department for Child Protection is leading the preparation of the government's response which will be tabled in parliament in accordance with the Children and Young People (Oversight and Advocacy Bodies) Act 2016.

The Children and Young People (Safety and Support) Bill 2024 has now been introduced to parliament.

DUKE OF YORK HOTEL

In reply to **the Hon. R.A. SIMMS** (26 September 2024).

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

The Minister for Planning has advised:

- That he will take advice from the Department for Housing and Urban Development on what venues should be designated as live music venues under the new provisions of the Planning, Development and Infrastructure Act 2016.
- In determining what venues should be designated as live music venues, the following will be considered:
  - The extent to which the venue is used as a live music venue;
  - Whether there is likely to be residential development within 60 metres of the venue;
  - Any relevant zoning that applies to the venue in the Planning and Design Code, which could include:
    - consideration of whether existing code policy in relation to noise attenuation is already sufficient; and
    - whether a venue is located within a zone envisaged for entertainment;
  - Whether the venue is a place of state or local heritage;
  - The existing development approval and any relevant conditions attached to it; and
  - Any other approvals or licences (such as a liquor licence under the Liquor Licensing Act 1997) the venue has.
- He will consult with relevant stakeholders and hotel owners of venues proposed to be designated before designating any venues as live music venues.
- The Duke of York Hotel (hotel) is listed as a place of local heritage in the Planning and Design Code. This means that any demolition, destruction or removal may only occur if the portion to be demolished, destroyed or removed does not contribute to the heritage values of the hotel itself.
- It would be a matter for the South Australian Heritage Council as to whether the hotel is worthy of any further protection as a place of state heritage under the Heritage Places Act 1993.

CHILD PROTECTION

In reply to **the Hon. S.L. GAME** (26 September 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

The Department for Child Protection is committed to safeguarding vulnerable children and young people and their families, including through the maintenance of confidentiality of information relating to individual cases. This commitment extends to protecting families from additional trauma that would arise from the release of identifying information after the death of a child or young person.

The department must ensure it adheres to legislative requirements relating to information sharing and confidentiality set out in the Children and Young People (Safety) Act 2017.

The department is committed to the annual publication of non-identifiable data about the deaths of children and young people in care or with prior child protection and family support system contact.

AGRICULTURAL SECTOR

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (26 September 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

That PIRSA does not routinely collect statistics on farming businesses in South Australia and utilises statistics from the Australian Bureau of Statistics and other credible sources.

EARLY YEARS LEARNING FRAMEWORK

In reply to **the Hon. S.L. GAME** (17 October 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Education has advised:

None of the curriculum resources used in early childhood settings encourage children to 'explore' and 'question' their gender identity.

The Early Years Learning Framework (EYLF) is the national approved learning framework required to be used in services for children from birth to five years of age. The EYLF draws on robust Australian and international evidence and has been developed with considerable input from the early childhood sector, including children and families, approved providers and educators, other professionals, peak bodies, early childhood researchers, as well as the Australian and state and territory governments and the Australian Children's Education and Care Quality Authority.

The Keeping Safe: Child Protection Curriculum is an evidence-based, world leading child safety and respectful relationships curriculum developed by the South Australian Department for Education involving an extensive consultation process with experienced educators from schools and preschools and child protection experts.

The Department for Education's public website has a range of information for parents and families including details on the curricula taught in SA public education settings from the early years to year 12 (EYLF, KS:CPC and Australian Curriculum).

I completely reject that there is a disconnect between what parents expect children to learn and the reality of the curriculum.

It is department policy for public early childhood services to provide documentation about each child's learning program and progress in an accessible format. The Department for Education's public website also has a range of information for parents and families including details on the curricula taught in SA public education settings from the early years to year 12.

All public sector workers are required to uphold the principles set out in the Code of Ethics, including school and preschool leaders, teachers and support staff who should ensure that in their professional roles they do not and are not perceived to persuade students, or school and preschool communities, to hold a particular view.

