

**LEGISLATIVE COUNCIL****Tuesday, 4 February 2025**

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

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

*Bills***STATUTES AMENDMENT (PARLIAMENT - EXECUTIVE OFFICER AND CLERKS) BILL***Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

**RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL***Assent*

Her Excellency the Governor assented to the bill.

**ELECTORAL (ACCOUNTABILITY AND INTEGRITY) AMENDMENT BILL***Assent*

Her Excellency the Governor assented to the bill.

**STATUTES AMENDMENT (VICTIMS OF CRIME) BILL***Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

**OFFICE FOR EARLY CHILDHOOD DEVELOPMENT BILL***Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

**GREYHOUND INDUSTRY REFORM INSPECTOR BILL***Assent*

Her Excellency the Governor assented to the bill.

**TRANSPLANTATION AND ANATOMY (DISCLOSURE OF INFORMATION AND DELEGATION)  
AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

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

*Assent*

Her Excellency the Governor assented to the bill.

**JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

**ELECTORAL (MISCELLANEOUS) AMENDMENT BILL**

*Assent*

Her Excellency the Governor assented to the bill.

**PREVENTIVE HEALTH SA BILL**

*Assent*

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure*

**PAPERS**

The following papers were laid on the table:

By the President—

Corrigendum to Independent Commission Against Corruption Report, Integrity State,  
2023-24 [Ordered to be published]  
Corrigendum to Ombudsman SA—Annual Report, 2023-24

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

South Australian Metropolitan Fire Service Superannuation Scheme: Report, 2023-24  
Fees Notice under Acts—  
Tobacco and E-Cigarette Products Act 1997  
Regulations under Acts—  
Animal Welfare Act 1985—Use of Traps  
Assisted Reproductive Treatment Act 1988—General  
Automated External Defibrillators (Public Access) Act 2022—General  
Controlled Substances Act 1984—Poisons—Pharmacist Vaccine Administration  
Single-use and Other Plastic Products (Waste Avoidance) Act 2020—Food  
Containers  
Tobacco and E-Cigarette Products Act 1997—E-Cigarette and Other Reforms  
Determination of the Remuneration Tribunal No. 8 of 2024—Accommodation and Meal  
Allowances for Ministers of the Crown and the Leader and  
Deputy Leader of the Opposition  
Determination of the Remuneration Tribunal No. 9 of 2024—Accommodation and Meal  
Allowances—Judges, Court Officers and Statutory Officers  
Determination of the Remuneration Tribunal No. 12 of 2024—Salary of the Governor of  
South Australia  
Determination of the Remuneration Tribunal No. 13 of 2024—Overseas Accommodation  
and Daily Allowance Pacific Judicial Conference—  
Chief Justice Kourakis

- Determination of the Remuneration Tribunal No. 14 of 2024—Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers
- Determination of the Remuneration Tribunal No. 15 of 2024—Conveyance Allowances—Judges, Court Officers and Statutory Officers
- Determination of the Remuneration Tribunal No. 16 of 2024—Accommodation Reimbursement and Allowances for Country Members of Parliament
- Determination of the Remuneration Tribunal No. 17 of 2024—Exemption to the Financial Year Cap of Fees for Deputy Board Member Mr Greg May for the Year 2024-25
- Report of the Remuneration Tribunal No. 8 of 2024—2024 Review of Accommodation and Meal Allowances for Ministers of the Crown and the Leader and Deputy Leader of the Opposition
- Report of the Remuneration Tribunal No. 9 of 2024—2024 Review of Accommodation and Meal Allowances—Judges, Court Officers and Statutory Officers
- Report of the Remuneration Tribunal No. 10 of 2024—Review of Electorate Allowances for Members of the Parliament of South Australia
- Report of the Remuneration Tribunal No. 11 of 2024—2024 Review of Reimbursement of Expenses Applicable to the Electorate of Mawson Travel to and from Kangaroo Island by Ferry and Aircraft
- Report of the Remuneration Tribunal No. 12 of 2024—Salary of the Governor of South Australia
- Report of the Remuneration Tribunal No. 13 of 2024—Overseas Accommodation and Daily Allowance Pacific Judicial Conference—Chief Justice Kourakis
- Report of the Remuneration Tribunal No. 14 of 2024—2024 Review of Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers
- Report of the Remuneration Tribunal No. 15 of 2024—2024 Review of Conveyance Allowances—Judges, Court Officers and Statutory Officers
- Report of the Remuneration Tribunal No. 16 of 2024—2024 Review of Accommodation, Reimbursement and Allowances for Country Members of Parliament
- Report of the Remuneration Tribunal No. 17 of 2024—Application for exemption to the financial year cap of fees for Deputy Board Member Mr Greg May for the year 2024-25 Sitting Date
- Report of the Remuneration Tribunal No. 18 of 2024—2024 Review of Minimum and Maximum Remuneration for the City of Holdfast Bay Council Local Government Chief Executive Officer

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

- Regulations under Acts—  
Guardianship and Administration Act 1993—Prescribed Amount  
Succession Act 2023—General
- Rules under Acts—  
South Australian Employment Tribunal Rules 2024
- Rules of Court—  
District Court Act 1991—  
Joint Criminal—No 5  
Uniform Civil—No 13  
Uniform Special Statutory—No 4  
Environment, Resources and Development Court Act 1993—  
Joint Criminal—No 5  
Uniform Civil—No 13  
First Nations Voice Act 2023—  
Uniform Civil—No 13  
Local Government (Elections) Act 1999—  
Uniform Civil—No 13

Magistrates Court Act 1991—  
    Joint Criminal—No 5  
    Uniform Civil—No 13  
    Uniform Special Statutory—No 4  
Supreme Court Act 1935—  
    Joint Criminal—No 5  
    Uniform Civil—No 13  
    Uniform Special Statutory—No 4  
Youth Court Act 1993—  
    Joint Criminal—No 5  
    Uniform Civil—No 13  
    Uniform Special Statutory—No 4

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

Regulations under Acts—  
    Public Sector Act 2009—Ministerial Travel Reports  
    Return to Work Act 2014—Limits on Costs

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

Regulations under Acts—  
    Fisheries Management Act 2007—  
        Demerit Points—Miscellaneous (2024)  
        General—Miscellaneous (2024)  
        Marine Scalefish Fishery—Carriage of Devices on Registered Boat  
        Rock Lobster Fisheries—Miscellaneous (2024)  
        Sardine Fishery—  
            Fishing Zones  
            Quota Entitlement  
        Vessel Monitoring Scheme—Sardine Fishery Zones  
    Livestock Act 1997—Electronic Identification of Sheep and Goats  
    Motor Vehicles Act 1959—  
        Classification of Licences  
        Demerit Points  
        Emergency Workers  
    Passenger Transport Act 1994—  
        Airport Taxi Fare  
        Miscellaneous (2025)  
    Rail Safety National Law (South Australia) Act 2012—Drug and Alcohol Testing  
    Road Traffic Act 1961—  
        Light Vehicle Standards—Emergency Vehicles  
        Miscellaneous—Helmet Standards and Emergency Workers  
        Road Rules—Ancillary and Miscellaneous Provisions—  
            Emergency Workers

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

    South Australian Forestry Corporation Charter

By the Minister for Emergency Services and Correctional Services (Hon. E.S. Bourke)—

Regulations under Acts—  
    Cost of Living Concessions Act 1986—Miscellaneous—No 2 (2024)  
    Gaming Machines Act 1992—Approved Trading System  
    Retail and Commercial Leases Act 1995—Prescribed Threshold  
Fees Notice under Acts—  
    Births, Deaths and Marriages Registration Act 1996

**The PRESIDENT:** On behalf of all members we congratulate the new minister to the chamber.

*Parliamentary Committees*

**SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST AND OTHER REGIONS OF SOUTH AUSTRALIA**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21):** I lay upon the table the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

*Ministerial Statement*

**COPPER AND SCRAP METAL THEFT**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:26):** I table a ministerial statement made in the other place by the Treasurer on tough new laws to crack down on copper and scrap metal theft.

Leave granted.

**NATION LEADING KNIFE LAW REFORMS**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:26):** I seek leave to make a statement about nation-leading knife law reforms.

Leave granted.

**The Hon. K.J. MAHER:** The Labor government was proud yesterday to announce a package of reforms that will see South Australia have the toughest and most comprehensive knife laws in the country, to ensure we are doing all we can to protect the community and to ensure that our police have all the tools at their disposal to do their jobs.

This comprehensive package of reforms includes new powers for our police to conduct wandering searches at places like shopping centres. Police will have new powers to undertake wandering searches at public transport hubs and the police will have new wandering powers extended to public transport vehicles. These changes will allow police wandering powers at all licensed premises, and any person with a relevant history of weapon-related violence, or who is a member of a declared criminal organisation, will also be subject to these new police metal-detecting wandering powers at any time.

The sale of knives to minors under the age of 18 will be banned with no exceptions, unlike the bill we saw put up by the member for Hartley-led opposition. Further, the display of signage stating that knives cannot be sold to minors will be mandated at any retail premises selling prescribed knives. Reforms under the government bill will also require secure storage of certain knives in stores selling such knives.

Under the government's reforms new offences will be created for supplying a knife to a minor if the supplier knew or ought reasonably to have known that the minor intended or was likely to use the knife for the commission of an offence. Further, offences for carrying and using knives at schools and public places will also be significantly expanded to cover childcare centres, preschools, kindergartens, university and TAFE campuses.

These comprehensive reforms were developed following extensive discussion and consultation with SA Police and the community. Following the release of a discussion paper, the government received significant engagement, with over 100 YourSAY survey responses and 36 written submissions. This government will not hesitate to continue its history of making sure we are tough on these sorts of crime reforms and to do the hard work to keep our community safe, which is not mere lip service as we have heard sometimes from the opposition.

While the opposition's attempt at protecting our community from knife crime was to introduce a rushed, ill-thought-out bill with enforceability issues, which by itself would have had little effect, this comprehensive package of reforms is the government's thoughtful and legitimate action to make sure that South Australian knife crime laws are tough and effective and give the police the tools they need to keep our community safe.

#### **MOUNT REMARKABLE FIREFIGHTER INJURY**

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:29):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. E.S. BOURKE:** In the short time I have had the privilege of being in this role, I have already seen, firsthand, the incredible contribution our volunteer firefighters make in protecting our communities across the state.

Last night, I was advised that one of our CFS volunteers sustained burn injuries while responding to the Wilmington fire in the Mount Remarkable National Park, which remains closed. The firefighter is receiving medical attention, and their condition is being monitored. The wellbeing of our CFS volunteers—the men and women on the frontline who give up their time to keep South Australians safe—is a priority.

