LEGISLATIVE COUNCIL

Thursday, 28 November 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:01 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.

Personal Explanation

PRESIDENT'S STATEMENT

The PRESIDENT (11:02): Members, before we start, last night I got caught out making a small utterance under my breath that the microphone picked up. I was a little frustrated about the progress we were making for the evening. I unreservedly apologise to the chamber.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:02): I move:

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

Motion carried.

The PRESIDENT: I note the absolute majority.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (11:03): I move:

That this bill be now read a second time.

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

Leave granted.

The Hon. T.A. FRANKS: Point of order: can the second reading speech from the government please be distributed so that members of this place can have a copy? The government, yet again, I think is thumbing its nose at process in this place.

The PRESIDENT: Do members have a copy?

The Hon. C. BONAROS: No. Point of order: the minister has just inserted it without reading it. We do not have a copy. I think it is highly inappropriate to insert it in the first place—she should have the courtesy of reading out the speech for the rest of the chamber.

The PRESIDENT: Attorney, is there something we could move on to?

The Hon. K.J. MAHER: If it is possible to go back a moment in time; perhaps for the benefit of the chamber the second reading speech could be read out so that everyone can hear it.

The PRESIDENT: Leave is now denied, minister. I invite you to read the second reading speech, please.

The Hon. C.M. SCRIVEN: The Children and Young People (Safety and Support) Bill 2024 is important legislation that will reform and improve the child protection and family support system and make life better for many children and young people and their families and carers.

The bill repeals and replaces the Children and Young People (Safety) Act 2017. This legislation is significant and speaks to the government's shared determination to progress improvements that give children and young people in our state the best opportunity to be loved, safe, well and enabled to thrive. As we legislate the conditions under which some of the most vulnerable and at-risk children and young people are considered, and the enormous decisions that sometimes have to be made, we must always hold the interests of young people and those who might be affected by the laws we make into the future.

This is a system that was built decades ago to respond to single incidents of physical or sexual abuse, and it must continue to do so. However, the reality is also that many families now face complex, interwoven and intergenerational disadvantage and patterns of neglect, sometimes resulting in cumulative harm. Responses to single incidents, whilst always needed, do not always address the breadth of challenges that families meet.

Our system is underpinned by hardworking, dedicated professionals, but we cannot rely on their good intentions alone. This analysis of our system does not attribute blame to any person, department, agency or anyone else, but rather urges that together we recognise that structures built over time are not equipped to respond to the overwhelming need we confront, and that different collective responses are required.

The current act was part of the state government's response to the child protection system's royal commission and key coronial recommendations. It provided a new legislative framework for the child protection and family support system, with a greater emphasis on safety, as it should. The act itself required that it be reviewed five years post commencement. Nearly 1,000 people engaged in the review of the current act via public forums in metro and regional locations, online surveys, written submissions and targeted discussions, to generously share their expertise, experience, wisdom and insights into what was working and what could be improved.

An extraordinary amount of feedback came from stakeholders: children and young people with experience of the system and their families; foster and kinship carers; government and non-government partners, who work with and in the child protection or family support system; as well as the legal profession, peak organisations and crucial oversight bodies, such as the Guardian for Children and Young People, the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People.

The review included targeted consultation with Aboriginal community members, leaders and representatives from Aboriginal organisations. In line with the commitment in the South Australian Closing the Gap Implementation Plan, the review team also held a series of workshops with the South Australian Aboriginal Community Controlled Organisation Network, focused on amendments related to the Aboriginal and Torres Strait Islander child placement principle.

The bill was publicly released in August via YourSAy, and public briefings with some stakeholders provided further written feedback, which led to additional refinement to the bill before us today. It is important that we acknowledge the breadth and nuance of perspectives and proposals, raised in both the original review, which formed the core part of our consultation process, and through recent feedback on the draft bill.

The bill reconciles, as far as possible, this diversity of views. Where this is not possible, it embeds broad policy settings and directions, which reflect the themes called for, and provides an important opportunity to continue our process of reform, together through the bill's implementation, on which we will again carefully engage with stakeholders.

This bill is an opportunity to lay the foundations for and bring to life a way forward that gives us the best chance of improving children's lives. It includes a focus on getting the settings right, by establishing guiding principles which underpin the legislation through clear statements of parliamentary recognition, including for children and young people, through providing renewed thresholds for intervention and through supporting our partners.

It provides a pathway for transition to a sector for Aboriginal children and their families, where Aboriginal children lead decision-making and service delivery, because we know that Aboriginal children and young people will do better when decisions and services are led by Aboriginal people. We also acknowledge that connection to family, culture, community and country is both a right and a protective factor. We know that our efforts and our response must always be informed by the voices of children and young people, and their birth and carer families. The bill ensures that children and young people are at the centre of decision-making. This bill is for them.

I will not focus on those provisions that have been retained from the current act but rather on what is new. The addition of the words 'and support' to the title of this bill is meaningful. The current act guides child protection and family support responses from the point of a notification that a child is at risk of harm. It provides for investigations and assessments, and focuses on looking after our children in care.

The clear focus is on the safety of this cohort of children and young people, a crucial focus we maintain. However, whilst there are some broad functions relating to intervention and support for children and young people at risk of harm, the current act does not sufficiently acknowledge the responsibility of government to address this. The change in title recognises that keeping children safe requires a legislative framework that values and enables proactive support for children, young people and their families.

Part 2 of the bill includes a revised and amended set of guiding principles and related matters. Every person or body engaged in the administration, operation or enforcement of the act is required to consistently give effect to the guiding principles, with the paramount principle of ensuring that children and young people are safe and protected from harm. In the case of Aboriginal or Torres Strait Islander children and young people, this includes additional guiding principles contained in part 4, division 3 of the bill, to which I will shortly return.

The concept of safety as the paramount consideration in child protection legislation was introduced into the Children's Protection Act 1993 in 2015 as a direct response to a recommendation of the Coroner arising from the inquest into the tragic death of Chloe Valentine, and continued as the paramount principle when the current act was introduced the following year. While safety rightly remains paramount, the bill introduces best interests as a guiding principle to be upheld in all decision-making, setting out a non-exhaustive list of the factors to potentially give regard to in determining what is, indeed, in the best interests of the child.

The Minister for Child Protection has consistently and rightly advocated that all children and young people should expect those responsible for their care to have a focus on their best interests. We want children to be safe and supported. Complementing this, the bill also introduces the principle of effective intervention, emphasising timely action that is direct and targeted to the individual circumstances of the young person. This part of the bill includes parliamentary recognition of the duty every person in our state has to safeguard and promote the best outcomes for children and young people, and that the provision of services addressing underlying risk factors contributing to child abuse and neglect is critical in helping children and young people to be safe and well.

Crucially, the bill includes parliamentary recognition of the impact of past laws and policies that led to the stolen generation, and recognises the state's responsibility to safeguard and promote the cultural identity of Aboriginal and Torres Strait Islander children and young people and enable self-determination.

Part 2 also recognises our commitment to privileging the voices of children and young people by introducing a new division requiring reasonable steps to be taken to ensure that their voices are heard in prescribed decisions which impact them, including in family group conferencing, case planning, placement decisions, contact decisions, annual reviews, leaving care plans, and internal reviews. This part of the bill also enshrines the statement of commitment to foster and kinship carers in legislation and provides, as directly advocated for, a new statement of commitment to parents and families.

The United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples are formally recognised as documents informing the administration and operation of the legislation. Through part 4 of the bill, we proudly introduce some

profoundly important and fundamentally transformative provisions relating to Aboriginal and Torres Strait Islander children and young people. It includes additional legislative objects relating to Aboriginal children and young people and delivers on national and state-level commitments to embed all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle: prevention, partnership, placement, participation and connections to the standard of active efforts.

Active efforts require that steps taken must be timely, practicable, thorough and purposeful, consistent with the explanation provided by SNAICC in its guide to embedding the principle in legislation, policy, programs and practice. Active efforts require practitioners to help families overcome barriers to participation in the services which could help them stay together or be reunified, including services to assist with family-led decision-making.

The bill recognises that identification is the precursor to the placement principle and requires active efforts from the earliest point of contact to identify Aboriginal children and young people to connect them with culture, country and kin and to then maintain that connection. Importantly, the bill stipulates that without limiting any other provisions or any other power the court may have, the court must, before making an order, be satisfied that the Aboriginal and Torres Strait Islander Child Placement Principle has been, so far as is reasonably practicable, implemented to the standard of active efforts before making an order other than an assessment order or an interim order in relation to an Aboriginal or Torres Strait Islander child or young person.

This operates as an accountability mechanism, ensuring that the principle is truly embedded into decision-making practices and will operate as a framework guiding actions and decisions involving Aboriginal young people. Some people have asked why the bill includes a clause providing that a failure to comply with some of the requirements does not of itself affect the validity of the decision or order—for example, in relation to a failure to comply with the placement principle to meet the standard of active efforts or for the court to be satisfied that the placement principle has been implied to the standard of active efforts before it can make an order.

There is understandably some concern that this was intended to remove the very accountability that had been built into the bill. The government says on record that this is absolutely not the case, and I respond to this very important question. The government is deeply committed to ensuring that the Aboriginal and Torres Strait Islander Child Placement Principle is implemented to the standard of active efforts from the earliest possible point of decision-making involving an Aboriginal or Torres Strait Islander child or young person.

We know that this is the key mechanism by which the best interests of Aboriginal and Torres Strait Islander children and young people and their families will be realised. As a government, we take this seriously and we welcome this accountability. We expect that the court will consider whether, so far as practicable, the placement principle has been implemented to the standard of active efforts before making orders.

We are confident that we will be held to account on this. However, it is so important that we do not let form override substance when we are talking about the most precious community members. It is important to note that the clause provides that failure to comply does not of itself invalidate the decision made. That means we do not want a decision or order to be automatically invalidated or precluded if it has not been implemented completely or as thoroughly as intended or where there are arguments that it has not been.

This is important because sometimes it might be that a decision or order has been made that is still the best decision, ensuring that the safety and best interests of the child or young person are met even when, for example, an aspect of the placement principle could have been implemented more thoroughly than it was. If it turns out that an order was invalid because of noncompliance, this could potentially mean a child needs to be returned to an unsafe environment because of that invalidity. It may be in a number of cases that the exact same decision or order would have been made if the placement principle had been perfectly complied with.

These provisions mean that we will crucially have to explain what we have done to comply with the placement principle. We will have to be accountable as to how we have applied the standard of active efforts to each element, but if we do not always get that right it will not mean that good decisions that have been made are automatically invalidated. We expect there will be occasions

where the court does refuse to make an order because it is not satisfied that enough was done to implement the placement principle to the standard of active efforts.

The bill facilitates a scheme for the involvement of respected persons in court to support Aboriginal children and to assist the court in relation to the practices and culture of Aboriginal people and communities. The bill includes new objects which provide guiding principles to inform our efforts to deliver transformative change. Part 4 of the bill requires active efforts to explore reunification. It embeds the principle of Aboriginal and Torres Strait Islander family-led decision-making. It requires regard to be given to Aboriginal and Torres Strait Islander child rearing practices when considering the best interests, and it enables the progressive delegation of authority to Aboriginal entities which will be critical to our shared goal of an Aboriginal-led sector.

Finally, the bill requires that family group conferences are offered to Aboriginal families, to embed accountability around ensuring the requirement to offer a family group conference is implemented. The program is based on the New Zealand model, which is acknowledged as the best practice approach. It is culturally inclusive and has a strong focus on enabling Aboriginal family and community members to identify strategies to keep children and young people safe with family and kin. We know family group conferences work. We know the success rate for 2023-24 was 90 per cent, and we know the community is asking for more. When family is consulted, involved, supported, listened to and empowered to lead, we get results that are better for children.

Recently, the Minister for Child Protection was in New Zealand learning from this model, and the NGOs that implement family group conferencing. One key thing the minister was informed about was the importance of ensuring the conferences are family led, and expansion of the program is done in a way that does not reflect the first step in statutory intervention. FGCs must be rolled out in a considered approach that ensures they remain successful and in the best interests of families.

This part of the bill also explicitly recognises Aboriginal people's right to self-determination and enables the progressive delegation of authority to Aboriginal entities. These measures have been designed to progress our shared commitment to advance an Aboriginal-led child protection and family support sector where the cultural authority of Aboriginal people to lead decision-making and service delivery for Aboriginal children is privileged and the right to self-determination enlivened.

The bill introduces a requirement for a whole-of-state strategy for the safety and support of children and young people. We have repeatedly heard the need for government to take this opportunity to get the settings in place across government, and indeed across community, that best facilitate a system where collective responsibility for the wellbeing of children and families is held.

The bill includes a framework for implementing a public health approach to child protection and family support, widely recognised as the preferred approach, that expands the focus away from a narrow cohort of children requiring statutory intervention toward a framework through which we address the needs of all families in our community.

Establishing the state strategy will promote collaboration and coordination across relevant government agencies and other entities in the provision of supports and services to children and their families. Part 7 clarifies that mandatory reporting requirements are in addition to the duty of every person to help ensure the safety and wellbeing of young people. It amends our threshold for mandatory notifications, which is currently arguably the lowest in Australia, to be 'significant harm', which is also aligned with the threshold for the removal of a child.

The bill provides an exemption to mandatory reporting where there is no material change in risk and the circumstances of a matter are already the subject of a notification. This means that when a mandated notifier is working with a family on an ongoing basis and they have already made a mandatory notification about risk of harm to children, notwithstanding that they are actively working with the family to address those risk factors, the bill makes it clear that the notifier is not required to continue to make repeated notifications where the circumstances have not changed to a substantial extent. The notifier is, of course, not prevented from making a further notification if they have ongoing concerns about the safety or wellbeing of the child. Further, if the circumstances change to a substantial extent, they are again required to make a notification.

Getting the threshold right for reporting and responding to children at risk is a critical part of keeping children safe while also recognising the need to meet community expectations about when statutory intervention is required and when other responses might be more appropriate. In a situation where one in three children in South Australia is notified to our system, where families are contemplating deeply complex challenges and our system is overwhelmed with notifications, we want to ensure that we have the settings right to help identify and respond to children at risk. This change better aligns South Australia to interstate legislation regarding notifications.

The definition of harm now explicitly and rightly includes exposure to domestic violence as a factor which may cause harm. Approximately 80 per cent of child protection cases have a domestic violence element. This important change acknowledges the horrific prevalence of violence and the long-lasting impact this has on children and young people.

This bill broadens the circumstances in which the chief executive can direct drug and alcohol testing to take place and amends the Criminal Law Consolidation Act to rightly toughen penalties when offences are committed against children and young people in care. Parts 11 and 12 of the bill deal with case planning and placement and contact arrangements. Substantive amendments include considering the need for a child or young person to maintain connection with their family and culture and giving weight to the importance of sibling contact when making contact arrangements and strengthening provisions relating to the Contact Arrangements Review Panel.

Amendments have been made to the provisions relating to internal reviews and reviews of decisions by the South Australian Civil and Administrative Tribunal (SACAT) in part 17. The bill clarifies the internal review provisions specifying who was entitled to apply for an internal review, which decisions are reviewable and what actions may be taken by the chief executive following an internal review.

It clarifies the jurisdiction of SACAT to review internal decisions and makes provisions about requirements for the establishment of two panels of assessors, comprising Aboriginal people and persons with social work qualifications or relevant child protection experience respectively, from which appropriate assessors will be drawn when performing functions under the bill. This amendment balances the rights of carers as a crucial part of the child protection and family support system with timely decision-making in relation to placements in the child's best's interests.

Finally, this bill strives to put children at the centre of everything we do. It strengthens participation provisions, ensuring that children have a voice in the decisions and actions that implement them, which is what we must do. I commend the bill to the chamber and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

Key terms and phrases are defined for the purposes of the measure.

4—Meaning of *harm* and *significant harm*

Harm and *significant harm* are defined for the purposes of the measure.

5—Meaning of *at risk of harm* and *at risk of significant harm*

At risk of harm and *at risk of significant harm* are defined for the purposes of the measure.

6—Act to bind, and impose criminal liability on, the Crown

The Crown is bound by, and is liable for offences against, the measure.

7—Interaction with other Acts

The measure is in addition to, and does not derogate from, any other Act or law, and is to work in conjunction with all the laws of the State to further the principles set out in Part 2 of the measure.

Part 2—Guiding principles and related matters

Division 1—Preliminary

8—Requirement to give effect to give effect to this Part and Part 4 Division 3

Certain persons are required to give effect this proposed Part of the measure, along with Part 4 Division 3 in the case where an Aboriginal or Torres Strait Islander child is involved, however a failure to do so will not, of itself, affect the validity of an act or omission under the measure.

Division 2—Parliamentary recognition of children and young people

9—Parliamentary recognition of children and young people

The Parliament of South Australia recognises the importance certain matters in respect of children and young people.

Division 3—Guiding principles

10—Paramount principle—safety of children and young people

The paramount principle in the administration, operation and enforcement of the measure is to ensure that children and young people are safe and protected from harm. The paramount principle cannot be displaced by any other principle or requirement of the measure.

11—Best interests principle

It is a principle of the measure that the best interests of each child and young person are to be upheld and effected in decision making under the measure. In considering what is in the best interests of a particular child or young person, regard should be given to the matters specified.

12—Principle of effective intervention

It is a principle of the measure that decisions made, actions taken and support offered in relation to a particular child or young person should be timely, direct and fit for purpose given the circumstances of the child or young person.

Division 4—Voices of children and young people to be heard

13—Voices of children and young people to be heard

Certain persons and bodies must take reasonable steps to ensure that the voice of each child or young person is heard in the course of making particular decisions and that the child or young person is provided with particular information or documents. However, a person or body need not comply with this obligation in certain circumstances.

Division 5—Charter of Rights for Children and Young People in Care

14—Charter of Rights for Children and Young People in Care

The Guardian for Children and Young People must prepare and maintain a Charter of Rights for Children and Young People In Care. Each person or body engaged in the administration, operation or enforcement of the measure, and other laws as defined, must perform their functions so as to give effect to the Charter.

15—Chief Executive must provide copy of Charter to certain children and young people

The Chief Executive must, except in certain circumstances, provide a copy of the Charter, and information in respect of the Guardian for Children and Young People, to a child or young person as soon as is reasonably practicable after the child or young person is placed in the custody, or under the guardianship, of the Chief Executive.

Division 6—Statement of Commitment to Parents and Families

16—Statement of Commitment to Parents and Families

The Minister must prepare and maintain a Statement of Commitment to Parents and Families. Each person or body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to the Statement. Procedural matters relating to the Statement are set out.

Division 7—Statement of Commitment to Foster and Kinship Carers

17—Statement of Commitment to Foster and Kinship Carers

The Minister must prepare and maintain a Statement of Commitment to Foster and Kinship Carers. Each person or body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to the Statement. Procedural matters relating to the Statement are set out.

Part 3—Administration

Division 1—Minister

18—Functions of Minister

The functions of the Minister are set out.

19—Minister may direct Chief Executives of certain State authorities to meet to discuss interagency approach

The Minister may, in the specified circumstances, direct that 2 or more Chief Executives of certain State authorities meet to discuss an interagency response to prevent harm being caused to a child or young person, or a specified class of children and young people.

20—Minister may enter agreements for provision of services to children and young people and their families

The Minister may enter into agreements with specified persons or bodies for the provision or promotion of services to children and young people and their families.

21—Minister may establish programs for children and young people and their families

The Minister may, in accordance with any prescribed requirements, establish specified programs for children and young people and their families.

22—Powers of delegation

A standard power of delegation is set out in respect of the Minister.

23—Minister's annual report

The Minister must prepare an annual report setting out the matters specified.

Division 2—Chief Executive

24—Functions of Chief Executive

The functions of the Chief Executive are set out.

25—Powers of delegation

A standard power of delegation is set out in respect of the Chief Executive.

26—Chief Executive's annual report

The Chief Executive must prepare and submit to the Minister an annual report setting out the matters specified.

Division 3—Quality of Care Report Guidelines

27—Quality of Care Report Guidelines

The Chief Executive must publish guidelines relating to the reporting of harm, or risks or suspicions of harm, caused to children and young people in care by certain carers.

Division 4—Child protection officers

28—Child protection officers

Certain persons are specified to be child protection officers for the purposes of the measure. If a person is authorised under this clause as a child protection officer, the person must be issued with an identity card and their authorisation may be made subject to conditions or limitations.

29—Powers of child protection officers

The powers of child protection officers are set out.

30—Child protection officer may require information etc

A child protection officer may, by notice in writing, require a specified person or body to provide particular information and documents, and to answer questions or provide written reports. A refusal or failure to comply with a notice constitutes an offence.

Division 5—Child and Young Person's Visitor scheme

31—Interpretation

Prescribed facility is defined for the purposes of this proposed Division.

32—Child and Young Person's Visitor

The Minister may establish a Child and Young Person's Visitor.

33—Functions of Child and Young Person's Visitor

The functions of the Child and Young Person's Visitor are set out.

34—Reporting obligations

The Child and Young Person's Visitor must provide an annual report to the Minister on the Visitor's work, and may prepare a special report to the Minister on any matter arising out of the Visitor's functions.

Division 6—Networks and services for children and young people and their families

35—Networks and services for children and young people and their families

The Minister may establish certain networks or services in respect of children and young people and their families. Such a network or service will consist of such persons or bodies specified by the Minister and has the functions assigned to it by the Minister or by the measure.

Division 7—Information gathering and sharing

36—Chief Executive may require State authority to provide report

The Chief Executive may, in certain circumstances, require a State authority to prepare and provide a report on certain matters. Noncompliance with such a requirement may result in the Chief Executive requesting from the State Authority a report setting out reasons for the noncompliance. This report may be submitted to the Minister who must then prepare a report to Parliament on the matter.

37—Sharing of information between certain persons and bodies

Circumstances in which the sharing of information and documents may occur between the specified persons and bodies are outlined.

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

Nothing in proposed Part 3 Division 7 affects the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 4—Additional provisions relating to Aboriginal and Torres Strait Islander children and young people

Division 1—Preliminary

39—Primary purpose of Part

The primary purpose of this proposed Part is set out, namely to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle is implemented throughout all stages of the administration, operation and enforcement of this Act to the standard of active efforts.

40—Objects of Act relating to Aboriginal and Torres Strait Islander children and young people

The objects of the measure in respect of Aboriginal and Torres Strait Islander children and young people are set out.

41—Application of Part

The application of this proposed Part is set out.

Division 2—Identifying Aboriginal and Torres Strait Islander children and young people

42—Identifying Aboriginal and Torres Strait Islander children and young people

As soon as reasonably practicable after a child or young person comes into contact with the child protection and family support system, certain persons and bodies must make active efforts to ascertain whether the child or young person is an Aboriginal or Torres Strait Islander child or young person.

43—Presumption as to acceptance by Aboriginal or Torres Strait Islander community

A presumption as to the acceptance of a child or young person as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community is set out.

Division 3—Additional guiding principles in respect of Aboriginal and Torres Strait Islander children and young people

44—Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle is set out. Certain persons and bodies must give effect to the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts in respect of certain decisions.

45—Standard of active efforts

The standard of active efforts is set out.

46—Additional considerations relating to reunification of certain Aboriginal and Torres Strait Islander children and young people and their parents

The Chief Executive must, if an Aboriginal or Torres Strait Islander child or young person is removed from their parents under this Act, make active efforts to explore how the family can be reunified. If the Chief Executive is of the opinion that reunification is unlikely, the Chief Executive must make active efforts to identify members of the child or young person's family with whom they can be placed.

47—Principle of Aboriginal and Torres Strait Islander family-led decision making

The principle of Aboriginal and Torres Strait Islander family-led decision making is set out, which is to be observed by certain persons and bodies when making decisions in respect of Aboriginal and Torres Strait Islander children and young people.

48—Additional considerations relating to best interests of Aboriginal and Torres Strait Islander children and young people

Additional matters which must be given regard when considering what is in the best interests of a particular Aboriginal or Torres Strait Islander child or young person are set out.

Division 4—Recognised Aboriginal or Torres Strait Islander entities

49—Minister may recognise certain Aboriginal or Torres Strait Islander entities for purposes of Act

The Minister may recognise specified entities as recognised Aboriginal or Torres Strait Islander entities for the purposes of the measure.

Division 5—Delegation of functions in respect of Aboriginal and Torres Strait Islander children and young people

50—Delegation of certain functions to recognised Aboriginal or Torres Strait Islander entities

The Chief Executive may delegate certain functions under the measure to a recognised Aboriginal or Torres Strait Islander entity or a member of such an entity. Before delegating a function, the Chief Executive must take certain steps, with an exception applying in respect of one particular step specified. The Chief Executive may provide certain information and documents to a delegated decision maker and the Chief Executive may require a delegated decision maker to provide certain information or documents to the Chief Executive.

51—Costs of recognised Aboriginal or Torres Strait Islander entity performing delegated functions to be borne by Crown

The Crown is to bear costs and expenses reasonably incurred by a delegated decision making performing functions under the measure.

Division 6—Family group conferencing for Aboriginal and Torres Strait Islander children and young people

52—Additional purposes of family group conferences for Aboriginal and Torres Strait Islander children and young people

Additional purposes of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person are set out. A coordinator of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person may determine conference procedures the coordinator thinks necessary to further the additional purposes.

53—Chief Executive to offer and convene family group conference in certain circumstances

The Chief Executive must offer to convene a family group conference in the circumstances specified and, if the offer is accepted, take reasonable steps to convene it.

54—Coordinator of family group conference to be Aboriginal or Torres Strait Islander person

The coordinator of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person must, unless it is not reasonably practicable or prescribed circumstances apply, be an Aboriginal or Torres Strait Islander person.

Division 7—Court proceedings under Act involving Aboriginal and Torres Strait Islander children and young people

55—Regulations etc to establish scheme for Respected Persons to participate in Court proceedings involving Aboriginal and Torres Strait Islander children and young people

Regulations may establish a scheme for the use of Respected Persons in Court proceedings for certain purposes.

56—Court to be satisfied that Aboriginal and Torres Strait Islander Child Placement Principle implemented before making certain orders

The Court must be satisfied that the Aboriginal and Torres Strait Islander Child Placement Principle has been implemented to the standard of active efforts, so far as is practicable in the circumstances, before making certain

orders or decisions in relation to Aboriginal and Torres Strait Islander children and young people, and makes related procedural provisions.

57—Court not to make certain orders in relation to Aboriginal and Torres Strait Islander children and young people unless family group conference offered

The Court may only make orders of the specified kind in relation to Aboriginal and Torres Strait Islander children and young people if a family group conference has been offered or held.

Division 8—Case planning for Aboriginal or Torres Strait Islander children and young people

58—Additional requirements relating to case planning for Aboriginal or Torres Strait Islander children and young people

Additional requirements for case planning in respect of Aboriginal and Torres Strait Islander children and young people are set out.

Division 9—Placement of Aboriginal or Torres Strait Islander children and young people by Chief Executive

59—Chief Executive must consult with recognised Aboriginal or Torres Strait Islander entity before placing Aboriginal or Torres Strait Islander child or young person

The Chief Executive must, if it is reasonably practicable to do so, consult with and have regard to any submissions of, a recognised Aboriginal or Torres Strait Islander entity prior to placing an Aboriginal or Torres Strait Islander child or young person under the measure. This requirement does not extend to a delegated decision maker performing functions relating to the placement of a child or young person under the measure.

Division 10—Reviews of contact arrangements and reviews of circumstances for Aboriginal and Torres Strait Islander children and young people in care

60—Additional requirements relating to reviews by the Contact Arrangements Review Panel in respect of Aboriginal and Torres Strait Islander children and young people

Certain additional requirements that attach to a panel convened by the Contact Arrangements Review Panel to review contact arrangements in respect of an Aboriginal or Torres Strait Islander child or young person are set out.

61—Ongoing review of circumstances of certain Aboriginal or Torres Strait Islander child or young person

Certain additional requirements that apply to a panel conducting a review of circumstances of an Aboriginal or Torres Strait Islander child or young person are set out.

Part 5—State Strategy for the Safety and Support of Children and Young People

Division 1—State Strategy for the Safety and Support of Children and Young People

62—State Strategy for the Safety and Support of Children and Young People

There is to be a State Strategy for the Safety and Support of Children and Young People which must include the parts specified. A prescribed person or body must have regard to, and seek to give effect to, the State Strategy.

63—Preparation of State Strategy

The State Strategy is to be prepared by the Minister in consultation with specified persons and bodies.

64—Annual report on State Strategy

The Chief Executive must provide an annual report to the Minister on the operation of the State Strategy.

65—Review of State Strategy

The Minister must cause the State Strategy to be reviewed at least once in each 5 year period.

Division 2—Children and Young People Safety and Support Plans

66—Application of Division

The proposed Division applies to prescribed State authorities and any other person or body prescribed by the regulations.

67—Children and Young People Safety and Support Plans

Each person or body to whom the proposed Division applies must have a Children and Young People Safety and Support Plan, which must set out certain matters.

68—Annual report on operation of Children and Young People Safety and Support Plans

Each prescribed State authority must provide an annual report to the Chief Executive on the operation of its Children and Young People Safety and Support Plan. Any other person or body to whom the Division applies (not being a prescribed State authority) may provide such a report.

69—Review of Children and Young People Safety and Support Plans

A prescribed State authority must cause a review of its Children and Young People Safety and Support Plan to be undertaken at least once in each 5 year period.

Part 6—Providing safe environments for children and young people

70—Certain organisations must have policies and procedures to ensure safe environments provided

Certain organisations must adopt specified policies and procedures to ensure that child safe environments are established and maintained. Such organisations must comply with various other specified requirements in respect of policies and procedures prepared or adopted under this clause. A refusal or failure to comply with a requirement under this clause constitutes an offence.

Part 7—Protecting children and young people at risk of harm or significant harm

Division 1—Reporting suspicion that child or young person at risk of significant harm

71—Application of Division

The requirement imposed by proposed Part 7 Division 1 for certain persons to report that a child or young person may be at risk of significant harm is in addition to any duty that a person may have to promote and ensure the safety and wellbeing of children and young people.

72—Certain persons must report suspicion that child or young person may be at risk of significant harm

Certain persons must report a suspicion, formed in the course of their employment and on reasonable grounds, that a child or young person may be at risk of significant harm, unless specified circumstances apply.

Division 2—Responding to reports indicating children and young people at risk of harm

73—Assessment of reports indicating child or young person at risk of harm

The Chief Executive must cause an assessment of each report made under proposed section 72 and any other report made to the Department that a child or young person may be at risk of harm.

74—Chief Executive must take certain actions following assessment if child or young person at risk of harm

The Chief Executive must cause certain specified actions to be taken if, after completing an assessment under proposed section 73, the Chief Executive suspects that a child or young person is at risk of harm.

75—Chief Executive may assess circumstances of a child or young person

The Chief Executive may cause an assessment of the circumstances of a child or young person to be carried out in the circumstances specified.

76—Referral of matter to other State authority

The Chief Executive may refer a matter evaluated under proposed section 73 to another State authority and may give directions or guidance to the State authority in respect of the matter.

77—Direction that child or young person be examined, assessed or treated

The Chief Executive may, in certain circumstances, direct that a certain child or young person be examined or assessed. A person who examines or assesses a child or young person under the proposed section may treat the child or young person if the person considers it necessary to alleviate any injury or suffering of the child or young person. A person who examines, assesses or treats a child or young person under the proposed section must provide a written report to the Chief Executive. Failure to do so constitutes an offence.

78—Direction that person undergo certain assessments

The Chief Executive may, in certain circumstances, direct a certain person to undergo an assessment relating to drug and alcohol use, parenting capacity or mental health. A refusal or failure to comply with a such a direction constitutes an offence.

79—Random drug and alcohol testing

The Chief Executive may require a certain person to take part in random drug and alcohol testing. Regulations made for the purposes of the proposed section must include certain specified matters. A refusal or failure to comply with a requirement of the Chief Executive without reasonable excuse constitutes an offence. The privilege against self-incrimination is displaced.

80—Direction that person undertake rehabilitation program

The Chief Executive may direct that a person undertake a drug and alcohol rehabilitation program. A refusal or failure to comply with such a direction without reasonable excuse constitutes an offence.

81—Forensic materials not to be used for other purposes and test results not admissible in other proceedings

Forensic material obtained during an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program must not be used except as contemplated by the measure. The results of such assessments, tests and programs are not to be relied on as grounds for the exercise of any search power or the obtaining of any search warrant and are not admissible in evidence, except in proceedings for an order of the Court under the measure.

82—Destruction of forensic material

Any person or body who possesses forensic material obtained during an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program must ensure that the material is destroyed.

Division 3—Removal of children and young people

83—Removal of child or young person

A child protection officer may remove a child or young person from a particular premises or place if the officer believes on reasonable grounds that the child or young person is at risk of significant harm, that it is necessary to remove them in order to protect them and that there is no reasonably practicable alternative to removing the child. If such a child or young person is in hospital for medical treatment or residing at some other specified premises and the officer does not consider it to be in the best interests of the child or young person to remove them from their location, the officer may (instead of removing them) issue a custody notice placing the child or young person in the custody of the Chief Executive.

A child protection officer may, by notice, place a child or young person in the custody of the Chief Executive if the officer believes on reasonable grounds that the child or young person would, if they resided with a certain person, be at risk of significant harm, that the child is residing with a person other than certain person and the officer does not consider it to be in the best interests to remove the child from their location. A custody notice must be served on certain persons. A similar scheme is provided where a child or young person is in hospital etc for treatment.

84—Action following removal etc of child or young person

A child or young person removed under proposed section 83, or in relation to whom a custody notice is issued under that section, is in the custody of the Chief Executive until such time as is specified.

Division 4—Intervention if parent of child or young person found guilty of certain offences

85—Interpretation

Key terms are defined for the purposes of this proposed Division.

86—Chief Executive to be notified if person found guilty of qualifying offence

The Courts Administration Authority must, as soon as it is reasonably practicable to do so, notify the Chief Executive if a person is found guilty of a qualifying offence.

87—Temporary instruments of guardianship

The Chief Executive must issue an instrument of guardianship in respect of a child or young person if the Chief Executive becomes aware that the child or young person is residing with a parent who has been found guilty of a qualifying offence. Procedural matters in relation to such instruments are set out.

88—Restraining notices

The Chief Executive must issue a restraining notice to a person if the Chief Executive becomes aware that a child or young person is residing, or is about to reside, with the person (not being a parent of the child or young person) and the person has been found guilty of a qualifying offence. Contravening a restraining notice constitutes an offence. Procedural matters in relation to such notices are set out.