If you have any specific examples you wish to bring to my attention, I am happy to review them.

GRAIN AND PULSE PRODUCTION

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (17 October 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

1. SARDI's in-kind contribution to this project is $464,612.

2. GRDC's funding to SARDI for the delivery of the South Australian component of the pulse production project is $2.47 million.

3. South Australian grain and pulse farmers are already benefiting from the combined investment into pulse production and will continue to benefit through the following project outcomes:

- Addressing the current yield gap in grain legumes and driving its closure through supporting increased technical efficiency of growers with extension of best practice grain legume agronomy;
- Supporting grain growers and their advisers in the target regions to maximise profitability by incorporating grain legumes in rotation;
- Driving and supporting sustainable expansion of the area grown to grain legumes in SA; and
- Grain growers adopting new and novel practices emerging from linked proof-of-concept and innovation research trials.

DROUGHT

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (17 October 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The government in response to drought is currently conducting a range of activities to actively monitor current seasonal conditions and impacts, engage with industry groups, government agencies and other stakeholders to ensure access to available assistance, and identify any additional support measures that may be required.

PIRSA has convened the drought advisory group to formally engage with industry and government stakeholders to identify industry and community impacts caused by drought conditions and other compounding issues.

The group is providing advice to government about the impacts of drought conditions and about activities that strengthen primary producers and communities' capacity to cope with drought. Government will then consider options for further assistance and funding arrangements.

NATIONAL WATER AGREEMENT

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (17 October 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Environment and Water has advised:

The South Australian government is working with all Australian governments to develop a replacement agreement for the 2004 National Water Initiative.

The draft principles recently released for public consultation are not the draft National Water Agreement or government policy and are subject to change. The latest consultation has provided a wealth of knowledge and expertise from stakeholders that is being used to inform and further refine the new National Water Agreement.

Once the draft National Water Agreement has been developed, key South Australian stakeholders will have an opportunity to provide feedback on the entire agreement. Stakeholder feedback will be one consideration when the South Australian government considers signing the agreement.

There is no need to request an extension of the timeframe for implementation as the National Water Agreement is yet to be agreed or signed.

PFAS

In reply to **the Hon. S.L. GAME** (30 October 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Climate, Environment and Water has advised:

1. Information regarding the testing of PFAS levels in drinking water, as well as groundwater that is used for drinking water, is the responsibility of the Minister for Housing and Urban Development (SA Water).

The EPA has analysed groundwater samples collected in selected assessment areas between 2019 and 2024 for PFAS and other chemical substances. All EPA assessment area reports are made available on the EPA website.

In addition, the EPA is aware that other work has been undertaken on behalf of landowners by independent environmental consultants. This includes analysis for PFAS, along with other chemical substances, in groundwater samples across South Australia. Where PFAS concentrations trigger reporting requirements to the EPA, this information is available via the EPA public register.

2. The decision on whether to adopt the recommendations from the National Health and Medical Research Council (NHMRC) to review PFAS guidelines is the responsibility of the Minister for Health.

SA DROUGHT HUB

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (30 October 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The team leader, drought hub node comprises two functions, one being the node coordinator and the other being team leader for all node coordinators across the state. The Loxton node coordinator travels to the region to fulfil the commitments related to the node coordinator role.

I am informed in recognition of the importance of this role, PIRSA has placed a senior staff member in the team leader role to ensure effective performance across the node coordinators, absorbing any additional costs.

Engagement in the Murraylands and Riverland region continues to be effectively delivered by the hub through a combination of the team leader travelling to the region and the presence in the region of other PIRSA and hub staff.

LOCAL GOVERNMENT ELECTIONS

In reply to **the Hon. S.L. GAME** (31 October 2024).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Local Government has advised:

1. I am advised that the percentage of voters who choose to register for council voters' rolls has remained consistent in recent elections, at around 1.6 per cent of total electors.