I am advised that all necessary care and support is in place for the member, their family and the wider CFS community. I have spoken to the CFS Chief Officer, Brett Loughlin, and he has informed me that this member is a pillar of the community, as so many of the CFS volunteers are. I am aware that the CFS Foundation, which supports members, also stands ready to assist. My thoughts are with the Region 4 members who are currently responding to this fire. I thank them for their incredible efforts, as well as other South Australian firefighters and volunteers who have travelled across the border to help fight significant fires in Victoria.

Personnel risk their own safety to protect ours, and I want their service to be recognised in my role. My thoughts, along with the thoughts of the entire government, are with the injured volunteer and their family as they go through this difficult time.

*Parliamentary Procedure*

#### **PRODUCTION OF PAPERS**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:43):** Mr President, pursuant to the order of the council on Wednesday 27 November 2024, I lay upon the table two reports prepared by Mr Mark Priadko from 2011-2012, titled 'Financial Sustainability Review Reports', in relation to the South Australian Museum and the Art Gallery of South Australia respectively.

*Members*

#### **SENATE VACANCY**

**The PRESIDENT (14:44):** Before I call on questions without notice, I remind members that having received a memorandum from Her Excellency the Governor notifying that a vacancy has happened in the representation of the state in the Senate of the Commonwealth, and pursuant to joint standing order No. 16, on 30 January 2025 I summoned members of the council and the House of Assembly to a joint sitting of the houses in the Legislative Council chamber at 12.30pm on Thursday 6 February 2025 for the purpose of choosing a person to fill the vacancy in the Senate caused by the resignation of Senator the Hon. Simon Birmingham.

*Parliamentary Procedure*

#### **SITTINGS AND BUSINESS**

**The PRESIDENT (14:44):** Before we move on to questions without notice, members may recall that in January the Hon. Robert Simms raised the issue of chamber numbers, questions,

question allocation, and appropriate fairness, along with the support of members of the crossbench. I have given due consideration to the Hon. Mr Simms' and the crossbenchers' request and have determined to implement a minor tweak to the question time order.

What it will be is: three questions from the opposition, one from the government, two from the crossbench, which is the change, and then back to one opposition, one government, one crossbench and so on. I will monitor the effectiveness of the change and adjust, if necessary, to ensure fairness to all members.

#### *Question Time*

### **SARDI FISH DEATHS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:45):** My questions are to the Minister for Primary Industries on the topic of SARDI fish deaths. Has the investigation into the snapper larvae and oyster spat deaths at SARDI during October and November last year been completed? If so, what are the findings of the investigation? Has the minister been briefed on, or is she aware of, any further fish deaths at the SARDI facility, West Beach, or any neighbouring facilities that have not yet been publicly reported? If so, can she outline what species are affected and in what numbers?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46):** I thank the honourable member for her question. SARDI is continuing the investigation into the deaths of snapper larvae, oyster spat and barramundi brood stock and fingerlings that occurred in late 2024 at PIRSA's South Australian Aquatic Sciences Centre and the co-located Robarra barramundi commercial hatchery at West Beach.

PIRSA is undertaking the analysis, working with the Department for Environment and Water and South Australia's Environment Protection Authority, to understand what was occurring environmentally at the time of the mortalities. They occurred from mid-October to early November 2024 and impacted the government's snapper restocking program and the state oyster industry-funded POMS-resistant family line program, both of which are located at PIRSA SARDI's research facilities at West Beach. Private barramundi nursery and hatchery Robarra, which is co-located at the West Beach facility, incurred losses of barramundi brood stock and fingerlings.

Multiple lines of information are being considered in the investigation, including pathology results, environmental water quality data, coastal oceanography and aquaculture practices. Routine and independent pathology tests on snapper larvae, oyster spat and barramundi fingerlings were negative for infection by notifiable diseases or other pathogens. The investigation is looking at coastal water quality and is compiling data relating to local stormwater run-off, wastewater treatment, sand movement and weather events.

At this stage it's important to note there is no evidence directly linking the mortalities at the PIRSA facility to the dredging trial, as has been raised by the Leader of the Opposition in public comments. It's important that any analysis is based on the science and not on speculation. I would suggest that those opposite should remember the importance of evidence.

### **SARDI FISH DEATHS**

**The Hon. T.A. FRANKS (14:48):** Supplementary: has the investigation ruled out any correlation with the sand dredging trials?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48):** As I said, there is no evidence directly linking the mortalities to the dredging trials, and the investigation is looking at a large number of different factors that may or may not have had an impact.

### **SARDI FISH DEATHS**

**The Hon. T.A. FRANKS (14:48):** Supplementary: has the investigation ruled out any relationship with the sand dredging trials?

**The PRESIDENT:** The honourable Leader of the Opposition has a supplementary question arising from the original answer.

**SARDI FISH DEATHS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:48):** Supplementary arising from the original answer: when is the investigation expected to be complete, and is the minister aware of any additional spate of fish deaths after the initial fish kill that was originally reported?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49):** The analysis will be complete once all lines of investigation have been completed. I think it is particularly important that any analysis should be thorough and robust. After all, it's in everyone's interests, for those who have been affected, to find the answers, if those answers are indeed available.

SARDI is very keen to understand what may have contributed to the deaths. They have obviously been impacted, and of course Robarra is as well. I haven't had formal notification of additional fish deaths, and my understanding is that there have not been any at SARDI, although I understand there may have been additional impacts at Robarra but that is currently not something that has been confirmed.

I think, when we come back to the importance of evidence, the Leader of the Opposition needs to be aware of why we need evidence—evidence rather than speculation, evidence rather than—if we want causation then we need to do the analysis, and that is what is occurring. I am further advised that the dredging trial on metropolitan Adelaide beaches was commissioned and overseen by the state's Department for Environment and Water. This is important to note because the Leader of the Opposition had a letter published in a regional paper claiming that it was conducted by the Environment Protection Authority (EPA).

It was not conducted by the EPA. The EPA licenses the trial as a dredging activity in accordance with normal procedures. The licence required a dredge management plan to be approved by the EPA prior to the commencement of dredging. I know the Leader of the Opposition here doesn't like to be corrected when she has got something so totally wrong that she didn't even know that the EPA does not conduct dredging.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** The EPA does not conduct dredging; the EPA does the licence. So she likes to interject when she is being corrected. She doesn't like to actually admit that she has got—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —it wrong. The dredge management plan is required under a licence to be approved by the EPA prior to the commencement of dredging. This process seeks to ensure that measures and controls are in place throughout the trial to prevent and minimise environmental harm. The dredge management plan, I am advised, was prepared to the satisfaction of the EPA and included requirements for (1) a sediment characterisation sampling program consistent with the national assessment guidelines for dredging, Commonwealth of Australia; (2) a water quality monitoring plan; (3) a seagrass monitoring plan; and (4) a noise management plan.

I am advised the sediment sampling program prior to dredging confirmed that the sediments identified for dredging contained low or undetectable levels of contaminants. Turbidity was continuously monitored by the licensee at six sites during the trial, with trigger levels stop and mitigate to protect water quality and seagrass. Throughout the operations turbidity remained similar to background levels recorded before the trial, and the turbidity triggers to protect water quality and seagrass were not reached.

I am advised further that a seagrass survey was conducted by the licensee in August 2024, prior to dredging operations, to establish a baseline of nearby seagrass meadows before the trial commenced, and further surveys are being conducted post dredging. This monitoring will help inform the EPA's understanding of the potential impacts from dredging and inform assessment of the



technical environmental feasibility of future dredging activities proposed along the Adelaide metropolitan coastline. Finally, I am advised the dredging operations were completed and were compliant with the EPA licence conditions.

I think it is important to place on the record the process—because the Leader of the Opposition is obviously ignorant of it—that happens when a licence is issued. When it comes back to the death of the fish, the larvae, etc., SARDI is as keen as anyone to understand the reasons for it. That's why a thorough and robust analysis is being undertaken, and I hope that it will provide some answers for us.

**The Hon. N.J. CENTOFANTI:** Final supplementary.

**The PRESIDENT:** No, your next question. We are eight minutes in and we have had one question.

#### SARDI FISH DEATHS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:53):** My question is to the Minister for Primary Industries on the topic of SARDI fish deaths. Given the minister speaks about the importance of a thorough and robust investigation, why are the departments allowed to investigate themselves, and why won't the government perform an independent investigation?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54):** It's very disappointing to see the Leader of the Opposition again undermining the world-renowned staff and researchers at places such as SARDI. They are keen to understand, if indeed it can be found, the reason for the fish deaths. They are world-renowned researchers. They are keen to find the answers, and this constant undermining of the SARDI staff I think is extremely disappointing.

#### SARDI FISH DEATHS

**The Hon. T.A. FRANKS (14:54):** Supplementary: what is undermining about having independence in an investigation?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54):** We have experts in all of these areas. Those experts are being utilised.

#### ADELAIDE BEACH MANAGEMENT REVIEW

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:54):** I seek leave to make a brief explanation before asking a question of the Attorney-General in relation to his previous role as the minister responsible for overseeing the Adelaide Beach Management Review.

Leave granted.

**The Hon. N.J. CENTOFANTI:** The Adelaide Beach Management Review was tasked by yourself to oversee a process for the identification of a sustainable solution to manage Adelaide's beaches. According to the Adelaide Beach Management Review Independent Advisory Panel Chair, Mr Mark Searle, there was insufficient information to determine the viability of the proposed dredging methodologies, particularly with regard to appropriate sand sources and environmental impacts to enable fair comparison with the pipeline methodology. He recommended that further investigations are required to determine the viability of the proposed dredging methodologies, including broader environmental impacts. My questions to the Attorney are:

1. Given the independent panel's recommendation, what investigations were performed prior to you signing off on the dredging trial that began on 3 October last year, and what were the outcomes of those investigations?

2. Was the Attorney aware of, or was he given any advice by the Department for Environment and Water on, the location of the inlet pipes for the SARDI and the private barramundi breeding facility prior to signing off on the dredging trial?

3. Has the minister been briefed anytime since the start of the dredging trial on any environmental impacts on the surrounding area and, if so, can he share the contents of those briefings with the chamber?

4. Did the government review similar dredging trials and their outcomes in other jurisdictions prior to commencing the trial?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:56):** I thank the honourable member for her question. As the honourable member indicated, there have been dredging trials that have taken place. Those trials involve dredging sand from multiple sites and depositing it on West Beach to test the technical, environmental and operational feasibility of the practice of dredging. The results of those trials are currently being analysed, and we look forward to that analysis coming forward. I do note that the EPA, the Environment Protection Authority, licensed the trials, and conditions were placed on how it was done.