89—Extension of periods for instruments and notices

The Court may, on the application of the Chief Executive, extend an instrument period or restraining notice period if satisfied that it is appropriate to do so.

90—Application for Court orders to be made if instrument of guardianship or restraining notice issued

The Chief Executive must apply for an order or orders of an appropriate kind under proposed Part 10 in relation to a child or young person as soon as is reasonably practicable after an instrument of guardianship or a restraining notice has been issued in relation to the child or young person.

Part 8—Family group conferences

91—Application of Part

This proposed Part applies in relation to children and young people whether or not they are, or are to be, in care.

92—Purpose of family group conferences

The purpose of family group conferences is specified.

93—Family Group Conference Guidelines

The Chief Executive must publish guidelines relating to the conduct of family group conferences. The guidelines must set out and provide for certain matters.

94—Chief Executive may convene family group conference

The Chief Executive may convene a family group conference in the specified circumstances. A family group conference is to be conducted by a coordinator nominated by the Chief Executive.

95—Procedures and attendees at family group conferences

A family group conference is to be conducted by a coordinator in accordance with the Family Group Conference Guidelines. The coordinator may, subject to the measure and the Family Group Conference Guidelines, determine the procedures of the conference. A coordinator may, after consulting with the child or young person and any other persons specified in the Family Group Conference Guidelines, exclude certain persons from a family group conference if satisfied of certain matters. The coordinator must ensure that certain procedural requirements are satisfied.

96—Chief Executive etc to give effect to decisions of family group conferences

The Chief Executive and State authorities should give effect to valid decisions made at family group conferences, subject to certain exceptions.

97—Statements made at family group conferences not admissible

Evidence of any statement made at a family group conference is not admissible in legal proceedings, except in the circumstance specified.

Part 9—Voluntary custody agreements

98—Voluntary custody agreements

The parents or guardians of a child or young person may enter a short term voluntary custody agreement in respect of the child or young person with the Chief Executive, placing the child or young person in the custody of the Chief Executive. This clause makes procedural provision with respect to such agreements.

Part 10—Proceedings before the Youth Court of South Australia

Division 1—Parties and procedures etc in relation to Court orders

99—Application for Court orders

An application made under this proposed Part may be made by specified persons and in certain circumstances. The Chief Executive must assess the likelihood of reunification occurring, and other related matters, before applying to the Court for certain orders in respect of a child or young person removed under the measure.

100—Parties to proceedings

The persons who are parties to certain applications under this proposed Part are specified.

101—Copy of application to be served on parties

A copy of an application made for an order under this proposed Part must be served on the parties to the application. The other provisions are procedural.

102—Approved carers to be provided opportunity to be heard

The Court must provide an approved carer of a child or young person a reasonable opportunity to make representations to the Court in any proceedings relating to the child or young person, unless the Court is of the opinion that to do so would not be in the best interests of the child or young person.

103—Other interested persons may be heard

The Court may, on application, hear submissions from a specified person who is not a party to proceedings under this proposed Part.

104—Court not bound by rules of evidence

The Court is not bound by the rules of evidence, but must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.

105—Standard of proof

The standard of proof in proceedings under the measure is on the balance of probabilities, unless the proceedings are for an offence.

106—Duties of legal practitioners when representing child or young person

The requirements with which a legal practitioner must comply when acting for a child or young person under the measure are set out.

107—Views of child or young person to be heard

A child or young person to whom proceedings under the measure relate must be given a reasonable opportunity to be heard in such proceedings, subject to certain exceptions.

Division 2—Case management

108—Expeditious hearings and adjournments

Proceedings under the measure must be dealt with expeditiously. The Court may adjourn proceedings for the purposes of referring a matter to a family group conference. The Court may, on adjournment, make such orders under this proposed Part as it thinks appropriate.

109—Conferences of parties

The Court may require parties to proceedings under the measure to attend a conference for the purpose of determining what matters are in dispute, or resolving any matters in dispute. Certain procedural matters are set out.

Division 3—Court may convene family group conference

110—Court may convene family group conference

The Court may convene a family group conference in respect of a child or young person. Such a family group conference is to be conducted by a coordinator nominated by the Judge of the Court. The other provisions of the measure under proposed Part 8 (and certain modifications made under proposed Part 4 in respect of Aboriginal or Torres Strait Islander children and young people) apply to family group conferences convened by the Court.

Division 4—Court orders

111—Assessment orders

The Court may make an order granting custody of a child or young person to the Chief Executive for a period not exceeding 8 weeks to enable an assessment of the child or young person's circumstances to be carried out. Such an order is not subject to appeal.

112—Other orders that may be made by Court

The Court may make other orders of the kinds, and in the circumstances, specified. If the Court places a child or young person under the guardianship of a person or persons, the person or persons is or are the legal guardian or guardians of the child or young person to the exclusion of all others.

113—Interim orders

The Court may make interim orders relating to an application under this proposed Part. However, interim orders relating to an assessment order under proposed section 111 must be consistent with that section.

114—Limitations on orders that may be made by Court

The Court is not to make orders in relation to the placement of a child or young person who is in the custody, or under the guardianship, of the Chief Executive or in respect of contact arrangements for a child or young person. The Court is not, except with the agreement of the Chief Executive, to place a child or young person in the custody, or under the guardianship, of a person other than the person specified in the application.

115—Limitations on orders that may be made if child or young person unrepresented

The Court must not hear an application for orders under the measure unless the child or young person to whom the application relates is represented, or if the Court is satisfied that the child or young person has made an informed decision not to be represented. If the hearing of the application is urgent, the Court may proceed without such circumstances applying, in which case the Court is to make interim orders.

116—Consent orders

Without limiting proposed sections 114 or 115, the Court may make orders under this proposed Part with the consent of the parties to the proceedings who participate in the proceedings, and in doing so, need not consider the matters that would otherwise need to be considered by the Court.

117—Court may make declaration as to name of child or young person

The Court may, if satisfied it is in the best interests of the child or young person and only if certain orders have been made, make a declaration of the name by which a child or young person is to be known.

118—Variation, revocation or discharge of orders

The Court may, on application, vary, revoke or discharge an order made under this proposed Part.

119—Orders for costs

The Court may make orders for costs against the Crown where an application for an order under proposed section 112 of the measure is dismissed.

120—Noncompliance with orders

If a person has been personally served with an order made by the Court under the measure, it is an offence for the person to contravene the order (unless the person is the child or young person to whom the order relates)

Division 5—Specified person guardianship orders

121—Certain approved carers may apply to Chief Executive to seek specified person guardianship order

An approved carer in whose care a child or young person has been for at least 2 years (or such shorter period as the Chief Executive may determine) may apply to the Chief Executive for an application to be made to the Court for a specified person guardianship order placing the child or young person under the approved carer's guardianship until they attain 18 years of age. The Chief Executive must, as soon as is reasonably practicable after receiving an application under this clause, assess and determine whether a proposed guardian is suitable to be the guardian of the relevant child or young person.

122—Guardianship care plan to be prepared

If the Chief Executive determines under clause 121 of the measure that a person is a suitable guardian for a child or young person, the Chief Executive must cause a guardianship care plan to be prepared in respect of the child or young person.

123—Chief Executive to apply to Court for specified person guardianship order

The Chief Executive must, after a guardianship care plan is prepared under clause 122 of the measure, apply to the Court, without undue delay, for an order placing the relevant child or young person under the guardianship of the proposed guardian until they attain 18 years of age and any other orders under this proposed Part as the Chief Executive considers necessary and appropriate. However, the Chief Executive need not apply to the Court if certain circumstances exist.

124—Court may make specified person guardianship order

If the Court is satisfied that it is in the best interests of a child or young person, the Court may, on application, make a specified person guardianship order.

125—Onus on objector to prove order should not be made

If a person objects to the making of a specified person guardianship order, the onus is on that person to prove to the Court why the order should not be made. This does not apply if the person is the Chief Executive or the child or young person (so long as the Court is satisfied that the child or young person is not being unduly influenced).

126—Variation or revocation of specified person guardianship orders

A party to proceedings may apply for the variation or revocation of a specified person guardianship order. If such an order is revoked, the child or young person to whom the order relates will be taken to be under the guardianship of the Chief Executive, unless the Court orders otherwise.

If all persons under whose guardianship a child or young person is placed under a specified person guardianship order die, the child or young person to whom the order relates will, unless the Court orders otherwise, be taken to be under the guardianship of the Chief Executive until they attain 18 years of age

Division 6—Court may issue warrant for apprehension and return of certain children and young people

127—Court may issue warrant for apprehension and return of certain children or young people

The Court may, in specified circumstances and on application by a specified person, issue a warrant for the apprehension of a child or young person who has been placed in the custody, or under the guardianship, of the Chief Executive or another person or persons under the measure or a repealed Act.

128—Care of children and young people apprehended on interstate warrants

If a child or young person has been apprehended in this State on an interstate child protection warrant, the Chief Executive may arrange for the safe and appropriate care of the child or young person until it is practicable to take them before a magistrate or court and may, for that purpose, exercise any power the Chief Executive may have under the measure in relation to the child or young person.

Part 11—Case planning for children and young people in care

129—Chief Executive must prepare case plan in respect of certain children and young people

The Chief Executive must cause a case plan to be prepared in respect of each child and young person to whom the proposed section applies. The Chief Executive must, in causing a case plan to be prepared, ascertain the views of any person who has relevant information in respect of the child or young person. A case plan must include certain matters.

130—Case plans must be given effect

Each person and body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to a child or young person's case plan.

Part 12—Placement and contact arrangements etc of children and young people in care

Division 1—Placement etc of children and young people in care

131—Chief Executive's powers in relation to children and young people in care

The Chief Executive may exercise certain powers in relation to a child or young person who is in the custody, or under the guardianship, of the Chief Executive. The Chief Executive must keep each parent or guardian of the child or young person informed of decisions made under the proposed section with respect to the child or young person.

132—Temporary placement of children and young people

It is a requirement of the measure, under proposed section 146, that a child or young person only be placed by the Chief Executive in the care of a person if that person is an approved carer. This clause provides, however, that the Chief Executive may place a child or young person who is in the custody or under the guardianship of the Chief Executive in the care of a person despite that person not being an approved carer if the Chief Executive is satisfied that the child or young person requires placement urgently, that it is not reasonably practicable to place the child or young person with an approved carer and that the risk of harm being caused to the child or young person if they are not placed with a person under this clause exceeds the risk that the person will cause harm to the child or young person.

However, the Chief Executive may still place a child or young person under this clause despite it being reasonably practicable to place the child or young person with an approved carer, if the Chief Executive is satisfied that placing this child or young person under this clause is preferable to placing them with an approved carer. Additionally, the Chief Executive may place a child or young person under this clause with a member of their family or another person known to the child or young person without being satisfied that the placement is urgent or that it is not reasonably practicable to place the child or young person with an approved carer. Placements made under this clause must be temporary and must be brought to an end as soon as it is reasonably practicable to do so. A person with whom a child or young person is placed under this clause is to be construed as an approved carer for the purposes of certain proposed sections of the measure.

Division 2—Provision of information regarding placements and involvement of approved carers in decision making

133—Children and young people to be provided with certain information prior to placement

A placement agency must, if considering placing a child or young person with an approved carer, provide to the child or young person the prescribed information in relation to the approved carer.

134—Approved carers to be provided with certain information prior to placement

A placement agency must provide prospective approved carers with whom the placement agency is considering placing a child or young person with information that enables the approved carer to make a fully informed decision as to whether to accept the placement. The placement agency must have regard to any wishes expressed by the child or young person as to the disclosure of information.

135—Approved carers to be provided with certain information once child or young person placed

A placement agency that has placed a child or young person with an approved carer must provide certain information to the approved carer. An approved carer who has been given information under this clause, and any other person who is aware of the information, must not disclose the information except in certain circumstances. Contravention is an offence.

136—Approved carers entitled to participate in certain decision making processes

An approved carer in whose care a child or young person is placed is entitled to participate in any decision making process relating to the certain matters in respect of the child or young person, unless the relevant decision maker is of the view that it would not be in the best interests of the child or young person for that approved carer to so participate.

137—Noncompliance with Division not to invalidate placement

A refusal or failure to comply with a requirement under this proposed Division does not, of itself, affect the validity of a placement of a child or young person with an approved carer or a decision referred to in proposed section 136.

Division 3—Contact arrangements

138—Application of Division

The children and young people to whom this proposed Division applies is specified.

139—Contact arrangements to be determined by Chief Executive

The Chief Executive is to determine contact arrangements in respect of children and young people to whom this proposed Division applies. If the Chief Executive is of certain opinions, there is no requirement that contact arrangement decisions be made in favour of a particular person. In making a determination under this clause, the Chief Executive must have regard to certain matters and a determination must set out the matters specified.

140—Minister to establish Contact Arrangements Review Panel

The Minister must establish a Contact Arrangements Review Panel to review contact arrangements made under this proposed Division. The regulations are to set out the functions of the Panel and may make other further provisions.

141—Review by Contact Arrangements Review Panel

Certain persons may apply to the Contact Arrangements Review Panel for a review of contact arrangements. Procedural matters in respect of applications to, and determinations made by, the Panel are set out.

Division 4—Ongoing reviews of circumstances of certain children and young people

142—Ongoing reviews of circumstances of certain children and young people

The Chief Executive must cause a review of the circumstances of each child or young person to whom the proposed section applies to be carried out at the request of certain persons or, in any case, at least once in each 12 month period. Procedural matters in respect of such reviews are set out.

Division 5—Miscellaneous

143—Chief Executive may provide assistance to persons caring for children and young people

The Chief Executive may grant financial or other assistance to certain persons in relation to the care and maintenance of a child or young person.

144—Facilitating agreements for funeral arrangements of certain children and young people

The Chief Executive may assist specified parties to reach an agreement about funeral arrangements for children and young people who were in care at the time of their death.

Part 13—Approved carers, licensed foster care agencies and licensed children's residential facilities

Division 1—Approved carers

145—Chief Executive may establish categories of approved carers

The Chief Executive may establish different categories of approved carers for the purposes of the measure.

146—Out of home care to be provided by approved carers

It is an offence for a person to provide out of home care unless they are an approved carer, subject to any other provisions of the measure (in particular proposed section 132).

147—Approval of carers

The process by which the Chief Executive is to approve a person as an approved carer under the measure is set out.

148—Ongoing reviews of approved carers

The Chief Executive must ensure that approved carers are the subject of regular assessment, and that training and other support is provided to them.

149—Cancellation of approval

The Chief Executive must cancel the approval of an approved carer if the Chief Executive reasonably suspects that a person is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*. The Chief Executive may cancel such an approval in other specified circumstances.

150—Certain information to be provided to Chief Executive

An approved carer must provide the information specified to the Chief Executive. Contravention is an offence.

151—Delegation of certain powers to approved carers

The Chief Executive may delegate certain powers to an approved carer in respect of a child or young person who is under the guardianship of the Chief Executive.

Division 2—Licensed foster care agencies

152—Interpretation

The term *business of a foster care agency* is defined for the purposes of this proposed Division.

153—Foster care agencies to be licensed

It is an offence for a person to carry on the business of a foster care agency unless the person holds a licence under this proposed Division.

154—Licence to carry on business as foster care agency

The Chief Executive may, on application, grant a licence to carry on the business of a foster care agency under the measure. The Chief Executive must not grant such a licence unless satisfied of certain matters. A refusal or failure to comply with a licence condition constitutes an offence.

155—Cancellation of licence

The Chief Executive may cancel a person's licence to carry on the business of a foster care agency in certain circumstances.

156—Record keeping

The holder of a licence to carry on the business of a foster care agency must make prescribed records and keep the records in the prescribed manner. Contravention of either requirement is an offence.

157—Ongoing reviews of approved carers by agency

The holder of a licence to carry on the business of a foster care agency must regularly assess the provision of care by each approved carer with whom the agency places children or young people and must assess any requirement of the approved carer for financial or other assistance. Contravention of either requirement constitutes an offence.

Division 3—Licenced children's residential facilities

158—Interpretation

The term *children's residential facility* is defined for the purposes of this proposed Division.

159—Children's residential facilities to be licensed

It is an offence for a person to operate a children's residential facility unless they hold a licence to do so in respect of the facility under this proposed Division.

160—Licence to operate children's residential facility

The Chief Executive may grant a licence to a person to operate a children's residential facility. Each licence granted by the Chief Executive must impose a condition setting out the maximum number of children or young people that may reside at the relevant facility. The Chief Executive must not grant such a licence unless satisfied of certain matters. A refusal or failure to comply with a licence condition constitutes an offence.

161—Cancellation of licence

The Chief Executive may cancel a person's licence to operate a children's residential facility in certain circumstances.

162—Record keeping

The holder of a licence to operate a children's residential facility must make prescribed records and keep the records in the prescribed manner. Contravention of either requirement is an offence.

Division 4—State residential care facilities

163—Minister may establish State residential care facilities

The Minister may establish residential care facilities.

Division 5—Miscellaneous

164—Persons not to be employed in certain residential facilities unless they have been assessed

A person must not be employed in a licensed children's residential facility or a State residential care facility unless the person has undergone certain psychological or psychometric assessments. It is an offence for a person to be employed in contravention of such a requirement and for a person to employ, or continue to employ, a person in contravention of such a requirement.

165—Chief Executive to hear complaints regarding certain residential and other facilities

Certain persons may make complaints to the Chief Executive with respect to the care that a child or young person is receiving in a prescribed facility. The Chief Executive must cause a complaint to be investigated in accordance with the regulations.

Part 14—Offences relating to certain children and young people in care

166—Direction not to communicate etc with certain child or young person

The Chief Executive may give certain directions if the Chief Executive believes it is reasonably necessary to prevent harm to a child or young person, or to prevent them from engaging in, or being exposed to, conduct of a criminal nature. A person who refuses or fails to comply with such a direction commits an offence. The offence does not apply to the child or young person to whom the direction relates.

167—Harbouring, concealing etc certain absent child or young person

It is an offence for a person to harbour or conceal, or prevent the return of, a child or young person who is absent from a State care placement or to assist another person to do so. The offence does not apply to the child or young person who is so absent.

168—Unlawful taking etc of certain child or young person

It is an offence for a person to induce or encourage a child or young person to leave a place in which they were placed under the measure, or to take a child or young person from such a place, or to harbour or conceal a child or young person who has left or been taken from such a place. The offence does not apply to the child or young person to so taken, harboured or concealed.

Part 15—Assistance to certain children and young people leaving care

169—Leaving care plans to be prepared for certain children and young people leaving care

The Chief Executive must, in relation to a child or young person placed under the Chief Executive's guardianship until they attain 18 years of age who is lawfully leaving that care, in consultation with the child or young person, prepare a plan setting out steps to assist the child or young person in making their transition from care. Such a plan must include certain matters.

170—Chief Executive to assist eligible care leavers

The Chief Executive must cause certain assistance to be offered (and, where accepted, to be provided) to certain care leavers for the purposes of making their transition from care as easy as is reasonably practicable.

171—Certain persons to be provided with documents and information held by Department

Certain persons may apply to the Chief Executive to be provided with documents and information of a specified kind relating to a person formerly in care. Procedural matters in respect of such applications are set out.

172—Internal review of decision to refuse to provide document or information etc

A person who applied, and was eligible to do so, for a document or information under proposed section 171 is provided a right of review by the Chief Executive of a decision to refuse to provide the relevant documents or information.

Part 16—Transfer of certain orders and proceedings between South Australia and other jurisdictions

Division 1—Preliminary

173—Purpose of Part

174—Interpretation

Division 2—Administrative transfer of child protection order

175—When Chief Executive may transfer order

176—Persons whose consent is required

177—Chief Executive to have regard to certain matters

178—Notification to child, parents and guardians

179—Review of decision may be sought

Division 3—Judicial transfer of child protection order

180—When Court may make order under this Division

181—Type of order

182—Court to have regard to certain matters

183—Duty of Chief Executive to inform the Court of certain matters

Division 4—Transfer of child protection proceedings

184—When Court may make order under this Division

185—Court to have regard to certain matters

186—Interim order

Division 5—Registration of interstate orders and proceedings

187—Filing and registration of interstate documents

188—Notification by Registrar

189—Effect of registration

190—Revocation of registration

Division 6—Miscellaneous

191—Appeals

192—Effect of registration of transferred order

193—Transfer of Court file

194—Hearing and determination of transferred proceeding

195—Disclosure of information

196—Discretion of Chief Executive to consent to transfer

197—Evidence of consent of relevant interstate officer

This Part is the current scheme relating to the transfer of orders and proceedings between the State and other jurisdictions, relocated from the *Children and Young People (Safety) Act 2017* which is proposed to be repealed by the measure.

Part 17—Review of certain decisions under Act

Division 1—Internal review of certain decisions under Act

198—Internal review

Certain persons may apply for an internal review of certain decisions made under the measure.

Division 2—Review by SACAT of decisions made under section 198

199—Review by SACAT of decisions made under section 198 etc

SACAT is conferred with jurisdiction to review a decision of the Chief Executive under proposed section 198, or other decisions prescribed by the regulations.

200—Views of child or young person to be heard

A child or young person to whom proceedings under this proposed Part relate must be given a reasonable opportunity to present their views to SACAT, subject to the certain exceptions.

Part 18—Interagency practice review panels

201—Interpretation

The term *adverse incident* is defined for the purposes of this proposed Part.

202—Purpose of reviews under Part

The purpose of a review of an adverse incident is set out.

203—Interagency practice review panels

The Chief Executive may appoint an interagency practice review panel for the purpose of reviewing and reporting on an adverse incident.

204—Review of adverse incident by interagency practice review panel

The Chief Executive must, in accordance with any prescribed requirements, develop terms of reference in respect of the review of an adverse incident by an interagency practice review panel. An interagency practice review panel may, subject to the measure and any directions of the Chief Executive, determine its own procedures.

205—Reports

An interagency practice review panel must prepare 2 reports, containing the matters specified, following the completion of a review of an adverse incident. The 2 reports attract different provisions relating to their disclosure.

206—Protection of information

The manner in which information obtained by or in relation to an interagency practice review panel must be dealt with is set out. Contravention of certain requirements relating to such information is an offence.

207—Application of *Freedom of Information Act 1991*

An interagency practice review panel is taken to be an exempt agency under the *Freedom of Information Act 1991* and a report prepared by an interagency practice review panel is to be taken to be an exempt document under that Act.

Part 19—Miscellaneous

208—Hindering or obstructing person in execution of duty

It is an offence for a person to hinder or obstruct the Chief Executive, a child protection officer or any other person in the performance of a function under the measure.

209—Impersonating child protection officer

It is an offence for a person to falsely represent that they are a child protection officer or that they are performing a function under the measure.

210—Protection of identity of persons who report to or notify Department

It is an offence for a person who receives a report or notification that a child or young person may be at risk of harm under the measure, or who otherwise becomes aware of the identity of a person who has made such a report or notification, to disclose the identity of the person, except in the circumstances specified.

211—Restrictions on publication of certain information relating to family group conferences and other proceedings

It is an offence for a person to, except in prescribed circumstances, publish a report of a family group conference, or of any statement made or thing done at a family group conference, if the report is of a specified nature or contains specified information. It is also an offence for a person to publish prescribed information in relation to certain proceedings if certain circumstances apply.

212—Restrictions on publication of certain names and identifying information

It is an offence for a person to publish or broadcast information that expressly states or implies that a person is, or that directly or indirectly identifies a person as, a protected person, except in the circumstances specified.

213—Payment of money to Chief Executive on behalf of child or young person

The Chief Executive may receive money on behalf of a child and young person who is under the guardianship of the Chief Executive. Procedural matters relating to such money are set out.

214—Confidentiality

It is an offence for a person engaged or formerly engaged in the administration of the measure to disclose personal information obtained, whether by that person or otherwise, in the course of performing functions under the measure, except in the circumstances specified.

215—Victimisation

It is an offence for a person to victimise another because that other person provides, or intends to provide, information under the measure.

216—Protections, privileges and immunities

Certain privileges and immunities are not affected by the measure. Certain protections from liability are conferred on persons who answer questions, produce information or otherwise do things in accordance with the measure.

217—Limitation on tortious liability for acts of certain children and young people

No tortious liability attaches to the Crown, the Minister, the Chief Executive or any employee of the Department, or a recognised Aboriginal or Torres Strait Islander entity or member of such an entity, for an act or

omission of a child or young person who is in the custody, or under the guardianship, of the Chief Executive, unless the act or omission occurs while the child or young person is acting as specified.

218—Evidentiary provision

Evidentiary provisions are set out for the purposes of the measure.

219—Regulations and fee notices

Regulation-making and fee notice powers are set out.

220—Review of Act

The Minister must review the operation of the measure after 5 years.

Schedule 1—Persons who may apply for internal review of decisions under Act

Persons who are entitled to apply for internal review of prescribed decisions under proposed section 198 are specified.

Schedule 2—Related amendments and repeal

This Schedule makes related amendments to other Acts to reflect the enactment of the measure by replacing references to the *Children and Young People (Safety) Act 2017* (which is repealed by this Schedule).

The Hon. L.A. HENDERSON (11:25): I rise today to speak about the Children and Young People (Safety and Support) Bill 2024 and, in so doing, I indicate that I will be the lead speaker from the opposition in the Legislative Council on this bill.

There were repeated calls from the opposition and from the crossbench for this crucial legislative reform to be brought to this parliament, after great delay. The report for the review of the Children and Young People (Safety) Act 2017 is dated February 2023. This bill was introduced to the parliament in October 2024, roughly around 20 months after the report for the review of this act. Despite this, the community was given a month for consultation on the draft bill.

From speaking with stakeholders, it was clear that the consultation period of one month was not sufficient. The feedback we received was that many in the child protection community have busy schedules, some of whom are volunteers, and a month to consider the draft bill, a bill that is quite lengthy, especially in such an important and complex area, to engage with their stakeholders and to be able to draft a submission within that time was not practical for so many.

After speaking with stakeholders, the shadow minister for child protection, Josh Teague MP, and I wrote to the Minister for Child Protection to seek an extension of time for the consultation period by four weeks. This was a request that was promptly denied by the minister on the exact same day that the request was made. It was our view that an extension of four weeks would give the community a greater chance to consider the draft bill but would still have provided the minister with ample time for the final bill to be brought to the parliament by the end of the year after appropriate consideration and consultation.

Community consultation periods, in our view, should not be rushed because the government is all of a sudden in a rush themselves to have movement for this crucial legislative reform. It is not every day that we have the opportunity to reimagine the framework in which the child protection system rests. As such, it is vital that we get this right. This gives us the immense opportunity to create substantial generational change.

This is not an opportunity we get every day. But with it, too, can bring the risk of unintended consequences of new provisions in the bill that would adversely impact the rights and the wellbeing of children in state care should the bill not be properly considered and not be properly consulted on. It is our belief that key to this is listening to the organisations, listening to carers, to stakeholders, to the commissioners, to the guardian, and those with lived experience on their thoughtful and their considered feedback on this bill.

Earlier this week, members of this place will have received a co-authored letter by South Australia's Guardian for Children and Young People, Commissioner for Aboriginal Children and Young People, and Commissioner for Children and Young People, calling on the Legislative Council to refer this matter to a parliamentary select committee on the Children and

Young People (Safety and Support) Bill 2024 for further consideration. To quote from this letter, it says:

> The reason that we call for this Parliamentary Select Committee is because the intent and scaffolding for reform is evident—but the Bill is simply not ready, and further consultation is required.

The letter goes on to say:

> As experts in this field, and on behalf of children and young people in South Australia, we have substantive advice and evidence to provide government on required legislative reform.
>
> To date, our advice and evidence has not been heeded. We ask the Legislative Council to provide us with another hearing.

The letter further goes on to say:

> This advice has been ignored, and government has not answered why.

For officers of statutory bodies to not have their advice or evidence heeded by the government, with no answer as to why, leaving them to call for this bill to be sent to a select committee by the Legislative Council, is quite extraordinary. Frankly, this is something that the minister needs to address.

The call to refer this bill to a select committee has been supported by the Aboriginal Legal Rights Movement, the South Australian Aboriginal Community Controlled Organisation Network, Relationships Australia SA and the South Australian Council of Social Service (SACOSS). Concerns have been raised around the lack of consultation that was undertaken around this bill, in addition to many other concerns. To quote SACOSS, they state:

> We recognise the issues and concerns raised by these three independent bodies, statutorily appointed to advocate for the rights, best interests and wellbeing of children and young people in South Australia, have a significant bearing on the framing and future impact of this legislation.

The Hon. Tammy Franks has a contingent notice of motion in her name that I understand she intends to move to refer this legislation to a select committee after the bill is read a second time. I indicate that the opposition will be supporting the referral of this legislation to a select committee. In doing so, I wish to indicate that it is crucial that this process be dealt with expeditiously but thoroughly.

The calls that have been made by Commissioner Lawrie, Commissioner Connolly and Guardian Reid cannot be ignored. As a parliament, we have the opportunity to enact real and meaningful change to the lives of so many vulnerable South Australian children, and we cannot afford to get this wrong.

The Hon. T.A. FRANKS (11:32): I rise to speak to the Children and Young People (Safety and Support) Bill. This is a bill that the government has brought to this place today after the required five-year post-commencement review of the current act. The current act was somewhat controversial and indeed was the subject of a select committee itself.

I have to reflect on some parts of the minister's contribution with regard to the potted history of that particular bill, which of course came largely from a royal commission, and largely with that focus on the terrible death of Chloe Valentine. The original attempts of that bill also had some quite concerning elements that were picked up in a select committee process.

In this week where we have had the inaugural Voice to Parliament of the First Nations people, I will remind members of the council who were here and those who are new that at that time the then Minister Rau bill contained a provision where Aboriginal children could choose to deidentify as Aboriginal to somehow reduce the numbers of Aboriginal children in state care in this state. That was a horrific provision in the original version of that bill that was only picked up through the diligence of this council and a select committee process.

I will start by saying that yet again here we are reviewing a brand new act that was required to have a review process five years in, which was a massive overhaul of our previous child protection system, that clearly has current problems with its workings that do need to be reasonably urgently overhauled. To quote the minister—probably quoting the minister—'It is very important that today we do not let form override substance.'

With that in mind, I note that, contingent on the Children and Young People (Safety and Support) Bill being read a second time, I shall move:

1. That the bill be referred to a select committee of the Legislative Council for inquiry and report.

2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

I do so because this bill before us is not fit to be debated today. It has taken a long time to get this bill to this place. It was a much-needed review. It was a mandated review that the parliament asked for at the time of the passage of that initial establishing legislation that this council has had to push the government on to actually comply with that requirement, and we get here today and it is still half-baked. The bill still has, I believe, many unintended consequences that might be well meaning, but again it is important that we do not let form override substance.

I note—and the Hon. Laura Henderson has made this contribution already—that I am sure that members of this particular place who hold this portfolio or are on the crossbench and therefore hold most of the portfolios, have received an extraordinary amount of correspondence. I also do acknowledge that, yes, there has been a very long process to get to this place that the government has undertaken themselves. In the words of the second reading explanation, nearly 1,000 people engaged in the review of the current act—1,000 people—in public forums, across metropolitan and regional locations, online surveys, written submissions and targeted discussions.

To me, 1,000 people participating in a review process does not indicate that all is fine with this bill and with this act as it currently stands. We know that there are problems with the current working of the child protection system, and we also know that many of the problems can be drawn back to that legislation. Indeed, potentially that legislation that trod a new path has set up new legal precedents and has created a system that we are currently finding, I think, somewhat unworkable and, certainly in many cases, unpalatable and that is not necessarily supporting children and young people, carers, families or the people of South Australia.

I am certainly interested to know that that extraordinary amount of feedback that the government took on has not seen a lack of feedback come to us today, as crossbenchers or members of the opposition, asking us for more changes to the piece of legislation that we see before us. I am not naive enough to believe that the opposition, the Greens, SA-Best, One Nation and the Independent the Hon. Frank Pangallo will all have the same view on every single clause and how it needs to be amended, but what I do know is that we do not have enough information and enough transparency and that the process has not actually been done to the point where we are ready to debate this today.

However, I also note that there is some urgency to reform and so I note that, with that contingent notice of motion that I have now moved, it would be my intention that the select committee report back by 4 February 2025. That is the very next non-optional sitting day of this parliament, which in itself is actually quite a fast process for a parliament. Indeed, I do not think we would be getting through this bill today in its entirety anyway.

So in terms of actually whether or not it impedes the progress of the bill, I think the select committee will come back with recommendations and the resources of the parliament to ensure proper consultation, a thorough investigation clause by clause that is much needed, to ensure a proper informed debate, not a debate where form overrides substance, which is, unfortunately, what I think we would get today should we try to proceed through this.

I also reflect on what is an unprecedented piece of correspondence that certainly I think members of the Legislative Council, if not all members of parliament, have received this week. That has been sent to us from South Australia's Guardian for Children and Young People, the Commissioner for Aboriginal Children and Young People and the Commissioner for Children and Young People.

They are the three commissioners in this sphere, those who I think would be at the top of the tree to be consulted with, all of whom have written to the Legislative Council with regard to the Children and Young People (Safety and Support) Bill asking that, while they are not wholly

unsupportive of this bill and they can see good changes and a vision and a desire for children and young people to grow up safe and supported with their families connected to community and culture, the Legislative Council must urgently set up a parliamentary select committee. To quote the three commissioners, Helen Connolly, Shona Reid and April Lawrie, this is:

> …because the intent and scaffolding for reform is evident—but the Bill is simply not ready, and further consultation is required.

It is as simple as that. The three commissioners, the three people you would think would have been most at the government's door providing their feedback, say this bill is not ready.

I note the words of the Commissioner for Children and Young People on 6 November in correspondence to me, noting that she had provided in September of this year feedback on the draft bill that would strengthen the child's voice as well as provide help for children and families earlier to stem the unprecedented number of children entering into the system since the introduction of the 2017 act. She goes on to say in that piece of correspondence that these were largely ignored. That is highly concerning that the Commissioner for Children and Young People's feedback to this review process was largely ignored.

However, she is not alone in that. I note that the Commissioner for Aboriginal Children and Young People has provided not just feedback on this particular review process but an entire report called Holding on to Our Future. That is still awaiting government response and the recommendations of that report have not been incorporated into this bill.