Any irregularities in any local government election should be brought to the attention of the Electoral Commissioner of South Australia or the Court of Disputed Returns, as provided for in the Local Government (Elections) Act 1999.

2. The Local Government (Elections) Act 1999 requires that a person (such as a non-citizen resident) is a resident at a place of residence within the council area they are enrolling for and has been a resident for a continuous period of at least one month immediately preceding the date of the application for enrolment. The rolls then close for elections over four months before counting takes place.

Using the 2022 periodic elections as an example, roll close was 29 July 2022, effectively meaning a non-citizen resident would be required to have resided in their residence from 29 June 2022 in order to cast a vote by 10 November 2022.

I am advised that the ability for non-citizen residents to apply to their council to be placed onto the voters' roll has been included in the Local Government (Elections) Act 1999 since its commencement and was also provided for in the Local Government Act 1934.

VICTIMS OF CRIME PAYMENTS

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The Crown Solicitor's Office is not aware of any matters where victims were asked to repay VOC compensation payments, prior to receiving compensation in an out of court settlement.

VICTIMS OF CRIME PAYMENTS

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The following ex gratia payments were made from the Victims of Crime Fund in 2023-24:

Number	Amount
	$
1	107,183.27
2	104,182.39
3	82,973.59
4	55,312.83
5	53,574.71
6	53,467.68
7	53,379.46
8	53,318.19
9	53,198.73
10	53,180.19
11	53,173.32
12	52,974.53
13	52,881.09
14	51,872.00
15	35,003.55
16	24,375.94
17	22,094.81
18	19,581.64
19	9,832.00
20	4,240.60
21	3,647.43
22	3,214.60
23	443.96

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The current funding is provided until 30 September 2027 which is the expiry of the State Rescue Helicopter Service contract.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The Attorney-General's Department administers this funding and the contractual arrangements on behalf of the Minister for Police, Emergency Services and Correctional Services.

This arrangement is intended to continue into the foreseeable future.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The aircraft are provided as part of an outsourced service that provides a highly specialised emergency aviation capability for the state.

Since the inception of the State Rescue Helicopter Service (SRHS), the state has outsourced this emergency service capability due to the highly specialised and regulated nature of the aviation industry.

The current contractor provides not only the aircraft, but also the pilots, aircrew and engineers that operate and maintain the aircraft.

The provision of the aircraft as part of this service is treated as a lease under the relevant accounting standards.

Management and operation of helicopters is a specialised field and requires highly skilled personnel including, pilots, aircrew and engineers to operate the aircraft and attend to the comprehensive aircraft maintenance requirements.

The regulatory framework for emergency aviation is extensive and complex. It requires specialised administrators and operations staff to be well versed in aviation regulations, laws and standards.

The cost and risk to government in providing this expertise in-house would be significant and as such the operation is outsourced to a specialist provider.

This is a common approach across Australia and globally.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

Refer previous response.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The State Rescue Helicopter Service is administered on behalf of the Minister for Police, Emergency Services and Correctional Services by the Attorney-General's Department.

Management of the service is coordinated by the Attorney-General's Department within a governance framework that includes SAAS and SAPOL representation at both operational and executive levels.

The SRHS has a total of four (4) aircraft in its fleet with three (3) of those aircraft fully crewed 24/7 and available for tasking as required by both the SAAS and SAPOL.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The Airbus H145 D3 was fully operational on 12 July 2024.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The Bell412EP is due to arrive in early December 2024, and expected to be online by 13 December 2024.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Police, Emergency Services and Correctional Services has advised:

The funding administered by the Attorney-General's Department on behalf of the Minister for Police, Emergency Services and Correctional Services also supports the four additional pilots to provide the third line of flying.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. L.A. HENDERSON** (12 November 2024).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Consumer and Business Affairs has advised:

The total amount of unclaimed bonds held at 30 June 2024 is $19.9 million. Of this, $17.1 million is greater than 12 months old.