#### **ADELAIDE BEACH MANAGEMENT REVIEW**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:57):** Supplementary: did the Department for Environment and Water consult with either PIRSA or SARDI prior to that dredging trial taking place?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:57):** As I have said, the Environment Protection Authority's permission was required for these to take place. I know that the Department for Environment consulted widely and, importantly, undertook the dredging with those EPA approvals in place.

#### **ADELAIDE BEACH MANAGEMENT REVIEW**

**The Hon. T.A. FRANKS (14:57):** Supplementary: is the minister concerned there is no independent investigation into the fish deaths that may be related to the dredging trials?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:57):** I think, as my colleague the honourable Minister Clare Scriven has said, we should all take comfort in the remarkable quality of the staff and researchers we have within Primary Industries and within SARDI. We should all take every confidence that they will look thoroughly at the cause and, if there is one, report back.

#### **ADELAIDE BEACH MANAGEMENT REVIEW**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:58):** Final supplementary from the original answer: why did the government commit to a trial of dredging prior to any further investigation into the broader environmental impacts of dredging in the region, going against the independent panel's report recommendations?

**The PRESIDENT:** That is a pretty comprehensive supplementary question.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58):** The independent panel recommended the action that we took.

#### **CUMPSTON, MS N.**

**The Hon. M. EL DANNAWI (14:58):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the departure of long-time curator and founding director of Tarnanthi Festival of Contemporary Aboriginal and Torres Strait Islander Art?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:59):** I thank the honourable member for her question and her interest in this area. The Art Gallery of South Australia has announced the departure of long-time curator and founding director of Tarnanthi Festival of Contemporary Aboriginal and Torres Strait Islander Art, Nici Cumpston OAM. Nici, a Barkandji artist

and creator, is a visionary leader in the art world and a trailblazer in the recognition of Aboriginal and Torres Strait Islander artwork on both a national and international scale.

Nici joined the Art Gallery of South Australia in 2008 as the institution's first Curator of Aboriginal and Torres Strait Islander Art. Since joining, she has made a very significant impact in elevating the voices, stories and cultural heritage of Aboriginal and Torres Strait Islander peoples through the medium of art. Her leadership and vision came to full fruition in 2014 with the establishment of Tarnanthi. Since then, Tarnanthi has grown to be a cornerstone of South Australia's Aboriginal and Torres Strait Islander arts calendar, drawing national and international acclaim for its celebration of creativity, diversity and resilience of artists and Indigenous art.

Nici's departure from the Art Gallery of South Australia leaves an incredible legacy, cementing the gallery as a national leader in the exhibition and celebration of Aboriginal and Torres Strait Islander art. I would like to congratulate Nici on the beginning of a new and exciting journey. She takes up the role of Director of Kluge-Ruhe Aboriginal Art Collection of the University of Virginia in Charlottesville. This collection and museum is regarded as the only institution outside Australia dedicated to the exhibition of Aboriginal and Torres Strait Islander arts and culture.

Anyone who has spent time with Nici Cumpston can't help but be affected by her infectious good nature and her dedication to Aboriginal and Torres Strait Islander art. Her journey is a testament to the transformative power of art and the importance of cultural stewardship. I wish her every success in her new role, confident that she will continue to be a powerful advocate for the art and culture of South Australian and Australian Aboriginal and Torres Strait Islander peoples.

#### **APY LANDS GENERAL MANAGER**

**The Hon. F. PANGALLO (15:01):** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the appointment of a general manager to the APY lands.

Leave granted.

**The Hon. F. PANGALLO:** Throughout last year, starting in April and finishing in October, I asked the minister a series of questions about the highly contentious process to select and appoint a new general manager to the APY lands. This followed the government's decision in March last year not to approve the terms and conditions of a new contract for the then incumbent general manager, Richard King, which set in play the controversial selection process for his replacement.

I have already articulated in this place the numerous controversies surrounding Mr King and the belief by many elders on the lands that Mr King is unsuitable for the role. They have alleged that he is a bully who resorts to abuse and violence to get his way. I also articulated in this place last year the seriously dubious selection process that followed, where highly qualified candidates who applied weren't even shortlisted for interview, while Mr King—who didn't apply for the position—was somehow recommended by the APY lands board to be reappointed.

When I asked the minister in October whether he had made a decision to approve Mr King's terms and conditions, he revealed that he hadn't at the time and had asked for further information. This is despite the fact Mr King has had more than 10 adverse findings against him in failed Supreme Court judgements, Ombudsman's reports and independent mediators' reports. My questions to the minister are:

1. Have you yet approved Mr King's terms and conditions?
2. What was the additional information you sought, and from whom and which department?
3. If so, how can you as the government representative approve the terms and conditions of his contract, virtually rubberstamping the board's contentious decision, given Mr King's controversial past?
4. Do you have any concerns over the entire selection process?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:03):** I thank the honourable

member for his question. As I have said a number of times in response to questions from the honourable member about appointments that the APY Executive make in relation to the general manager, it is not my decision as the minister about who is appointed. That is the decision—and that is how the legislation is written—of the APY Executive.

It is up to the minister of the day, as the previous minister, the former Premier, was minister of the day when Mr King's last contract was approved. Not to approve the actual appointment is not the role of the minister, but to approve the terms and conditions that are put forward. As I have said, I think—and I will double-check this—the correspondence said there was a unanimous resolution of the board to reappoint Mr King to the position.

I have asked for further information in relation to just a couple of aspects about the terms and conditions that were being proposed. I am happy to go and check. I will need to take on notice the specific aspects that were requested. That was at the end of last year, but I am happy to take that on notice and bring it back to the honourable member but, once satisfied of those, it is not my role, as I said, to determine who the APY Executive choose; it is to be satisfied of the terms and conditions.

**The PRESIDENT:** Supplementary question, the Hon. Mr Pangallo, arising from the answer.

#### **APY LANDS GENERAL MANAGER**

**The Hon. F. PANGALLO (15:05):** The thrust of the question was: have you yet approved Mr King's terms and conditions?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:05):** I have not yet approved the terms and conditions. As I said, we asked for clarification on a couple of items. I don't have them in front of me, but I am happy to take that on notice.

#### **MINISTERIAL CARS**

**The Hon. R.A. SIMMS (15:05):** 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 ministerial cars.

Leave granted.

**The Hon. R.A. SIMMS:** In recent days, there has been extensive media coverage over the New South Wales transport minister, Jo Haylen, and her use of her ministerial car for private purposes, including a 446-kilometre trip to go to lunch with her friends in the Hunter Valley. The New South Wales Premier, Chris Minns, has responded to these claims by saying that he intends to change the rules for ministerial cars to ensure that they are only used for official business purposes. He told *The Australian* newspaper, 'We have to do better. Clearly the rules have been way too lax.' My question to the Attorney-General therefore is:

1. Does the minister believe South Australia's current ministerial car use guidelines are in line with community expectations?
2. Do they permit personal use and, if so, will the government commit to following New South Wales's lead in ensuring that ministerial cars can only be used for official business?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:06):** I thank the honourable member for his question. Fleet SA and ministerial drivers come under the portfolio responsibilities of the Treasurer, but I have no information that any minister doesn't follow the guidelines properly in terms of the use of ministerial cars. I am happy to let the honourable member know that we will have a look at what they are doing in New South Wales and consider it.

#### **MINISTERIAL CARS**

**The Hon. R.A. SIMMS (15:07):** Supplementary: do the South Australian ministerial guidelines for the use of vehicles permit their use for personal use, as has been the case in New South Wales?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:07):** As I said, I have no knowledge that any minister is not following the guidelines appropriately.

#### MINISTERIAL CARS

**The Hon. R.A. SIMMS (15:07):** Supplementary: do the guidelines permit personal use? That is the question.

**The PRESIDENT:** The Hon. Mr Simms, you can't just repeat the question.

**The Hon. R.A. SIMMS:** The minister alluded to the guidelines; he won't tell me what is in them.

**The PRESIDENT:** We are not having a conversation.

#### OFFICE FOR AUTISM

**The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:07):** My questions are for the Minister for Autism regarding the Office for Autism operations:

1. As Minister for Autism, what are your key roles and responsibilities?
2. Which department is the Office for Autism sitting under, or are there plans for there to be a standalone department?
3. What is the current budget and FTE, and has that changed since she has become Minister for Autism?
4. Which minister does the Office for Autism now report to?

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:08):** I thank the member for her question and I congratulate her on her new position. The Office for Autism is still based in the Department of the Premier and Cabinet. That is where it was established and that is where it is. It is an incredible nation-leading policy to have the Office for Autism and one that we are very proud of.

Their role is to make sure that the community can reach out to them and be supported and to be driving our policy agenda in this space, and that is something I am really proud of. Now, going on the journey from being the Assistant Minister for Autism and now becoming the Minister for Autism and being able to take those voices directly to the cabinet table is an incredible outcome for the autistic and autism communities.

#### OFFICE FOR AUTISM

**The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:09):** Supplementary: given the role overlaps with other departments, what is your plan to ensure that, as Minister for Autism, you are able to work with those departments for the best outcomes? Also, if you would like to take on notice around the budget and FTE, that would be great.

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:09):** In regard to how we can make this work in the best way for not only the government but also the community, I am really proud that it is based in the Department of the Premier and Cabinet. It is enabling us to work across the entirety of government. I made very clear when we established the office that having it there enables us to work across all government departments. My role as minister is to make sure we are getting the right people to the table to have those conversations and to facilitate those conversations, and I am really proud that we have been able to achieve that.

#### FORESTRY CENTRE OF EXCELLENCE

**The Hon. R.P. WORTLEY (15:10):** My question is to the Minister for Forest Industries regarding the appointment of a new Forestry Centre of Excellence director. Will the minister update the council on the recent commencement of the Director of the Forestry Centre for Excellence?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:10):** I thank the honourable member for his question. The Malinauskas Labor government appreciates and understands the importance of research and development in our forest industries here in South Australia. This government is aware that, to make continued advances in the forest industries regarding such matters as biomass energy, the ongoing evolution of the strength of timber, such as CLG and GLT, or making our trees more climate adaptive and resilient, it is critical that further research and development is undertaken.

Prior to the last election this was a key request from the forest industry in South Australia, and we listened and we delivered. We are delivering \$16 million over 10 years on a purpose-built Forestry Centre of Excellence, but also that long-term funding over a decade will allow long-term certainty for this critical industry.