It is an extraordinary set of circumstances that the government would ignore the voice of the Commissioner for Aboriginal Children and Young People in this debate. It is a quite thorough and, I believe, very useful report with recommendations that have been provided not just for government but for this parliament that should have informed the debate on this bill today. It was simply ignored, yet it is the week of the inaugural First Nations Voice to State Parliament, where in fact in his contribution Mr Leeroy Bilney noted that the Voice wished to have more of an input into this very bill. A select committee will give that First Nations Voice the opportunity for that input not just to government but indeed to the parliament through this council.

I could go on. I note that the South Australian Aboriginal Community Controlled Organisation Network has also written to all members of the Legislative Council raising their concerns with the consultation, raising their issues with the processes, and indeed noting that they repeatedly requested access to the draft bill to assess how their member input was incorporated and found that a frustrating process that was not treated respectfully. That is signed off by the acting Chief Executive Officer of SAACON, Mr Darren Harris.

They are not alone. Connecting Foster and Kinship Carers South Australia urged—and I was happy to support that—the review process to have brought a bill to this place much earlier than has happened and I know they will welcome a debate that is not dragged out but that is indeed fully supported by an appropriate parliamentary review process, another layer of transparency that hopefully will see a bill come back in February with amendments that improve it.

I thank the work of those such as The Carer Project, the Reily Foundation and so many stakeholders that many people of this place know that will be not just undertaking their ongoing work in supporting the young people and children of this state or strengthening families or supporting that important child protection work but indeed given that opportunity over the next few months to have their voices heard in this debate in a proper and considered manner, not in a way where form overrides substance and we see the government literally have to suspend standing orders, try to rush through a bill without even doing a second reading speech in this place, and bring us a bill today, the last proper sitting day of parliament, that is half-baked and where form has overridden substance.

The Hon. S.L. GAME (11:44): I rise to speak on the government's Children and Young People (Safety and Support) Bill 2024. This is another significant proposal from the government that will require a lot more time to examine appropriately and to ultimately do justice to the many complex issues raised by various stakeholders.

While the government has responded positively to some of the concerns raised, most stakeholders support the call for this bill to be referred to a parliamentary select committee for further consideration. This will enable time for full submissions to be made and also provide an appropriate opportunity for closer examination of relevant clauses. It is significant to note the diverse range of stakeholders calling for a parliamentary committee, including but not limited to carers, advocates, South Australia's Guardian for Children and Young People, the Commissioner for Aboriginal Children and Young People, the Aboriginal Legal Rights Movement, and Uniting Communities.

These stakeholders have presented a wide range of concerns, but one common theme throughout is the disappointment in the lack of genuine and quality consultation from government. Another common theme is a shared commitment to achieving significant and lasting reform to benefit children in care. This is a vital opportunity, and we should all avoid the temptation to act in haste in order to fulfil our political agenda.

It would be remiss of me to not recognise the passion of foster and kinship carer advocate Lisa O'Malley. Lisa has provided valuable insight into the role and challenges facing carers in the child protection system. Many of the amendments adopted by the government are, in some part, due to Lisa's tireless advocacy. Many carers have advocated for procedural fairness and an independent complaints and investigation unit. Lisa O'Malley continues to advocate for the need for such a unit, plus an independent carer advocate.

We found that carers are concerned about the lack of consultation and being called into consultation opportunities without genuine consultation. They were told what the minister is doing, rather than truly being consulted. The community is trying to work with the minister, and many carers feel they have been excluded from this process. Had the minister more actively engaged with the carer community, we would not be heading to a select committee and the appropriate legislation would already be in place. Surely now is the time for a dedicated child protection minister.

Lisa will continue to advocate for an independent carer complaints authority to provide carers with the opportunity to have their complaints heard by an independent body rather than be subjected to the potential bias associated with the internal review process. The government has been reluctant to establish such an independent body, citing the current Ombudsman as an appropriate avenue for carer complaints as well as offering further guidance to carers who wish to contact the Ombudsman. A parliamentary committee would facilitate further consideration of this issue and restore some of the confidence and trust that carers have lost in the child protection system.

I have also heard from Uniting Communities, which has expressed their disappointment with the bill's failure to address the ongoing need to further support families and parents in safely caring for their children. According to Uniting Communities, other jurisdictions place responsibility on the government to deliver support services and resources before making a care application. The early provision of services and resources to parents and families to meet their obligations will prevent the need for unnecessary removals. However, this bill has missed the opportunity to put these provisions into legislation and, because of this, Uniting Communities is concerned that the high rates of children and young people in care in South Australia will continue.

Along with this, Uniting Communities believes that this bill has also missed the opportunity to prioritise the need for family restoration and reunification. The safe and effective reunification of children and young people with their families should be a legislative priority. This issue has also been raised by the South Australian Aboriginal Community Controlled Organisation Network and the Aboriginal Legal Rights Movement. According to Chris Larkin, the CEO of Aboriginal Legal Rights Movement, the state of South Australia has the second highest rate of Aboriginal children in out-of-home care in Australia, at a rate of 94.1 per 1,000 Aboriginal children. Mr Larkin has also expressed concern that these reforms will do little to reverse this over-representation of Aboriginal children and young people in the child protection system.

Given the bill's inclusion of the Aboriginal and Torres Strait Islander Child Placement Principle and the recent establishment of the South Australian First Nations Voice to Parliament, Mr Larkin's comments offer insightful criticism regarding what he describes as the entrenched power of the child protection bureaucracy.

The vulnerable children of this state deserve legislative reform that is focused on real, practical outcomes for children and their families. This will require more than stated principles and charters of unenforceable rights. It will require deep consideration of the practical needs of children and families and the significant role of carers in a child protection system buckling under the weight of a bureaucratic framework that is no longer fit for purpose.

The Hon. C. BONAROS (11:49): I rise to speak on this bill and to echo the sentiments expressed by other honourable members. Yesterday it was national electricity laws and today it is child protection. We may have been open to accepting yesterday's debacle in this place, but not today and not on something as critical as child protection. As other members have done, I, too, remind honourable members and everybody listening, particularly the government, that just yesterday we had the privilege of hearing the state's First Nations address in this place. Every word uttered by the presiding member, Mr Leeroy Bilney, needed to be uttered in this place. I, for one, said that I have never been more impacted by a speech in this place as I was yesterday.

The fact that we are here today attempting to debate a bill that disproportionately impacts Aboriginal children is not just hugely disappointing but is an affront to each and every one of those words uttered. The fact that we have a letter co-signed by our three commissioners—Ms Reid, Ms Lawrie and Ms Connolly—and endorsed by bodies like the ALRM, SAACCON, SACOSS, Relationships Australia, Uniting Communities and others, that deal specifically with the failures of this bill when it comes to Aboriginal children specifically, is beyond disappointing.

The fact that Commissioner Lawrie's report that the Hon. Tammy Franks referred to remains unanswered and we are pressing ahead is not only disappointing but is unacceptable. There is always opportunity to deal with these things differently, and that option may very well have existed in this instance as well, but if the timeframe first of all is, as has been proposed to us, and the response from government is that we are never going to get the changes that have been asked for, then there is really no point in engaging in those discussions. You can accept and understand the frustration of each and every organisation and commissioner who has endorsed this bill going to a committee.

Frankly, it is not how this place works, and it irks me that this is lost on members of this government. Nobody can in good conscience push through a bill that would have profound impacts on children and their families as we know this one would. Nobody could, after yesterday's address to this place, do that in good conscience in my view, given the concerns that have been raised specifically but not only in relation to Aboriginal children, who we know are disproportionately represented in our child protection system.

I will seek in a moment to table some of those letters so they are on the public record, because each of those bodies has taken the time to write to us and spell out the concerns they have. It is important to refer to the co-signed letter of the three commissioners and remember that they say to us that, 'In writing to you'—and we have all received this, I am sure—'we are combining our voices as those who are statutorily appointed to advocate for the rights, best interests and wellbeing of children and young people in South Australia.' That is the objective of the piece of legislation that we are debating.

The three commissioners are telling us: this is our job, this is why we have been appointed, this is what we do and we are pleading with you not to press ahead in the way that the government is intending. The commissioners have acknowledged, as have all of us, that they are not wholly unsupportive of the bill. There are good elements of the bill. They see good changes and a vision and a desire for children and young people to grow up safe and supported with their families, connected to community and culture.

But their firm view is that the bill is not ready. It is not aligned with the commitments and objectives that are articulated within their correspondence, and it will not create the meaningful change that children and young people need. In its current form, it does not serve the best interests of children and young people. It is going to be ineffective in turning the tide on the over-representation of Aboriginal children and young people in care. In its current form, it will not work to achieve the social or economic objectives underlying this pressure—and economic pressures should never be placed above the best interests of children and children in care.

There is a strong call from the key stakeholders, many of whom I have referred to, about what sort of corrective action is required that, to date, has not been taken up by the government. I stress this point again: simply saying, 'This is as far as this government is willing to go. We know what those concerns are but the government isn't going to ever accept those concerns,' is not only an affront to each and every group that I have referred to and the work that they do, but it is also an affront to everybody in this chamber who is making representations on their behalf.

The commissioners talk about the concerns they have around eroding children's rights, about a principled approach to reform, about the fact that they do not see that there is prioritising of children and young people's voices, about not listening to and respecting the child-rearing expertise and Aboriginal community voices, statutorily appointed bodies and organisations, and not following the principles of the United Nations Convention on the Rights of the Child. Of course, probably the one issue that is most contentious in all of this is what the commissioners refer to—and members will have differing opinions on this, depending on where they sit—the misalignment with safe and supported frameworks. Many of us were here at the time of the—

The Hon. T.A. Franks interjecting:

The Hon. C. BONAROS: Some of us were here, and some of us have been here to see lots of iterations of this sort of legislation, but all of us would by now be very familiar with the recommendations that followed the Chloe Valentine inquest. I know I certainly was. I worked with that family in relation to that particular inquest during my former role in this place, and with Belinda Valentine in particular.

It irks me again that we just come in here and say, 'We are doing everything we need to do to respond to the Chloe Valentine inquest,' so many years later, and we have not even mentioned the number of other inquests that have occurred since Chloe's tragic death. We have not acknowledged the number of inquests that we have heard into similarly and equally tragic circumstances that have occurred since that particular inquest. To suggest to us, as we have done in these final days—

The Hon. T.A. Franks interjecting:

The Hon. C. BONAROS: I forget his name, Shillcock—I apologise, Mr President. To suggest to us that this is a good bill and we can do more after it goes through is not okay. It is not okay for us to just say, 'Okay, we will wear this now. We are not going to go as far as some of the things that all the groups that we have referred to have asked because that's just too much, but we will get to it at a future point.'

I also remind members how long we have been waiting for this, because if you think it is just now, you are very mistaken. The reviews we are talking about stem back to the time of the previous government as well, so these changes have not been something that this government has been working on for a short period.

We have gone through a window where we have all been waiting for something for a number of years now, including when the previous government was here and they introduced a bill that got knocked out in its main form. Then a new government comes in and they do their own review process from scratch all over again—start again. So here we are with the results of that, and in the meantime the situation in child protection we have not seen improved. We have not seen any improvements in that phase where we can say we are at a point where we need to be when it comes to child protection. We certainly have not seen that in terms of the disproportionate representation when it comes to Indigenous children, either. They are the sorts of reasons this is so unacceptable today.

Could there have been genuine dialogue about the sorts of issues that have been raised by the ALRM, by Relationships Australia, by Uniting Communities, by SAACCON, by SACOSS? Absolutely there could have been, and I think many of us attempted to see if that was possible, but not within this sort of timeframe and not when the response you are getting is, 'Well, we can't do that,' and certainly not when the three commissioners, endorsed by every group we have referred to, have said, 'We are so concerned about this that we really want you to refer it to a committee.' You cannot do that in good conscience in this place. It is for that reason that I will be supporting the referral to the select committee.

If there are things that are said and heard at that committee that make us uncomfortable, that is good, because that is the function of one of those committees. We can ensure it is done in a swift and timely manner; we are becoming quite good at that when it comes to issues that are raised in this place. We can ensure it is done in time for this bill to come back and be appropriately considered and for us to flesh out and have the opportunity to flesh out all the concerns that have been raised by the three commissioners and every other body that we have spoken to.

Before finishing, I too would like to acknowledge the work of Connecting Foster and Kinship Carers, the Reiley Foundation, The Carer Project and Grandcarers SA and their input into this. I appreciate that this has now become a bit tricky, because in some respects many of us were standing altogether some time ago calling for the changes that we wanted around the issues that impact them to some extent.

If the minister wanted those particular provisions of this bill to go through they could easily have been carved out of this bill and put through, but to suggest, as has been done—and I do not like the fearmongering—'Well, you guys can't refer this to a committee because you're going to hold up the really good bits that apply to foster carers and kinship carers, and you've all gone in to bat for us, and we're eagerly awaiting for those provisions to come in,' to put that back on us because there are glaring issues with the remainder of the bill is highly unacceptable and inappropriate. Even the suggestion that those provisions may somehow kick in before we are able to finalise a select committee is equally disappointing.

Depending on who you speak to, some are very happy with those parts of the bill, but that does not mean that the minister did not have the ability—and chose not to exercise the ability in all this time—to carve those bits out and deal with them separately and then refer the rest of the bill off to committee so that the other issues are addressed. That is assuming, of course, that everybody was happy with those parts of that legislation.

I do not think there is a choice here for any of us. I am certainly not going to go against the advice of the three commissioners, or any other organisation that has spoken and endorsed their concerns, and as such will be supporting the referral of this bill to a select committee.

Before I finish, I seek leave to table—and I am only doing what I have on hand. I apologise to the stakeholders whose letters I do not have in front of me but, importantly, I seek leave to table the co-signed letter by the three commissioners, correspondence dated 25 November, correspondence from the Aboriginal Legal Rights Movement dated 25 November, correspondence from Relationships Australia dated 26 November, and correspondence dated 25 November by SAACCON.

Leave granted.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (12:05): I thank each of the honourable members for their contribution and note both their interest in this matter and this piece of legislation and their concerns. I would re-emphasise that there has been extensive consultation on this bill. As I alluded to in my second reading explanation, there has been feedback throughout the period of time.

The existing legislation was reviewed with in-person forums, online surveys, written submissions and targeted discussions with Aboriginal and non-Aboriginal people across metropolitan and regional South Australia, and I refer members back to further information that was provided in regard to that. The government does not support the select committee. We would like to see this legislation now moving to the next stage.

Bill read a second time.

The Hon. T.A. FRANKS (12:06): I move:

1. That the bill be referred to a select committee of the Legislative Council for inquiry and report.

2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

I move this, as I referred to in my second reading contribution, to ensure that in fact we have an informed debate, one where substance actually is overriding form. For all of the very many reasons that the Hon. Laura Henderson, the Hon. Sarah Game and the Hon. Connie Bonaros have outlined, we feel that the sector, while they may have been consulted, have not yet been heard, and this is a debate that we need to get right.

I note it is not the government's intention to even progress this bill further than clause 1 today, so in fact with a report of a select committee coming back on 4 February next year we do not even lose a day of parliamentary debate, but we come back with a more informed debate, so with that I commend the contingent notice of motion.

The council divided on the motion:

Ayes 10
Noes.....9
Majority 1

AYES

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

NOES

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

PAIRS

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

Motion thus carried.

The Hon. T.A. FRANKS: I move:

That the select committee consist of the Hon. C. Bonaros, the Hon. S.L. Game, the Hon. M.L. Dannawi, the Hon. L.A. Henderson and the mover.

Motion carried.

The Hon. T.A. FRANKS: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and that it report on 4 February 2025.

Motion carried.

OFFICE FOR EARLY CHILDHOOD DEVELOPMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 November 2024.)

The Hon. J.S. LEE (Deputy Leader of the Opposition) (12:13): I rise today on behalf of the Liberal opposition to speak to the Office for Early Childhood Development Bill 2024. This bill seeks to establish in legislation an Office for Early Childhood Development to act as an overarching body for South Australia's early childhood sector. The establishment of such an office was a recommendation of the Gillard Royal Commission into Early Childhood Education and Care and I

think it is important to note that the office already exists. It was established under the powers of the Public Sector Act over the last year as a government department with Kim Little as its chief executive.

This bill would establish the office in legislation, meaning that it would require a new act of parliament to amend the duties of the office. It seems that the key reasons for legislating the Office for Early Childhood Development is to ensure that the Labor government's election promise to deliver three-year-old preschool will be enshrined in legislation. The bill will also provide additional powers through the office which it would not otherwise have as a regular government department, namely information-gathering powers, which I will discuss in further detail shortly.

The early childhood education sector in South Australia is very difficult to coordinate, with both government and non-government institutions, including community and not-for-profit institutions, small businesses and massive national companies. There is certainly merit in having a government unit to provide a certain level of policy leadership for the sector and to help address the challenges facing the sector.

There are well-documented workforce shortages across the sector, there are infrastructure challenges and there are childcare blackspots in South Australia where it is difficult to find long daycare services. It is very concerning that the number of children entering preschool with at least one level of vulnerability on the Early Development Census has been growing in South Australia, when in other states it has been diminishing. Recommendation 1 of the Gillard royal commission was informed by this data and set out a target to reduce early childhood vulnerability to 15 per cent. I understand that it is currently sitting at around 22 per cent.

I would like to take this opportunity to highlight some of the fantastic work done by the former Marshall Liberal government, led by the former Minister for Education, the Hon. John Gardner, member for Morialta, to address this challenge and get better outcomes for our young children. The first three years of children's lives, the first thousand days, are a time of rapid development and potential vulnerability.

Positive interventions to address vulnerabilities during this stage, whether through the early diagnosis and treatment of a challenging condition or even just the social opportunities created by playgroups, for example, can improve a child's short and long-term prospects. In 2021, the Marshall Liberal government announced a $50 million package to better support parents and children in these early years.

One of the key measures in this package was the provision of $16 million a year to expand the reach, frequency and number of free child development checks available for preschool-aged children. Those development checks are incredibly important as they enable early diagnosis of serious conditions and can also be a reference point where families can be pointed toward services that can remediate or help reduce the risk of vulnerability.

I would also like to point out that other initiatives, including the early childhood app and what has now become the Words Grow Minds campaign, along with investment into playgroups and grants for councils to make more child-friendly spaces, were all developed under the former Liberal government. I am very pleased that these bodies of work have been continued by the Labor government as they greatly support parents and the important work they do supporting their child's development.

This bill sets out the functions of the Office for Early Childhood Development. It has a long list of functions, including to promote universal access to three and four-year-old preschool, developing and implementing funding models, and connecting preschool providers to the broader early childhood development system.

As a result of the functions of this bill, it establishes the legislated responsibility for the government to deliver three-year-old preschool. I note the fact that the government will of course not be delivering on that promise because they do not have the workforce and they have set out a new delayed timeline of 2032, about eight years from now. Notably, there are no enforcement provisions in this bill if they do not deliver on this requirement.

Much of what this bill seeks to achieve builds on the work begun by the former Liberal government and is indeed already happening. This bill is specifically about creating a legislated office

rather than the office just doing the work as it currently stands without the need for legislation. Returning to the information gathering powers set out in clause of 11 of the bill, I wish to reiterate the concerns that were raised by the shadow minister for education, the Hon. John Gardner, in the other place.

Clause 11 sets out that the chief executive can require and seek information from a specified entity which can basically be anyone who is relevant to the early childhood services sector, anyone who is relevant to the functions of this act. That information can be on really any matter that can be related to the functions of the act.

The entity must provide information within the period specified by the chief executive. That is quite a significant power. An entity who refuses or fails to comply with such a notice is guilty of a new offence, with a $5,000 penalty. There are probably 2,000 stakeholder organisations in South Australia affected by this legislation, largely long daycare services, preschools and out of school hours care services and some significant umbrella-group stakeholders as well.

While these organisations already operate in a heavily regulated environment and already have certain information provision requirements in order to receive government funding, the opposition is concerned about the impact such powers may have, particularly on smaller entities, which may struggle with the burden of compliance. The shadow minister has questioned if such a power and the $5,000 penalty for failing to comply is necessary.

The Liberal opposition is concerned that a family daycarer operating as a sole trader in effect, or a small business or community not-for-profit institution could find itself with a notice from the chief executive seeking information and have the threat of a $5,000 fine hanging over their head if they do not comply. I note that the shadow minister has undertaken further consultation on this legislation between the houses.

While there seems to be broad positive feedback about the existence of the Office for Early Childhood Development, some stakeholders did raise concerns about the potential for misuse of the information gathering power set out in clause 11. The Association of Independent Schools highlighted that schools and early childhood centres already have significant responsibilities for compliance reporting and that applying heavy penalties may not be conducive to increased compliance if an entity's capacity to comply is hampered by matters outside their control or due to under-resourcing.

Such information may be useful for the office, and these powers may be very convenient; however, it is the opposition's view that they are not necessary and may have unintended impacts and potential for misuse. There is certainly an important role for government to play in improving early childhood development outcomes, including through support or coordination with non-government providers.

A number of functions of this bill are welcome developments, many of which started under the former government, and we are of course very pleased to see them continue and we will support them. While the opposition is not convinced that it is necessary to legislate this office and provide additional powers above those granted to regular government departments, we acknowledge that there is broad stakeholder support for the Office for Early Childhood Development and for the bill.

However, as I have outlined, we have concerns regarding information gathering powers. I indicate that we will be opposing clause 11 at the committee stage, and I foreshadow that I have a number of questions to ask the minister during the committee stage. With those remarks, I conclude my second reading contribution.

The Hon. C. BONAROS (12:23): I rise to speak in support of the Office for Early Childhood Development Bill 2024 very briefly. We know the substance of the bill before us but I think it is particularly important, given what has just occurred in this place today, and indeed, yesterday, to point out not only that the bill enshrines the key recommendations of the Gillard royal commission into legislation when it comes to early childhood education and care—and we know that by enshrining that in legislation it elevates the importance of this framework—but to commend the Minister for Education and his team for heeding the advice and input of the Commissioner for Aboriginal Children and Young People, Ms April Lawrie, in particular.

From the briefing I had, it was made clear to me that her input into the final bill was hugely important. It was described as the single biggest impactful feedback that was received and resulted in really good and positive changes to this piece of legislation. Those changes were, as I understand, also supported by SACOSS and others.

I make that point because we have just had another piece of legislation debated, which I will not refer to specifically, where we argued for exactly the same thing. In fact, yesterday, when we had the inaugural speech of the presiding member of the First Nations Voice, he specifically referred to the consultation and work that had been done on this particular piece of legislation. What that demonstrates, and what I am hoping the government hears, is the good work that can be done and can come from the sort of input that we have previously asked for.

I will not harp on about it, but I would like to once again extend my thanks to the Minister for Education and his team for taking on board the concerns around the bill and making what probably was a good bill much better and much more reflective of the sorts of issues that ought to be encapsulated within the provisions of the bill, particularly as they relate to Aboriginal children. With those words, I indicate my support for the bill.

The Hon. S.L. GAME (12:26): I rise briefly to support the Office for Early Childhood Development Bill and support the government's significant commitment to giving every child the best possible start in life through the bill. The government's pledge to provide universal access to teacher-led preschool for three year olds is a bold vision for the future and provides our state with a unique opportunity to improve developmental outcomes for all children, especially our most vulnerable.

This historic $1.9 billion investment is primarily in response to recommendations of the Royal Commission into Early Childhood Education and Care. The opportunity to build a brighter and better future for generations of South Australian children has received widespread support and I share this commitment to invest as much as we can in the transformative potential of quality early childhood education.

Nevertheless, it remains a sizable investment and we all have a responsibility to ensure this will be money well spent and this will require well-planned frameworks for implementation combined with appropriate levels of transparency and accountability so we can all be confident that our children are receiving the care and support they need to achieve their full potential and contribute to their communities.

The Hon. R.A. SIMMS (12:27): I rise to speak in favour of the Office for Early Childhood Development Bill and in so doing I want to acknowledge the work and leadership of the minister, the Hon. Blair Boyer, and his team in getting this happening. I know the minister to be somebody who is very passionate about early childhood education, and I think that is demonstrated through this bill.

I also note, as other members have, that this legislation is also being matched by a $1.9 billion investment in the budget to commence the staged rollout for preschool for three year olds and other key reforms in the early childhood sector across the state and they will commence in 2026. We really welcome that in the Greens. I think that is something that will have a transformative effect on our state and so again I do recognise the government's leadership in that regard.

We know early childhood education and care is vital for children's development and for South Australian young children to have the best chance to be their best selves as they grow into adulthood. It is vital this support is provided to women and families.

Part of this bill is the establishment of the Office for Early Childhood Development. It is great that progress has already been made in this regard. The goal of the office, I understand, is to reduce the number of South Australian children who are developmentally vulnerable—and it is a goal that the Greens support—from 1.8 per cent above the national average to seven points below. What is critical here is the acknowledgement of the role of government in ensuring that children in SA are provided with access to positive learning environments and the supports they need from a young age. There is lots that the state government can do, and this is a start.

The functions of the office are indeed appropriate. It has the task of aligning children's needs with support and service, which is something that is obviously very important. It also has the task of promoting inclusion within the early childhood development system for children with disability and

children in care. Again, these are things that should be key priorities. It also makes sense, from the Greens' perspective, that the office has responsibility for the overall strategic direction of government early childhood development services, and I understand that is to be the case.

The Greens welcome the fact that a chief function of the new office will be to promote access to preschool for all three year olds and four year olds. As early childhood expert Loris Malaguzzi once said:

> The wider the range of possibilities we offer children, the more intense will be their motivations and the richer their experiences.

Early childhood education and care should be universally available and accessible and it should be free. It should be high quality and it should be culturally appropriate. This has been the long-term policy position of the Greens. We also strongly support the principle that early childhood education and care should be government funded and provided by accredited community organisations and not-for-profit providers.

We are pleased to see within this bill some recognition of the unique needs of First Nations children. We welcome the fact that the functions of the office will include upholding the principles of Aboriginal self-determination and safeguarding the cultural identity of First Nations children. First Nations communities are, of course, best equipped to understand how best to make early childhood education and care culturally responsive and to break with Australia's history of cultural assimilation.

We also welcome the fact that the First Nations Voice, we understand, has had input into this bill. I certainly echo the sentiments the Hon. Connie Bonaros made earlier when she reflected on the significance of the speech that we heard in this chamber yesterday. Indeed, the speech was one of the great, powerful and uplifting moments in this parliament, and it was a speech that I think will echo through the ages in terms of its significance. It is really encouraging to see, already, the government working with the Voice to seek their input on important proposals such as this.

One of the suggestions by the Voice is that all committees established under the act by the office or by the minister have a First Nations representative. I think that is a really good suggestion and certainly one that we hope the government takes up. We are optimistic about the changes that will be legislated in this bill. We commend the bill to the house.

The Hon. M. EL DANNAWI (12:32): It is with great pleasure that I rise to speak in support of the Office for Early Childhood Development Bill 2024. It should come as no surprise to this chamber that I am speaking to this bill, as I have worked in the early childhood and care sector for over 14 years. I have spent most of my career advocating for educators, children and families within my union, the United Workers Union.

I had the privilege of being part of so many children's early years journey from the age of six months to five years. I have watched children flourish in an environment that supports their learning, their autonomy and self-help skills and their literacy and numeracy, from learning to feed themselves to writing their names and getting ready for school skills. It all matters. I am a firm believer in the importance of the early years as a foundation to later life success.

Children are confident and involved learners; they are natural scientists who investigate the world in their own unique ways. Educators are expected to nurture and provide resources for children's autonomous learning. I have fond memories of our science experiments, with one of the children's favourites being the baking soda and vinegar volcano experience in the sandpit. At this young age, everything is an opportunity to try out new skills, an opportunity to fail and to succeed and an opportunity to learn through trial and error. Every new experience creates neural pathways in their mind and expands their world.

Yet, despite all we know about the importance of the early years, the data from the 2021 Australian Early Development Census indicates that one in five Australian children start school developmentally vulnerable. This rises to two in five for Aboriginal and Torres Strait Islander children, and I am not surprised because over the years I have also watched disadvantaged children struggle through the system. I have watched their cries for help that come in the form of challenging behaviour or lack of participation. I have seen parents struggle to navigate a system that is meant to offer them support for their children in the most critical years of their life.

We know that in a supportive, active learning environment children who are confident and involved learners are increasingly able to take responsibility for their own learning, personal regulation and contribution to the social environment. Improving outcomes for South Australian children requires an holistic approach across the entire early childhood development system. That is why this bill is so important.

The bill establishes the Office for Early Childhood Development and grants them the legislative authority to oversee that holistic approach and provide support, assistance and a venue for collaboration. The first task of this new office will be to work collaboratively to mobilise long day care, early learning centres and government services in every community to deliver a universal three-year-old preschool.

Universal three-year-old preschool was one of the key recommendations from the Royal Commission into Early Childhood Education and Care. There are also a number of supporting recommendations that discuss the implementation models of universal three-year-old preschool that have been adopted by this government. The three-year-old preschool will be rolled out progressively from 2026, with a focus on regional and remote communities. Access to preschool in these communities will not only support children's development but will also support workforce participation and improve economic outcomes in the regions.

Long day care centres across the state that already meet the quality requirements and are ready to roll out programs will also begin delivering three-year-old preschool from 2026. Long day care centres are where I have spent most of my career in the sector, and I know that we have some incredible private and community centres that will be ready for the task in 2026. Naturally, these reforms will require us to expand and invest in the early childhood education and care workforce. We need to see this workforce recognised for what they are: dedicated and talented professionals. This is a skilled workforce that is equipped with creating programs to support and develop each child's unique learning.

Because children's learning is dynamic and complex, it requires an exceptionally passionate and professional workforce. An investment of $96 million in early childhood education and care workforce initiatives will support attraction, qualification pathways, retention and quality. In addition to universal three-year-old preschool, the government will provide additional supports for particularly vulnerable children with integrated hubs and additional preschool hours being made available to children who need them the most.

This bill includes functions to promote the participation of children with disability and children in care in the early childhood development system. The impact of early intervention on a child's development outcomes can be massive, and this is a crucial time for parents to make connections to supports and services that can help them and their child.

Early learning centres often play a role in facilitating these connections. The bill also includes functions for the office to support research in the early childhood development space and to support and facilitate the sharing of data across the system. Additionally, this bill includes specific additional functions for the Office for Early Childhood Development in respect of First Nations children. Shared decision-making and co-design with First Nations leadership and community will better support children and their families and unlock the full benefits of preschool programs.

The bill was one of the first to be considered by the state's First Nations Voice. The Voice engaged with the government on the bill and provided suggestions for amendments to address matters of interest to First Nations people. The Minister for Education, Training and Skills, the Hon. Blair Boyer MP, and the Chief Executive of the Office for Early Childhood Development, Kim Little, met with members to listen and engage with their feedback. As a result of this engagement, a number of amendments to terminology were made to strengthen language and better resonate with First Nations communities. Further, clause 8 was amended to include the requirement that committees established by the minister or chief executive must include at least one Aboriginal person as a member.

The first five years of life are fundamental for children's health and positive development, as more than 90 per cent of the brain's development occurs during this time. These days will impact the rest of their lives. I am truly excited for the future of early childhood education in this state. I am

excited to see this bill pass, and I am excited to see the next generation of educators discover the joys of this profession. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (12:39): I thank members for their contribution, and particularly the last speaker who brought her life experience to bear on what we are discussing. It is always informative when we have members in here who, for a range of reasons, are able to bring what they have dedicated their life to previous to coming here, and are making the decisions that we make in here better. I thank honourable members and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 10 passed.

Clause 11.

The Hon. J.S. LEE: I have already outlined in my second reading speech why the Liberal opposition wants to oppose the clause. We do not feel that it is necessary and is a bit of an overreach. I will not go through that explanation again but I have a few questions to ask the minister. Because there is significant power given to the chief executive in clause 11, can the minister explain what measures will the government put in place to ensure that there is no potential misuse of power in terms of information gathering and that smaller entities will not be disadvantaged?

The Hon. K.J. MAHER: Very regularly, in fact every day there are many public sector officials who handle information that is delicate and sensitive in nature. There are public sector codes of ethics and there are information and privacy principles that apply to the public sector, not just for this but in a whole range of areas.

The Hon. J.S. LEE: Who were the stakeholders that the government consulted to have the clause included, and is there a list of organisations that the minister can provide? What feedback has been received? Did any of those organisations or people consulted demonstrate any concerns about this clause and, if so, can the minister outline those concerns?

The Hon. K.J. MAHER: I am advised that there were a range of stakeholders consulted, and as a result of that consultation changes were made to the draft bill. For example, I am advised that the Guardian for Children and Young People submitted that the power to require information in the bill should not apply to independent statutory officers such as the guardian that were not normally subject to direction by the Crown. In that example, in response to those comments the bill was amended to remove that particular office.

The Hon. C. BONAROS: I have a question for the Attorney and a question for the mover. Just on from what the Attorney has said and to be clear for the record, in its original form there were some issues raised around these particular provisions by stakeholders or bodies or associated entities. Those issues were addressed to the satisfaction of the concerns that had been raised in the main, and this is the result of having gone back with an amended form of provisions that addressed the concerns that were raised?

The Hon. K.J. MAHER: I am advised in relation to the example I gave that that was an example of concerns being raised and that provision being changed, and, I am advised in that example, to the satisfaction of the statutory officer who had raised the concerns.

The Hon. C. BONAROS: My question to the mover, then is: who did the opposition consult with in terms of the changes? Did they go back and seek any feedback about whether there had already been changes made to their satisfaction, or is this just a Liberal position that, 'We think this is overreach'?

The Hon. J.S. LEE: If I can ask for your gracious patience, a range of questions I am about to ask the minister might address some of the questions you have; it will come out in terms of consultation and why, if that is okay. For example, out of the 2,000 stakeholders and organisations that are captured within this legislation, one of them being the Association of Independent Schools,

which represents its membership, I need to ask the question back to the minister as to whether that organisation has been consulted, if that is okay, honourable member.

My question is: out of the range of organisations that the government has consulted, does that include the Association of Independent Schools, and have they provided any concerns?

The Hon. K.J. MAHER: I am advised that, yes, the Association of Independent Schools was consulted in relation to this particular clause. I am advised that they raised no concerns.

The Hon. J.S. LEE: Clause 11, subclauses (1) and (2), refer to any entities and any matters where the government can issue a notice to ask an organisation to provide information. Can the minister provide any examples that you foresee where such information would be summoned or such an entity would be asked to provide such information? Are there any examples?

The Hon. K.J. MAHER: Probably the prime example, I am advised, is providing information about enrolment details to ensure there is no duplication.

The Hon. J.S. LEE: In clause 11, subclauses (3) and (4), there is a time period for an entity to respond. Can the minister provide any example in terms of what is deemed reasonable? What type of time period are we talking about?