Late last year, at the launch of the Forestry Centre of Excellence in Mount Gambier, the Premier and I announced to the forest industry and the community the appointment of distinguished Professor Emeritus Jeff Morrell as the inaugural Forestry Centre of Excellence director. Jeff has a significant background in the forest industry, both here in Australia and in North America, with a focus on forest pathology and mycology, along with spending large parts of his career in wood deterioration and its prevention.

He has spent time previously at Oregon State University on the west coast of the United States, where he directed the durability program, followed by five years in Brisbane at the University of the Sunshine Coast, where he helped establish the Centre for Timber Durability and Design Life. I am pleased to inform this place that Professor Morrell has now relocated to Mount Gambier in regional South Australia and just this week formally started in the new role as the Director of the Forestry Centre of Excellence.

Professor Morrell intends to be in Adelaide this week for the Parliamentary Friends of Forestry event and the Forest Industries Advisory Council of South Australia (FIACSA), where he will speak to FIACSA members about some of the centre's key priorities and aspirations for the industry. Professor Morrell has spent his career devoted to bridging the gap between academia and industry, to solve problems while developing the basic research needed to address future issues facing the forest industry.

This is a key aspect of the Forestry Centre of Excellence, with a need to bring the research sector and industry together in addressing the challenges and opportunities the sector faces. The centre is being developed to extract maximum resource value from fibre resources, reduce the industry carbon footprint, build greater collaboration between industry, academia and government, and create new and more diverse economic opportunities.

Importantly, it will encompass the full range of the forestry supply chain, including plantation management, harvesting and haulage and timber processing. It will also aim to cover the technical, safety and training aspects relevant to those sectors. I am confident that Professor Morrell will do an excellent job in this role, and I congratulate him on his success on being appointed after a global search. As a fellow Limestone Coast local, I am particularly pleased that he is calling our region home, and I welcome him to our community.

### **MESSAGE THERAPISTS**

**The Hon. J.S. LEE (15:13):** I seek leave to make a brief explanation before addressing a question to the Attorney-General about regulations for massage therapists.

Leave granted.

**The Hon. J.S. LEE:** A report by ABC News on 25 January 2025 found that the massage therapy industry could be a breeding ground for predators due to a lack of regulation. Massage therapy is currently a self-regulated industry and, unlike other health professionals such as doctors and dentists, massage therapists are not regulated by the Australian Health Practitioner Regulation Agency.

Following the recent case of Jason Hagon, an Adelaide massage therapist who pleaded guilty to 11 counts of indecent assault in June last year, ABC News has also identified another

massage therapist who is currently facing allegations of sexual offences in South Australia, but has not been banned from practising. Because of the lack of regulation and the high number of massage therapists who have been allowed to continue practising even when facing allegations of sexual offences, victims and industry bodies have called for better regulation. The Association of Massage Therapy has indicated that it wants:

...more stringent and coherent regulatory action...to better protect the public from [deviant] practitioners.

My questions to the minister are:

1. What does the government propose to do to address the massage therapy industry lack of regulatory oversight, which is required from other health practitioners?
2. Will the Attorney-General commit to new measures about developing more stringent and coherent regulations to better protect the public?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:15):** I want to thank the member for her question. It is a very good question, and I acknowledge her longstanding interest in protecting the public of South Australia. The responsibility for regulation in terms of occupations generally lies with Consumer and Business Affairs, which is the responsibility of my colleague Minister Andrea Michaels. The regulation of health treatments generally lies largely with the Minister for Health. I am happy to take that on notice and get some information from my colleague in another place so that I can bring the honourable member a comprehensive answer.

#### VIOLENCE IN PRISONS

**The Hon. J.M.A. LENSINK (15:16):** I seek leave to make a brief explanation before directing questions to the Minister for Correctional Services regarding violence in prisons.

Leave granted.

**The Hon. J.M.A. LENSINK:** New data has revealed that violent attacks within South Australian prisons have more than doubled in the past financial year, reaching record levels. A total of 481 inmates and correctional officers were allegedly assaulted in 2023-24, which is an increase from 239 in 2022-23 and 143 in 2021-22. The number of serious assaults against prisoners has also doubled, with correctional officers experiencing a sharp rise in violent attacks. My questions to the minister are:

1. What specific measures is the government implementing to address violence within South Australian prisons?
2. With serious assaults against correctional officers at a record high, what additional protections or resources will be provided to frontline staff?
3. Does the government acknowledge that its current prison management strategies need to be changed to control rising violence?
4. Given the significant rise in violence, does the government intend to conduct an independent review into prison conditions and safety protocols?

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:17):** I thank the honourable member for her question. The government takes these matters incredibly seriously, as I am sure all members in this chamber do. All forms of assault against a prison officer, no matter how minor, are unacceptable.

I am advised that people who assault prison officers can face up to 15 years' imprisonment, and the same penalty exists for attacking an emergency services worker. I have been advised that one offender has received an additional custodial sentence of more than seven years. Just because you are already in prison it doesn't mean that bad behaviour will go without punishment.

The Malinauskas Labor government has invested heavily in our prisons to help keep our community and our correctional workforce safe. Over \$220 million in the last state budget was made

available to increase prison capacity. More searches are being carried out and contraband seized before it enters our prison system, under tough new measures and upgraded security.

The 17 per cent rise in searches last financial year and the record amount of contraband uncovered follows increased efforts to prevent the introduction of items that may pose a safety risk, including weapons and drugs. More than 103,000 searches were conducted in 2023 and 2024, resulting in 1,500 contraband discoveries. Compare this to 88,000 searches in 2022-23 and over 900 prohibited items seized.

Recently, we have seen upgrades in digital security systems. These have been placed in Yatala and, in my understanding, also in the Adelaide Remand Centre, Mount Gambier, Mobilong and Port Augusta. These state-of-the-art CCTV cameras help to improve the overall security and operation of our prisons. I am also advised that Yatala and the AWP body-scanning machines are also proving effective in keeping our contraband out.

As you have pointed out, over the past five years I am advised that the total number of assaults against correctional officers and prisoners in the Adelaide Remand Centre has doubled. What happened in 2019? We saw the privatisation of the Adelaide Remand Centre. Whilst this is now privatised, the workforce there are working incredibly hard, with also those new services made available to them that I just outlined. The Adelaide Yatala Labour Prison saw 20 assaults and the Adelaide Remand Centre saw 12 assaults, comprising mostly minor assaults that did not need serious medical treatment.

We are taking this seriously. As you are aware, those numbers were made available and we are looking forward to working with Corrections to ensure that we can see what we can best put into place, and also with the appropriate union.

#### **GREENACRES RESERVE SPORTING FACILITIES**

**The Hon. R.B. MARTIN (15:20):** My question is to the Minister for Recreation, Sport and Racing. Can the minister please inform the council about the recent upgrade of the Greenacres Reserve recreational facility?

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:21):** Thank you for your question. It was an absolute pleasure, in my first official duty as the Minister for Recreation, Sport and Racing, to join the Port Adelaide Enfield Mayor in opening the new Greenacres Reserve sporting facility last Thursday night. Greenacres Reserve is home to four sporting clubs, with approximately 400 weekly participants. Greenacres Tennis Club, Payneham Postel Lions Soccer Club, North Eastern Knights Cricket Club and Windsor Gardens Old Scholars Soccer Club all call the space home, and members of the local community also utilise these facilities.

Just like on the field, many have had to work together off the field to make this project a reality. Thanks to the efforts of the state government, Port Adelaide Enfield council, the local member, the clubs, players and volunteers, the reserve now has a brand new clubroom and upgraded training facilities that are designed to bring the local community together and offer a place of sport, recreation, relaxation and connection with nature.

The upgrade features a new multiclub facility that includes new function spaces and change room facilities as well as four new tennis courts, upgraded lighting and upgraded cricket nets. The site also includes new public toilets and a recreational court for community use. The redevelopment and the construction by the South Australian firm BluBuilt was jointly funded by the City of Port Adelaide Enfield and state government, with the Office of Sport, Rec and Racing I understand contributing \$1.4 million to the project.

The brand new function space will enable the club to hold regular functions and raise extra revenue. This opportunity has not been available to any of the clubs previously and will be a great support for their future. The change room facilities now meet unisex standards and, I am advised, allow the club to grow their junior and female programs, providing appropriate facilities for players before and after training matches.



Greenacres Tennis Club is able to use tennis courts and lighting that are now compliant with Tennis Australia facility guidelines for training and competition. Booking courts has also been reinstated, enabling the club to provide community use and maximum activity on the courts outside of their used times. The North Eastern Cricket Club is able to use cricket nets that are compliant with the Cricket Australia facility guidelines, and the upgrades have already seen a significant increase in community use. They are just a number of the many benefits this project provides and will ensure that the community is able to engage in sport they love going forward.

#### FERAL DEER

**The Hon. C. BONAROS (15:23):** I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about feral deer culling.

Leave granted.

*Members interjecting:*

**The Hon. C. BONAROS:** Well, well—

*Members interjecting:*

**The PRESIDENT:** Order! Order!

**The Hon. C. BONAROS:** According to the Landscape SA Limestone Coast's website—and the reasons I am asking these questions may become apparent very soon—ground culling operations (in other words, ground shooting), engaged and managed by the landscape board but undertaken by private contractors, have been approved for the eradication of feral deer, as follows:

- 20 January to 30 June this year ground culling on private land in the Upper Limestone Coast;
- 1 February to 30 June this year ground culling operations on selected roadsides within the Kingston SE district council area for approximately 10 days of every month.

The website goes on to list some 34 roads within that precinct, all approved for roadside culling. My questions to the minister are:

1. What, if any, consultation has occurred with neighbouring properties other than signposts in the area with a mobile number (presumably for the contractor)?
2. What, if any, assessment of the area was undertaken to determine the proximity of roadside culling to residential premises, properties and homes?
3. What, if any, consultation occurred with SAPOL regarding roadside culling operations using centrefire, high-powered firearms?
4. How has the risk of flying bullets or the risk to local residents been mitigated, if at all?
5. What, if any, discussions have been undertaken with the contractors regarding the possibility of criminal prosecution if things go wrong?
6. How on earth was roadside culling in proximity to private premises, effectively by snipers, allowed by this government, given the safety concerns that have been raised by locals in the area?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:26):** I thank the honourable member for her question. First, given that it is under the auspices of the landscape boards, that is obviously under the scope of the Minister for the Environment in the other place, so in regard to the specific questions I will refer those to her and bring back a response to this place. However, I can speak about the eradication program for feral deer in general, and point out that it works in accordance with the National Code of Practice and Standard Operating Procedures for the Effective and Humane Control of Feral and Wild Deer. It uses a number of different mechanisms.

**FERAL DEER**

**The Hon. C. BONAROS (15:27):** Supplementary.

**The PRESIDENT:** It's going to be interesting to listen to your supplementary, the Hon. Ms Bonaros.

**The Hon. C. BONAROS:** In so doing, in terms of consulting with Minister Close, the Minister for the Environment, can this minister confirm whether those guidelines include any consultation with SAPOL about roadside culling—not ground operations generally, but roadside culling in residential areas?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:27):** I am happy to include that in the question to the minister in the other place and bring back a response.

**FERAL DEER**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:27):** Supplementary: was the Minister for Primary Industries aware of the ground culling program and, in particular, aware of the use of self-reloading firearms, otherwise known as semi-automatics, on public land?

**The PRESIDENT:** It is a reasonable question but it is not really a supplementary question from the answer the minister gave. You might want to ask it as a question as we go through today.

**MOUNT GAMBIER AND DISTRICT SALEYARDS**

**The Hon. B.R. HOOD (15:28):** I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the Mount Gambier saleyards.

Leave granted.

**The Hon. B.R. HOOD:** The District Council of Grant has again been rejected—for the third time now—in their bid for federal funding of \$7.4 million to transform the Mount Gambier saleyards. The council was advised last Wednesday that their major project had once again failed to receive the much-needed funding boost from the Albanese federal government. Meanwhile, the member for Barker announced last year that the future Coalition government would commit \$7.5 million to a once-in-a-generation infrastructure upgrade. My questions to the Minister for Primary Industries and Regional Development are:

1. When was the minister made aware that the council application was not successful?
2. What practical steps did the minister take to advocate for this project's most recent application?
3. Has the minister spoken with federal Minister King regarding the failure to fund the saleyards?
4. Has the minister met with the District Council of Grant?
5. Will the Malinauskas government recommit to their \$2.7 million funding for the project?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:29):** I thank the honourable member for his question. The District Council of Grant applied for funding through round 2 of the commonwealth government's Growing Regions Program for its saleyards transformation project. I was pleased that I co-signed a letter to the council with the Premier in August last year reconfirming the state government has quarantined \$2.7 million in funds, subject to accessing federal government funding for the project.

It is disappointing that the council's bid for funding for this important project has not been successful under round 2 of the program. I would like to acknowledge the many hours of work that have been undertaken over at least the last four years, if not more, by the council, the Mount Gambier and District Saleyards committee, council staff and stakeholders in seeking to secure federal funding. I understand that in the coming weeks the District Council of Grant and the saleyards committee will

consider the next steps for the project. I look forward to the opportunity to discuss those into the future.

In terms of some of the specific questions that were asked, I spoke with the Mayor of the District Council of Grant on the day that they received the notification that they had not been successful. I certainly have spoken with Minister King previously about this matter, and what her particular comments were, were that in contrast to the former federal Liberal government's pork-barrelling, she was very much at arm's length from the decisions. She made a very transparent process, she established a transparent process, proper processes that will be, I am advised, absolutely transparent in terms of what that process is. I think that is a relevant point to note.

The project is one that our government committed to prior to the last election and indeed, if I recall correctly, prior to the then-Liberal government making that commitment. It is something that we think is certainly important. Of course, it is also worth noting that when the former federal Liberal government was in place, they did not provide the funding.

#### **MOUNT GAMBIER AND DISTRICT SALEYARDS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:32):** Supplementary: does the Minister for Primary Industries not believe that investment in the saleyards is a critical productive investment and infrastructure?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:32):** The government has committed money to this project because they consider it very important.

#### **MOUNT GAMBIER AND DISTRICT SALEYARDS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:32):** Further supplementary: will the minister be advocating that this become a federal Labor government election commitment?

**The Hon. C.M. Scriven:** What was the question?

**The Hon. N.J. CENTOFANTI:** Will the minister be advocating to her federal colleagues that this investment be made a federal Labor government election commitment?

*Members interjecting:*

**The PRESIDENT:** Order! If you are going to stand up and ask a supplementary, can you please make sure it fits within the guidelines. The Hon. Mr Ngo.

*Members interjecting:*

**The PRESIDENT:** Order!

#### **SOUTH AUSTRALIA POLICE OFFICER OF THE YEAR AWARD**

**The Hon. T.T. NGO (15:33):** My question is to the Attorney-General. Will the minister inform the council about last year's South Australia Police Officer of the Year Award?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:33):** I thank the honourable member for his question, and his interest in this area. I am very pleased to share with the council the recipient of the 2024 South Australia Police Officer of the Year Award, last year going to a resident from the South-East of South Australia. Naracoorte-based Senior Constable Chris Mailley has been named SA's Police Officer of the Year in recognition of his groundbreaking work to tackle the scourge of domestic violence in the South-East of our state.

Senior Constable Mailley has worked in SAPOL's Family Violence Investigation Section for many years and has demonstrated real leadership and passion for change in the community, having driven a community-led approach for dealing with victim survivors of domestic violence. His vision for a community-led program led to the launch of the Upper South-East Domestic Abuse Program, which provides domestic violence victim survivors with a facilitated pathway to exit life-threatening domestic violence situations. Senior Constable Mailley said that as police officers, and I will quote him:

We find ourselves dealing with very vulnerable people. This can be because of physical or sexual abuse, coercive control, child abuse or elder abuse: the reasons can be complex.

The program is fully self-funded with community donations and fundraising events supporting the program. Senior Constable Mailley originally hails from Birmingham in the UK where he was a police officer across many different high-intensity roles. It wasn't until 2009 that Senior Constable Mailley moved from the UK and settled in Naracoorte straightaway, feeling right at home with the community feel of a country town, and finding great fulfillment as a SAPOL officer. In a humble acceptance of his Police Officer of the Year award, Senior Constable Mailley said:

...this [award] belongs to the community: businesses, service groups, individuals, colleagues, and management team—there's just too many involved and that shows how much support there's been for the DV program and other initiatives we've set up.

I would like to thank Senior Constable Mailley for his work that is recognised in this award, and his leadership in the South-East community.

Domestic violence is everyone's problem and it is critical that the entire community, including police and other first responders, have a compassionate and supportive role in responding to victim survivors to ensure their safety.

### NEO-NAZI GATHERINGS

**The Hon. T.A. FRANKS (15:35):** I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of Neo-Nazi gatherings.

Leave granted.

**The Hon. T.A. FRANKS:** On 26 January this year, a group of self-described Neo-Nazis assembled at the War Memorial on North Terrace before marching down North Terrace chanting slogans like 'Australia for the white man, the rest must go,' and 'White man fight back.' In promotions for this gathering the group identified as the National Socialist Network (the NSN) made it clear that their aim was to disrupt and intimidate those attending the annual Survival Day Rally.

Following the arrest of several of these Neo-Nazis, it was revealed that most of them had come from interstate and had travelled to South Australia for the specific purpose of attending this rally and other NSN events. My questions to the Attorney-General therefore are:

1. Was the Attorney-General briefed by SAPOL in regard to the potential gathering of these NSN members and, if so, when?
2. What measures are being considered to prevent this sort of terror on tour from occurring again?
3. Will the government be considering listing the NSN as a declared organisation under the Serious and Organised Crime (Control) Act 2008 to prohibit their gathering?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:37):** I thank the honourable member for her questions. In relation to her first question about briefings, I have regular briefings with the police commissioner and I am sure the honourable member will understand that I won't go into the nature and details of the briefings I have with the police commissioner. However, I do know that our officers in SAPOL have regular contact with their federal counterparts to understand what threats we may be facing in South Australia.

The honourable member has talked about the gathering that occurred on Sunday 26 January where I am advised 16 members were arrested and charged with various offences, including a new offence that only came into operation last year of displaying a Nazi symbol. I am informed that other charges include carrying an offensive weapon or article of disguise and failing to cease loitering. My advice is that of those 16 members, 15 individuals were from interstate.

I want to be very, very clear here that it is my view and the government's view that there is no tolerance for these sorts of actions in our society today. These groups peddle hate and intolerance, which is completely and utterly out of step with the inclusive multicultural society that I am very proud to live in, in South Australia.

We will do everything that we can in relation to listing as serious and organised crime organisations, or any other power that we have, and we will look to see if they can be applied. Outlaw motorcycle gangs are much more easy to regulate than some other groups because they have a much more structured membership and initiation procedures, etc., to make it very easy for police to prove in court that they are members of an organisation—but we will continue those discussions.

I also know that there has been a national cabinet meeting on antisemitism held in recent weeks where a national database of people who have these sorts of extremist views is being looked to be set up, as are all attorneys-general from around Australia tasked with looking at exactly the issues that the honourable member has referred to. I am very pleased that this chamber and this parliament have already passed banning Nazi symbols in South Australia. That was able to be used and given effect to with these disgusting protests.

### SWASTIKA TATTOOS

**The Hon. T.A. FRANKS (15:39):** Supplementary: without commenting on the current case, is the Attorney-General confident that our laws prohibiting Nazi symbols prohibit swastika tattoos?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:40):** I have to check, but yes, I think they do prohibit the public display of such tattoos. Let me double-check that.

### OFFICE FOR AUTISM

**The Hon. D.G.E. HOOD (15:40):** My question is for the Minister for Autism, and it is my first opportunity to ask her a question. I congratulate her on her elevation. Minister, what are the specific goals of the Office for Autism? Does it have published or publicly available KPIs, and how will its success or failure be measured?

**The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:40):** Thank you for your question. I was worried what you were going to ask me because I didn't respond to your Christmas message. Thank you for your question, and I will go gentle, but your question does sort of grate me a little because in South Australia we have a strategy, which is an incredible KPI to have. It is an incredible strategy that had a lot of consultation, in my understanding one of the highest consultations for a disability-focused YourSAy survey.

The community really drove that process, and because of that we now have a KPI called a strategy. From that, we are able to deliver on it, and we are well and truly doing that in South Australia. One of the very first things we were able to achieve was developing a charter, and that charter was rolled out in South Australia. The opposition decided not to sign that charter for whatever reason, and I open that up again for you to be able to sign it because it has been developed by the autistic community. Again, it is a great target for us to be seeing what we can do across government to be more inclusive for the autistic community.

Something we are working on that was just reannounced last week to remind people that it is happening is an advisory round table regarding assessments. Everyone knows in this chamber—you would have heard a story from many people in your community—the challenges sometimes in seeking an assessment. Where do you start? How do you go about getting an assessment? Then maybe when you are diagnosed autistic, what happens next? It is a really big conversation to have, and one that has not been coordinated before.

So, going back to your questions earlier about what my role is, it is to do just that: to bring people to the table who have not been at the one table before to have these really mature conversations to figure out what we can do to better improve autism assessments in South Australia. We are really excited that that process is now underway.