The Hon. K.J. MAHER: I am advised that it would depend on the scope of the information required. Obviously, if it is detailed information, what would be reasonable would likely be longer. If it is very simple information it would probably be shorter. The test of reasonableness is one that is extraordinarily well-known legislatively and legally, and that is exactly why you use phrases like that depending on the scope of the information that is being asked for.

The Hon. J.S. LEE: In clause 11(4), if an entity refuses or fails to comply with a notice there is a maximum penalty of $5,000. What will be the process undertaken to determine this penalty, and what measures, in terms of procedural fairness, will be provided to safeguard the private sector or a non-government entity from being disadvantaged?

The Hon. K.J. MAHER: I really do not understand the question about the non-government sector being disadvantaged. I am advised this applies equally to government and non-government sectors, and where we as a parliament deem something ought to be complied with. That is not just saying something should happen, but actually providing that incentive and mechanism for enforcement for it to happen as we are doing in this bill, as we do pretty much every day of the sitting week in bills before us. It would be up to a prosecuting authority to investigate, and to apply and to have that penalty apply.

The Hon. R.A. SIMMS: Sorry to interrupt this line of questioning, but I actually had a question for the Hon. Jing Lee around the amendment that arises from this exchange. I think in the honourable member's reply to the Hon. Connie Bonaros, she seemed to suggest that the independent schools association had been advocating for this change, but she put that proposition to the Attorney and he indicated that that is not what the independent schools association had said to the government. Is this something that the independent schools association have put to the Liberal Party that they want? I just do not understand where this is coming from as a proposition.

The Hon. J.S. LEE: You will see further that the Hon. John Gardner, the shadow minister, has consulted with some private sector small businesses and sole traders. They are concerned that there is a bit of overreach, and I will come to it in my next question, if I am permitted. If you look at the provision of 11(4) and then 11(5), the bill seems to offer more provisions for a state authority compared to an entity, a private entity in the non-government sector, than for refusal to apply it.

If you look at 11(5), a state authority, for example, if they refuse or fail to comply with a notice under the subsection, 'the Chief Executive may, after consultation with the State authority', so they are providing consultation to the state authority to actually get information about whether to comply with this particular section or not, and then it also provides for the state authority to report the refusal or failure to the minister or responsible minister for the state authority, including the details of failure, so there is a provision. There seems to be more provision given to a state authority than a non-government and private sector entity. I just want some clarification on that.

The Hon. K.J. MAHER: I understand the question, and it is probably a good question to ask. I am probably in quite a good position to be able to answer that. As a general principle within the state government, legal proceedings are not instituted against different parts of the state government. There are a whole range of procedures that apply for mediation, discussion, so that you are not litigating one part of state government against another, and as Attorney-General I am well aware of how this happens in a whole range of areas.

Given that as a general principle it is a very unusual thing for litigation to occur between different parts of state government, it would not be at all unusual for different parts of the state to have processes to organise for things to be sorted out before litigation occurs, but there are no such arrangements in place that I am aware of between private entities and the state government.

The Hon. J.S. LEE: Clause 11(6) provides, 'the Minister may, by notice in writing, exempt an entity from the operation'. I know this is a hypothetical question but is there an example you can think of where you can get an exemption?

The Hon. K.J. MAHER: No, but it is a fail-safe in case a situation arose. While I am on my feet, just a couple of questions to the mover, if I may, in relation to this amendment. Very broadly, what benefit does the mover think this will bring to the scheme if this clause is taken out? How will that benefit what this is aimed at—the development of children?

The Hon. J.S. LEE: I indicated the Liberal opposition is supporting this bill. I never said that it does not. With this particular clause, we feel that it gives significant power to the chief executive of the office. Such power then will summon small and very small entities such as those in the private sector to comply when the sector itself is already full of accountability and compliance they have to go through, so this particular clause is really to question the government as to whether this is necessary. Now that I have asked the questions, and the minister has given the answers, I am satisfied that this clause is necessary based on the answers provided today, but we just needed to have those clarifications.

The Hon. K.J. MAHER: Just to be clear, is the honourable member withdrawing her amendment to strike this out?

The CHAIR: Attorney, it is not an amendment.

The Hon. K.J. MAHER: Is the honourable member now informing the chamber that the Liberal opposition will be supporting this clause?

The Hon. J.S. LEE: My understanding is that it is not an amendment as such. The reason that I had to move that this be deleted is based on the reasons and explanations I have given. With the questions that I have asked and the satisfactory answers that I have been given so far, I have made the determination that we are satisfied with the clause being part of the bill.

The Hon. K.J. MAHER: I might just comment. It is concerning, and I appreciate the honourable member has now changed the Liberal Party's policy and position on this over the last two or three minutes. It is everyone's entitlement to do so and I appreciate that; however, the last answer the honourable member gave in relation to what benefit will this provide to children, I think, was instructive.

As I understood the honourable member, there is no advantage to children and could even be a detriment to children but this is what some small operators had told the Liberal Party they wanted to do. I just think it is extraordinary that the Liberal opposition would not just think, but admit in the chamber, that something may be of no benefit, even detrimental to children, for the very scheme that we are trying to put in place here because there has been, as I understood the representation, a small business owner who does not want to provide information. I just think that is extraordinary.

The Hon. C. BONAROS: I think we have understood clearly what the Attorney has said in response to these questions. Effectively, you have no other recourse in relation to those entities. There is, of course, lots of recourse available if you are a state authority for the government to deal with in the way that they do, and we know that they do.

My problem fundamentally, though, on the issue that the Attorney has just raised, with detracting from the purpose of the bill, is I think we do need some clarity because when we come to

these sorts of clauses they are still drafted as an amendment, and the opposition is expecting the crossbench to make a decision as to whether to support the opposition to a clause or support the government position.

Two questions remain unanswered to my satisfaction. Firstly, who asked for the changes? Secondly, is the mover no longer proceeding with that so we can inform them ourselves whether we are going to support the opposition's position or the government's position? I think we have made up our minds but I think it needs to be clear for the record.

The Hon. K.J. MAHER: One further thing that I think is worthy of putting on record in relation to this is there is a very similar provision in the Education and Children's Services Act, clause 13, that allows for the requirement of information being provided very similar to what is happening here. What the opposition, I think, had proposed, but may not be proposing now—it is not entirely clear to us—means that in effect the information that could be required to provide better services is not as important for younger children as it is for older children. Again, I think that is an extraordinary position to take.

The Hon. R.A. SIMMS: I may be able to assist here by indicating that the Greens will not be supporting the amendment, on the basis of what I have heard, in which case it might be a moot point and we may be able to spare further time being focused on this. I make no criticism of the Hon. Jing Lee because she is not the portfolio holder for the Liberal Party on this, it is the Hon. John Gardner in the other place. However, I am a bit perplexed by the position of the Liberal Party on this issue.

It seems to me quite reasonable to say that, if you are going to be getting access to large amounts of government funding, then of course you are going to have to meet some compliance requirements. To strike out those provisions I do not think adds any benefit at all to the regime. If anything, it could undermine the integrity of what is being proposed here.

There is an interesting analogy, I think, with the debate we had recently around private schools and my push for more transparency in terms of reporting of private schools. I note that the Liberal opposition were vehemently against that and they tend to always fall into line with the views of private schools and private providers and do not, I think, often put enough focus on the work of the public sector.

I will point out that the Labor government were also found wanting when it came to that bill. They did not have the wherewithal to stand up to some of the whingers in the independent schools sector who always cry out as if the sky is going to fall in when there is a proposal for there to be a bit more transparency applied to them. We do not support the Liberal Party's amendment. Let's draw a line under it and get the honourable member to put it forward and watch it fall flat.

The Hon. C. BONAROS: Can I go one step further than that. I think the issue here is that the mover either moves—

The CHAIR: It is not an amendment, it is just a clause.

The Hon. C. BONAROS: We would like to know their position, Chair, and I will tell you why it is important. What will happen after this debate is the Liberal Party will go back to whoever it is they have spoken to and say, 'Well, we tried and failed because nobody in the chamber supported us, because the only way this could get through is if the crossbench collectively sided with the opposition.' So it is important. It is important for those people who are actually reading this and want to know where we landed. My position is that I do not support it, but I would like to know what the mover's intention is.

The Hon. J.S. LEE: Thank you for the opportunity to respond. I was really quite surprised when the minister said that out of the consultation with the Association of Independent Schools no concern has been raised with the government. However, the evidence that I received, as supplied by the Hon. John Gardner, shadow minister for education, is this: the Association of Independent Schools highlighted to us that schools and early childhood centres already have significant responsibilities for compliance reporting and that applying heavy penalties may not be conducive to increase compliance if an entity's capacity to comply is hampered by matters outside of their control.

They feel that such information may be useful for the office, for the chief executive. These powers might be convenient; however, they felt that they are not necessary. It is up to the opposition, the Liberal Party, to project this and to advocate for organisations that have come to us with this proposition. I understand that this is not an amendment. I move to actually oppose the clause, but I also understand that, given the views of the chamber and also respecting everybody's opinions and taking everything into consideration, including the answers as given by the ministers, I will now not oppose it, based on the reasons and answers that have been given.

Clause passed.

Remaining clauses (12 to 18) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (13:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 13:06 to 14:15.

Parliamentary Committees

PRINTING COMMITTEE

The Hon. E.S. BOURKE (14:16): I bring up the report of the committee.

Report received and adopted.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2023-24—
- Adelaide Festival Centre Trust
- Adelaide Festival Corporation
- Adelaide Film Festival
- Administrator of the National Health Funding Pool
- Art Gallery South Australia
- Australian Children's Education and Care Quality Authority
- Barossa and District Health Advisory Council
- Chief Psychiatrist
- Child Death and Serious Injury Review Committee
- Child Development Council
- Commission on Excellence and Innovation in Health
- Compulsory Third Party Insurance Regulator
- Construction Industry Training Board
- Controlled Substances Advisory Council
- Country Arts South Australia
- Defence SA
- Department of Treasury and Finance
- Distribution Lessor Corporation
- Eastern Eyre Health Advisory Council
- Electricity Industry Superannuation Scheme
- Essential Services Commission of South Australia
- Eudunda Kapunda Health Advisory Council
- Far North Health Advisory Council

Gawler and District Health Advisory Council
Generation Lessor Corporation
Health Services Charitable Gifts Board
Hills Area Health Advisory Council
HomeStart Finance
Kangaroo Island Health Advisory Council
Libraries Board of South Australia
Lifetime Support Authority
Local Government Finance Authority of South Australia
Lotteries Commission of South Australia
Motor Accident Commission
Office of the Industry Advocate
Official Visitor (Aaron Cooke)
Official Visitor (Joanne Battersby)
Official Visitor (La Nina Clayton)
Official Visitor (Lauren Messmer)
Official Visitor (Tristan Colmer)
Parole Board of South Australia
Pharmacy Regulation Authority SA
Police Superannuation Board
Port Lincoln Health Advisory Council
Return of authorisations issued under section 52C(1) of the Controlled Substances Act 1984
Riverland Mallee Coorong Local Health Network
SAAS Volunteer Health Advisory Council
Small Business Commissioner SA
South Australian Commissioner for Aboriginal Children and Young People
South Australian Film Corporation
South Australian Government Financing Authority
South Australian Museum
South Australian Parliamentary Superannuation Board
South Australian Public Health Council
South Australian Suicide Prevention Council
South Australian Superannuation Board
Southern Fleurieu Health Advisory Council
Southern Select Super Corporation Board
State Owned Generators Leasing Co Pty Ltd
Superannuation Funds Management Corporation of South Australia
TAFE SA
Tandanya
Teachers Registration Board of South Australia
Transmission Lessor Corporation
Women's and Children's Health Network

Determination of the Remuneration Tribunal No. 5 of 2024—Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner and Commissioners of the Environment, Resources and Development Court

Determination of the Remuneration Tribunal No. 6 of 2024—Allowances for Members of the Parole Board of South Australia

Determination of the Remuneration Tribunal No. 7 of 2024—Common Allowance for Members of the Parliament of South Australia

Report of Section 83 of the Constitution Act 1934

Report of the Remuneration Tribunal No. 5 of 2024—2024 Review of Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner and Commissioners of the Environment, Resources and

Development Court
Report of the Remuneration Tribunal No. 6 of 2024—2024 Review of Allowances for Members of the Parole Board of South Australia
Report of the Remuneration Tribunal No. 7 of 2024—2024 Review of the Common Allowance for Members of the Parliament of South Australia
South Australian Government Response to 'Holding on to Our Future'

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

Reports, 2023-24—
Administration of the State Records Act 1997.
Coroners Court.
Courts Administration Authority.
Fidelity Fund.
Legal Practitioners Disciplinary Tribunal.
Legal Profession Conduct Commissioner.
Training Centre Review Board.
Victims of Crime South Australia.
Return pursuant to section 74b of the Summary Offences Act 1953, Road Blocks, dated 1 July 2024 to 30 September 2024

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

Reports, 2023-24—
Office of the Commissioner for Public Sector Employment.
State of the Sector

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

Reports, 2023-24—
Australian Energy Market Commission.
Behavioural Standards Panel.
Department for Energy and Mining.
Department for Trade and Investment.
Department of Human Services.
Office of Hydrogen Power South Australia.
Office of the South Australian Technical Regulator.
Outback Communities Authority.
South Australian Housing Trust.
South Australian Local Government Grants Commission.
South Australian Water Corporation.
Surveyors Board of South Australia.
The Power Line Environment Committee.
Urban Renewal Authority.
Veterans SA.
Independent Review of the Central Assessment Unit pursuant to section 24 of the Child Safety (Prohibited Persons) Act 2016

Question Time

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of SARDI.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday, I asked a question in this chamber about significant deaths to SARDI oyster cultures, as well as losses to the snapper breeding program. The minister said in her reply that:

> My understanding is that there have been a number of mortalities in several programs in SARDI. The cause of those is being investigated and, until that cause has been established, it would be inappropriate…to be saying that these would be due to a particular matter.

Information from Robarra barramundi hatching notes the following timetable. On 14 October, significant numbers of their fish stock were suddenly detected as unwell and on 15 October the owner of Robarra received a text from one of their hatchery managers that said:

> Not sure what's going on with our larger fingerlings, I'm trying to work that out with (the vet), but I will have to cancel…order today and most likely Robe transfer on Thursday. Trying to work out if it's a parasite or bacterial, I haven't seen this before…

It is the opposition's understanding that, over the course of the next few weeks, significant numbers of fingerlings and fish have died of unknown causes, with fish also becoming unwell. According to the owner, nothing was found in pathology and there are suggestions that it appears that some sort of toxic external insult has occurred. According to a Department for Environment and Water sign at West Beach, there is a dredging trial that has been running in the months of October and November, in the same area as both SARDI and the barramundi hatchery business. My questions to the minister in relation to the investigation are:

1. Who is investigating the cause of the significant fish and oyster culture deaths at SARDI West Beach?

2. As part of the thorough investigation that the minister alluded to yesterday, will Robarra be included in this investigation, seeing as they, too, are reporting significant fish deaths at their hatchery?

3. Again, as a question and not as an assertion, as the minister wrongly implied yesterday: will the activity of sand dredging be looked at as a possible external cause or factor within the thorough investigation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I thank the honourable member for her question. In mid-October, a high number of mortalities of snapper larvae, oyster spat and barramundi broodstock and fingerlings occurred at the PIRSA South Australian Aquatic Sciences Centre and the co-located Robarra barramundi hatchery. These mortalities have impacted a number of government programs that are found at the research facilities at West Beach. Also, the private barramundi nursery and hatchery at Robarra, which is co-located at the West Beach facility, has also incurred losses of barramundi broodstock and fingerlings. I am advised that the mortalities occurred from mid-October 2024.

Testing of snapper larvae and oyster spat has shown no findings to explain the mortalities and no findings consistent with infection due to notifiable diseases. The investigation is continuing. Government departments are investigating, and I will happily take on notice the specific queries. I would be very surprised, however, if Robarra was not included, given that they are co-located and also have suffered losses. So the inclusion, in terms of seeking information, would of course include them.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): My question is to the Minister for Primary Industries regarding the tomato brown rugose fruit virus incursion. Will the minister commit to an independent review of her government's response to the tomato brown rugose fruit virus incursion so that growers can regain confidence in the system? If not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): As I have said before on a number of occasions, once a response is complete—hopefully in this case it will mean that there has been full eradication of the tomato brown rugose fruit virus—then there is always a review of the response. Learnings are

important in reviewing any action that is being taken and in preparing for any future actions on this virus or indeed on any other biosecurity incursion.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: will that review be independently driven?

The PRESIDENT: Minister, I think we talked about a review, so you can answer it how you wish.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): I think I have already answered the question.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): Supplementary: I will try that again. Will the review be independent of government?

The PRESIDENT: No, you can't ask the same question twice. The honourable Leader of the Opposition, you will ask your third question, please.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): My question is to the Minister for Primary Industries regarding the tomato brown rugose fruit virus incursion. Will the review be independent of government?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): I have already answered that question.

Members interjecting:

The PRESIDENT: Order!

JACKSON, MR C.

The Hon. M. EL DANNAWI (14:29): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council of Uncle Charlie Jackson's South Australian Senior Australian of the Year award?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29): I thank the honourable member for her question. It is wonderful to see such a deserving individual as Charles Jackson, affectionately known by many who know him as Uncle Charlie, being named South Australia's Senior Australian of the Year for 2025 and being recognised for his lifelong commitment to our South Australian community. I have had the privilege of knowing Uncle Charlie for many years. Uncle Charlie has dedicated over five decades to improving the lives of his community, particularly working with Aboriginal children and advocating for vulnerable Aboriginal communities.

He has had a diverse career, spanning many different roles: he has been a marriage celebrant, a cultural awareness teacher, board member, services coordinator and NDIS officer. In 1978 he became the first Aboriginal person in Australia, I understand, to be appointed a justice of the peace. He was elected as an ATSIC commissioner in 1990, and several years later was appointed by the then Premier to preside on the Environment, Resources and Development Court as a native title commissioner.

Uncle Charlie's leadership and longstanding commitment to the services of the Aboriginal community was recognised in 2018 when he was granted the Order of Australia medal. At 75 years young, Uncle Charlie continues to be a pillar of leadership and wisdom in his community as an Adnyamathanha elder. As South Australia's Senior Australian of the Year he brings a wealth of experience and cultural knowledge to important discussions about social issues. He has long been

a vocal advocate for his community and a valuable contributor of advice to government agencies and community service organisations in particular.

Uncle Charlie's recognition is not just a personal accolade but a celebration of the invaluable contribution of this state's Aboriginal elders. His selection as South Australia's Senior Australian of the Year is a testament to the positive impact one individual can have on their community and as a nation as a whole. Uncle Charlie will now represent South Australia, along with the other South Australian category winners at the national awards in Canberra in January 2025. I wish Uncle Charlie the very best of luck at the awards next year, but no matter the outcome of the awards, the contribution Uncle Charlie has made for his community will continue to have long-lasting impacts.

ABORIGINAL GOVERNANCE

The Hon. F. PANGALLO (14:31): I seek leave to break a brief explanation before asking the Minister for Aboriginal affairs a question about Aboriginal corruption.

Leave granted.

The Hon. F. PANGALLO: There is a great deal of concern on the part of senior Aboriginal leaders across the state about the lack of capacity, governance, poor performance and also corruption, misappropriation and fraud in many Aboriginal corporations in our state. Ten of these respected leaders met with former Premier Steven Marshall in the previous Liberal government, pleading for a parliamentary inquiry into Aboriginal governance. They included the then chair of the State Aboriginal Heritage Committee, past chair of APY, CEO of the Aboriginal Legal Rights Movement, the past native title commissioner of South Australia and the current SA Senior Australian of the Year, and others of similar seniority.

The former Premier agreed to the inquiry, where these respected elders raised serious concerns about the prevalence of corrupt Aboriginal men gaining control of these corporations, established to protect, support and assist their people and, using that corporation's funds to instruct lawyers to act on their behalf, effectively protecting them and making them untouchable.

This government, including you as Minister for Aboriginal Affairs, opposed the recommendations of that inquiry and then closed down the standing committee. I have been informed this week that former corrupt police officer Deborah Lee Buckskin, jailed in 2009 for nearly three years after pleading guilty to two counts of abusing her position by providing a police incident report and car registration details to an alleged drug dealer, is now deputy chair of the South Australian Aboriginal Community Controlled Organisation Network (SAACCON)—the state government advisory committee and its key institutional adviser on Aboriginal policy, which I am told receives about $5 million a year in government funding. My questions to the minister are:

1. Was he aware of Ms Buckskin's appointment as deputy chair of SAACCON, and does he agree with it, given her criminal history?

2. Does the government have any governance over SAACCON appointments? Mainstream Australia would never accept this type of appointment, so why should it or the Aboriginal community be expected to tolerate this sort of leadership within Aboriginal organisations?

3. How do you respond to concerns from a growing number of respected Aboriginal elders that you continue to deny the crisis taking place in many Aboriginal corporations, and that your actions are proof of you trying to protect people?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:34): I thank the honourable member for his question. The government has no role in appointing members to an Aboriginal community-controlled organisation. By its very definition, it is community controlled.

What I do, though, is reject the notion that is seen to be proffered by some previously that there is something inherent about Aboriginal people or Aboriginal organisations that leads to corruption at a much greater rate than anywhere else in society. I completely reject that notion. If people have concerns about any act or incidence of corruption, I would highly recommend they take those to the relevant authority.

UNITED WORKERS UNION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector about the United Workers Union.

Leave granted.

The Hon. J.S. LEE: On 23 November 2024, *The Weekend Australian* reported that Adero Law has flagged a potential complaint to the Australian Human Rights Commission in relation to claims from more than a dozen current and former staff of the United Workers Union who experienced discrimination during their time in the union.

The law firm says that concerns included retaliation towards Indigenous people who did not want to campaign on last year's Voice referendum. *The Weekend Australian* reported that there were a dozen individuals who claimed to have been discriminated against on the basis of political opinion, including Indigenous people who did not support the Voice campaign for personal reasons. My questions to the minister are:

1. Is he aware of any South Australian United Workers Union staff who have been discriminated against on the basis of their political opinions?

2. Is he aware that union workers have allegedly been forced to support Labor Party political campaigns, including the Voice referendum?

3. Will the government condemn the United Workers Union and any other union that is found to have discriminated against staff on the basis of political opinion or participated in political campaigns?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:36): I am certainly not aware of any incidences, as the honourable member outlines, in South Australia with the United Workers Union (UWU). What I am aware of is the strong and fierce advocacy the United Workers Union South Australia has provided for First Nations people. In fact, I have had a number of meetings with the United Workers Union First Nations representatives in caucus to specifically advocate for issues that affect First Nations people. I think I have a request for another meeting with the United Workers Union's First Nations delegates caucus to continue those discussions.

I am very, very pleased at how the United Workers Union in South Australia diligently represent so many First Nations people, people in the workforce who are often the most marginalised and discriminated against. I will very proudly continue to meet with the United Workers Union as they advocate for their First Nations members. Many of the United Workers Union members are some of the lowest paid workers in our society and in our economy and, as I said, I will very willingly continue to meet with the United Workers Union representatives in South Australia, who very ably put forward the concerns of First Nations workers.

UNITED WORKERS UNION

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:37): Supplementary: when the minister meets with the United Workers Union will he actually raise the issues about the Australian Human Rights Commission claims?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): Do you know what, sir? The times I have met with the First Nations workers as part of the United Workers Union, they meet with me and discuss issues about wages, issues about what their conditions are in workplaces, specific issues as First Nations workers. I can understand that members of the opposition, particularly the deputy leader, would want to have a meeting and the very first point of order in the meeting would be to engage in a culture war. I am not going to do that.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, order!

Members interjecting:

The PRESIDENT: Order! I call the Hon. Mr Wortley.

RECREATIONAL FISHING APP

The Hon. R.P. WORTLEY (14:39): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the development of a new recreational fishing app and voluntary reporting system for recreational fishers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I thank the honourable member for his question. PIRSA is commencing development of an improved recreational fishing app that will eventually replace the SA Fishing app, which has served the recreational fishing communities since 2013. The new app is due for release around mid-2025 and is being designed in a way to enable fishers to easily obtain the latest information on recreational fishing rules, regulations and area closures and provide a range of useful tools to anglers to enhance their fishing experience.

PIRSA has brought together a stakeholder working group, which includes RecFish SA, to help drive development of the new app and advise on what kind of features and functions the sector regards as priorities for the app to include. An important part of the new app will be the development of a voluntary reporting mechanism, which will provide the opportunity for recreational fishers to record their catch. I emphasise this will be voluntary. In adopting voluntary reporting South Australia will come into line with best practice nationally, with many other states using this approach to collect data on recreational catches, which assists in making better informed decisions for fisheries management and stock sustainability.

Of the many topics that come up around the fishing sectors the collection of data and improving the way in which recreational fishing data is captured has come up very frequently. The state government certainly understands that improvements can be made in this space and has heard from a range of stakeholders about their thoughts on how this could occur, including from RecFish SA, which made it very clear that they were opposed to a mandatory reporting system.

Mandatory reporting is in place currently for snapper in the South-East, given the need to protect that species, and this has been widely accepted as a measure which can assist the fishery to be managed to maintain access and sustainability; however, there are no plans to introduce mandatory reporting across other recreational fisheries.

The manner in which recreational data is collected at the moment is through the extensive survey conducted by SARDI every five years, with the latest data coming in the 2021-22 survey and planning already commenced for the 2026-27 survey. The surveys will remain as an important part of data collection for the recreational sector, with the data collected from voluntary reporting providing another input that will no doubt provide a further improved picture of recreational fishing activity.

The development of voluntary catch reporting follows recent Fisheries Research and Development Corporation (FRDC) funded research by SARDI, which evaluated an app-based recreational fishing survey against the traditional five-yearly survey. The research found that this approach can produce valuable insight into fishing activity and catch rates. Once the app is developed the data obtained would be subject to ongoing refinement to ensure it is representative of the broader recreational fishing community, with learnings no doubt making for continuous improvement in how the data is collected and used.

I have met, of course, many recreational fishers through my role as minister, and it has always been evident that the number one concern they have is maintaining sustainability of our fisheries. Often they say they want their kids and grandkids to be able to enjoy the same opportunities to go fishing—and explore our incredible state while doing so—that they themselves have been able to have.

The new fishing app will no doubt enhance their fishing experience and provide a better platform to deliver information, but the implementation of voluntary reporting will give South Australian anglers a chance to also contribute directly to our fisheries' ongoing sustainability, indeed from the palm of their hand.

I am pleased, in speaking with RecFish SA, that they are supportive of this approach, and I look forward to their input through the app development and voluntary reporting implementation processes.

RECREATIONAL FISHING APP

The Hon. C. BONAROS (14:43): Supplementary: what is the estimated number of fishers who will be using the app based on the information that has been collated, and does the technology have the capability for licensing schemes, or even day passes in the absence of a licensing scheme, in the future?

The PRESIDENT: Most of that supplementary question arose from the original answer.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): There is estimated to be 360,000 recreational fishers in South Australia. That is based on the recreational survey I referred to in my original answer. In terms of how many will use it, obviously that remains to be seen, because it is an app that is being developed with the idea of being a useful tool for recreational fishers while also offering the option for voluntary reporting.

The items that the honourable member has referred to have not as yet been brought up as a priority given that this government has ruled out introducing a recreational fishing licence. I would be surprised if that was something that was high on the priority list, but I will point out that we are just commencing development. The interactions and communications and consultation that we have with the rec fishing sector will of course inform the development of the app as we go forward.

RECREATIONAL FISHING APP

The Hon. C. BONAROS (14:45): Further supplementary arising from the original answer: the minister referred to the existing app which is used by recreational fishers. Do we know how many recreational fishers use the existing app?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I am happy to take that on notice and bring back a response.

GOVERNMENT ADVERTISING

The Hon. R.A. SIMMS (14:45): I seek leave to make a brief explanation before addressing a question without notice to the Leader of the Government in this place on the topic of government advertising.

Leave granted.

The Hon. R.A. SIMMS: This week, it was reported in the media that the state government will rationalise advertising resources within the new government Advertising and Insights Hub to be set up in early 2025. I understand the hub will coordinate advertising for more than 30 state government agencies.

InDaily has reported that the consolidation effort comes after the state government's advertising spending reached record levels, swelling to a record $47.6 million—an eye-watering $47.6 million—in the Malinauskas government's first full financial year in office, and $39.7 million in 2023-24. This has included controversial spending like a $1.9 million ad for SA Health's 'Building a bigger health system' campaign and $1.6 million for the state prosperity budget campaign, not to mention money being spent on promoting their housing blueprint.

Premier Peter Malinauskas has told the ABC that the restructure would be 'moving things in the opposite direction of having too many spin doctors'. That is the Premier's words. He has also told parliament this week that the government is now, and I quote:

> …leading a bit of [a] change within the public sector in the way that government advertising occurs across agencies.

My question to the Leader of the Government is: in light of the Premier's about face, will the government now commit to finally supporting my private member's bill in the other place to ensure

that there are clearer regulations for government advertising and to give the Auditor-General new powers to investigate breaches and report to the parliament, and if they won't support it and make it law, why not?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the honourable member for his question, and I thank him for regularly pursuing things that he has a passion about in this chamber, bringing forward ideas, motions and legislation. Of course the government will, as it always does, thoroughly consider any proposals that are brought forward like legislation and make a determination about whether to support it or not.

PUBLIC SECTOR, FORMAL COMPLAINTS

The Hon. H.M. GIROLAMO (14:48): My questions are to the Minister for Industrial Relations and Public Sector on complaints management:

1. Are formal complaints of a serious nature within the public sector brought to the attention of the minister and, if so, how is that determined that a complaint should be brought directly to the Minister for Public Sector?

2. Were any complaints regarding former CE of Super SA Dini Soulio brought to the attention of the minister?

3. Are there any other unresolved complaints against executives within the public sector currently on the minister's radar, and how will he ensure these are resolved?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for her question. As a general rule, complaints are handled by the agency that is responsible, however that complaint has arisen, for resolving that complaint. In relation to the very specific question the honourable member asked, I became aware of the nature of the complaints when it was published, and the public became aware.

As I say, as a general rule, individual agencies have processes in terms of their agencies, which are consistent across the public sector. I understand the Commissioner for Public Sector Employment regularly provides advice to individual agencies on how to manage complaint processes and investigations, but that is the responsibility for the individual agency.

EQUAL OPPORTUNITY ACT

The Hon. R.B. MARTIN (14:49): My question is to the Attorney-General. Will the Attorney-General please inform the council about the upcoming anniversary of the passage of the Equal Opportunity Act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for his question regarding the significant milestone for South Australia's Equal Opportunity Act and welcome the opportunity to reflect on the important history of equal opportunity in this state. South Australia has been and continues to be a catalyst for anti-discrimination and equal opportunity law. Since the mid-1800s, this state has led the nation in the realm of equal opportunity and rights, particularly for women. As early as 1858, it afforded women the power to petition for divorce, and in 1894 instigated women's right to vote.

In 1966, Australia led the nation by being the first jurisdiction to introduce anti-discrimination legislation protecting individuals from discrimination on the basis of their race, including the colour of their skin and the country of their origin. In 1975, we set the standard again by being the first Australian state or territory to decriminalise homosexual acts between consenting males. In 1976, we appointed our first equal opportunity commissioner, Mary Beasley. Her appointment, a whole eight years before the creation of our equal opportunity laws, was a statement that equality, fairness and justice in our community are fundamental to our way of life and social values.

Established in 1984, the Equal Opportunity Act (SA), our current act, ensured that the citizens of South Australia have equal rights and access to opportunities by enshrining protections against

discrimination in law. South Australia's Equal Opportunity Act was amongst one of the first comprehensive pieces of legislation addressing multiple forms of discrimination, consolidating protections under the former sex discrimination act, racial discrimination act and handicapped persons equal opportunity act.

The act also introduced new protections against discrimination based on pregnancy and sexuality, provided people with disabilities greater potential for employment, and for the first time defined the term 'sexual harassment'. When it was introduced, then commissioner, Josephine Tiddy, predicted the act would facilitate acceptance and equality in the areas of employment, service, recreation and sports. Commissioner Tiddy expected that the Equal Opportunity Act would one day extend to cover other forms of discrimination and would continue to advance systemic change. Her vision would go on to be fulfilled.

In the 40 years since its inception, the Equal Opportunity Act has been amended numerous times and has, importantly, expanded the protections for individuals against additional forms of discrimination. Most notably, the act was reformed to prevent discrimination on the basis of one's age and intellectual disability; and in 2009, introduced protections for people with caring responsibilities, learning disabilities, mental illness, and those who wear religious dress to work or study. Most recently, this government introduced amendments to the act to provide protections for victims of domestic and family violence and to make conversion practices unlawful, providing victims with alternative civil avenues to seek legal recourse and justice through the commissioner's office.

Interestingly, there has never been an equal opportunity commission as such, although it has commonly been referred to that over the years. Last year, the name was changed to Equal Opportunity SA, a name that better reflects the public-facing nature and purpose of the office which administers and defends our equal opportunity legislation and also encourages South Australians to embrace diversity and difference. Equal Opportunity SA's complaints processes offer victims and others a flexible and accessible approach to dispute resolution, removing barriers for individuals who might otherwise be deterred by the complexity and cost of legal action.

Its conciliation work helps to restore relationships between parties to disputes and facilitates long-term behavioural change to prevent future discrimination. Its compassionate and practical pathways for addressing discrimination, sexual harassment and victimisation in our community help to foster a culture of understanding, accountability and social cohesion. In the past 40 years, the protections in the Equal Opportunity Act have proven essential in ensuring individuals are treated equitably in employment, education, housing, goods and services, and other aspects of public life.

Ultimately, the act addresses systemic barriers and empowers individuals to challenge discrimination, playing a critical role in fostering a fairer and more just South Australian community. I expect the Equal Opportunity Act will continue to afford individuals protection against discrimination and further advance our society towards equality. I congratulate the current Commissioner for Equal Opportunity, Jodeen Carney, and the dedicated staff at Equal Opportunity SA on the 40th anniversary of the Equal Opportunity Act and for their continued commitment to eliminate discrimination and other unlawful acts in this state.

EQUAL OPPORTUNITY ACT

The Hon. R.A. SIMMS (14:54): Supplementary: will the government move to amend the Equal Opportunity Act to remove religious exemptions that allow discrimination of LGBTI people at work and in education institutions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for his question. We are always looking for ways to improve what the Equal Opportunity Act does and how it protects South Australians.