### FARM BUSINESS RESILIENCE PROGRAM

**The Hon. J.E. HANSON (15:42):** My question is to the Minister for Primary Industries and Regional Development. Will the minister update the council about the Farm Business Resilience Program in South Australia?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:42):** I thank the honourable member for his question and his ongoing interest in regional South Australia. I am pleased to advise the chamber that over \$1 million has recently been allocated to the Farm Business Resilience Program to grow the reach of the GrowStrong program amongst South Australian viticulturists and vegetable growers. The program is jointly funded by the federal and state governments and is designed to build the strategic management capacity of primary producers to prepare for and manage risk, adapt to a changing climate and improve their economic and social resilience.

Importantly, the GrowStrong program is sector led, providing industry-specific learnings to maximise the benefits for participants. Under the Farm Business Resilience Program, the Wine Grape Council of South Australia successfully delivered the GrowStrong program for wine grapegrowers in Langhorne Creek, the Riverland and the Limestone Coast last year. A further \$1,021,000 has been allocated to the Wine Grape Council of South Australia, and they will now deliver the program to four new regions, namely the Adelaide Hills, Barossa, Clare and McLaren Vale. There will also be a provision for follow-up support for past participants, and \$210,900 has also been allocated to AUSVEG SA to continue delivery of tailored training for South Australian vegetable growers.

Some of the features of the program include training opportunities that can equip farm businesses to meet the demands of vegetable growing both now and in planning for future needs. The Farm Business Resilience Program offers a range of support options to growers, including business masterclasses and training delivered in region; support to build skills in business strategy and decision-making, drought and risk management, natural resource management and personal and social resilience; and farm business fitness checks with support to develop a 'plan on a page', as it is called, or update an existing business plan.

The additional funding for the Farm Business Resilience Program also complements the state government's \$18 million support package announced in November last year, which is being rolled out across the state to help meet the needs of farmers through mental health and wellbeing, freight costs for donated fodder and business resilience.

Indeed, over the long weekend I was delighted to see a particularly large hay run undertaken, and the freight costs for that were part of the \$18 million support package. It had over 100 truckloads of donated fodder—if I recall correctly, they had come particularly from Victoria—and I thank all the volunteers who were involved in that important program.

#### *Parliamentary Committees*

### **ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE**

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

That standing orders be so far suspended as to enable me to move a motion without notice concerning the appointment of a member to the Environment, Resources and Development Committee.

Motion carried.

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

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. R.B. Martin be appointed to the Environment, Resources and Development Committee in place of the Hon. E.S. Bourke (resigned).

Motion carried.

### **SELECT COMMITTEE ON SUPPORT AND MENTAL HEALTH SERVICES FOR POLICE**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:46):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the substitution of members on the Select Committee on Support and Mental Health Services for Police.

Motion carried.

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

That the Hon. T.T. Ngo be appointed to the Select Committee on Support and Mental Health Services for Police in place of the Hon. E.S. Bourke (resigned).

Motion carried.

#### **SELECT COMMITTEE ON MANAGEMENT OF THE COVID-19 RESPONSE**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:47):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the substitution of members on the Select Committee on Management of the COVID-19 Response.

Motion carried.

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

That the Hon. I.K. Hunter be appointed to the Select Committee on Management of the COVID-19 Response in place of the Hon. E.S. Bourke (resigned).

Motion carried.

#### **SELECT COMMITTEE ON CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL**

**The Hon. T.A. FRANKS (15:47):** I bring up the report of the Select Committee on the Children and Young People (Safety and Support) Bill, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:47):** I move:

That the Children and Young People (Safety and Support) Bill be recommitted to a Committee of the Whole Council on Thursday 6 February 2025.

Motion carried.

#### *Bills*

#### **DEFAMATION (MISCELLANEOUS) AMENDMENT BILL**

##### *Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:48):** I rise to speak on the Defamation (Miscellaneous) Amendment Bill 2024. I indicate I am the lead speaker for the opposition and that the opposition supports the bill. The bill would amend the Defamation Act 2005 to reform defamation laws following a national review to create a uniform model of defamation laws. I understand that this bill is the first in a number of reforms being contemplated as a result of that national review.

Clause 5 of the bill notably expands the defence of absolute privilege to include matters reported to police. Absolute privilege applies to public interest matters such as parliamentary and court proceedings and provides an immunity from defamation proceedings. As a result of changes in the bill, a defence of absolute privilege for a person sued in a defamation suit would now only require proof that the relevant statement was made to a police official in their capacity as an official.

This change will not extend absolute privilege to media reporting of criminal matters. A person speaking to the media about a police report they have made will still be subject only to qualified privilege. This change will provide certainty to victims of crime, protecting them from defamation proceedings and allowing them the freedom to make police reports without fear, particularly in cases of domestic violence or sexual abuse. I understand the Hon. Connie Bonaros has amendments filed today to this portion of the amendment bill, and I indicate the opposition will

be keen to listen to the debate and the member's contribution but that we do reserve our rights on these amendments between the two houses.

The other tranche of reforms in the bill provide avenues and support for the removal of defamatory material from online platforms. Clause 4 would insert a new section 21A into the act, allowing a person to obtain information to identify authors or assist in locating their physical and digital addresses for the purpose of allowing a concerns notice or defamation proceedings against them to be commenced.

Clause 6 of the bill would insert new section 37A into the act, allowing a person to seek orders against a non-party digital intermediary. Platforms such as Google and Facebook, and other email, messaging and online shopping services, would be considered digital intermediaries; that is, platforms that provide online services allowing for digital publications but are not authors or posters of material. Currently, the act only provides for orders for the removal of publications against digital intermediaries who are party to a defamation action.

The change in the bill will allow for the removal of defamatory publications without the necessity of taking action against tech companies. These changes will not prevent a person suing a digital intermediary if they so choose. I understand the Hon. Rob Simms has filed amendments to prevent defamation action being taken against admins and alike of community groups or similar style pages hosted by digital intermediaries.

For the benefit of the chamber, I indicate that the opposition will oppose these amendments. Legislation in other Australian jurisdictions and further case law will provide additional evidence as to whether or not these reforms should be included in future amendments of the act. I also note the Hon. Frank Pangallo's amendments, again filed today. Again, the opposition reserves our right between the two houses. With that, I commend the bill to the chamber.

**The Hon. C. BONAROS (15:52):** I rise to speak on the Defamation (Miscellaneous) Amendment Bill 2024. As we have heard, this bill seeks to implement commitments across all states and territories to enact model provisions, specifically the stage 2 reforms that address two key issues: the extension of the defence of absolute privilege to complaints made to police force or services, and the liability of internet intermediaries for defamatory material published online by third-party users. I am focusing my attention on the first part of this, and I think it appears that the Hon. Rob Simms has a keen interest on the second, from what I can tell.

The Attorney has previously spoken of the strong public interest in ensuring individuals can actually provide information to the police without fear of defamation liability. Currently, the defence of qualified privilege applies only when a person can prove their report was reasonable. This bill proposes to extend absolute privilege to complaints made to police officers in their official capacity, which is an important and necessary reform that I support. It follows the development of model defamation laws supported by the attorneys-general of all states and territories.

My principal concern with the bill is its narrow focus on the police as the sole complaint handling body. Much has been said on the national stage about other investigative and regulatory bodies that also deal with very serious complaints, and I do find it curious that the government has not sought to extend absolute privilege to those bodies as well. In the discussions that I have had, it has been explained to me that this will be a separate set of reforms.

In New South Wales and the ACT absolute privilege has been extended to a range of other complaints handling bodies already. I understand a good number existed in New South Wales prior to the latest tranche of reforms. I understand Tasmania is proposing to extend absolute privilege to matters published by its Anti-Discrimination Commissioner or their staff in the first instance. I am informed that protections already apply in South Australia to complaints made to investigative bodies under the Health and Community Services Complaints Act and the Public Interests Disclosure Act.

The amendments I am intending to advance seek to broaden the application of absolute privilege to complaints made to the following bodies: the Legal Profession Conduct Commissioner, the Judicial Conduct Commissioner, the Ombudsman, the Official Visitor, Public Advocate, Public Trustee and the equal opportunity commissioner. For clarity, the term 'official visitor' includes a community visitor under the Mental Health Act or Disability Inclusion Act, an official visitor under the



Correctional Services Act, the visitor under the Youth Justice Administration Act and the Children and Young Person's Visitor under the Children and Young People's (Safety) Act.

Protections would extend to matters published to staff members of these bodies, provided the complaint was made to them in their official capacity, similar to that proposed in relation to police and police personnel. At the heart of this issue is the protection of complainants. The guiding principles for jurisdictions to determine whether to extend absolute privilege to matters published to a complaints handling body, published by the Standing Council of Attorneys-General (SCAG), recommended consideration of human rights and anti-discrimination bodies, statutory investigative bodies and professional disciplinary bodies. This is contingent on the legislated authority having the ability to receive and investigate conduct complaints where there is:

A risk of defamation law having a chilling effect on reporting, including, for example:

- sexual violence;
- domestic and family violence;
- sexual harassment, bullying, discrimination or vilification;
- conduct in breach of human rights.

Additionally, those bodies must have appropriate safeguards to prevent the submission of false and misleading reports.

The amendments are consistent with those guiding principles. The intent behind extending absolute privilege is to remove barriers to reporting misconduct and to mitigate that chilling effect that the risk of defamation can have on complainants. It is well documented that the threat of defamation is a contributing factor in discouraging victim survivors from speaking up, we know that. In the legal profession, for example, power and balance is often a factor: victims face speaking up against senior practitioners who are highly experienced, well resourced and deeply familiar with legal processes. In contrast, complainants are often junior professionals with limited resources.

The financial, emotional and professional costs of defending oneself under qualified privilege can also be prohibitively high. This is in black and white, for all of us to see, in the equal opportunity commissioner's review and subsequent update. In the most recent review into the legal profession, published in December of last year, the commissioner in her foreword points to this very issue, and I will quote a little bit of what she said:

Perpetrator responses to allegations such as 'prove it,' 'I'll sue for defamation' and 'no-one will believe you'—reported by victims during interview—show that culture of denial, threat, intimidation and incivility, revealed in the first report, remains [in that profession]. Similarly, the well-known drivers of harassment include the profession's enabling hierarchical structure and lack of gender equality persist.

This is certainly something that has been on the equal opportunity commissioner's radar. There is absolutely no reason we should not be including these bodies. Members in this place know that we have had similar discussions and conversations about conduct in this very place. I think it is very understandable that a victim would be hesitant to speak out, and I do not think anyone disagrees with that. In fact, I think that those reports I alluded to back that up substantially. Encouraging reporting is crucial, not only to hold perpetrators to account but also to drive much-needed cultural and systemic change. Without those sorts of robust protections we are continuing, in effect, to silence victims.