HYDROGEN PRODUCTION

The Hon. S.L. GAME (14:54): I seek leave to make a brief explanation before asking a question of the Hon. Clare Scriven, representing the Minister for Energy, Infrastructure and Mining, regarding South Australia's hydrogen plant.

Leave granted.

The Hon. S.L. GAME: When announcing plans for its green hydrogen power plant, the Labor Party said it would cost taxpayers $593 million, broken down into $220 million for the electrolyser, $342 million for the power station and $31 million for the hydrogen storage facility. Claims of a cost blowout for the hydrogen project were recently reported in *The Advertiser*, while the Grattan Institute said, 'Many green projects were turning out to be expensive.'

Stakeholders have since contacted my office expressing their concerns about whether that $593 million figure will be accurate or way off the mark. My questions to the minister are:

1. Given the recent history of state government projects coming in over budget and the likelihood of the union movement pushing costs even higher between now and whenever the hydrogen plant is completed, can the government guarantee that its green hydrogen project will be delivered on or even near budget?

2. If not, how much extra will taxpayers be expected to cough up?

3. Does the government believe that those funding this green experiment, the state's taxpayers, deserve to be presented with a business case for this project, and when will that be made available?

4. If the government doesn't believe taxpayers deserve that, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:56): I am advised by the minister in the other place of various pieces of information relevant to the honourable member's question, for which I thank her. Our government remains committed to developing a renewable hydrogen industry in the Upper Spencer Gulf, capitalising on the region's natural resources and extensive renewable energy.

Government support for projects such as the Hydrogen Jobs Plan is critical to growing an emergent industry and bringing investment to our state, as we saw with the big battery at Hornsdale. We are aware that some private companies have decided to step back from their hydrogen plans, but these companies have different strategic priorities and constraints. Our vision is long term and our investment is targeted to kickstart an industry that will grow our economy, create jobs, stabilise our grid and decarbonise industry.

We are conducting a rigorous procurement process to make sure we get the best value for South Australians. I am advised there remains a huge array of hydrogen projects in the pipeline in South Australia. There are a number, of which I am sure members may be aware, that demonstrate the growth of the hydrogen industry and the scale of investment across the state. We are committed to continuing to support this growing sector.

MOBILE PHONE CONNECTIVITY

The Hon. B.R. HOOD (14:57): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development on the topic of regional mobile connectivity.

Leave granted.

The Hon. B.R. HOOD: There have been growing concerns from regional South Australians and regional people across Australia more broadly about mobile phone connectivity issues, particularly since the recent shutdown of the 3G network. The Grain Producers SA grain producers' survey, which recently featured in their latest magazine spring edition, reported that 48 per cent of farmers do not have reliable connectivity on their farm, with 54 having to invest their own money to improve connectivity. GPSA's survey insight report also observed that there was a clear concern that poor connectivity is not only a business risk but a safety risk to those working on farm.

Over a year ago, the state government announced plans to install 27 new mobile phone towers in the South-East. The most recent update on the rollout was provided by the Minister for Planning two months ago in the other place, and with the Minister for Primary Industries and Regional Development advising that Telstra is still working with the commonwealth government on the funding

contract, with no news as to when the rollout will begin. My questions to the Minister for Primary Industries and Regional Development are:

1. When will the rollout of the 27 new mobile phone towers for the South-East begin?

2. What is the state government doing to improve regional mobile connectivity for other parts of regional South Australia that are suffering mobile blackspots and poor mobile connectivity issues?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question. It is certainly the case that we have committed, in partnership with industry, with Telstra and with local government, to having additional mobile phone connectivity in the South-East of the state across the Limestone Coast.

It was an announcement that was received very positively. I think it is particularly telling to be able to share with the chamber that one of the reasons that the federal government gave for their commitment to this very important project was the fact that it was a partnership across local government, state government and industry; in fact, it was described as, I think the words were 'an exemplar' of how these sorts of agreements could potentially operate across the country.

My most recent advice is that the contractual arrangements between Telstra and the commonwealth government were executed in the last fortnight. Telstra is now working with the South Australian Government Financing Authority to finalise the South Australian funding agreement, which I understand could not occur until that commonwealth Telstra contractual arrangement was completed.

I am advised that this agreement is expected to be finalised in the coming weeks. Following the execution of the state funding agreement, Telstra will commence its usual process by lodging development applications for the towers. I look forward to this process continuing. It's a wonderful investment by the federal Labor government, the state Labor government, industry and local government and it is something that will be, I am sure, very well received by the Limestone Coast community.

FISHING ALLOCATIONS

The Hon. J.E. HANSON (15:00): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the allocation review process and the progression of kingfish to a stage 2 review?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:01): I thank the honourable member for his question and his keen interest in everything to do with fishing. The Allocation Review Committee (ARC) was established in 2023 to undertake full assessments of allocations referred to the committee by the allocation working group, which is made of representatives of each of the fishing sectors with an allocated share of one or more of the identified species being reviewed and shared by the PIRSA executive director of fisheries and aquaculture.

The allocation working group met on 4 July this year to review initial assessments for 10 identified species, with recommendations made on four species to progress to a full stage 2 review by the ARC. Yellowtail kingfish was considered by the working group at that time with a recommendation that the species not proceed to a stage 2 review due to the data that was available at the time not being robust enough for consideration, with concerns about the certainty of the average catch weight of recreationally caught kingfish leading to a consideration that it was not possible to accurately convert the recreational catch into the tonnage or catch weight which could then be considered against the weight catch of the commercial sector.

Yellowtail kingfish is currently allocated at 98.88 per cent for the recreational sector; 1 per cent for Aboriginal traditional fishing; and 0.12 per cent for the commercial sector. It is a hugely important game fish for many anglers who value catching one of these huge and difficult-to-catch fish. The species has a passionate following and, as such, the catch of kingfish commercially is certainly closely watched by the recreational sectors.

It's also an important species for some regional coastal communities known to be hotspots for kingfish, such as Port Augusta, where an influx of people travelling and contributing to regional economies each kingfish season, generally over the warmer months, is highly valued by those regional communities.

Recently, RecFish SA made PIRSA aware of additional data on recreationally caught kingfish from the New South Wales Game Fish Tagging Program which PIRSA was able to secure from the New South Wales Department of Primary Industries earlier this month. The data included thousands of counts of kingfish that had been tagged and recaptured over several years, including fish caught here in South Australia. PIRSA considered this information was more reliable in calculating an average individual weight of kingfish caught by the recreational sector for the purpose of the allocation assessment.

With the new data, PIRSA extrapolated that the average weight of recreationally caught kingfish was lower than previously understood, and with this the commercial sector had potentially breached its proportional share over a five-year period, and thus it has now been recommended to me that kingfish move to a full stage 2 allocation review, which I have approved.

The ARC will be meeting in December to consider several species, including potential recreational breaches of King George whiting and black bream, and potential commercial breaches of southern garfish, sand crab, and, as I have explained, yellowtail kingfish. The ARC has various options available to it upon reviewing species referred to it, including recommending to me as minister actions to maintain the sector within its catch share or to change the allocations, dependent on any change in value for that species.

The ARC is an important advisory group in assisting government to manage sectors within their allocations, which of course is incredibly important in maintaining sustainability across all our fisheries. I thank everyone involved in this important work.

GAMBLING REFORM

The Hon. C. BONAROS (15:04): I seek leave to make a brief explanation before asking the Attorney, representing the Minister for Consumer and Business Affairs, and the Attorney himself if he would like to answer it, a question about gambling reform legislation.

Leave granted.

The Hon. C. BONAROS: On Tuesday of this week, the Victorian government introduced the Gambling Legislation Amendment (Pre-commitment and Carded Play) Bill 2024 into the state's Legislative Assembly. If that sounds familiar it should for good reason. The bill puts in place the transition from cash to carded play of poker machines, whilst mandating that gamblers set limits on how much they are willing to lose. This is what is known as a 'mandatory commitment scheme' and I am sure those of us who have been paying attention will have heard us speaking of it in this place.

The $1,000 maximum amount that an individual can put into a poker machine under the current laws would be slashed to $100 under the new legislation. This follows a bill that came into effect in September mandating the closure of gambling areas between 4am and 10am, outside of the Crown Casino. In introducing the bill, the Victorian gaming minister, Melissa Horne MP—the irony is not lost on me there—pointed to the fact that:

> …[there are] less people than ever before but they're losing more than ever before and where people are losing the most money is in our lowest socioeconomic areas.

Given the quotes attributable to the Hon. Ms Horne could accurately be used to describe the landscape of gambling addiction and poker machines in our own state, my questions to the Attorney and/or the minister are:

1. Does the minister agree with Minister Horne's assessment in Victoria and its equal application here in South Australia?

2. When can we expect to see similar logic prevail here in South Australia?

3. Will the minister undertake to review its current position on mandatory pre-commitment in light of the Victorian legislation and announcement?

4. Does the minister now acknowledge that Victoria is not backtracking or reining in its previous election commitment, in fact, far from, they are pressing ahead with it in an even stronger form than what was previously proposed?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the member for her, I am gathering, last-minute invitation to answer the question myself; however, I will have to defer to my colleague the Hon. Andrea Michaels in the other place who has portfolio responsibility for these issues, but I will be most happy to bring an answer back.

RESERVED JUDGEMENT TIMELINESS BENCHMARKS

The Hon. D.G.E. HOOD (15:07): I seek leave to make a brief explanation before asking my last question of the year to the Attorney-General regarding reserved judgement timeliness benchmarks?

Leave granted.

The Hon. D.G.E. HOOD: By way of introduction, if the Attorney remembers this question, or a very similar question, it is because I intend to ask it each 12 months and it has been a little bit over 12 months since I last asked it, or a similar question, looking for an update. The Courts Administration Authority of South Australia has determined timeliness benchmarks for reserved judgements, which have been in place since 2020. These timeliness benchmarks state that:

- 100 percent of civil and criminal judgements in the Magistrates Court are to be delivered within six months of the reservation judgement, with the exception of cases where an extension of time has been granted by the Chief Magistrate;
- 100 percent of judgements are to be delivered within the District Court within six months; and
- 85 percent of judgements in the Supreme Court (Full Court) are to be delivered within four months.

I note that in reference to these benchmarks District Court Judge Paul Muscat stated in June last year:

> It's not infrequent now that somebody who gets committed to this court is not sentenced for somewhere between six and 12 months…That never used to be the case.

Of course, this is well outside of the guidelines. So my questions to the Attorney are:

1. How is compliance with these judgement timeliness benchmarks being monitored? Is it being monitored at all and, if so, is that publicly available and, if so, where might I access them?

2. Is the Attorney aware of what percentage of judgements are made within these benchmarks? Is that information publicly available?

3. What action has the state government taken to improve adherence to judgement timeliness benchmarks since Judge Muscat made his remarks some 12 months ago?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his questions. I will be very happy to take those on notice. I don't have figures in front of me now, but I certainly will take them on notice. I thank the honourable member for his last question of the year. As I have mentioned in this place quite a few times, as it pertains to the opposition benches, he is the only one whom we regularly fear: he asks probing questions, and I am slightly embarrassed to say that he has found me wanting, on this occasion, without the information that he desires.

They are important questions about how we administer justice, and justice in a timely manner, in this state, so I certainly will take those questions on notice. I might just add, too, that we have seen significant increases in funding in relation to courts and the DPP over the last few budgets, which help with case flow and help with what is often an increasing level of work that is needed to be done in our criminal justice system. In terms of the figures that the honourable member seeks, I will certainly take that on notice and bring back a reply.

NATIONAL SURVIVORS' DAY

The Hon. M. EL DANNAWI (15:10): My question is to the Attorney-General. Will the minister inform the council about National Survivors' Day, which recognises the detrimental impact of sexual assault and institutional abuse?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I thank the honourable member for her question. National Survivors' Day was held this month, on 12 November, and is a day to recognise and commemorate the courage and healing journeys of survivors of sexual assault and institutional abuse—as well as that of their supporters and of the whistleblowers of such abuse—right across the country.

As described by the founders, the aim of National Survivors' Day is to primarily acknowledge the profound harm caused by sexual assaults and institutional abuse, both to survivors and to the community; to support efforts towards destigmatisation and public acceptance of the work undertaken by survivors and advocates; and to work towards improving responses to survivors and those impacted by this abhorrent abuse.

National Survivors' Day is an initiative of the In Good Faith Foundation, which is a national charity and support service that provides advocacy for those impacted by institutional sexual abuse. I would like to pay tribute to members of the foundation and acknowledge the critical work they do, particularly in advocating for victims of institutional sexual abuse and in working to educate the community around speaking up to prevent such abuse from occurring in the future.

I am proud to be part of a government that takes the issue of child sexual abuse extremely seriously. Recently, I spoke in this place about what an honour it was to attend the Ministers' Redress Survivor Roundtable and hear directly from survivors of institutional childhood sexual abuse about their experience with the Redress Scheme in seeking assistance with healing and compensation. This was to ensure that, halfway through the National Redress Scheme's life, it is operating as best as it can to find some closure and to seek recompense for the horrific abuse survivors have suffered and survived.

The government has already passed a strong suite of reforms to better protect children and punish those who abuse them, including the child sex offender register, indefinite detention of serious child sex offenders, increasing the range of penalties faced by child sex offenders and closing loopholes around bail and sentencing for these offenders.

I look forward to the continued bipartisan effort that this chamber has had in the work that we continue to do in important reforms to help stamp out child sexual abuse and to best support survivors.

TRANSGENDER HEALTH CARE

The Hon. T.A. FRANKS (15:13): I seek leave to make a brief explanation before addressing a question to the Attorney-General, representing the Minister for Health and Wellbeing, on the topic of transgender health care in our state.

Leave granted.

The Hon. T.A. FRANKS: I would like to note that last Wednesday marked Transgender Day of Remembrance, a day when we mourn the lives lost due to violence against trans-people. Too often in this place, trans-people have been mentioned only in questions that seek to tear them down or use them as a way to import a US-style culture war, so I thought it would be worth asking—possibly my last question for the year—about how we can now support trans-people here in our state.

A Private Lives 3 survey interviewed almost 7,000 LGBTIQ+ people living in Australia. Of those interviewed, the study found that almost a third were living below the poverty line. To quote from that report by Equality Australia on this survey, trans and gender-diverse participants were most likely to report an income below the poverty line at 46.5 per cent for trans-men, 46.3 per cent for non-binary participants and 42 per cent for trans-women. This is significantly higher than the general population, with the latest research indicating that over one in eight people in Australia are living below the poverty line.

For trans-people a key source of financial stress is often health care, trans-specific health care, like gender-affirming procedures which, while partly covered by Medicare, can still become extremely expensive. In 2023, the ABC reported on the story of Abbie, a trans-woman who was left with an out-of-pocket surgery cost of $25,000. Abbie's private health did cover around $15,000 of that cost, but that is still around $10,000 out of pocket.

Along with the financial barriers, there is also a shortage of surgeons able to provide the surgery that trans-people need in Australia. Currently, the Women's and Children's Hospital in Adelaide does offer a gender diversity team for gender-diverse youth, and many trans and gender-diverse youth have benefited from access to this truly life-saving care. My questions to the minister, therefore, are:

1. What is the government doing to help address the barriers faced by transgender South Australians when seeking gender-affirming health care?

2. Has the state government discussed the issue of trans health care with the federal government in terms of covering those funding gaps?

3. Will the Malinauskas Labor government commit to retaining the gender diversity team and gender-diverse support services at the new Women's and Children's Hospital?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for her question. What she outlined primarily falls into the Minister for Health's portfolio areas, and I certainly will refer the questions to him and bring back a reply. However, I can reiterate our government's strong support for the LGBTIQA+ community in South Australia, and recognising the importance of ensuring public services are inclusive and meet their needs.

I think we have demonstrated as a government and this parliament collectively our support for our diverse communities, particularly with the recent passing of the criminalising of conversion practices in South Australia. Importantly, the government believes, as has been stated before, that decisions in much of this area are best made between a doctor and patient, not by politicians.

In relation to the services provided in the health system, I am aware that the new Women's and Children's Hospital will contain, as I understand it, the full range of services that are currently provided at the Women's and Children's Hospital, and that it will help deliver even better services in a whole range of areas. As I said at the start, the substance of the questions in relation to the federal government I will refer to the health minister and bring back a reply to the substantive issues.

DOMESTIC VIOLENCE VICTIMS

The Hon. L.A. HENDERSON (15:17): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about domestic violence towards Aboriginal women.

Leave granted.

The Hon. L.A. HENDERSON: Recently, *The Advertiser* reported that over the past 12 months the domestic violence crisis line fielded around 35,000 calls, of which 30 per cent or around 10,500 calls were not answered due to lack of funding. In this article it was noted that there are a growing number of Aboriginal mothers with babies seeking crisis housing. My questions to the minister are:

1. How many Aboriginal women have used the DV crisis line this year compared with last?

2. How many of these women are currently in need of emergency housing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for her question. I don't have a breakdown of figures, but I will take it on notice, go away and see whether I can find a breakdown of figures. The issue of people who experience domestic, family or sexual violence is an extraordinarily serious one, not just in South Australia but across Australia. I think on average one woman every single week around this nation loses their life at the hands of a current or former partner.

A royal commission is underway in South Australia at the moment that I know has started taking evidence. I am aware that there is an intention to have a lot of discussions and seek the advice of Aboriginal people and Aboriginal communities as part of that royal commission. I understand the First Nations Voice, whose leadership made an address to this parliament in a joint sitting in this chamber just yesterday, either have or will be providing—I think they already have a submission to that royal commission.

It was either just last week or the week before I was very pleased to attend the 50th anniversary of an Aboriginal Community Controlled Organisation providing services to women who are victim survivors of family and domestic violence in Adelaide, and I was extraordinarily impressed with the range of services and the culturally inclusive, thoughtful and respectful way that that is provided.

As we see with statistics, every year there are handed down in the Closing the Gap report many elements of life that Aboriginal and Torres Strait Islander people, particularly women and girls, are behind their non-Aboriginal and Torres Strait Islander counterparts. I will get the statistics but I am sure they bear out that in that area of life there needs to be more work done and that there is a gap between Aboriginal and non-Aboriginal experiences in this area too.

DOMESTIC VIOLENCE VICTIMS

The Hon. L.A. HENDERSON (15:20): Supplementary question: has the Minister for Aboriginal Affairs given a submission or will he give a submission to the royal commission, or has he met with the commissioner to share his views and his learnings from the community on this issue?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for her question. It is a good question. I have met with Commissioner Natasha Stott Despoja, a former Senator, who is heavily involved in the issues around supporting women and girls, not just in Australia but who is internationally recognised and involved in international bodies doing this work.

I have had the benefit of having a meeting with the commissioner before the commission started. I look forward to continuing to do that. Certainly, in all three of my roles—in industrial relations it doesn't just touch upon but is significantly concerned with issues to do with the experience of domestic and family violence. We have passed legislation in this chamber already that makes it unlawful to discriminate against someone because of that experience but also to provide paid leave for people in the South Australian public sector and local government sector who have experienced family and domestic violence.

As Minister for Aboriginal Affairs, we have just touched upon how that intersects with my portfolio areas, and as Attorney-General there are many of the criminal justice responses to family and domestic violence that are critical. As the royal commission continues I am certain there will be, not just from areas that I am responsible for, many areas across government that will be providing information and support to the royal commission.

I know other areas of government, very significantly, are not just having laws changed but are providing services: the Department of Human Services and the Department for Child Protection. We see the results of offenders, who offend mainly against women and girls in family and domestic violence, in the Department for Correctional Services in our prison system. There is a role to play in the education system, a very significant role.

There is barely a part of government that won't be touched or I expect won't be contributing to this royal commission as we seek to do what we can collectively against the scourge of family and domestic violence in this country.

Bills

STATUTES AMENDMENT (SMALL BUSINESS COMMISSION AND RETAIL AND COMMERCIAL LEASES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 October 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:24): I rise to speak on the Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Bill 2024. While this bill seeks to bring some significant reforms to the role of the Small Business Commission, and in many respects aims to address the challenges faced by small business, it is important to carefully examine the bill to ensure that it does not add more complexity and red tape rather than easing the burden on small business owners.

When the Small Business Commission was introduced by the former Weatherill Labor government the opposition then raised concerns that the commission's purpose was to be a mediation service rather than to speak to the best interests of small business. The purpose of the Small Business Commission should always be to assist South Australian businesses, in particular helping them mediate disputes between other businesses and levels of government but also to advocate for the needs of the collective small business community.

As I have said before many times and in many ways in this place, small businesses are the backbone of our economy, yet they often face an environment that is too complex, slow moving and costly. The commission's role should therefore be focused on reducing the bureaucratic burden on these businesses, offering clear guidance and facilitating faster resolution of issues rather than adding another layer of red tape that might ultimately make it harder for small businesses to succeed.

This bill would establish the Small Business Commission as an agency of the Crown as set out in clauses 8 and 9 among other various functionality clauses. Our main concerns begin in clause 18, which would provide the commission a power to request information via email and would insert an expiation fee of $1,200 to the existing penalty for not providing information within that time. This is where Labor have proved they are more interested in revenue streams than they are in providing effective support to small business.

The designated alternative dispute resolution process in clause 19 is an innovative approach, but it also raises some concerns. The bill proposes expanding the powers of the commissioner, especially around alternative dispute resolution, which at first glance appears to be a positive step. Dispute resolution outside of court is essential for small businesses, which often lack the resources to engage in lengthy and expensive litigation.

However, the provisions that grant the commission significant powers to compel the production of documents and require parties to attend alternative dispute resolution sessions, as seen in new sections 12E and 12F inserted by clause 19, may have unintended consequences. These powers, while intended to expedite dispute resolutions, could place additional burdens on small business owners.

If the commission has the power to demand extensive documentation or compel attendance without careful consideration of the burden it places on businesses, we risk adding to the very red tape the opposition believes the Small Business Commission should be helping to reduce. If businesses fail to comply without a reasonable excuse they face penalties which include a hefty expiation fee of up to $20,000. This could turn what is meant to be a supportive process for small businesses into a significant financial burden whilst creating yet another revenue stream for government coffers.

Additionally, the bill proposes changes to the Retail and Commercial Leases Act 1995, particularly around dispute resolution processes and lease agreements. Small business tenants often face difficult lease terms and have limited negotiating power. While the intention is to help resolve lease disputes more effectively, we hope this does not add further layers of regulation that might make it harder for tenants and landlords to reach an agreement.

Moreover, the bill's amendments to the Fair Trading Act 1987, the Farm Debt Mediation Act 2018 and the Work Health and Safety Act 2012 are intended to align the commission's functions across different regulatory areas. Whilst this sounds like a sensible approach the breadth of these changes raises concerns about overextending the commission's resources and focus.

Whilst the Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Bill 2024 is motivated by what we on this side hope are good intentions and aims to improve

support for small businesses, it does raise some eyebrows. We hope the creation of the Small Business Commission as a Crown agency, the expanded dispute resolution powers and the changes to lease regulations streamline processes rather than add new layers of complexity. It is vital that we maintain the commission's role as a nimble responsive agency that focuses on cutting through government bureaucracy, not contributing to it.

We also hope to see other efforts from this government to support small businesses, particularly during a time when business confidence is alarmingly low. The opposition does support this bill as a matter of functionality, but we will be watching the implementation of its clauses closely, and I foreshadow that we will have some questions for the government during the committee stage.

The Hon. S.L. GAME (15:29): I rise to support the government's Statutes Amendment (Small Business Commission and Retail and Commercial Leases) Bill. Unfortunately, small businesses in South Australia continue to face many challenges in the current economic climate, and although this bill does not offer any direct assistance it does provide some clarity around the role of the former Small Business Commissioner and the increasing support offered by the new commission's dispute resolution services.

Small businesses and advocates identified the need for further assistance when faced with roadblocks in disputes over contractual disagreements and commercial leasing matters. Under the previous legislation, the commissioner's power to notify and compel parties to attend and participate in alternative dispute resolutions was limited to prescribed industries; however, this bill proposes to extend this support to all industries.

The amendment inserting new section 12E will enable the rebranded commission the power to require attendance at mediations, and to produce documents or other information relevant to resolving the dispute. A maximum penalty of $20,000 with an expiation fee of $1,200 applies where a person fails to comply.

The Law Society has raised concerns about the commission's power to impose mandatory participation for this type of dispute resolution; however, it is clear that the purpose of compelling parties to attend is to avoid the expense involved when a matter is escalated to court. Nevertheless, the Law Society also noted that the commission's power to enforce agreements reached in alternative dispute resolutions could disadvantage unrepresented parties.

It should also be noted that the government has responded to many of the requested amendments from the Law Society regarding the Retail and Commercial Leases Act, and overall these proposals indicate that some action is being taken to support small business. However, with the increasing rate of small business closures across the state, and many more fighting to survive, it is clear that more direct and strategic assistance is required.

The Hon. R.B. MARTIN (15:31): This bill demonstrates the Malinauskas Labor government's continued commitment to supporting small businesses, which are so fundamentally important to our state's economy. The figure that is cited is that 97 per cent of our state's total businesses are small businesses, employing around 300,000 people.

This bill represents the first major revision of the Small Business Commissioner Act 2011 since its commencement. It is an essential step in supporting the future strategic direction of the office and its work. It aims to provide clearer guidelines around the commissioner's roles in advocacy and in dispute resolution. By strengthening these functions, the bill seeks to help the commissioner offer more effective assistance to small businesses that are facing issues such as commercial disputes, late payment of invoices and contract disagreements.

One of the key changes proposed by this bill is to provide consistency in the office's alternative dispute resolution services across all industries. Currently, the Small Business Commissioner can only mandate dispute resolutions for businesses in specific industries. The bill will extend this level of support to all small businesses, regardless of the sector they operate in. This will ensure that every small business in South Australia can access the same level of support when they face disputes or challenges.

Additionally, the bill empowers the commissioner to require businesses to attend mediation sessions, and to produce relevant documents when necessary. A maximum penalty of $20,000 and an expiation fee of $1,200 may be applied for noncompliance.

Another significant element of the bill is a streamlining of court processes. Settlement agreements reached through mediation facilitated by the Small Business Commissioner will be treated as minor statutory proceedings, simplifying enforcement in the Magistrates Court. This change will save small businesses time and costs associated with reprosecuting legal arguments in court.

Importantly, the bill acknowledges the difficult business environment that many small businesses are currently operating in. Rising costs, including wages and rent, are increasing the financial pressures on businesses, making it more important than ever to provide a robust support network. By strengthening the role of the Small Business Commissioner, and improving the legal framework around dispute resolution, this bill will provide small businesses with support that will assist them to overcome challenges and to thrive.

Recognising the significance to our economy of small businesses, the Malinauskas government is committed to implementing policies to support their growth and resilience. Our $14 million Small Business Strategy is being rolled out through the Office for Small and Family Business, based on a number of themes that were identified through consultation with small businesses. These themes include strengthening business capability, building skills and workforce, navigating the digital environment, boosting sustainability, embracing diversity and improving access to government services.

The government is also prioritising digital readiness and resilience through the Small Business Digital Capability Program which includes the Cyber Uplift Step Program. This initiative helps businesses safeguard themselves against the growing threat of cyber attacks, equipping them with the necessary skills to protect their digital assets and respond effectively if breaches occur. I am pleased to commend to the council a bill which not only recognises the crucial importance of small business to our economy but reflects the strong desire of the Malinauskas government to see South Australian small businesses grow, prosper and thrive.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:35): I thank all honourable members for their contribution on this legislation and I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: Can the Attorney please indicate what consultation has been made directly with small businesses on this amendment bill?

The Hon. K.J. MAHER: I am advised that there was significant consultation, including consultation through the YourSAy portal. I am informed that the consultation page received 498 visits from 300 unique visits, with 11 formal written submissions being received, including from stakeholders such as the Australian Hotels Association, the Housing Industry Association, Motor Trade Association and the Law Society amongst others.

The Hon. N.J. CENTOFANTI: Can the Attorney indicate whether there is any budget to expand the commission?

The Hon. K.J. MAHER: There is no additional budget at this stage. The extra functions are from within the existing budget.

The Hon. N.J. CENTOFANTI: Therefore, can the Attorney confirm that there is no budget to increase FTEs within the commission?

The Hon. K.J. MAHER: My advice is, no. With no extra budget, there are no plans as a direct result of this for extra FTEs. I am advised that this does not propose to expand functions greatly but provide consistency across the board.

The Hon. N.J. CENTOFANTI: Can the Attorney then just indicate what are the current FTEs of the commission?

The Hon. K.J. MAHER: I am advised it is about 15 FTEs.

The Hon. N.J. CENTOFANTI: In relation to clause 11(2) functions:

(1) The functions of the Commission are to—

(a) facilitate the resolution of disputes involving small businesses through alternative dispute resolution…

Can the Attorney give an indication as to what alternative resolution dispute processes will be explored?

The Hon. K.J. MAHER: My advice is that this is not proposed to differ from what is already done but to provide clarity. In terms of an alternative dispute resolution, I am advised that there are in-house advisers who can help with the negotiation, as well as a panel of mediators who can provide those services too.

The Hon. N.J. CENTOFANTI: Clause 9—Amendment of section 4—Small Business Commissioner, what are the benefits of the commission—

The CHAIR: Do you want to talk to that at clause 9?

The Hon. N.J. CENTOFANTI: Sorry? No, it is a question.

The CHAIR: Yes, do you want to ask that question at clause 9?

The Hon. K.J. Maher: If there is only a couple, sir, I am happy to deal with it at clause 1.

The Hon. N.J. CENTOFANTI: Yes, there are only a couple more. I thank the Attorney for his hospitality. What are the benefits of the commission being included under the Crown?

The Hon. K.J. MAHER: My advice is, this does not change practically the way the commission operates or the way the commission is structured, but this was on advice about drafting to make it clear how the commission sits within government.

The Hon. N.J. CENTOFANTI: One final question in relation to I believe clause 18—Power to require information. I note that there is a fee increase from $1,300 up to $20,000. Can the Attorney explain the requirement for that somewhat large increase in expiation fee?

The Hon. K.J. MAHER: My advice is that relates to possible penalties. My advice is that there has been a maximum penalty previously of $20,000. What this proposes to do is to add in an expiation fee of $1,200, so you could expiate it rather than have a penalty. So it introduces the expiation fee. My further advice is that we are not aware of a time when a penalty has actually needed to be imposed. There is not a memory of that actually having happened but, should it happen, rather than there having to be a full prosecution, there is a way to expiate it.

Clause passed.

Remaining clauses (2 to 98), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ANIMAL WELFARE BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:45): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Animal Welfare Bill 2024. This Bill will replace the Animal Welfare Act 1985.

One of the government's key commitments has been to modernise animal welfare laws so that they are consistent with contemporary practices, science and community expectations.

There has been significant community interest in the review of the State's animal welfare laws. Through the two consultation phases that informed this Bill, over one thousand submissions were received on each occasion.

On that basis I can today present a Bill that is well informed by extensive stakeholder and community engagement, which will meet the expectations of South Australians.

The Bill will also lead the nation in some areas, including its significant increases to penalties for animal welfare offences. The government is encouraged by the community support for these increases.

The Bill addresses seven key reform areas, with an eighth area of reform on shelter licensing that will be progressed in the next year. The seven areas of reform relate to:

- Updating the purpose and including objects in the Act to better explain why the law exists and help readers interpret its intent.
- Better recognising animal sentience, to acknowledge that animals experience feelings both positive, such as pleasure, or negative, such as pain and fear.
- Broadening the definition of animal so that more types of animals are covered by law. The exclusion of fish has been removed; and cephalopods such as squid, octopus and cuttlefish are included in the context of scientific purposes.
- Introducing a duty of care provision to create a positive requirement to provide a minimum level of protection.
- Improving regulation, oversight and transparency of the research and teaching sector, which enables greater accountability and addresses community concerns.
- Increased abilities to administer and enforce the Act so that people who do not meet animal welfare requirements can be held to account, cruelty can be prevented and welfare can be promoted.
- Contemporising the governance and administrative provisions for the Animal Welfare Advisory Committee, to ensure that animal welfare advice comes from a transparent and diverse group.

The Bill provides a new framework with a multitude of improvements that put animal welfare at the centre of decision-making.

- The Bill clearly states that animals are recognised as living beings with the ability to experience positive and negative states.
- A broader range of animals are included within the definition, so that the law has wider reach in protecting animal welfare and preventing harm.
- The new duty of care proactively obliges owners to provide appropriate food, water and living conditions.
- Greater accountability within the research and teaching sector will be introduced through updated terminology and improved licensing/registration requirements.
- The Bill creates for the first time an Animal Welfare Fund to capture licence fees, fines and penalties that can be put back into supporting and promoting animal welfare outcomes.

The range of tools available in this legislation will make its enforcement much more effective, swift and animal-focussed. Tools such as interim orders, notices to comply and enforceable undertakings are modern ways to achieve outcomes that are tailored to their circumstances.

Some of the enforcement tools include seizure as a consequence of non-compliance. Seizure of animals is never undertaken lightly; it is only used where required for the welfare of the animal. Under the changes proposed the ongoing welfare of the seized animals is the priority.

Instead of seized animals being held for long periods of time (sometimes years) while waiting for a court outcome, the Bill provides for the animal to be considered forfeited after 30 days unless the owner uses the appeal process. This enables the animals to be managed and rehomed to ensure their longer-term wellbeing.

Owners are still provided with natural justice rights and can appeal the decision to seize to the Minister. An additional avenue of appeal to SACAT is also provided in the Bill on process grounds.

The Bill also proactively prevents harm by addressing interstate offenders coming into South Australia through the recognition of interstate animal welfare orders.

Additionally, the government has incorporated a recommendation from the Independent Inquiry into the Governance of the Greyhound Racing Industry within the Bill.

The chamber will be aware that the Inquiry recommended that animal welfare reporting obligations should be introduced so that persons working in the sector must report any suspicions of animal welfare offences being committed. The Animal Welfare Bill introduces those obligations so that employees, contractors and volunteers in the sector must report their suspicions.

Perhaps some Members may feel cautious that the Bill expands the definition of 'animal' to include fish and also applies to cephalopods such as cuttlefish, squid and octopus for scientific purposes.

I can assure the Members that fishing and aquaculture will not be affected. Fishing practices will still be carried out in compliance with the relevant legislation, namely the Fisheries Management Act 2007 and the Aquaculture Act 2001. The Australian code for the care and use of animals for scientific purposes, which researchers must abide by, covers the use of cuttlefish, squid and octopus.

The provisions known as 'Koda's Law' are brought into the Animal Welfare legislation from their previous operation under the Criminal Law Consolidation Act. These provisions recognise that harming or causing death to a working animal are a specific offence, with penalties commensurate to other ill treatment of an animal offences. Cost orders may also be sought specifically compensating for damage or loss of a working animal.

This Bill significantly progresses animal welfare outcomes in South Australia and will bring the law into line with what the community increasingly expects.

It presents a robust framework that will be of immediate use in responding to animal welfare issues. It has also sought to anticipate potential regulatory needs to provide the basis for future management.

I commend the Bill to the chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Commencement of the measure is by proclamation. Section 27(6) of the *Legislation Interpretation Act 2021* is disapplied.

3—Interpretation

This clause defines terms and phrases used in the measure.

4—Application of Act

This clause clarifies that the measure does not derogate from other Acts or laws.

5—Principles and objects of Act

This clause sets out the principles and objects of the measure.

Part 2—Animal welfare offences

6—General duty of care

This clause provides that the owner of an animal must provide the animal with appropriate and adequate food, water and living conditions (whether temporary or permanent) and must take all reasonable and practicable measures to prevent or minimise harm to the animal. Breaching these care requirements is an offence. A defence is provided to a charge of an offence against the proposed section if the owner proves they were acting in accordance with a prescribed code of practice.

7—Ill treatment of animals etc

This clause provides that it is an offence to ill treat an animal. The clause also creates aggravated offences where reckless or intentional ill treatment of an animal causes the death of, or serious harm to, the animal. The clause provides a list of examples of behaviour that would amount to ill treatment of an animal and provides that a person charged with an aggravated offence against the clause may be convicted of a lesser offence if the court is not satisfied that the aggravated offence has been established beyond reasonable doubt but is satisfied that the lesser offence has been so established.

8—Causing death or serious harm etc to working animals

This clause replicates sections 83H and 83I of the *Criminal Law Consolidation Act 1935*.

9—Prohibited activities

This clause makes it an offence to take part in a prohibited activity. The clause also creates an offence of being present in a place at which a prohibited activity is occurring. The clause provides a list of activities which are prohibited and provides a definition of what it means to take part in a prohibited activity.

10—Possession of certain items prohibited

This clause prohibits the possession of certain items without the approval of the Minister. A list of prohibited items is provided.

11—Electrical devices not to be used in contravention of regulations

This clause makes it an offence for a person to use an electrical device designed for the purpose of confining or controlling an animal in contravention of the regulations.

12—Jumps racing prohibited

This clause makes it an offence for a person to organise, promote or participate in, or participate in organising or promoting, jumps racing.

13—Special requirements for greyhound racing entities

This clause requires a person employed by a prescribed greyhound racing entity to, if the person suspects on reasonable grounds that an offence against proposed Part 2 is being committed and that suspicion is formed in the course of their employment, report their suspicion to the Minister. Failure to comply with this requirement is an offence. The clause sets out circumstances where a person need not report a suspicion under the clause.

14—Exemption for fishing activities etc

This clause provides that aquaculture and fishing activities will not constitute an offence against proposed Part 2 provided that such activities are done in compliance with the *Aquaculture Act 2001* or the *Fisheries Management Act 2007* (as relevant) and do not involve any acts that are prescribed, in relation to aquaculture or fishing activities, as ill treatment of an animal by the regulations.

Part 3—Advisory committees etc

15—Establishment of committees by Minister

This clause provides that the Minister may establish committees, including an Animal Welfare Advisory Committee. The membership of a committee established under this clause, the terms and conditions of office of members of a committee established under this clause, the allowances and expenses to which members of a committee established under this clause are entitled and the functions of a committee established under this clause will be determined by the Minister.

16—Conflict of interest

This clause provides that a member of a committee will not be taken to have a direct or indirect interest in a matter by reason only of the fact that the member has an interest that is shared in common with those engaged in or associated with primary production generally, animal welfare organisations generally, veterinary practice generally or medical or biological research generally, or a substantial section of those engaged in or associated with any of those fields.

Part 4—Licences, permits and registered activities

Division 1—Licences for prescribed activities

17—Requirement to hold licence

It is an offence for a person to undertake a prescribed activity, as defined in this clause, if the person does not hold a licence authorising the activity.

18—Classes of licence

For the purposes of the measure, there will be the following licence classes:

- animal supplier's licence—a licence authorising the breeding and supplying of animals for scientific purposes;
- animal use licence—a licence authorising the keeping and use of animals for scientific purposes.

The regulations may prescribe additional classes of licence, divide a class of licence into subclasses and prescribe the persons or organisations, or classes or groups of persons or organisations, to which licences, or any classes or subclasses of licences, may be granted.

19—Application for and grant of licence

This clause sets out the requirements for an application for a licence.

20—Nomination of responsible person for compliance

This clause requires an applicant for a licence who is not an individual to nominate an individual who will be the responsible person for complying with the conditions of, and any obligations under, the licence. If a person commits an offence in relation to the licence or the prescribed activity under the licence, the responsible person will also be guilty of an offence unless they prove that they could not, by the exercise of reasonable diligence, have prevented, or that they took all reasonable and practicable measure to prevent, the commission of the principal offence.

21—Conditions of licence

This clause provides that a licence is subject to such conditions as the Minister may impose. It is an offence under this clause to contravene a condition of a licence.

22—Term and renewal of licence

This clause sets out the term of a licence and the process for renewing the licence.

23—Licensee to notify change of particulars etc

This clause requires a licensee to, within a specified timeframe, notify the Minister of certain changes. Failure to comply with this requirement is an offence.

24—Cancellation, suspension or surrender of licence

This clause provides that the Minister may, in prescribed circumstances or if a licensee contravenes the measure or a condition of the licence, cancel the licence or suspend the licence for a specified period. This clause also allows a licensee to, with the Minister's approval, surrender their licence.

Division 2—Permits

25—Permits for prescribed activities and items

This clause provides that the Minister may, on application, grant a permit permitting a prescribed activity or permitting possession of a prescribed item. Organising, conducting, promoting or participating in a prescribed activity or possessing a prescribed item without a permit is an offence.

A permit issued under this clause may be subject to conditions. Contravening a condition of a permit is an offence. The Minister may cancel, or suspend for a specified period, a permit issued under this clause.

Division 3—Registered activities

26—Interpretation

This clause defines terms used in the Division.

27—Activities that must be registered

This clause makes it an offence for a person to, unless registered in accordance with this Division, conduct an activity involving the establishment and operation of an animal ethics committee for the purposes of approving any activities of a licensee or an activity of a kind prescribed by the regulations.

28—Minister may maintain registers

This clause provides that the Minister may maintain registers for the purposes of the proposed Division.

29—Registration

This clause sets out the requirements for an application for registration of an activity.

30—Nomination of responsible person for compliance

This clause requires an applicant for registration of an activity who is not an individual to nominate an individual who will be the responsible person for complying with all conditions of the registration and any legal requirements applicable to the registered activity. If a person commits an offence in relation to the registration or the

registered activity, the responsible person will also be guilty of an offence unless they prove that they could not, by the exercise of reasonable diligence, have prevented, or that they took all reasonable and practicable measure to prevent, the commission of the principal offence.

31—Conditions of registration

This clause provides that registration of an activity is subject to such conditions as the Minister may impose. It is an offence under this clause to contravene a condition of registration.

32—Term and renewal of registration

This clause sets out the term of registration of an activity and the process for renewing registration.

33—Animal ethics committees

This clause establishes the membership requirements for, and the functions of, an animal ethics committee. If an animal ethics committee refuses or fails to perform its functions and conduct its business in compliance with the measure and the *Australian code for the care and use of animals for scientific purposes*, the applicant who applied for registration in relation to the animal ethics committee, the responsible person (if any) nominated under proposed section 30 and each member of the animal ethics committee will be guilty of an offence unless they prove that they could not, by the exercise of reasonable diligence, have prevented, or that they took all reasonable and practicable measure to prevent, the commission of the offence.

34—Applicant to notify change of particulars etc

This clause requires an applicant to, within specified timeframes, notify the Minister of certain changes. Failure to comply with this requirement is an offence.

Part 5—Enforcement

Division 1—Authorised officers

Subdivision 1—Appointment and identification of authorised officers

35—Appointment of authorised officers

This clause empowers the Minister to appoint a person to be an authorised officer for the purposes of the measure. An appointment may be subject to conditions specified in the instrument of appointment.

36—Identification of authorised officers

This clause requires that authorised officers appointed under the proposed Part be issued with photo identity cards. An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise powers under the measure or any other Act, produce for the inspection of the person their identity card.

Subdivision 2—Powers of authorised officers

37—General powers

This clause sets out the general powers of authorised officers.

38—Provisions relating to seizure of things other than animals

This clause sets out the procedure for dealing with things other than animals seized by an authorised officer under proposed section 37.

39—Routine inspections

This clause makes provision for authorised officers to conduct routine inspections of premises or vehicles for the purposes of administering the measure.

40—Animal welfare notices

If an authorised officer believes on reasonable grounds that the exercise of powers under this clause is warranted, the authorised officer may give the owner of an animal an animal welfare notice specifying the action that the authorised officer considers should be taken for the welfare of the animal. Refusal or failure to comply with an animal welfare notice is an offence. An animal welfare notice may specify that refusal or failure to comply may result in the seizure and forfeiture of an animal or animals owned by the person in accordance with proposed section 46.

41—Notice to comply

If an authorised officer believes on reasonable grounds that a person is contravening a requirement of the measure, the authorised officer may issue a notice to comply directing the person to take or cease specified action within a specified period. Refusal or failure to comply with such a notice is an offence. A notice to comply may specify that refusal or failure to comply may result in the seizure and forfeiture of an animal or animals owned by the person in accordance with proposed section 46.

42—Offence to hinder etc authorised officers

This clause makes it an offence for a person to hinder an authorised officer or to falsely represent that the person is an authorised officer. This clause also makes it an offence for a person to refuse or fail to comply with a requirement of an authorised officer or to refuse or fail to answer questions to the best of the person's knowledge, information and belief.

Division 2—Enforceable undertakings

43—Enforceable undertakings

If the Minister is satisfied that a person is contravening a requirement of the measure, the Minister may ask the person to consent to an enforceable undertaking which sets out actions the person agrees to take or cease within a specified time, costs or expenses the person agrees to pay and any other matter that may be agreed between the Minister and the person. Refusal or failure to comply with an enforceable undertaking under this clause is an offence. An enforceable undertaking may specify that refusal or failure to comply may result in the seizure and forfeiture of an animal or animals owned by the person in accordance with proposed section 47.

Division 3—Special powers relating to animals

44—Powers are additional

This clause clarifies that powers under the proposed Division are additional to, and do not derogate from, any other powers conferred on an authorised officer, or the Minister, under the measure.

45—Special powers to protect animal welfare

This clause empowers an authorised officer to examine an animal and its living conditions. If the authorised officer suspects on reasonable grounds that the animal is experiencing or will imminently experience unnecessary harm, pain or distress, the authorised officer is empowered to provide treatment and care to the animal or cause the living conditions of the animal to be modified or, if the authorised officer suspects that no other action can reasonably be taken or that any such action would not be effective to alleviate the animal's harm, pain or distress, seize the animal or destroy or arrange for the destruction of the animal.

46—Seizure and forfeiture following noncompliance with notice

If the owner of an animal has refused or failed to comply with an animal welfare notice or a notice to comply and that notice specified that refusal or failure to comply may result in the animal being seized and forfeited in accordance with this clause, an authorised officer may, if the authorised officer reasonably believes it is in the best interests of the animal, seize the animal. The owner of an animal seized under this clause has 30 days to apply for a review of the decision to seize the animal before the animal is forfeited to the Minister.

47—Seizure and forfeiture following noncompliance with undertaking

If the owner of an animal has refused or failed to comply with an enforceable undertaking and that undertaking specified that refusal or failure to comply may result in the animal being seized and forfeited in accordance with this clause, the Minister may, if the Minister reasonably believes it is in the best interests of the animal, seize the animal and declare that it is forfeited to the Minister.

48—Dealing with seized animals

This clause sets out the procedure for dealing with animals seized under the measure. An authorised officer may keep an animal seized under the measure at the premises at which it was seized or move the seized animal to any other premises. The Minister may, in certain circumstances, sell, rehome, destroy or otherwise dispose of animals seized and no longer required to be retained.

49—Costs

This clause provides that the costs and expenses reasonably incurred by a person or the Crown in taking action under the proposed Division may be recovered as a debt from the owner of the animal.

Division 4—Court orders

50—Interim orders

A court may, in proceedings for an offence against the measure, make such interim orders as the court considers appropriate. This clause sets out a nonexhaustive list of interim orders a court may make. Noncompliance with an interim order under this clause is an offence.

51—Court orders on finding of guilt etc

This clause sets out a nonexhaustive list of orders that a court may make against persons found guilty of offences against the measure or if declared to be liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935*. Noncompliance with an order under this clause is an offence.

52—Compensation and other costs—working animals

This clause replicates sections 83J and 83K of the *Criminal Law Consolidation Act 1935*.

Division 5—Miscellaneous

53—Warrant procedures

This clause sets out the procedures to be followed in order to obtain a warrant from the Magistrates Court.

54—Self-incrimination

This clause provides that a person cannot refuse or fail to produce, or provide a copy of, a document or information, or to answer a question, as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty. However, if compliance with such a requirement by an individual might tend to incriminate the individual or make the individual liable to a penalty, then the fact of production, or provision of a copy of, the document or the information (as distinct from the contents of the document or the information), or the answer given in compliance with the requirement, is not admissible against the individual except in proceedings in respect of making a false or misleading statement.

Part 6—Reviews

55—Reviews by Minister

This clause entitles a person aggrieved by a decision of an authorised officer under Part 5 of the measure to apply to the Minister for review of the decision.

56—Reviews by SACAT

This clause confers SACAT with jurisdiction to deal with matters consisting of the review of a decision of the Minister under this measure and establishes timeframes within which an application for review may be made.

57—Reviews of decisions of animal ethics committees

This clause confers SACAT with jurisdiction to deal with matters consisting of the review of a decision of an animal ethics committee under Part 4 of the measure.

Part 7—Animal Welfare Fund

58—Animal Welfare Fund

This clause establishes the *Animal Welfare Fund*, and sets out the manner in which the Fund is to be applied and managed.

Part 8—Miscellaneous

59—Registration of interstate orders

This clause empowers the Minister to register an interstate order. The person the subject of the interstate order must be served notice of the registration and the notice must inform the person that registration of the order does not take effect until 14 days after the notice is served and that, from the time the registration takes effect, a contravention of the order in South Australia is an offence.

60—Arrangements for exchange of information etc

This clause enables the Minister to enter into arrangements with a Minister responsible for the administration of a relevant law for the exchange of information or the exercise of powers under the measure for the purposes of the relevant law. 'Relevant law' is defined as an Act or law of this or another State, or a Territory, of the Commonwealth, relating to or affecting animal welfare or the control or management of animals, or providing for the enforcement of such Acts or laws, confiscation of proceeds or instruments of offences under such Acts or laws, or dealing with animals or things seized or forfeited under such Acts or laws.

61—Delegation

This clause empowers the Minister to delegate functions and powers under the measure, other than a function or power prescribed by the regulations.

62—Exemptions

This clause allows the Minister to exempt a specified person or a specified class of persons from the operation of a provision or provisions of the measure and sets out the notice requirements. It also allows the Minister to vary or revoke an exemption for any reason the Minister thinks fit and makes it an offence for a person to contravene a condition of an exemption.

63—Waiver, reduction or refund of fees

This clause provides the Minister with the discretion to waive, reduce or refund a fee prescribed for the purposes of the measure.

64—False or misleading statements

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

65—Power of veterinarians to destroy animals

This clause empowers a veterinarian to destroy an animal if of the opinion that the condition of the animal is such that the animal should be destroyed.

66—Power to provide food etc to neglected animals

This clause provides that, if a person believes on reasonable grounds that an animal has not been provided with adequate food or water over a period of 24 hours, the person may, with the authority of an authorised officer, enter premises for the purpose of providing the animal with food and water.

67—Service of notices and documents

This clause sets out the options for service of notices and documents under the measure.

68—Proceedings for summary offences

This clause sets out the time requirements for commencement of proceedings for an alleged summary offence against the measure.

69—Proceedings for indictable offences

This clause provides that an indictable offence against this measure must be prosecuted and dealt with by the Magistrates Court as a summary offence. However, if the Court determines that a person found guilty of such an offence should be sentenced to a term of imprisonment exceeding 5 years, the Court must commit the person to the District Court for sentence.

70—Offences by bodies corporate

This clause makes additional provisions in relation to a body corporate who may be found guilty of an offence.

71—Continuing offences

This clause provides for the liability of a person who is convicted of an offence in respect of a continuing act or omission.

72—Vicarious liability of employers in certain circumstances

This clause provides that, if a person commits an offence against this measure in the course of employment by another, the employer is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the employer could not by the exercise of reasonable diligence have prevented the commission of the principal offence.

73—Evidence

This clause deals with various evidentiary matters to assist in the conduct of proceedings under the measure. The clause also incorporates section 83L of the *Criminal Law Consolidation Act 1935*.

74—Codes

This clause requires that a copy of the *Australian code for the care and use of animals for scientific purposes* be made available for inspection on or through a website determined by the Minister. It also provides that evidence of the contents of a code incorporated into or referred to in the measure may be given in legal proceedings by production of a copy of the code apparently certified to be a true copy.

75—Act does not render unlawful practices that are in accordance with prescribed code of practice

This clause provides that the measure does not render unlawful anything done in accordance with a prescribed code of practice relating to animals.

76—Reports in respect of alleged contraventions

If a person reports to an authorised officer an alleged contravention of this measure, this clause requires that the authorised officer must, at the request of the person, inform the person (if practicable) of any action proposed to be taken in respect of the allegation. This clause does not apply in relation to a report made under proposed section 13.

77—Victimisation

This clause provides that a person commits an act of victimisation against another person if they cause detriment to the other person on the ground, or substantially on the ground, that the other person has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Any such act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

78—Regulations and fee notices

This clause provides power to make regulations and to prescribe fees by fee notice.

79—Review of Act

This clause provides for a review of the operation of the measure to be undertaken after the measure has been in operation for a period of 5 years.

Schedule 1—Related amendments and repeals

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

2—Repeal of Part 3C

Part 2—Amendment of *Dog and Cat Management Act 1995*

3—Amendment of section 59D—Power to destroy dogs

4—Amendment of section 60—Power to seize and detain dogs

5—Amendment of section 63—Power to destroy cats

6—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

These Parts make related amendments to the Acts specified consequential to the enactment of the measure.

Part 3—Amendment of *Sentencing Act 2017*

7—Insertion of section 26A

This clause inserts new section 26A into the *Sentencing Act 2017* as follows:

26A—Additional orders for offences involving animals

A court may, on finding a person guilty of an offence involving animals or on sentencing a person for an offence involving animals, make any order it thinks fit under section 51 of the proposed *Animal Welfare Act 2024*.

Part 4—Amendment of *Veterinary Services Act 2023*

8—Amendment of section 50—Veterinary services must be provided at registered premises

9—Amendment of section 51—Offence to carry on certain businesses other than at registered premises

These clauses make related amendments to the *Veterinary Services Act 2023* consequential to the enactment of the measure.

Part 5—Repeal of *Animal Welfare Act 1985*

10—Repeal of Act and regulations

This clause repeals the *Animal Welfare Act 1985* and all regulations under that Act.

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

GREYHOUND INDUSTRY REFORM INSPECTOR BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. J.S. LEE (Deputy Leader of the Opposition) (15:45): I rise today to indicate on behalf of the Liberal opposition that we will be supporting the Greyhound Industry Reform Inspector Bill. The main purpose of the bill is to establish a greyhound industry reform inspector to oversee greyhound racing's implementation of the recommendations of the inquiry. The bill also governs the inspector's functions and powers, the assignment of staff, the inspector's final report and the expiry of the act.

Due to the complex issues in the industry, this is an important and much-needed bill to ensure that effective reform can be applied to the greyhound racing industry. As honourable members will remember, just last year there were three dog trainers handed lifetime bans from the sport for live baiting practices, and following that there was leaked footage of abuse against greyhounds. This

incident was, quite simply, utterly reprehensible and completely unacceptable, but it was not just an isolated incident, unfortunately, and it became clear that changes needed to be made within the industry.

Subsequently, an independent inquiry into the governance of the greyhound racing industry was conducted and led by Mr Graham Ashton AM APM and review director Zoe Thomas. I take this opportunity to place my acknowledgement of thanks to Mr Ashton and Ms Thomas for their comprehensive work and for uncovering some major issues within the industry. From that investigation, they produced 86 recommendations across a range of areas that needed to be improved on. Today, in this chamber, we are seeking to properly implement just one of those recommendations.

Recommendation 57 is to establish an inspector for greyhound racing reform who would have unrestricted access to the Greyhound Racing SA (GRSA) system and its data. This inspector will be totally independent of the industry and the review. I stress the point that this inspector has to be independent because it needs to safeguard the integrity as well as all the transparency and accountability of the industry. The inspector will receive welfare reports from GRSA as well as professional advice from an advisory group and will provide a final report after two years at the inspector's level of satisfaction.

On 8 May this year, Mr Sal Perna AM was appointed as the Greyhound Industry Reform Inspector. I note that this was two months later than the Easter deadline that the Premier handed himself when the report was made public in December of last year. As we all know, that was a busy period for the Premier, who had many parties and major events to attend and celebrities and influencers to entertain. Indeed, unlike the great speeds of the greyhounds which run around the racetrack, the government took a rather leisurely pace to appoint the inspector into his role and to legislate the necessary powers for him to perform his job.

Two months after an announcement that was already two months late, Mr Perna officially commenced his role as inspector in July, but the government had no legislative mechanism in place for Mr Perna to be able to perform his job and compel the GRSA to cooperate with the inspector, so it took another two months in September of this year for a bill to finally be introduced. For those in the government who need help with their math, this bill was introduced four months after the inspector was announced, six months after the original Easter deadline for the appointment of an inspector, and 10 months after the report was made public.

It is now almost a year to the day that the report was finalised. Nevertheless, we are here now today to finally pass through debate and get through the necessary reforms and framework to allow Sal Perna to perform his role as inspector.

I have been well informed by my colleague in the other place Mr Tim Whetstone, the shadow minister for racing, that Sal Perna is an excellent choice as inspector and is well respected within the greyhound racing community. Mr Perna brings with him a wealth of knowledge and experience, having worked as a police officer and as Victorian Racing Integrity Commissioner from 2010 to 2021. During that period, he also conducted the Victorian inquiry into live baiting in 2015.

I understand that he is also currently serving as an independent director of the International Tennis Integrity Agency and is a panel member of the National Sports Tribunal. Additionally, he is a board member of the World Anti-Doping Agency's Independent Ethics Board, as well as the National Basketball League's Advisory Board.

Mr Perna, unlike the government, has decided to act very swiftly and has taken the initiative to already starting working closely with the GRSA. I understand that he has also already met with the Minister for Racing and with the Leader of the Opposition. These are great first steps and, while GRSA have been fully cooperative throughout the inquiry and the appointment of Sal Perna as the inspector, it sits with us now to ensure there is a legislative mechanism to compel GRSA to cooperate with the Greyhound Industry Reform Inspector.

Before I conclude, I would like to speak briefly to the amendments proposed by the Hon. Tammy Franks. I wish to indicate that the Liberal opposition will be opposing the amendments. This is because we believe that the amendments fall outside of the scope of this bill, which is to grant

the inspector temporary powers over a two-year period of reforms while the industry implements the 86 recommendations made by the independent inquiry.

The amendments put forward for consideration, while they may certainly be well intended, further complicate the bill and may potentially misinterpret the role of the inspector. Following consultation by my colleague the shadow minister for racing with members of the greyhound racing industry, the opposition finds that these amendments are mostly perhaps unnecessary for accomplishing the actual goal today of empowering the Greyhound Industry Reform Inspector. For those reasons, we indicate that we will not be supporting amendments proposed by the Hon. Tammy Franks.

In conclusion, I have been informed that there is a level of highly engaging enthusiasm from those outside of the industry and inside the industry to see effective reform and to safeguard the welfare of greyhounds. The Liberal Party is committed to ensuring that greyhound racing is clean and safe and can be enjoyed by all of us in South Australia. We are committed to working with Sal Perna and the greyhound racing industry in implementing the remaining 85 recommendations from the inquiry. We look forward to progressing this bill and what will hopefully be a successful reform for the greyhound racing industry. With those comments, I commend the bill.

The Hon. T.A. FRANKS (15:54): I stand on behalf of the Greens to support the Greyhound Industry Reform Inspector Bill 2024. It has been a long time coming. Indeed, as the Hon. Jing Lee just mentioned, it is almost a year since the Premier promised that it would be coming by Easter, but here we are, almost at Christmas, and we are finally seeing the legislation to keep that particular pledge.

The Greyhound Industry Reform Inspector Bill (GIRI) flows from the Ashton inquiry into the greyhound industry in our state. It was an independent inquiry headed by Mr Graham Ashton AM APM, a former Victorian police commissioner, who was ably assisted by review director Ms Zoe Thomas. The inquiry was formally established by Premier Peter Malinauskas on 14 August 2023 in response to yet more revelations of illegal, inhumane cruelty and the sickening abuse of multiple greyhounds, including live baiting practices. The inquiry was tasked with reviewing the regulatory regime, operations, culture, governance and practices within the greyhound industry in our state of South Australia.

The Greens have long been concerned about the greyhound racing industry and its poor track record. When it comes to animal welfare and integrity, I am certainly on the record, time and time again, in raising in this place the issues around the appalling treatment of greyhounds—as far back as 2016, when I called for a select committee into the greyhound industry. Until the morning of the day of the vote, that particular select committee had the support of the Liberal opposition—support, I note, that had evaporated by lunchtime that day.

My Greens colleagues interstate, however, including the late New South Wales MLC John Kaye, have been doing so for even longer. I pay tribute to Mr Kaye for his work to expose the truth about this cruel and inhumane industry. His work continues here today.

While my intention was also to look at all aspects of the greyhound industry, this bill dwells more on its economic viability, its financial performance and the conduct of the industry, focusing on integrity and governance. The Greens, while supporting those integrity measures, do have outstanding concerns about the animal welfare aspects of this industry that the bill, in its current form, simply does not adequately address. Most members will be very well aware, I would hope, of the allegations of cruelty and corruption that have dogged this industry for so many years.

The *Four Corners* program, *Making a Killing*, in 2015 was a particularly horrifying example that was the catalyst for former New South Wales Premier Mike Baird to announce a ban on the industry—a ban that I note still continues in the ACT today—that was unfortunately overturned later after pressure from the industry in New South Wales.

More recently and closer to home, horrific visions emerged of greyhounds being beaten—footage that was physically shocking. It shocked the Premier, it shocked myself, and I would imagine it shocked most members of this place, if not all. It caused a public backlash that led to the government being forced to take the action that commissioned the Ashton inquiry.

These were reports, however, that had long since been raised in this place and could have been well aerated through a select committee back in 2016. I note that we were in fact, I believe, the only jurisdiction that did not either ban greyhound racing at the time of that *Four Corners* exposé or have some sort of in-depth inquiry.

Animal welfare issues within the greyhound racing industry are endemic throughout, from the sale and overbreeding of greyhounds to the welfare of animals in training and kennelling, the conditions they face on the track and how they are treated throughout all stages of their often all-too-brief lives before, during and after any racing career. Examples of poor animal welfare—including inadequate food, water, shelter and socialisation; living in filthy and sometimes squalid conditions; and not getting proper veterinary care and attention—are far from unusual occurrences. Indeed, from the case studies that were presented by Commissioner Ashton in his report, these occurrences are disturbingly common and have been committed by a significant number of industry figures, often without real and meaningful consequence.

Life on the track of course presents its own dangers, and injuries are common, with the vast majority of dogs injured at some point during their racing lives. While an unsuccessful dog will not survive in the industry for long, often literally, even successful dogs on the track face a life of uncertainty after their racing career is over, with the threat of euthanasia seemingly ever-present upon the flimsiest of pretexts.

Sadly, the number of greyhounds euthanased, a practice euphemistically referred to within the greyhound racing industry as 'wastage', is a shocking indictment of the industry that has put profits over principle, and prioritises financial returns over animal welfare. This is not surprising, given the industry is reliant upon the gambling revenue for its economic survival in its current form. You bet, they die.

This in turn leads to an inherent contradiction at the heart of this debate about the industry. Good animal welfare standards seem to be incompatible with the profit-centred motive of a gambling-focused industry. While industry participants profess to love their animals—and I do not doubt that for some this is true—the reality is that for many greyhounds, as was uncovered by *Four Corners* in New South Wales and more recently here in South Australia in the Ashton inquiry, the reality is often a far different story.

I acknowledge that in recent years the industry has made some attempts to improve the situation and promotes its Greyhounds As Pets (GAP) program, although there are systemic issues within that program as well, due to the number of dogs requiring rehoming far exceeding the available numbers of potential homes and many other revelations that have come through not just the Ashton inquiry but were brought to the attention of this council by myself.

I note also the whistleblowers from the GAP program, and I thank them for their courage to both spark and participate in the Ashton review. Whilst some people have found a much-loved canine companion through this rehoming program, it should not provide a licence for or an excuse to continue the excessive breeding or the ongoing abuses the industry seems incapable or unwilling to stop.

Live baiting is but one example, and there have been a number of high profile cases in South Australia that have horrified the broader community and animal lovers in particular. Some estimates in New South Wales suggested that between 10 to 20 per cent of trainers engaged in this barbaric, illegal and cruel practice, but the true figure may be much greater.

While euthanasia of uncompetitive, unwanted or surplus dogs is a major concern, concerns on the track are often lethal too. Injury rates for individual dogs are staggering. In the most recent figures cited by the Ashton inquiry, referring to the 2021-22 year, they show an injury rate of 83.2 per cent of all dogs were injured, and that is 937 out of 1,125 dogs.

This information was extracted here in our state from the Dog and Cat Management Board by the Coalition for the Protection of Greyhounds, whose analysis contrasts with the GRSA's own figures, which I guess conveniently for them are based on a published injury rate based on the number of starters, rather than the number of individual dogs. Consequently their figures show only a published injury rate of 3 per cent, based on 31,354 starters.

Either way, the vast majority of dogs in the industry are injured, but GRSA's data is unable to differentiate whether these were minor injuries or catastrophic life-ending injuries. Time and again Greyhound Racing South Australia has resisted calls for transparency and openness, and refused on numerous occasions to reply to inquiries I have sent—and I imagine other entities have too—either in writing or via freedom of information, regarding the exact number of dogs killed.

However, Commissioner Ashton identified that 31 dogs had died or been euthanased as a result of on-track injuries in South Australia in the 2022-23 year alone. In New South Wales, where they have a much better traceability of dogs, as far back as 2016 it was clear that out of nearly 100,000 greyhounds bred, between 48,891 and 68,448 dogs were killed because they were deemed uncompetitive. In other words, between half to two-thirds of these dogs bred were killed because they were too slow and could not make a profit for their owners.

With South Australia seen as the end of the line for dogs considered too slow to race in the more lucrative interstate races, rates here potentially could be even worse. The lack of comprehensive data was identified by Commissioner Ashton as yet another example of how Greyhound Racing SA's processes are not up to standard, especially when compared with the New South Wales Greyhound Welfare Integrity Commission (GWIC), which publish detailed injury analysis on a quarterly basis. Indeed, Mr Ashton noted, 'there is a transparency and injury reduction need for GRSA to publish the same injury data and analysis as GWIC'.

Furthermore, there is a clear need for them to act on that by establishing an injury reduction panel to review data and introduce safeguards in response. GRSA's processes were exposed woefully through the Ashton inquiry, highlighted through detailed case studies with GRSA abjectly failing to oversee and regulate its own members appropriately time and time again, often over quite a lengthy period.

One particularly egregious case spanned 28 separate inspections over a 12-year period of repeated noncompliance. Despite receiving numerous warnings and directions for multiple, repeated breaches, including poor hygiene and cleanliness standards, pests, flies and other vermin, dirty, sodden bedding, inadequate shelter, lack of water, dangerous fencing, noncompliance with record keeping for veterinary treatments, a lack of development approval for the facility, and non-registration of the dogs with the local council, the trainer ultimately received no sanction other than a four-week suspension, which itself was then fully suspended, in fact, so that trainer did not receive a penalty at all.

Disturbingly, the commissioner noted that this was an erstwhile successful trainer whose wins had previously been promoted by the GRSA. All the case studies detailed repeated transgressions of this industry's own animal welfare policies with repeated inspections and visits resulting in only yet more warnings without there seemingly ever, or only ever rarely, being consequences of significance.

On the rare occasions when disciplinary action was actually taken, often outcomes remained unpublicised on the GRSA's website. Other incidents were revealed when the RSPCA was not notified when arguably charges could and should have been laid under the Animal Welfare Act. The case studies make for harrowing reading and one could wonder: were GRSA actually trying to lose their social licence? It is hard to imagine an organisation seemingly any more wilfully blind to its responsibility for ethical oversight and governance relating to animal welfare.

Commissioner Ashton's conclusions were brutally frank, and I quote him, 'Animal welfare is the primary issue affecting the ongoing viability of greyhound racing in SA.' His inquiry received nearly 600 submissions from people primarily advocating that greyhound racing be discontinued based on animal mistreatment.

Many were supported by detailed first-hand experiences of people involved in the industry. He noted, and again I quote him, 'the trust element of the social licence provided to greyhound racing in SA has been significantly eroded amongst the general community because of recently publicised animal cruelty cases'. His message was clear and unequivocal: there is an urgent need for the greyhound industry to reform if it is to meet contemporary community expectations. The reforms needed, Mr Ashton noted, were considerable and were dominated by welfare concerns, including the sustainability of the GAP program.

It is notable that in 2017 GRSA had commissioned its own review into governance, welfare and integrity, known as the McGrathNicol report. While it made many sound recommendations for reform, many were not undertaken, a situation that had not improved when in 2020 GRSA appeared before a committee investigating the Statutes Amendments (Animal Welfare Reforms) Bill 2020, a committee of this council.

While they undertook to that committee to improve their performance across the board, Commissioner Ashton notes that they have not sufficiently delivered against that commitment, which he argues raises the critical issue of transparency and independent oversight of any future reform process. Indeed, trusting the GRSA when they say, 'Trust us,' has proven folly time and time again.