I will say that I toyed with the idea of winding back our privilege in this place to qualified privilege, just for a moment, just to see what the reaction would be—and I see some eyebrows—but also to drive home to members the importance of why we have those sorts of privileges in the first place. They should not be limited to just us or just to some bodies. There are very good reasons—indeed, reasons that we agreed to at SCAG—in terms of broadening the scope of those absolute privileges. So I am hopeful that, in the absence of amendments that would wind back our privilege in this place, members will consider that the very genuine and real basis for these amendments is the consistency with the agreements that we have entered into with other states and territories nationally.

I guess, in terms of the feedback I have received, we are here now. We are debating this bill now, so I do not see the need to go away and come back with another bill when we can appropriately deal with this issue as part of the reforms that are before us. Frankly, if we cannot do that—I do not know, it is lost on me. With those words, I indicate my in-principle support for the bill and look forward to some full and frank discussions about the amendments that I and others have proposed to this legislation.

**The Hon. J.S. LEE (16:01):** I rise to indicate that I will be supporting the Defamation (Miscellaneous) Amendment Bill 2024. This bill seeks to make changes to the Defamation Act 2005, based on a set of nationally consistent reforms endorsed by the Standing Council of Attorneys-General, following a national review.

My understanding, from the briefing received by my office from the Attorney-General's office, is that the most important change to the legislation is the extension of the defence of absolute privilege to reports made to police. This will provide victims of crime and witnesses of crime with stronger protection against defamation lawsuits. Under these reforms, a person sued for defamation regarding the allegations they made to police about a crime will only need to prove that they made the report to an official of a police force. This change makes the defence ironclad and will prevent victims having to spend significant time and money in defending themselves against a defamation suit for making a report to police.

It is vital that victims and witnesses have confidence to come forward to the police without facing the risk of litigation from a person involved in the alleged criminal offence. It is particularly important to empower victims of domestic violence or sexual assault, who may otherwise have been silenced by the threat of drawn-out legal proceedings.

This bill also makes two reasonable amendments to support people defamed by material posted online. Firstly, the bill will allow courts to make injunctions against digital intermediaries and publishers that are not a party to a defamatory action. This will allow courts to order online platforms, such as search engines, email providers or social media websites, to remove the defamatory content or take access prevention steps, without the person having to sue the digital intermediary for damages. Finally, the bill also reasonably sets out the principles that a court must take into consideration in applications for preliminary discovery about the poster or author of defamatory matter.

I believe that these are all sensible changes to the Defamation Act that will bring South Australia more closely in line with legislation in other jurisdictions. I understand that there are a number of amendments being proposed by a number of honourable members in this place, and I will consider those amendments during the debate and the committee stage. I commend the bill.

**The Hon. M. EL DANNAWI (16:05):** I rise to speak in support of the Defamation (Miscellaneous) Amendment Bill. In the past few years there have been a number of high-profile defamation law cases, and we have seen laws related to defamation updated and reformed through the 2020s. It is appropriate that these laws be updated as our relationship to the internet and large online platforms is constantly changing the landscape of defamation. Huge shifts have occurred in the way we consume and publish media, and our defamation laws must fit these changes.

The amendments in this bill today are based on the result of a national review of the uniform model defamation laws which was undertaken by state and territory attorneys-general. The bill will make two amendments to support people who have been defamed by material posted on the internet.

Currently, a court can make an interim or final injunction requiring a publisher of defamatory material to cease publication. This order can only be made against a party to the defamation action. In practice this means that if the defamatory content has been posted to a large digital platform and the subject wants that material removed, the court cannot order it unless the subject brings an action against the digital platform in addition to the person who authored the defamatory content. If they only sue the author or poster, they have no means to get the material taken down.

The bill provides another avenue to have defamatory material removed from an online platform. It will allow courts to make injunctions against digital intermediaries and publishers who are not directly party to the action. The digital intermediary category includes search engines, email and

messaging services, social networking websites, product review websites and video sharing platforms.

The bill also sets down principles that the court must take into consideration in applications for pre-action discovery relating to digital publication of defamatory material. Under the Uniform Civil Rules 2020 South Australian courts may order that a person disclose documents that would allow a potential plaintiff to decide whether or against whom to bring a civil action. This could be used to require a digital intermediary to provide identifying or contact details of the person who authored or posted defamatory content online through intermediary services.

Finally, the most significant amendment contained in this bill will extend the defence of absolute privilege to reports that are made to the police. This will provide victims of crime and witnesses of crime with stronger protection against lawsuits claiming that the report defamed a person involved in an alleged criminal offence. This sensible change will allow victims of crime to make their police reports without fear of any potential legal action relating to defamatory content. The amendments in this bill represent necessary updates and reflect our ongoing commitment to a modern and balanced model for defamation law. I commend the bill to the chamber.

**The Hon. F. PANGALLO (16:08):** While I understand one of the main intentions of this bill is to further protect individuals making reports to police from civil action, I am still to be convinced why it is necessary given they attract qualified privilege provided they are made reasonably and without malice. The threat of defamation is not a known approach to thwarting someone from making a police complaint. I have also not heard of a case where a person has sued for defamation following a complaint to police that was found to be unsubstantiated. Legislating confidentiality provisions would have been more effective than a blanket cover.

While absolute privilege would not apply to making allegations to other parties like the media under this bill, it is my concern that these reforms will result in the ability for persons with an axe to grind to make baseless and vexatious complaints with no recourse. I suspect this will only increase the number of false complaints made to police to investigate.

I note there are other amendments proposed that want to extend the absolute privilege to other statutory officers, departments and agencies, including integrity agencies. I will not support them, and I can give a clear, real life experience for this that has affected my own family and constituents I have advocated for.

It was never my intention to air personal family matters in this place but, amongst its relevance to this legislation, I have been pushed to it because the false complaints, stalking, threats and harassment of me and my family by a family member, my brother-in-law Dimitri Economos, has been relentless. As a lawyer at the Australian Tax Office he should be aware of his ethical responsibilities.

While I will not go into the details, the extremely hurtful accusations levelled against me, my wife and my children are utterly false and defamatory, designed purely to cause us reputational damage, particularly as I have a public profile. As a result of his destructive, pathological obsession my wife was medically diagnosed with PTSD.

His intent has always been to affect my ability to discharge my role as a trusted member of parliament and seek re-election. His narcissistic, malicious actions since 2011 have included blackmail, threats, vile and slanderous verbal abuse in public spaces, physical assaults and false complaints to integrity agencies. Demonstrating his pathological obsession, in one threat he said, 'I'm now obligated to call in the armed forces.'

He has even produced a fraudulent legal document only he could have created on behalf of another family member and got them to sign it without them being aware of its contents, then distributing it widely in the community and to members of parliament using an email he created in the name of the family member. This family member has limited English and does not own a computer, let alone know how to create an email. Last year, the family member provided us with a written apology, rejecting all the accusations levelled against us in that document. Still, the damage had been done.

One of his lowest acts was an attempt to discredit a not-for-profit charity for autistic children started by my wife 18 years ago and for which she received an Order of Australia, by sending this outrageous document to some charity sponsors. Of course, these sponsors knew the truth and ignored him.

We have tried to ignore him, have gone to police and avoided any direct communications, keeping a dignified silence hoping he would eventually go away and go on with his own miserable life, but that does not stop the false complaints to integrity agencies from being investigated and significant time, energy, money and effort being expended having to defend myself from these false complaints. If there is one saving grace it is that his allegations were found to be unsubstantiated and were dismissed. In fact, we have accumulated a mountain of incontrovertible evidence in the event that it would ever reach the courts. Yet he persists, causing constant distress to us.

My complaint to the Legal Practitioner Conduct Commission was dismissed because they wanted me to provide them with more information I had, which they would have passed on to him. What did he do? He then sent a defamatory email to a lawyer who had once acted for us, threatening to issue a concerns notice. That threat went nowhere.

I thought the offence of criminal defamation within the Criminal Law Consolidation Act might provide us with some remedy. The act makes it clear that it is a criminal offence if a person knowingly and recklessly makes allegations designed to deliberately and maliciously damage a person's reputation. I reported him to the police, but they would not take a report because it sets too high a bar for a successful prosecution, so they suggested I seek a civil remedy.

As an extension of the protections that this bill would afford complaints to police, in my position and despite incontrovertible evidence that the complaints to the integrity agencies were false, I would have no recourse. He would be protected completely. How is that safe legislation? How is it safe legislation to allow absolute privilege to any and all complaints to police? Does that really encourage people to come forward or does it allow the truth of a complaint to be skewed or changed altogether?

In my example, yes, a civil claim of defamation is a financially prohibitive option, made more difficult when the person you want to sue is impecunious. But there should be recourse in circumstances where a complaint is blatantly false and defamatory. That is a good check and balance weighing out the rights of all parties. In May 2021, the then President of the Law Society, Rebecca Sandford, made submissions to the Law Council of Australia in relation to the national review on model defamation provisions. Here is what she had to say in part in that letter. In part B, extending absolute privilege, on page 4:

14. We note the above part of the Discussion Paper deals with privilege for reporting allegations of misconduct to proper authorities such as police, ICAC or employers. Such reports already attract qualified privilege, provided they are made reasonably and without malice. In many cases they are also confidential and in some cases subject to extensive and strict statutory confidentiality requirements. A claimant would bear the onus of proving malice in order to defeat the defence. The question that is asked is whether absolute privilege should apply (similar to what applies to things said in Court or in Parliament) to encourage reports and avoid risk of the threat of defamation suits. The report notes that there are no authorities in which a defamation claim has been successfully pursued over such a report.

15. We query whether this is a reasonable or proper basis for the expansion of the absolute privilege. We suggest qualified privilege appropriately balances protection for complainants/whistleblowers with the significant reputational harm that could be caused by false and malicious reports or allegations. We note also that in many cases, complaints or reports are kept confidential unless the matter proceeds to an advanced stage, in a manner which already tips the balance effectively in favour of the complainant.

That was Rebecca Sandford, who was then President of the Law Society of South Australia, in a letter to Margery Nicoll, Deputy Chief Executive Officer, Law Council of Australia, in Canberra. I seek leave to table that letter, Mr President.

Leave granted.

**The Hon. F. PANGALLO:** I, too, query why the already available qualified privilege does not appropriately balance protections for both parties.