I remind the Liberal opposition, when they changed their mind on supporting the Greens select committee back in 2016, that that press release that the Greyhound Racing SA industry dropped to FIVEaa that morning, with fantasy wish lists of how they would do better, has never been fulfilled. It was just a fairytale.

But I return to Mr Ashton's findings. In South Australia, he noted, we are one of only two states not to have independent oversight of our racing codes. If the industry itself cannot reform and clean up their act and they have lost their social licence they do not deserve to continue. As the RSPCA stated in their submission, 'Unless the significant, entrenched animal welfare problems inherent to the greyhound racing industry can be recognised and effectively resolved, this industry should not be supported.' The commissioner agreed, noting that animal welfare issues he identified must be urgently improved before the government could be assured that the industry should continue in its current form. With that in mind I draw members' attention to recommendation 57:

> Government to establish the role of an independent inspector for greyhound racing reform, to be known as the Greyhound Industry Reform Inspector, (GIRI) which should include the features, functions, and duties set out below.
>
> - The GIRI should have unfettered access to GRSA systems and data to inform this work.
> - The GIRI should be entirely independent of the industry…
> - A greyhound racing reforms advisory group should be formed to provide professional advice to the GIRI regarding reform progress. The skill sets of this group should comprise:
>   - Animal welfare expertise (independent of greyhound racing)
>   - Gambling regulation expertise
>   - Greyhound industry experience
>   - Sports regulation experience
> - The General Manager Integrity and Welfare at GRSA should have a dual reporting line to the GIRI…to report on welfare matters [directly] to the GIRI.
> - The GIRI should determine the frequency and mode of reporting [they receive] from GRSA as to reform progress.
>
> The GIRI should report on a regular basis to the Minister for Racing as to reform progress, and ultimately provide a final report after two years as to their level of satisfaction with the reform progress. If a decision is made to continue greyhound racing at that point—

I repeat, 'If a decision is made to continue greyhound racing at that point' because Mr Ashton found that this industry should be given notice or be shut down—

> the GIRI should express a view as to the most appropriate oversight model going forward.

Commissioner Ashton recommended after two years, only if the inspector was satisfied the reforms had been achieved should the industry be allowed to continue, with a best-practice model of oversight, something that is far from being in existence at this point. That is the challenge he has posed to this government and to Greyhound Racing SA. GRSA are on notice, two years' notice to be exact, with its previous form suggesting the industry will not change unless it is dragged kicking and screaming to do so.

But the government must also be challenged on this: why, despite the devastating findings of the Ashton inquiry and the recommendation that the only way for the industry to continue in the

short term was with the oversight of an independent GIRI to drive fundamental reforms to governance and conduct and animal welfare, has it has taken over 12 months to progress this, with legislation only now here to enable the GIRI to have the full powers they need? Taking 12 months from the time of the Premier's promise is simply not good enough.

Two months after the initial announcement, Mr Sal Perna AM was officially appointed to the role of GIRI, not at Easter but on 8 July. Mr Perna had a long track record of involvement in fighting crime and corruption as a police officer and as the former inaugural Victorian Racing Integrity Commissioner from 2010 to 2021 and as the person who conducted Victoria's inquiry into live baiting in 2015. I have faith in Mr Perna, but he has already been having to do this job without the powers he needed to hit the ground running being legislated.

As a member of numerous integrity bodies, including the World Anti-Doping Agency Independent Ethics Board, Mr Perna should have the appropriate blend of integrity, ability and industry know-how, but did he have the legislative powers he needed to date and will he have the full legislative powers he needs to truly do his job should the Greens' amendments not be supported today is a question I pose to you all.

Whether the GIRI's oversight will be sufficient to ensure GRSA can address and resolve the seemingly intractable trifecta of animal welfare, integrity and governance concerns that have been endemic to the industry for so long, of course only time will tell—and we keep giving them more and more time.

The Greens will eagerly await the final report to be measured against the ultimate test: the welfare of the canine participants on whom this industry is based. In the meantime, this bill before us promises to go some way to facilitating the powers that the GIRI needs to do their job. They do not go far enough. We will support the bill today, but we will seek to amend it, to improve it. There are a number of shortcomings and deficiencies in this bill that do need to be rectified to ensure the GIRI is empowered with all the necessary tools and powers necessary to adequately equip their role in overseeing the 85 other recommendations of the Ashton inquiry that the government has committed themselves to supporting.

The Greens support the recommendation of the Ashton inquiry for a fearless independent Greyhound Industry Reform Inspector, and so we support this bill, but we will of course be introducing amendments to give the GIRI powers that they need to do their job properly. Put simply, the GIRI must not be muzzled. I will have more to add in the committee stage, but I conclude now, and I would like to acknowledge and thank the nearly 600 respondents to the Ashton inquiry and everyone who has communicated recently and over many years with my office about this issue.

I wish to particularly thank the Coalition for the Protection of Greyhounds, the RSPCA, Animals Australia, the Australian Alliance for Animals, the Law Society of South Australia's Animal Law Committee, and the Animal Justice Party, as well as so many other stakeholders and concerned individuals, including numerous greyhound owners—some rehomers, some trainers, some former trainers—who actually love their animals and want the best lives possible for them. With that, I commend the bill, but I urge members to consider the Greens' amendments seriously if we are to believe that they are serious about greyhound reform.

The Hon. S.L. GAME (16:16): I rise to add my comments to the Greyhound Industry Reform Inspector Bill. This bill would establish a Greyhound Industry Reform Inspector to ensure recommendations from the recent independent inquiry into the governance of the South Australian greyhound industry are implemented, and the inspector would also have other roles.

South Australia's greyhound industry has an image problem, which stems from some truly shocking practices, exposed more than once in the media in recent years. Importantly, Greyhound Racing SA has opened investigations itself and handed out penalties to industry participants. The unsavoury and cruel aspects of this culture were not established and ingrained overnight; clearly they have been part of the industry for years.

We must be careful not to tar all industry participants with the same brush; however, clearly these practices must cease. They must cease for animal welfare reasons, obviously, but also for the good of the industry and any hope it has to remain sustainable and viable into the future. The

industry's practices must reflect community expectations. The report's recommendations were many and far-reaching and, as mentioned, among them was a call to install a Greyhound Industry Reform Inspector.

When speaking to senior figures in the Department for Recreation, Sport and Racing about this bill, it became clear to my office that while the industry is currently working with the department willingly and openly—and deserves praise for doing so—it would be sensible and responsible to have mechanisms in place to ensure the inspector has the necessary powers to gather any required information; essentially, not to rely on good faith.

As such, we support this bill, which in turn ensures the inquiry's recommendations are enforced. However, we did inquire about industry participants, specifically those who derive their income from the sport. We do not want any additional costs or compliance burdens foisted upon those honest, hardworking and law-abiding trainers and breeders, plus owners across South Australia.

The money in greyhound racing is less than harness racing and only a fraction of thoroughbred racing. Only a tiny percentage of greyhound trainers make what would be termed 'good money'. Additionally, many greyhound trainers, breeders and owners love and care for their racing dogs like we love and care for our pets. Fortunately, our office was reassured that the duties of the inspector would not impact any industry participants currently going about their business lawfully and responsibly. We were assured that if they are doing the right thing they will be unaffected, so no extra burden on participants and, likewise, no extra burden on those employed by the industry body.

As it stands, it seems industry participants are happy to meet with the inspector, Mr Sal Perna AM, because participants realise that if the actions that prompted this inquiry continue the industry will cease to exist in this state. I support this bill as it stands because ultimately it will clean up or clean out the industry.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:19): I thank honourable members for their contribution: the Hon. Ms Lee, the Hon. Ms Franks and the Hon. Ms Game. This is an important piece of legislation that will enable the GIRI to do their job in the most effective way in order to come out with some appropriate recommendations. I look forward to the committee stage, if this progresses to the next stage today.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I intend to ask my questions at clause 1 and then simply proceed with the amendments as they occur but not ask questions at those particular points. My first question is, quite simply: what is the current staffing allocation of the GIRI and operations?

The Hon. C.M. SCRIVEN: In addition to the GIRI, there are two part-time staff members. They have been resourced from existing resources within the Office for Recreation, Sport and Racing.

The Hon. T.A. FRANKS: What are the roles of those two part-time staffers and what is their EFT—equivalent full-time rate?

The Hon. C.M. SCRIVEN: I am advised that it is a combined equivalent of roughly 0.5 FTE. The workload at the moment is perhaps higher than it is expected to be going forward, given the relatively new establishment of the role of the GIRI. Their roles include administration, arranging meetings, sourcing information and so on.

The Hon. T.A. FRANKS: What powers does the GIRI currently have and is envisaged to have under this bill to compel people to gather information who are not within the industry, not just GRSA personnel?

The Hon. C.M. SCRIVEN: I am advised that there is no power to compel beyond those who have a role within industry—either an industry participant or a past industry participant, or an industry volunteer or a past industry volunteer.

The Hon. T.A. FRANKS: Does that mean that the GIRI will have their power to compel and to gather information from, say, owners or trainers?

The Hon. C.M. SCRIVEN: My advice is that the answer is yes, they would be considered an industry participant.

The Hon. T.A. FRANKS: Will they have needed to have an association with Greyhound Racing SA specifically to comply with that qualification?

The Hon. C.M. SCRIVEN: I am advised that if they are a greyhound owner then they would be registered as such and therefore would be considered part of the industry.

The Hon. T.A. FRANKS: Does that mean all greyhound owners, including those who own pet greyhounds?

The Hon. C.M. SCRIVEN: I am advised that the intent is not to compel a pet owner. The viewpoint presented to me and the advice is that retired greyhounds are considered pets and therefore it would not be envisaged that such owners would be considered part of the industry and therefore able to be compelled.

The Hon. T.A. FRANKS: I ask also particularly should somebody be involved in the industry interstate. If somebody is involved in the industry of greyhound racing interstate, what powers does the GIRI have to ascertain information from them, gather information from them or compel them to provide any evidence to the GIRI?

The Hon. C.M. SCRIVEN: My advice is, if they are involved in the industry both interstate and here, then they would be captured within the scope of this legislation. If their involvement with the industry is only interstate then the powers would not extend towards them.

The Hon. T.A. FRANKS: There have been allegations made of dogs being drugged with what you would call, in common terms, recreational drugs. Will the GIRI have powers to compel information gathering from people who might be accused of providing those drugs, even if those people are not actually greyhound industry participants?

The Hon. C.M. SCRIVEN: My advice is that the most effective way to demonstrate that is to come back to what the role of the GIRI is. The role is not to investigate issues, it is to oversee the GRSA. In the event that there are claims of animal mistreatment then that should be reported through the normal channels under the Animal Welfare Act. If there are allegations of illegal activity then potentially the police are the appropriate authorities for that to be reported to.

The Hon. T.A. FRANKS: I understand that the GIRI has been operational for some time. Has the GIRI found that all industry participants have complied with requests for information or has there been a need for this legislation to have been implemented earlier than now?

The Hon. C.M. SCRIVEN: My advice is that so far the GIRI has had 100 per cent cooperation. One of the purposes of the legislation would be that, in the event that that level of cooperation was not forthcoming, there are the powers to compel, for example, as has been referred to.

The Hon. T.A. FRANKS: My question was: how has the GIRI had those powers to date?

The Hon. C.M. SCRIVEN: The powers at the moment have been to request and there has been cooperation, so there has been no need to consider the fact that there were not powers to compel at this stage.

The Hon. T.A. FRANKS: Can the minister clarify what power is conferred on a person who has the ability to request something but not compel it?

The Hon. C.M. SCRIVEN: My advice is that—and we are not quite sure if perhaps we have misunderstood the question—at the moment the GIRI can request information. The GIRI has requested information and that information has been provided. In the event that that had not been

provided, as at the moment, before this bill passes, if indeed it does, there would be no powers of the GIRI to compel the provision of that information; however, at this stage, that has not been a problem because the information that has been requested has been provided by the parties from whom it has been requested.

The Hon. T.A. FRANKS: Has the GIRI requested the number of dogs bred, euthanased and that have died within, say, a month after racing?

The Hon. C.M. SCRIVEN: My advice is that we are not able to answer that question at this time.

The Hon. T.A. FRANKS: Will the minister take that question on notice and provide an answer?

The Hon. C.M. SCRIVEN: Yes, certainly.

The Hon. T.A. FRANKS: Has the GIRI requested any information in regard to accusations made by those in the industry that illegal drugs are being supplied to enhance dog performance, and has the GIRI in those cases approached SAPOL or any other authorities in regard to those allegations?

The Hon. C.M. SCRIVEN: My advice is referenced back to an earlier answer given today around the role of the GIRI, which is not to investigate issues but to oversee GRSA. In the event that the GIRI, through the course of his duties, becomes aware of allegations, such as the sorts that have been mentioned by the honourable member, then he would of course report those as appropriate to relevant authorities.

The Hon. T.A. FRANKS: Has the GIRI reported anything to relevant authorities, such as SAPOL?

The Hon. C.M. SCRIVEN: I am not able to provide that information. We are not aware of whether that is the situation or not.

The Hon. T.A. FRANKS: I am getting to the end, you will be mercifully happy to know. I am interested if the GIRI has sought any information from the industry about the use of artificial insemination and whether he has attempted to document the prevalence of that currently.

The Hon. C.M. SCRIVEN: My advice is that, whilst we are not privy to exactly what conversations may have been had, given that the Ashton review had a specific recommendation in regard to artificial insemination, that would be fully supported, but in terms of what conversations the GIRI has had or has not had, I am unable to make comment.

The Hon. T.A. FRANKS: I am very close now to concluding. My final question, I believe is: has the GIRI asked Greyhound Racing South Australia whether they will comply with freedom of information requests from here on in?

The Hon. C.M. SCRIVEN: I am advised that in relation to FOI that was a separate recommendation of the Ashton review, so again it is not within the scope of the role of the GIRI.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–2]—

Page 2, after line 8—Before the definition of *authorised officer* insert:

animal welfare Minister means the Minister to whom the administration of the *Animal Welfare Act 1985* is committed;

This amendment is intended to facilitate a dual reporting function for the GIRI to include the minister for animal welfare, or the minister who has responsibility for animal welfare, as well as the Minister for Recreation, Sport and Racing in their reporting. This would, of course, help address any concerns

that the latter minister might have about any conflicts of interest given her role overseeing racing as opposed to overseeing animal welfare.

The Greens do find it quite shocking that we would laud and announce and see the Premier and the minister on a platform with Mr Ashton say that all of the recommendations are going to be adhered to and that this wonderful report that exposes not just concerns around integrity and corruption but indeed animal welfare and animal cruelty will be addressed through what is being touted to be the two-year period of notice where we will have a Greyhound Industry Reform Inspector (GIRI) but that the GIRI is not charged with reporting to the minister responsible for animal welfare.

In fact, every single time we asked a question, certainly in clause 1, about animal welfare it was handballed and told that that was not necessarily the GIRI's job. If the GIRI's job is not to actually report on animal welfare, I do question the role of the GIRI at this point. This would make it clear to the community that this government is serious also about cleaning up animal welfare in this industry and indeed that is what I think the community expects. With that, I commend this amendment to the council.

The Hon. C.M. SCRIVEN: The government will not be supporting this amendment and I might perhaps, with the indulgence of the council, refer my remarks also to amendment No. 2 [Franks-2] as the two I think are reasonably closely linked in that this amendment inserts a definition of the 'animal welfare minister'. The next amendment to which I referred is regarding collaboration with animal welfare agencies.

The GIRI is currently meeting with animal welfare agencies and relevant organisations to inform their assessment of the implementation of recommendations. The government does not believe that that particular amendment is required to be included in the bill. That comes back to the reason why this bill is required. Enshrining the powers of the Greyhound Industry Reform Inspector in legislation will ensure the industry will be compliant with requests from the Greyhound Industry Reform Inspector.

The bill seeks to address the risk that the Greyhound Industry Reform Inspector is unable to fulfil their function and duties if Greyhound Racing SA do not fully cooperate and provide the required information to the Greyhound Industry Reform Inspector. Given that is the overall purpose of the bill, the amendments in regard to changes to interactions with animal welfare are not supported.

The Hon. T.A. FRANKS: I note for the record, because the Liberal opposition did note it very slightly in their second reading contribution, that the Liberals are not supporting a single one of the Greens' amendments today, just as they did not support the select committee back in 2016. I note that, at the time, the solution of the then Weatherill government was to put GRSA and RSPCA in a room together and require an MOU, which then quickly fell over and has been redundant for years. This 'trust us' approach has not worked before and I suspect it will not work this time.

Amendment negatived; clause passed.

Clause 4 passed.

Clause 5.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–2]—

Page 3, after line 26 [clause 5(1)]—After paragraph (c) insert:

(ca) to collaborate and consult with animal welfare agencies and greyhound racing regulators and oversight bodies in other jurisdictions;

The point of this amendment is to ensure that the GIRI is established with powers that specifically reflect an obligation to collaborate with the relevant authorities in other jurisdictions about cross-border issues in relation to any or all aspects of greyhound racing, breeding, training, rehoming, etc. This is particularly relevant given that South Australia is often seen as the end of the line when it comes to racing greyhounds, and it has developed a reputation as somewhat of a dumping ground for interstate dogs, particularly from Victoria, that are at the end of their racing

career. I have been informed by stakeholders of instances of the drugging of dogs that have come from interstate.

This amendment will specifically authorise the GIRI to work with relevant authorities in other states to deal with those sorts of pertinent matters that may have cross-jurisdictional boundaries. With that, I commend the amendment.

The Hon. C.M. SCRIVEN: I refer to my earlier comments on the two amendments.

Amendment negatived; clause passed.

Clauses 6 and 7 passed.

Clause 8.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–2]—

Page 4, line 18 [clause 8(1)]—Delete 'or an officer or employee of the controlling authority' and substitute:

an officer or employee of the controlling authority, or any other person that the Inspector or authorised officer has reason to believe has information that is relevant to the performance of the Inspector's functions

Put simply, this ensures that the GIRI has the powers to compel that they need. It ensures that, should we have not provided under this act for those current and past industry participants, as the GIRI pursues the information that we have been promised it will provide the much-needed integrity, transparency and social licence that the Premier has noted they only have two years to comply with. We simply do not want to see the GIRI unnecessarily muzzled against having the powers they need to compel to get the information they want.

It does seem, however, noting that the Liberal opposition has indicated they will not support a single Greens' amendment and the government appears to have a similar position, that we will have a muzzled GIRI at the end of this. With that, I do persist and commend the motion to the council.

The Hon. C.M. SCRIVEN: The government will not be supporting this amendment. The government's view is that this clause would give powers that are beyond the scope of the recommendations of the Ashton review. There is a reference already in the bill, namely, that the GIRI should have unfettered access to GRSA systems and data to inform this work. This is considered a sufficient and relevant reference to be able to enable the GIRI to complete their functions.

Amendment negatived; clause passed.

Clauses 9 to 11 passed.

New clauses 11A, 11B and 11C.

The Hon. T.A. FRANKS: I move:

Amendment No 4 [Franks–2]—

Page 6, after line 27—After clause 11 insert:

Part 3A—Provision of information to Inspector

11A—Interpretation

In this Part—

racing greyhound means a greyhound registered as a racing greyhound with the controlling authority, or a corresponding body in another jurisdiction;

reporting period means the period of 3 months before a report is required to be provided to the Inspector under section 11C.

11B—Provision of animal welfare information to Inspector

Before exercising a power under the *Animal Welfare Act 1985* in relation to a racing greyhound, an inspector appointed under that Act must inform the Inspector of the proposed action.

11C—Provision of information by controlling authority

(1) The controlling authority must provide to the Inspector a report concerning greyhound welfare (a *welfare report*) on the 3 month anniversary of the commencement of this Part, and once every 3 months following the provision of the first welfare report.

(2) A welfare report must contain the following information:

(a) the number of greyhounds born in the State in the reporting period;

(b) the number of greyhounds registered to race during the reporting period;

(c) the number of greyhounds re-homed during the reporting period;

(d) the number of greyhounds waiting for adoption;

(e) details about the status of any greyhound retired from racing during the reporting period, including—

(i) the date on which the greyhound was retired; and

(ii) if a retired greyhound has been euthanased—the date of and the reason for euthanasia;

(f) details of any injuries to racing greyhounds during the reporting period, including—

(i) the nature of the injury; and

(ii) the date and location of the injury; and

(iii) the controlling authority's response to the injury, including the nature and date of any treatment provided to the greyhound and the outcome of that treatment;

(g) details of the death of any racing greyhound during the reporting period, including—

(i) the date and location of the death; and

(ii) the cause of death;

(h) any complaints made to the controlling authority during the reporting period regarding animal welfare in relation to racing greyhounds;

(i) any other animal welfare matter relating to racing greyhounds of which the controlling authority is aware;

(j) any other information required by the regulations.

This amendment ensures that, while it is understood that the GIRI may require GRSA to provide them with information under section 8, it is concerning that there is otherwise no statutory obligation on GRSA to report any matter to him without him requiring it. This is simply not good enough. GRSA must be obligated to provide a summary of what they have done to implement the recommendations to date, and the recommendations that remain outstanding.

The GRSA must be required to provide information on KPIs related to animal welfare, deaths, injuries, complaints, rehoming issues and any other investigations, directions or orders made under local rules for greyhound racing, 2022. This amendment also actions recommendation 38 of the Ashton inquiry that, 'The Greyhound Industry Reform Inspector is to be consulted before any welfare-related investigation is to be closed with no charges laid.'

What is currently required in this bill is simply not good enough. This amendment would ensure that Mr Perna, as the GIRI, is required to be advised of any instance in which a person is being investigated in relation to an offence relating to the treatment of greyhounds used by the industry, and ensures meaningful consultation with the GIRI before any animal welfare investigation is closed without charges being laid. I commend the amendment.

The Hon. C.M. SCRIVEN: The government opposes this amendment. First, in regard to the requirement to notify the GIRI before exercising a power under the Animal Welfare Act 1985, my advice is that that has the potential to slow down the process of animal welfare-related complaints, and therefore that would not be the intent of anyone in this place.

Going further, the role of the GIRI is to assess the implementation of the recommendations of the Ashton review. The GIRI has the skills and expertise to determine the data and information they require, to assess the implementation of recommendations rather than putting it prescriptively here in the legislation. The GIRI has the power to obtain relevant information from GRSA through

the existing clauses in the bill, and also for the RSPCA through the sharing of information clause, which I am advised is clause 12.

New clauses negatived.

Clauses 12 and 13 passed.

New clause 13A.

The Hon. T.A. FRANKS: I move:

Amendment No 5 [Franks–2]—

Page 7, after line 36—After clause 13 insert:

Part 4A—Greyhound Racing Reforms Advisory Group

13A—Greyhound Racing Reforms Advisory Group

(1) The Greyhound Racing Reforms Advisory Group is established.

(2) The Greyhound Racing Reforms Advisory Group consists of—

(a) the Inspector (*ex officio*); and

(b) the following members, appointed by the Minister following consultation with the Inspector and on terms and conditions determined by the Minister:

(i) a nominee of the Royal Society for the Prevention of Cruelty to Animals South Australia; and

(ii) a nominee of the Coalition for the Protection of Greyhounds; and

(iii) such other persons as the Minister deems appropriate.

(3) The functions of the Greyhound Racing Reforms Advisory Group are—

(a) to advise the Inspector on the progress of greyhound industry reform; and

(b) to provide a forum for the exchange of information and views about the greyhound industry and animal welfare concerning issues relating to greyhound industry reform; and

(c) to consider other matters referred to the Greyhound Racing Reforms Advisory Group by the Inspector; and

(d) such other functions as may be conferred on the Greyhound Racing Reforms Advisory Group by the Minister.

(4) The procedures to be observed in relation to the conduct of the Greyhound Racing Reforms Advisory Group will be—

(a) as determined by the Minister or Inspector; or

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the Greyhound Racing Reforms Advisory Group.

This is intended to give legal weight to recommendation 57 of the Ashton review to establish a greyhound racing reforms advisory group, to provide professional advice to the GIRI regarding reform progress.

As it stands, the bill does not establish this group, and the minister's contributions in the other place did not even discuss the process or power under which this group will be established. My amendment will establish the greyhound racing reforms advisory group as a statutory body with a specified composition which reflects the commissioner's recommendations regarding the skill set of that advisory body, and it should include animal welfare expertise independent of greyhound racing.

Accordingly, it adds the community representation from the RSPCA and the Coalition for the Protection of Greyhounds, two organisations with specific knowledge and expertise regarding animal welfare in general and, of course, greyhounds in particular. While the greyhound racing reforms advisory group will certainly benefit from membership with gambling regulations, sports regulations and industry experience, an independent voice for the greyhounds that does not solely represent vested financial interests is also essential to ensure the group is able to advance genuine reform and

in a manner that incorporates the critical need for transparency, community input, accountability and truly independent oversight. With that, I commend the amendment.

The Hon. C.M. SCRIVEN: The government is not supportive of this amendment. The purpose of the bill is to establish the GIRI and to assess the implementation of the recommendations of the inquiry. It is not necessary for the establishment of the GRRAG to be legislated as it is recommended in the inquiry The inquiry outlines the skill set and composition required for the advisory body. The GIRI has already met with and is open to the continued exchange of information and the ability for the parties mentioned in this amended clause to provide their views.

New clause negatived.

Clauses 14 to 17 passed.

New clause 17A.

The Hon. T.A. FRANKS: I move:

Amendment No 6 [Franks–2]—

Page 9, after line 5—After clause 17 insert:

17A—Progress reports

(1) Without limiting section 18, the Inspector must submit a progress report to the Minister and the animal welfare Minister—

(a) on or before the 6 month anniversary of the commencement of this section; and

(b) once every 6 months following the submission of the first progress report.

(2) A progress report submitted under subsection (1) must include—

(a) details of any information provided to the Inspector under Part 3A; and

(b) details of the progress of the implementation of the Report recommendations by the controlling authority,

in the previous 6 months.

(3) Each progress report submitted under subsection (1) must be made available on a website determined by the Minister.

This amendment will further increase the level of transparency by requiring that the GIRI prepare and table additional progress reports prior to the final report that is required under section 18 of the bill. While the Minister for Recreation, Sport and Racing has stated in the other place that the GIRI intends to publish progress reports, the form and content of these reports would be a matter for Mr Perna.

I note the first of these has just been published, and while I do welcome that, it is the Greens' view that the bill should expressly require that the GIRI prepare at least biannual progress reports and that these progress reports should contain certain specified information. These additional reporting requirements are essential to ensure that the work of the GIRI is conducted in as transparent a manner as possible.

The progress reports from the GIRI would include all the previously mentioned information—e.g. a summary of what the GRSA has done to implement the recommendations to date, the recommendations that remain outstanding, a summary of any powers exercised by the GIRI during this period, and a summary of all documents and material received from the GRSA. They should also be tabled in both houses of parliament for maximum transparency and be made publicly available on a freely accessible website to be determined by the minister.

While I do note that the minister provided my office with a copy of the report, the first one so far—and I commend the GIRI for that report so far—many in the sector were completely unaware of that report, including stakeholders such as the RSPCA. I note that perhaps the government might think they are being transparent here but they perhaps need to include the relevant stakeholders more—I would say fulsomely just for the benefit of my advisor, Jamnes Danenberg, but he knows what that word means, so perhaps I do say fulsomely.

The Hon. C.M. SCRIVEN: The government is not supportive of this amendment. As per the recommendations the GIRI has already committed to providing reports to the minister, and the GIRI has also committed to releasing publicly available quarterly progress reports. The first report was recently published on the Office of Recreation, Sport and Racing website.

New clause negatived.

Clause 18.

The Hon. T.A. FRANKS: I move:

Amendment No 7 [Franks–2]—

Page 9, lines 7 to 9 [clause 18(1)]—Delete subclause (1) and substitute:

(1) The Inspector must submit a final report to the Minister and the animal welfare Minister before the second anniversary of the commencement of this section, or such later date as the Minister may allow.

(1a) A final report submitted under subsection (1) must include—

(a) details of any information provided to the Inspector under Part 3A; and

(b) details of the implementation of the Report recommendations by the controlling authority.

This amendment relates to reporting arrangements again, but it specifies the timelines, content and progress of GRSA in implementing the recommendations, requiring that final report as well which, again, was somewhat opaque.

We certainly are comforted that it has been the expressed intention that the GIRI will be making regular reports, and we are, as I say, very much welcoming that that first report has been made and in a form that is somewhat public, but there was a lack of clarity with this bill, with concerns expressed by stakeholders, who were very much part of the Ashton review, that there might not be a final, proper report. This would ensure that there was.

The Hon. C.M. SCRIVEN: The government is not supporting this amendment. I am advised that the report will be provided as per the recommendation of the inquiry.

Amendment negatived; clause passed.

Clause 19 and 20 passed.

New schedule 1.

The Hon. T.A. FRANKS: I move:

Amendment No 8 [Franks–2]—

Page 9, after line 17—After clause 20 insert:

Schedule 1—Related amendment of *Freedom of Information Act 1991* and transitional provision

1—Amendment of section 4—Interpretation

(1) Section 4(1), definition of *agency*—after paragraph (fa) insert:

(fb) the body prescribed for the purposes of section 6(1)(c) of the *Authorised Betting Operations Act 2000* as the racing controlling authority for greyhound racing; or

(2) Section 4(1), definition of *State government agency*—after 'council' insert:

, an agency referred to in paragraph (fb) of the definition of *agency*,

2—Transitional provision

(1) In this clause—

principal Act means the *Freedom of Information Act 1991*.

(2) An application may be made to an agency referred to in paragraph (fb) of the definition of *agency* in section 4(1) of the principal Act (as inserted by this Act) for access to a document whether the document was created, or came into the possession of the agency, before or after the commencement of this Act.

I note that I will divide on this one. This amendment would make Greyhound Racing SA subject to freedom of information requests, something they have continued to dodge so far under the technical argument they proffer that they are not an agency that is legally subject to FOI, something that I have legal advice to the contrary of.

But the time for hiding is over. The Ashton inquiry determined that euthanasia rates of retired or unraced greyhounds outside of the Greyhounds As Pets (GAP) program were impossible to accurately assess, that there was little capability within GRSA to determine this figure outside of the receipt of a notification form participants are required to send them when a greyhound is euthanased, and that is because the GRSA lack a system sufficient for tracking greyhounds. I also note that the commissioner noted:

> This highlights the need for GRSA to urgently adopt a full traceability system such as the eTrac technology being used in New South Wales.

In the meantime, GRSA must be held accountable in an open and transparent manner, not just by the GIRI but by the community, and be subject to FOI access. Members would be well aware that I have already brought a bill before this place since the announcement of the GIRI for GRSA to be subject to FOI. At the time the government said, 'Trust us. We'll take care of this. We'll do it later.' Well, here was your chance, and you have not done it.

So the Greens are here to help, again, and moving an amendment to encourage you to accept one of the recommendations of the Ashton review, one of the things that the Premier promised would be delivered in full and on time to ensure that GRSA is subject to freedom of information requests. It is a simple recommendation that is going to require the parliament to act at some time, but here we are, yet again, with a bill that does not act in a timely way and continues to allow the GRSA to lurk in the shadows. As Commissioner Ashton concludes in his executive summary, this is the:

> …opportunity to demonstrate to the community that animal care practices within the industry can meet overall community standards and that greyhound welfare is first and foremost in their priorities. Similarly, a constructive, transparent and positive approach by the industry's controlling authority will also greatly assist the development of public confidence in their sport.

With this in mind, there should be no objections to increasing the transparency and scrutiny of the industry practices, and I trust that members would agree that animal welfare issues should be prioritised. But I have to say, until we have freedom of information scrutiny complied with by the GRSA—and clearly it has already been rejected as something that they are going to do willingly, voluntarily—I do question why members of this parliament have not acted, why the government has not acted in this bill to ensure that the GRSA is compelled to comply with freedom of information requests.

With that, I indicate I will be dividing on this clause. It is one of the recommendations. The government promised a year ago now that all of the recommendations would be implemented. This minister has had a year to do this herself, and the Greens' amendment would enable that recommendation to be complied with and enacted now—a year after the Premier's announcement—not one day before the two-year notice period expires. It has to be seen as treating the public with contempt to put off that requirement for a freedom of information request to be complied with if it is not supported today.

The Hon. C.M. SCRIVEN: The scope of this bill is focused on ensuring that the industry will be compliant with requests from the Greyhound Industry Reform Inspector and enabling him to compel that information. The independent inquiry AJP recommendation 13 refers to amending freedom of information legislation. All recommendations were accepted by the government in principle, but this recommendation will need to be considered by the Attorney-General's Department. It is not considered appropriate at this time to embed it in this piece of legislation.

The Hon. T.A. FRANKS: Can the minister clarify then that it will be the Attorney-General who will progress freedom of information coverage for the GRSA, and how is he consulting on that matter?

The Hon. C.M. SCRIVEN: My advice is that it will be progressed in line with the other recommendations with the relevant agency. Presumably the Attorney-General's Department will give some consideration and be involved in that work.

The Hon. T.A. FRANKS: When will this parliament see legislation for GRSA to be subjected to freedom of information requests?

The Hon. C.M. SCRIVEN: I am not able to speculate on when that might be on behalf of another minister.

The Hon. T.A. FRANKS: The other minister is almost within the chamber. Perhaps he might care to answer. The Hon. Kyam Maher, when will we see the Greyhound Racing SA industry subjected to FOI, given apparently it is the Attorney-General's purview?

The Hon. I.K. Hunter: He hasn't got carriage of this bill.

The Hon. T.A. FRANKS: He hasn't got carriage of this bill. Well, you know what?

The CHAIR: Order!

The Hon. I.K. Hunter interjecting:

The Hon. T.A. FRANKS: The government promised to implement—

The Hon. I.K. Hunter interjecting:

The CHAIR: Order! The Hon. Mr Hunter, let's stay calm.

The Hon. T.A. FRANKS: Chair, it is the Hon. Mr Hunter who was actually responsible for letting the greyhound racing industry—

The Hon. I.K. Hunter interjecting:

The CHAIR: Order!

The Hon. T.A. FRANKS: —off the hook back in 2016.

The Hon. I.K. Hunter: Goodness gracious me.

The Hon. T.A. FRANKS: Goodness gracious me.

The CHAIR: Order! We are nearly at the end of this bill. Come on, everybody stay calm. The Hon. Ms Franks, can I put the amendment? Are we ready?

The Hon. T.A. FRANKS: Yes, Chair, and I note that I will be dividing.

The committee divided on the new schedule:

Ayes 3
Noes.....17
Majority 14

AYES

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

NOES

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

New schedule thus negatived.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PREVENTIVE HEALTH SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:08): I rise to indicate the opposition's support for the Preventive Health SA Bill 2024 which aims to alter the health prevention landscape in South Australia. This bill represents an evolution from Wellbeing SA established by the previous Liberal government in 2020 into Preventive Health SA. This agency consolidates essential functions to address non-communicable diseases and their determinants.

The opposition acknowledges the government's intent to elevate preventive health as a cornerstone of our state's health system. This bill is particularly timely given the rising burden of chronic diseases such as obesity, smoking-related illnesses and mental health issues, which require a strategic and coordinated response. Wellbeing SA was designed to embed prevention into every stage of life. Its strategic plan 2020 to 2025 focuses on early years, mental health and wellbeing, and chronic disease prevention through initiatives such as Open Your World. This agency fostered community engagement partnerships laying a strong foundation for preventive health.

This new bill builds upon that legacy. It introduces more integration and consolidates efforts in areas such as tobacco control, alcohol misuse and suicide prevention. Importantly, it retains the focus on improving health equity, particularly for Aboriginal and Torres Strait Islander communities. The Preventive Health SA Bill 2024 introduces the Preventive Health SA council, tasked with advising the chief executive and overseeing the implementation of strategic objectives. It mandates representation from Aboriginal and Torres Strait Islander communities, reflecting a commitment to culturally informed policymaking.

There are several commendable elements in this legislation, such as allowing the chief executive to act independently and impartially, providing evidence-based advice to the government. Within 18 months of enactment, the chief executive must develop a strategic plan outlining Preventive Health priorities and measures. This step is crucial for accountability and long-term impact. It will address disparities in health outcomes by appointing diverse representatives to the council.

The bill emphasises the importance of working with non-government entities. This is a true interconnectedness between social determinants in health. Over 75 stakeholders contributed to the consultation process. The board engagement has helped refine the bill and ensure the legislation aligns with existing laws, such as the South Australian Public Health Act 2011. Stakeholders have expressed support for the bill's objectives and its emphasis on collaboration, innovation and sustainability. However, they have also highlighted areas for improvements, such as including voices from regional and remote communities.

The Liberal opposition supports this bill and recognises its potential to address pressing health challenges. However, we emphasise the need for vigilant oversight in its implementation, particularly in ensuring adequate resourcing for the chief executive and agency functions, enhancing clarity around the strategic plan's scope and alignment with other heath initiatives, and strengthening representation for regional and remote areas within the council's framework.

This bill marks a pivotal step in embedding preventive health as a permanent and integral part of South Australia's health infrastructure. It builds on the foundation laid by Wellbeing SA and demonstrates a shared commitment to improving the health and wellbeing of all South Australians.

The Hon. R.A. SIMMS (17:11): I rise to speak in favour of the bill on behalf of the Greens. The Greens know that prevention is better than cure, not to mention being cheaper and more cost effective. We know we must find ways to keep people healthier throughout their lives rather than just treating illnesses once people get sick.

Successive reviews, both internationally and in Australia, have recommended that governments reorient their health systems towards primary and preventive health care. I think that is particularly important in the context of the debate that we are having around ramping in our state. We know that when you prevent people from being ill that also reduces the pressure that our hospital system is under. It is essential to ensure we have a healthy community and to reduce the strain of our emergency departments and hospitals.

The health of South Australians can be turned around with the right care, support and interventions early on. Primary health care is crucial to the provision of a responsive, effective and high-quality health system. Indeed, it is better to build a fence at the top of the cliff than to simply have an ambulance waiting at the bottom. Unfortunately, preventive health care has not always received the attention that it deserves in our state, but we do welcome this move by the government.

I want to acknowledge, as I have often in this place, the leadership of Minister Picton. He is someone who is passionate about preventive health, and I think he has a very strong track record. If you look at the legislation that he has explored during his time as minister, he has a very strong track record of trying to move our state further in the prevention space, and we certainly welcome that.

The Greens hope the Preventive Health SA agency will receive the funding it needs to carry out its essential work. We look forward to reading the strategic plan that Preventive Health SA will release in 2026, and we look forward to seeing the priorities and measures the agency will identify as key to improving the health and wellbeing of South Australians. Indeed, for my part, I will continue to push for action on childhood obesity.

Members will be aware that I have a bill that I plan to introduce into parliament in the new year, which is currently being drafted, that will prevent fast-food restaurants from popping up near schools. I have another bill to prevent junk food being advertised on public assets and within 500 metres of schools, and I intend to continue to advance that in the new year.

For now, it is important to note that the Greens support the passage of this bill. We do hope it leads to a more comprehensive approach to promoting the health of South Australians, and ultimately we hope it leads to a greater focus on primary healthcare services and preventive health because we know that this will benefit everybody in our community.

The Hon. S.L. GAME (17:14): I rise to add my comments in support of the Preventive Health SA Bill. The bill recognises the importance of preventive health and aims to enshrine it within South Australia's health infrastructure. Benefits from this would include reducing pressure on the acute health system and of course, most importantly, increasing the health and wellbeing of South Australians.

The public submissions we viewed on the Preventive Health SA draft bill were all strongly supportive of its goals and its structure, and it is difficult to argue about a measure that would ensure dedicated focus on improving our health and wellbeing as a state by addressing preventable risk factors.

I raise two points regarding this bill: firstly, the creation of another government bureaucracy must be overseen with due diligence. It is important this initiative has sufficient funding and other resources to carry out its stated functions, but it must not drift towards becoming a bloated, unaccountable body. It must have measurable goals.

Secondly, in relation to this bill and the information that members have accessed when deciding whether or not to support it, I have not seen a specific reference to men and men's health, unlike, for example, the focus on improving health equity for Aboriginal and Torres Strait Islander

people. I trust that the bill's mention of other priority population groups includes boys and men, a group often unfairly overlooked by policymakers.

The Hon. C. BONAROS (17:15): I am not listed to speak but I just want to indicate my support for this very good bill and associate myself with the remarks, and also commend the Hon. Mr Picton, the Minister for Health, on his efforts in this very important space.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:16): I thank all members for their contribution on this important bill and their indication of support.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 31 October 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:19): I rise as the lead speaker of the opposition to indicate our enthusiastic support of this piece of legislation. I would like to thank the government for bringing it to this place. This is a topic that is especially dear to me.

Since being elected to this place in 2020, I have been on a journey with organ donor families around the state and the nation to find ways to formally acknowledge this amazing gift of life, in fact so much so that I introduced a piece of legislation that passed this place earlier this year, the Births, Deaths and Marriages Registration (Tissue Donation Statements) Amendment Bill.

Since then, I have been working with the government to find a way to do just that. I believe this bill is fundamental for organ donor families, as well as recipients, to provide the comfort they need to know that they can speak freely about their loved ones and the amazing gift they have given to others, that is, the gift of life.

The Transplantation and Anatomy (Disclosure of Information Delegation) Amendment Bill 2024 is a bill that addresses critical concerns around organ and tissue donation and brings greater clarity and compassion to the legislation that governs it. This amendment to the Transplantation and Anatomy Act 1983 is both a practical and a moral step forward for South Australia.

At its heart, this bill achieves two key objectives. First, it provides families of deceased organ and tissue donors the legal clarity to share stories about their loved ones without fear of breaching confidentiality laws. Second, it modernises the existing legislation by simplifying administrative processes and enabling ministerial delegation.

The amendments focus on clarifying the disclosure of information provisions under the current act. They specify that confidentiality applies to professionals involved in transplantation, tissue removal, body donation and post-mortem examinations, and not to the next of kin or legal representatives of deceased donors and recipients, who may consent to disclosure. This adjustment ensures that families can honour the legacy of their loved ones and inspire others to consider the life-saving act of organ donation.

Organ and tissue donation is one of the most profound acts of generosity, transforming lives in miraculous ways. From kidney transplants that give new hope to patients with chronic renal failure to life-saving heart and lung transplants, the selfless decision of donors and their families is a gift beyond measure.

In South Australia, we have a proud tradition of organ and tissue donation leadership. We hold the highest rate of registered donors in the nation, with 73 per cent of South Australians opting in, a figure nearly double the national average. This achievement reflects our state's proactive policies, such as allowing driver's licences to indicate donor status. However, we can do more to foster awareness and normalise conversations around donation, and this bill is a crucial step in that direction.

I would like to acknowledge some of the key stakeholders and advocates that I have had the pleasure of working with over the years in the field of organ and tissue donation. In particular, I send a strong thank you to the team at the South Australian branch of DonateLife, the federal Organ and Tissue Authority body, which leads the campaign on researching, reporting and encouraging organ and tissue donation registration in Australia.

I would also like to thank some of the local advocates, including Heather Makris and Oren Klemich, whom it is always a pleasure to see at the annual DonateLife walk for life and also at the DonateLife annual rose planting ceremony in the memorial garden to honour the lives of donors who have contributed to the wellbeing and health of others through organ and tissue donation.

I would also like to acknowledge Donor Families Australia and their lead advocate, Bruce McDowell. Each year, they promote Donor Heroes Night, celebrating those who gave the gift of life and encouraging other Australians to talk with their families and loved ones about organ and tissue donation.

Despite our successes and positive campaigns, ambiguity in the current legislation has posed challenges for families of donors. Some have refrained from sharing their stories publicly, unsure whether doing so could constitute a breach of confidentiality laws. This uncertainty is unnecessary and counterproductive. It silences the voices of those whose stories could inspire others to register as donors.

This bill resolves those uncertainties. Allowing next of kin and legal representatives to consent to disclose information about a deceased donor ensures that families can share their loved one's contributions with dignity and with pride, whether in remembrance ceremonies, advocacy or public campaigns.

The amendments in this bill result from a robust consultation process conducted between July and August 2024. Over 85 responses were received from diverse stakeholders, including donor families, advocacy groups, transplant recipients and medical professionals. Remarkably, over 95 per cent of respondents supported the proposed changes. Their input has been invaluable in shaping legislation that balances the need for privacy with the importance of community education and awareness.

It is also important to note that similar amendments have been successfully implemented in other jurisdictions around Australia, including Victoria, New South Wales, Queensland, Tasmania and the ACT. This bill aligns South Australia's legislation with best practices nationwide and lays the groundwork for further harmonisation in ongoing national reviews of human tissue laws.

The passage of this bill has the potential to strengthen South Australia's already impressive record in organ and tissue donation. By removing barriers to open dialogue about donation, we can further foster a culture of generosity and inspire more people to consider registering as donors.

Moreover, this legislation respects the emotional journey of donors' families and transplant recipients. It ensures that their stories, often marked by profound loss and hope, can be shared without fear of legal repercussions. This is an important step in humanising the act of organ donation, reinforcing the message that it is an act of love and of community.

The Transplantation and Anatomy (Disclosure of Information and Delegation) Amendment Bill 2024 is a testament to the power of legislation to reflect and support the values of a community.

It honours the selflessness of organ donors and their families whilst encouraging more South Australians to consider giving the gift of life. I commend this amendment bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:25): I thank all honourable members for their contribution to this important bill, and I look forward to the committee stage.

Bill read a second time.

The Hon. T.A. FRANKS (17:25): I move, contingently, on the Transplantation and Anatomy (Disclosure of Information and Delegation) Amendment Bill being read a second time:

That it be an instruction to the Committee of the Whole Council on the bill that it have power to consider a new clause relating to mandatory notification of overseas transplant.

I move this contingent notice of motion noting that, while I do not necessarily expect support for the clause, the amendment that I seek to make today in regard to the disclosure of information, in particular mandatory notifications where there has been an overseas transplant, has the intention of raising an important issue, namely, that I feel that in the future it would be a really productive conversation to continue the work of the joint parliamentary select committee of some years ago to address the issue of organ harvesting.

There have been many recommendations, both from that committee's report and at a federal level, to address this scourge, the human rights abuse of forced organ harvesting, particularly as documented in, for example, prison camps in some countries. It might seem to somebody who is desperate for an organ that to travel overseas to acquire one might be an option for them if they are on a very long waiting list or they feel that they have no other options. However, this state and this nation have said that we will not abide the human rights abuses that come from forced organ harvesting.

We are taking measures at a federal level, and I would hope at a state level, to address that really important issue. At the federal level, I note that there has been a previous debate in recent months in regard to organ transplantation being declared on custom forms; that is, should somebody have gone overseas and had an organ transplant, that they declare it on their customs declaration card. This would go some way towards ensuring, at a state level through our health system, that mandatory notification of an overseas transplant is required of an appropriate medical practitioner if they have a reasonable belief that a patient has received an organ in a country outside of Australia.

I will move the amendment when we get to that point, but I will make the case now that I do not expect anyone to necessarily support this today. But I would hope that everyone will give consideration to coming back at a future date, with a different bill perhaps, to work collaboratively and cross-party on this really important issue of human rights abuses that are obviously happening beyond our shores but for which there are things that we can do here in South Australia to address it and stop the scourge of it.

The Hon. C. BONAROS (17:29): I did not speak at the second reading, but I indicate my support for the bill and commend all honourable members for their work in this space across the political divide. In relation to the amendment itself, in principle I am not opposed to what the honourable member is proposing. However, I would prefer to come back and consider it in the future in another piece of legislation as opposed to this one. On that basis I am not opposed to the concept, but I am hoping some undertakings will be provided by both major parties, which appear to have worked collaboratively on this issue up until now to revisit this issue in the new year in an effort to address the issue that the Hon. Tammy Franks has raised on behalf of the Greens.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:30): I also rise to indicate that, although the opposition appreciates and definitely supports the intent behind the Hon. Tammy Franks' amendment, it is also our view that this should be part of a wider set of reforms, including on individuals themselves, who broker or advertise human organs for purchase or sale abroad, including medical or health professionals, and therefore should form part of a standalone amendment bill. While we are supportive of the intent, we are not supportive of the motion today.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:31): I thank the honourable member for bringing this

amendment to this chamber and putting it on the record as an issue to be looked at. Although we will not support the amendment today, we are keen to look at it. I am advised that in August this year the federal government announced the Australian government will establish an Australian Law Reform Commission inquiry into human tissue laws, and this may well be something that can be looked at for, particularly, national harmonisation. I thank the honourable member for raising this issue and for putting it on the agenda.

Motion negatived.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

Parliamentary Committees

JOINT COMMITTEE ON THE LEGALISATION OF MEDICINAL CANNABIS

The House of Assembly informed the Legislative Council that it had appointed Ms Thompson to the committee in place of Mr Ellis (resigned).

JOINT COMMITTEE ON MENTAL HEALTH AND WELLBEING OF VETERINARIANS

The House of Assembly informed the Legislative Council that it had appointed Mr McBride and Ms Clancy to the committee in place of Ms Savvas (resigned) and Ms Thompson (resigned).

Adjournment Debate

VALEDICTORIES

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:35): I move:

That the council at its rising do adjourn until Tuesday 4 February 2025.

In moving that motion, I might say a couple of words and reflect on the year as we come to the close of the sitting year 2024, and take a moment to look back on the significant work that has occurred in this chamber of the South Australian parliament.

It has been a year of progress where we have debated, collaborated, and taken a lot of steps to move some pretty significant legislation in this chamber. Over the course of the third year of this term of parliament, we have passed—as at the passing of the bill just moments ago—64 individual pieces of government legislation in this chamber, a Beatles song, in fact, with the total time in this place being some 211 hours and 33 minutes of debate. I am not sure how that works; it is almost some sort of freaky quantum mathematics because I am certain the Hon. Frank Pangallo has spoken for more than 1,000 hours and yet the total is only some 200 hours. It is one of those weird ways maths works when light gets bent and gravity takes it, or something.

When you consider it, 64 bills and 211 hours, every approximately 3½ hours of sitting in this chamber we have passed a piece of legislation and I think that that reflects an effective and efficient way of passing legislation but also the legislation is often scrutinised quite heavily by this chamber.

We have seen this chamber at its best a number of times this year in making sure there are not any unintended consequences and that legislation is amended to make it the best it possibly can be.

We will of course have differences of opinion, particularly when legislation—as it often necessarily is particularly at this time of the year—builds up and is sought to be passed. I do acknowledge the significant pressure that puts on the opposition. Having been for the last term the Leader of the Opposition in this place, it is a difficult task when there is a lot of legislation that comes before the chamber for all members of the opposition, but even more so for members of the crossbench, the members of the crossbench that are number two in a party and have to distribute all the work between them but even more so the members of the crossbench where they are the only ones of their party or their group being represented.

It is a difficult task when you consider how much legislation we have passed and particularly how much legislation we have passed this week but also in recent weeks. A lot of the work we have done this year has seen meaningful changes to improve the lives of South Australians. We certainly had a focus on community safety, exemplified by just one week in September where we passed bills on indefinite detention for serious repeat child sex offenders, cracking down on adults who recruit children to commit crimes, codifying the common law of forfeiture so that individuals cannot benefit from crimes, strengthening bail laws for terrorist suspects, stronger protections for people who suffer identity theft, fixing issues in terms of spent conviction laws, and to modernise regulation of explosives in South Australia. As I said, that was just one week in September of this year.

As I said, we have been listening to members of the community. We have been meeting, in a lot of cases, community expectations in terms of what we do here, in terms of the results and in terms of the process. We have seen key reforms in areas in terms of industrial relations aiming to improve the transparency of SafeWork, ensuring that victims and their families are no longer kept in the dark, and we have legislated reforms in areas such as industrial manslaughter and to empower our independent industrial tribunal to better resolve health and safety disputes at work.

Additionally, we have made significant changes for people in the community services sector, with the introduction of portable long service leave for the overwhelmingly female workforce in that area to make sure, where many have difficulty, they can port their long service leave to get the benefit many in the community expect.

Speaking of long service, it was a another good year for the Hon. Ian Hunter and the Hon. Russell Wortley, who have given extremely long service to this chamber already. Speaking of historic things in this parliament, it was a pleasure to see earlier this year the portrait of Aunty Gladys Elphick unveiled and adorning the walls of this parliament. It is the second portrait of an Aboriginal person to hang on the walls of this parliament and the first portrait of an Aboriginal woman to hang on the walls of this parliament. When you go on the ground floor side near the Premier's office, just yesterday walking through the parliament with a lot of Aboriginal people back and forth after the Voice had their contribution here, it makes a difference. People can be what they can see. When you have Aunty Glad and Sir Douglas Nicholls sitting side by side prominently in parliament, it makes a difference.

History was made yesterday when we had our First Nations address our parliament, the first time something like that has happened in any parliament anywhere in Australia. There were big, good reforms in this state during the course of this year, but it is not possible without everyone who makes this place tick over.

I would like to thank you, Mr President, for your patience, your remarkable skill, your chastising those who step out of line very occasionally, particularly the Hon. Heidi Girolamo, who is doing it again right now—she has been doing it all night, ref! Mr President, your leadership and your exemplary behaviour is something to behold, although very recently I think the phrase that I used to hear as a kid sometimes, 'Do as I say and not as I do,' comes to mind, but enough about that.

I would like to thank the whips, the Hon. Ian Hunter and the Hon. Laura Henderson, who keep the majority of this chamber who come from the two major parties in control most of the time. I know many members of the respective parties will be dreading seeing the number come up on their mobile phone during sitting hours from either the Government Whip or Opposition Whip pulling us all into line.

Thank you to the Hon. Nicola Centofanti, the Leader of the Opposition. It is a remarkable way we operate in this chamber. People would either be very pleased or horribly appalled to know that the Hon. Nicola Centofanti and I talk regularly just to make sure that anything that may arise we sort out often before they become issues. I am grateful, and I think it helps with the working of this chamber.

To the members of the crossbench, who, as I have talked about before, bear a workload that the rest of us, the majority of us from the major parties, fortunately do not suffer. Thank you for the generally good spirited way that you conduct yourselves in this chamber and for your occasional telling offs. If you add up the telling offs people got in this chamber from the Hon. Connie Bonaros this year alone, it would amount to several dozen, so thank you for keeping us in line, particularly from the crossbench.

Thank you to the Clerk and the Usher of the Black Rod, Chris and Guy, and your mighty sword that you have in front of you every day. I thank the other support staff in the Legislative Council: Kate, Leslie, Emma, Anthony, Super Mario, Charles, Karen and Todd. Thank you to all the committee staff, to Andrew and the Hansard team, to John and the library staff, to the finance staff and the building services, including the building attendants, PNSG IT, People and Culture staff, Centre Hall staff, police security and the cleaning staff—everyone who helps us do what we do on a daily basis.

I would like to thank the staff in the Blue Room and catering, who provide us the sustenance to keep us going, even though I am never allowed to have white bread on a sandwich when I go in and I am not allowed doughnuts when I go to the Blue Room, but besides that I thank them for everything that they do for us.

I particularly want to thank, on a personal note, staff from the Attorney-General's Department, particularly Leanne, Darcy, Nikki, Scarlett, Daniel, Ali, Maddy, Naveena and Nina and the extensive work of the legislative services team who, amongst a very, very small group, have helped development, very late into the night very often and staying very late in the night here to provide answers when members ask questions about legislation we have passed this year. I also thank my own staff: Patrick, Roland, Angas, Meredith, Elliette, Jenny, Riley, Amelia and Craigy-na for their support and what they do during the year.

I would also like to take some time to acknowledge the significant reforms we have seen this year to the Hon. Russell Wortley's phone etiquette. It is now not every single day that his phone goes off during question time. I would also like to—

The Hon. R.P. Wortley: It's normally Ben Hood that rings me.

The Hon. K.J. MAHER: I'm getting there. I would also like to acknowledge the members of this chamber who take great delight in calling the Hon. Russell Wortley during question time just to see if he has worked out how to turn his phone off yet—and the answer is generally no.

Finally, I want to thank everyone who entrusts us to be here in this place: the voters and electors of South Australia who we serve every day of the year. It is a great privilege to be here. I look forward to another productive year next year, and as we adjourn I would like to wish everyone happy holidays, and may your new year be full of sausage rolls.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:46): It gives me great pleasure to once again rise on behalf of the opposition to say a few words, to wish everyone a very merry Christmas and a safe new year. And what a year it has been. We have had by-elections, we have had union shenanigans, we have had legislative reform, disease outbreaks, droughts, frosts—you name it, we have had it.

Those of us in this chamber know that the upper house is a little bit like the quality control department of the legislative process, where bills go for a second opinion, a bit of a tune-up and sometimes a complete overhaul. Whilst the lower house might be eager to race through debates and pass laws, the upper house is where things slow down and properly get scrutinised. It is a place where the finer details are debated and where some of the best arguments I think can be found, often with a side of humour and the occasional sarcastic remark.

Some of our colleagues in the other place may lament that the upper house is the place where legislation goes to be heavily scrutinised, and sometimes listening to the Hon. Frank Pangallo in the wee hours of the morning I tend to agree, but without it we would have a lot more rushed laws that potentially need some serious fixing down the track.

So while we might not always agree, let's be honest: it is this chamber, the upper house, that keeps things in check, making sure that the legislation we pass is as good as it can be or at least less likely to make us look like we have missed something important. That is something we should all be very proud of in this place.

I want to firstly and most importantly take the opportunity to thank the wonderful staff of Parliament House: our messengers, Karen, Charles and Mario, who have likely carried more messages than any ancient Roman courier; our tireless administrator, Todd; Kate in the Clerk's office, who somehow makes sure the paperwork does not eat us all alive; the brilliant table staff, Emma, Anthony and Leslie; and the committee secretaries, who I think absolutely deserve medals for juggling work across both the upper and lower houses without turning into circus performers. So a massive thank you to all those who keep things ticking along smoothly.

To Creon and the catering team, your mission, should you choose to accept it, is to keep me supplied with Golden North ice cream—honey with a touch of caramel sauce, of course. Thank you for all you do to keep us fed and hydrated in this place with such style. The Riverland CrossFit gym also thanks you for ensuring I pay my monthly membership.

A big thanks to Andrew Cole and the Hansard staff for their eagle-eyed diligence in capturing every word and to John and his team at the Parliament Research Library. I will say this: John's team is an absolute delight to work with. They are like Wikipedia but with degrees, the occasional PhD and smiles.

I also want to acknowledge the behind-the-scenes superheroes: finance, building services, including the attendants; the switchboard operators; the cleaners; the People and Culture crew; and the newly formed PNSG group. Your hard work has been the backbone of our operations this year. Special mention to the parliament security team as well, especially during those chilly winter evenings. It is nice to know that someone has our backs as we leave the building.

To the Black Rod and the Clerk: your unwavering support and guidance are very much appreciated. You make yourselves available like reliable GPS systems, always pointing us in the right direction when we need it the most.

As the festive season looms, I would like to take a moment to recognise the long hours and the sacrifices made by everyone in this building. Many of you have spent time away from your loved ones and the amount of unseen work is truly remarkable. You always stay much, much later than we do in this chamber. I cannot imagine what the chamber would be like without all of your efforts; I am pretty sure it would involve a lot of confused MPs and possibly some misplaced bills.

To the government and the crossbench, while I know we have all had our fair share of sleepless nights, heated debates and the occasional back and forth on issues, it is a testament to this chamber that we keep working towards the greater good of the people of South Australia. It is not always easy but it is never ever boring.

A special thanks to the whips, the Hon. Laura Henderson and the Hon. Ian Hunter. As I said last year, and I will say it again this year, herding cats, feral cats at times, might be easier than managing this place, but somehow you both make it look fairly effortless, so we are truly grateful. Wait for it.

To the Leader of the Government: zip, zero, zilch. This is how much I know about the Attorney-General's portfolio and having had to step into this role in the absence of my fellow colleague the Hon. Michelle Lensink—and our thoughts are with her and her family during this time—I do not know how you both do it. I have appreciated your patience with me, leader, during this period. It has been a whirlwind experience. I have learnt more in the past few weeks than I thought possible, especially when it comes to deciphering the intricacies of the legal system—something that definitely makes my head spin faster than a courtroom drama. I know about these because I have been a bit of an avid watcher of *Suits*, featuring the Hon. Frank Pangallo's favourite royal Meghan Markle.

So from ensuring justice is served to navigating the complexities of legal reform, I have gained a new-found appreciation for the weight of this role. However, between you and I, Mr President, I would take electronic identification of sheep over ASIC v Rich any day. But in all seriousness, I would like to acknowledge the work of the Leader of the Government in all his roles. While we do not always see eye to eye, I certainly appreciate his leadership and do enjoy our banter across the chamber. Perhaps one day we will be collectively kicked out—we can but only hope—and I can teach you about the intricacies of high-frequency eID tag technology—fascinating, absolutely fascinating—and also how to tell the difference between a 'leve' and a 'levee'.

The Hon. K.J. Maher: Don't verbalise me.

The Hon. N.J. CENTOFANTI: Touché. Well done, it is not every day you can manage a group of passionate individuals without losing your sense of humour and for that, my Christmas gift to you is something I know you will be pleased with—Clinkers.

Of course, to my Liberal Party colleagues: the Hon. Jing Lee, the Hon. Heidi Girolamo, the Hon. Ben Hood, the Hon. Dennis Hood and the Hon. Laura Henderson, thank you for your dedication, your energy and your unwavering commitment. You make this job a whole lot more enjoyable and your hard work does not go unnoticed. A massive thanks also goes to our incredible staff who keep everything running smoothly, from managing diaries to responding to correspondence, doing research and communicating with industry. Their work is the glue that holds us all together and I am incredibly proud of all the Liberal staffers on level two.

I do want to self-indulge for a moment, Mr President. I want to acknowledge the staff from my office, in particular, Julie Quimby for the amazing, incredible work she does to keep me on track, and I can tell you at times it is not easy. Her energy is contagious and she has been an inspiration and a huge support to me all year long, as has all of my team in the Centofanti office. I thank them from the bottom of my heart.

And let's not forget the staff from across the aisle. Your collaboration and communication make this place run a little bit more smoothly, and for that we are all grateful. Finally, Mr President, thank you for your leadership in presiding over this chamber. You certainly have your work cut out for you with our occasionally spirited debates, but you do handle it with patience—well, almost always with patience. Last night clearly got the better of you, but mostly you handle it with patience, and we all appreciate it.

Speaking of patience, you will be pleased to know I am not about to break out in song, although I do enjoy a Christmas carol or two. Nor have I brought my harmonica, but I did want to update the chamber that since the Leader of the Government's announcement last year, Minister Scriven's and my Christmas duet, 'I'll Abalonely Christmas Without You', topped the charts. Unfortunately, the rest of the album was a flop, and I am sure we can all agree why, but such was the success of that single that the minister has begged me to join her for a full album, which goes on sale today, entitled 'Rudolph the eID-tagged Reindeer'.

This album is a little bit different because it features a number of our colleagues. For instance, you will see us partner with the Hon. Robert Simms with a song I am sure will be a hit, entitled 'Santa Claus is Coming to Town via Regional Passenger Rail'. The Hon. Frank Pangallo got a leg up from the member for Hammond with his tune 'I'll Pee Home for Christmas', and the Hon. Connie Bonaros was keen to do a Christmas rendition of the B-52's classic *Rock Lobster*. The Hon. Russell Wortley was keen for a song, but unfortunately his phone kept ringing throughout the recording, so he got the cut.

As we head into the festive season, I am mindful that not all South Australians experience the joy and celebration that many of us take for granted, especially many of those in the farming communities right across our state given the current circumstances. This year my thoughts are with all of those facing hardship. The holiday season can be a tough time for some, but we are fortunate to have organisations like Foodbank SA, the Smith Family and the Salvation Army, who provide essential support all year round.

The holiday season can also be extremely tough for those who have recently lost loved ones, and I do want to acknowledge the Hon. Tung Ngo, who recently had heartbreak in losing his beautiful

daughter, Renee. I know I speak for everyone in this place when I say we will be thinking of you and your family, particularly this Christmas, Tung, and we are all here for you.

For my family, this Christmas will once again be spent enjoying my home region of the Riverland. As much as I love being here with everyone in this chamber, I will be cherishing every moment I can over these holidays being with my husband and my three children. As we wrap up the parliamentary year, I would like to extend a heartfelt thanks to all who contribute their time, expertise and service in this institution. We are a part of something greater than ourselves, and your support is absolutely truly appreciated. With that, I wish you all a very merry Christmas and a safe and joyful new year.

The Hon. R.A. SIMMS (17:57): I want to rise very briefly on behalf of the Greens to also wish everybody here a happy and safe and healthy Christmas. For the Greens in this place, it has been a significant year. It is also one of significant change for our party. I want to acknowledge the news from my colleague the Hon. Tammy Franks from a few months ago that she would not be standing for re-election, a significant change for the SA Greens because Tammy has been a huge contributor and a real trailblazer in South Australian politics. There will be a lot of time between now and the next election to acknowledge Tammy's work, and I know we are going to continue to work together for the next year and a bit, but I just wanted to acknowledge Tammy's significant service.

It is also a time of change within the Greens' offices. I want to acknowledge my longtime office manager Lisa Adams, who will be finishing up next week. Lisa came and joined me when I was first elected to the Senate, and when I joined the state parliament she came and joined me here and set up my new office. She will be leaving at the end of next week to start a new role in the community sector, and I really want to thank her for her years of service, and also to thank the other members of my team—Melanie, Sean and Michael—and all of the staff in Tammy's office for the huge amount of work they have done as well.

I want to thank all the people who work here in the building for their amazing work, and to thank all of my colleagues here in this place. Might I say, I think one of the great things about democracy in our state is that we can have differences of opinion, but we are able to come together and work together and treat each other in a collegial way and with respect, and may that continue.

I do also, on behalf of the Greens, want to recognise that this is a challenging time for many in our community, and I know that overseas at the moment there are significant global conflicts. I am sure all of us hope for peace in the new year and for an end to those hostilities in many parts of the world. Our thoughts are also, of course, with those South Australians who are doing it tough at the moment, in particular those who are struggling with the cost-of-living crisis. May the new year bring happier times for all South Australians.

The Hon. C. BONAROS (18:00): I was just going to get up to say merry Christmas because of my son's school disco, but I have missed the deadline, so I will thank everybody in this building who keeps the wheels of this place turning. I thank my amazing staff: my wingwoman Jody, and Emily, Luke and Alex—and everyone else's staff who I rope in to help us get our work done, including Angas—bless your cotton socks; I do not know what any of us would do without you.

I also want to thank an extraordinary group of people outside of this place who, through nothing but passion for the work that we do, give up so much of their time to help us do our work. It comes from across so many different sectors and they are just dedicated South Australians who want to see a better place for all of us. They give up their time freely and willingly each and every day, or at least every time I get on the phone and beg for their assistance, to make our lives a little bit easier with the workload that we have in here. I am eternally grateful to all of them.

Aside from that, I want to thank everybody in here and to echo the sentiments that have been expressed across the board—to you, Tung, as well. Michelle, we love you, and we wish you a safe and merry Christmas. I echo the sentiments just expressed by the Hon. Rob Simms. It is a difficult time out there in so many different ways and for so many different reasons, not just here but across the globe. While we are very privileged to be in here, I think it would be remiss of us not to acknowledge how many people are doing it tough.

So with those words, and to you, Mr President, and everybody in here—and all the amazing people in here who each and every day make our lives possible, and parliamentary counsel who are not in here but we all love—merry Christmas, happy new year, happy holidays, go well, stay safe and love your families.

The PRESIDENT (18:02): I would just like to add a few remarks to this motion. To the staff who work in this place, especially in the chamber but throughout the building, I really appreciate the words of the Leader of the Government, the Leader of the Opposition, the Hon. Mr Simms and the Hon. Ms Bonaros. I am not going to repeat everybody, but I really do appreciate everything that everybody does.

To you all, thanks for your cooperation, most of the time, throughout the year. This is a great democracy. We do not agree, but almost all the time we manage to keep the debates pretty respectful. At the end of the day, you are all very good humans and sometimes we have to remember that when we are getting stuck in. I feel like a bit of a dad sometimes just trying to keep the love in this place.

The Hon. C. Bonaros: Last night?

The PRESIDENT: We all get tired and emotional at times. I just implore you all to manage yourselves over the next period of time as we get through Christmas. When I say manage yourselves, look after your health, look after your mental health, come back refreshed, do not be a hero. Just try to make sure you spend as much time as you possibly can with family and friends, and then come back and do the outstanding job that you all do next year. With that, I wish you all a very merry, happy and peaceful Christmas period, and I look forward to seeing you all next year.

Motion carried.

At 18:05 the council adjourned until Tuesday 4 February 2025 at 14:15.