I note that there are other amendments from the crossbench, the Hon. Rob Simms, relating to posts on Facebook designed to provide a layer of protection for the moderator or creator of the page. The amendment seeks to give the site at least seven days to remove offensive and defamatory material. While there is merit to it, I do not think the honourable member has a real understanding of the responsibilities of being a publisher, whether they are a newspaper or magazine publication, radio, TV, and on social media platforms where there is a plethora of citizen journalists who behave like literal cowboys.

Publishers have a responsibility to moderate their sites constantly. If slanderous material is published, they need to remove it immediately upon being notified. Even then, they should still be liable for civil damages should it proceed to court. Again, it comes down to the financial status of the Facebook moderator. If they do not have the means to defend an action, what is the point of spending \$200,000 suing them?

Here is an example of where a Facebook site has so far escaped legal action. I will not go into detail on the site's posts, but it knowingly published false and malicious claims that hundreds of criminal charges were filed and pending against a council and its members—patently false and designed to cause reputational harm.

I spoke to members of the council about this only last week when I was there. The distress it has caused those members is inconsolable, to be quite honest. They are totally distressed by what has been going on and the fact that there is nothing they can do about it. It should actually fall under the criminal Defamation Act, but who is going to act on that? There should be just cause for the Facebook moderator operator to be prosecuted under the Criminal Law Consolidation Act, but it will not happen. As for civil action, the council knows it would be a forlorn exercise and a waste of ratepayers' money.

As for the digital giants, Facebook and Google, there should be legislation forcing them to also remove allegations published on other media platforms against individuals that were found to be baseless or were thrown out of court. A case in point is a former public servant, Trent Rusby, who had corruption charges levelled against him by ICAC withdrawn. You can still Google Mr Rusby's name today and up pops an article that was published in *The Advertiser* before Mr Rusby and others had appeared in court, that painted him as nothing more than a thief, that he and others had conspired to steal an Aladdin's cave of goods from a government department. It was totally unsubstantiated against Mr Rusby and, when the matter did reach the court, it was thrown out, but today, to this very day, Mr Rusby suffers the ignominy that it remains available on online platforms or through Google.

It goes without saying that Mr Rusby since then has suffered problems with employment, having checks on his character, he cannot even travel overseas without having to declare and disclose that there had been criminal charges levelled against him, even though he was totally innocent. As a consequence of that, Mr Rusby now has PTSD, so that gives you an indication of the extent of the damage that defamatory and slanderous accusations when levelled, whether they be by individuals or even government agencies, can cause to people.

I do not think this legislation contemplates that. I do not think they have thought of that. I do not know what the motives for this are. I suspect I know what it is for a bill that is coming up, but I do not know why it is necessary to go to this point and, further to that, amendments to extend it to other government agencies, because it is going to be exploited by the vexatious.

The creation of the Defamation Act precedes the explosion of social media platforms like Facebook, Twitter X, Instagram and TikTok, as it is more than 25 years old. To my knowledge, it has only been used once in these circumstances but it did not proceed. I would call on the Attorney-General, in considering his suite of legislation, to also consider an overhaul of this act to bring it into line with the digital media landscape of the 21<sup>st</sup> century, if he is really serious about what is going on with defamation. In short, I am opposed to the extension of absolute privilege in this bill and have provided an amendment as such. The current bill swings the pendulum too far and completely removes any protection for those in the community subjected to malicious and vexatious complaints made against them.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:24):** I thank honourable members for their contributions. I look forward to addressing during the committee stage some of the issues that have been raised.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. F. PANGALLO:** I ask the Attorney-General: what necessitated the change to this legislation? What were the reasons that prompted this amendment being required?

**The Hon. K.J. MAHER:** This comes as a result of national work that has been done by the Standing Council of Attorneys-General. Some states have adopted different parts of what the Standing Council of Attorneys-General's work has done. We have adopted the parts that we see in the legislation before us. So what precipitated it was national work.

**The Hon. F. PANGALLO:** Does the Attorney acknowledge that in fact the legislation, should it pass, would actually benefit government departments if there are allegations that have been filed against them?

**The Hon. K.J. MAHER:** I thank the honourable member for his question. Maybe he can expand, because I am just not sure how that is the case.

**The Hon. F. PANGALLO:** If there were allegations that were made to government agencies, integrity agencies, or whatever, and having the absolute privilege. If they were found to be false and charges that were laid were perhaps even false, the people would have no recourse, would they? They would not be able to sue.

**The Hon. K.J. MAHER:** If there were allegations made to government agencies that were found to be false, people have no recourse; I think that is what the honourable member is suggesting. I know that there are amendments being put forward by other members of this chamber in relation to extending the absolute privilege. I am happy to put on record now that the government will not be supporting those amendments that extend it further than police, but we will not be supporting the amendments that the honourable member has put forward to remove it from police, if that provides some clarity.

**The Hon. C. BONAROS:** To confirm or to clarify what the Attorney just said, I understand that there are issues in terms of the penalties, which can be addressed but have not been addressed in these amendments. Is there another body of work that is going to follow this body of work that will look at those other bodies in line with the guiding principles for jurisdictions to determine whether absolute privilege be extended to bodies that have already been outlined as part of that SCAG process?

**The Hon. K.J. MAHER:** We will not rule it out, but we have no current intention of extending it anywhere beyond police. One of the reasons is I think it was in the Standing Council of Attorneys-General recommendations that it ought not to be extended to a body that does not have some sort of sanction for making false complaints.

If you make a false or misleading complaint to the police, there are sanctions against it. If you make a complaint to police and then go and repeat it somewhere else, you can still be liable for defamation. It is only in the making of it to police that it attracts the absolute privilege that we are proposing here, and we are not proposing to extend it anywhere else. We are open to discussion in the future, but we do not have any intention. We do not have a policy or intention to do that.

**The Hon. F. PANGALLO:** Another question for the Attorney: regarding the timing of this, is this a precursor to the introduction of the coercion bill that the government has been working on?

**The Hon. K.J. MAHER:** They are unrelated pieces of work.

Clause passed.

Clauses 2 and 3 passed.

New clause 3A.

**The Hon. J.S. LEE:** On behalf of the Hon. Robert Simms, I move:

Amendment No 1 [Simms–1]—

Page 3, after line 25—After clause 3 insert:

3A—Amendment of section 15—Content of offer to make amends

Section 15(1a)(b)—delete paragraph (b) and substitute:

(b) if the matter is a digital matter—an offer to take 1 or more access prevention steps in relation to the matter; or

**The ACTING CHAIR (The Hon. I.K. Hunter):** Do you intend to speak to it, the Hon. Jing Lee?

**The Hon. J.S. LEE:** I have not been provided any notes.

**The ACTING CHAIR (The Hon. I.K. Hunter):** I am sure you mean that it is self-evident.

**The Hon. K.J. MAHER:** I thank the Hon. Jing Lee for moving the amendment on behalf of the Hon. Robert Simms and, as has been indicated, the self-evidency of the amendment in the Hon. Robert Simms' view. We are not going to oppose this amendment. We will look at it again more closely between the houses. Essentially, the current Defamation Act section 15(1a)(b) states:

(b) if the matter has been published on a website or any other electronically accessible location—an offer to remove the matter from the website or location...

That is in relation to the content of an offer to make amends. By virtue of the bill that is before us, we are introducing a new concept of an access prevention step, which is a step:

(a) to remove the matter; or

(b) to block, disable or otherwise prevent access, whether by some or all persons, to the matter...

What the Hon. Robert Simms is doing is capturing a new concept we are putting in the bill and extending that to the offer to make amends in relation to digital matters. We think it is actually a sensible step and we are happy to accept it so it can go to the lower house while we do a little more work on it.

**The Hon. N.J. CENTOFANTI:** I rise to say that I may have been somewhat hasty in my second reading speech in suggesting that the opposition will oppose the entirety of the Hon. Robert Simms' amendments. On reflection of this particular amendment, we tend to agree with the government that it is somewhat of a technical amendment and seems quite sensible, so we, too, will not be opposing this amendment.

**The Hon. F. PANGALLO:** I rise to say that I will be opposing the Hon. Robert Simms' amendments.

**The Hon. J.S. LEE:** I indicate that I will be supporting this amendment by the Hon. Robert Simms.

New clause inserted.

Clause 4 passed.

Clause 5.

**The ACTING CHAIR (The Hon. I.K. Hunter):** The Hon. Frank Pangallo, I understand you have an amendment that this clause be opposed. You do not need to move it. You just need to oppose the clause when I call for the vote. You can speak to the reasons why you will be opposing it.

**The Hon. F. PANGALLO:** As I pointed out in my second reading speech, in opposing absolute privilege, the threat of defamation by an accused to stop a complainant making a police

report is not a common issue, and no-one has been able to present any evidence in this chamber so far to show that there has been any action taken as a result of that.

In the case of defamation proceedings, there is a defence of qualified privilege, requiring the person making a police report to prove it was reasonable. Extending absolute privilege to all reports made to police swings the pendulum very far towards protecting victims. There will be—and I suspect this will happen—an increase in false reports that will be wasting a lot of the time and resources of police. Finally, criminal defamation, under the Criminal Law Consolidation Act, is hardly ever used or prosecuted.

**The Hon. K.J. MAHER:** We will be supporting the clause that was in our bill in relation to extending the absolute privilege to making complaints to police. In that national consultation that occurred as part of the Standing Council of Attorneys-General, as I informed the honourable member before on the reason that this work started, I am advised there was evidence provided by a number of organisations in relation to the chilling effect the threat of defamation has on those who might report incidents of domestic violence.

So even if there are not actions that are taken or actions that are prevented, due to the fact that—as was reported by a number of organisations that support victim survivors of domestic violence—perpetrators of domestic violence use the threat of defamation to try to prevent people making complaints to the police, we want to make sure that people have that comfort that that will not be used against them. Of course, if someone makes a false complaint, there are criminal sanctions against the person making that false complaint. Also, if a person makes a complaint to police but then publishes that complaint—puts it on a website or broadcasts it in some other form—they can be subject to defamation proceedings. It is only the making of that complaint to police that attracts the privilege and no other form of publication of it.

**The Hon. F. PANGALLO:** So the Attorney is saying that the threat of violence is the problem, not the threat of defamation?

**The Hon. K.J. MAHER:** Let me be clear here: the evidence that I am advised was presented during the national consultation was that the threat of defamation has a chilling effect of then preventing victim survivors, particularly of domestic violence, from making those reports.

**The Hon. F. PANGALLO:** Did the Attorney consult with the Law Society of South Australia about this, and what was the extent of the consultation process with the legal profession?

**The Hon. K.J. MAHER:** Along the stages, this has had a lot of consultation, particularly national consultation, with many legal bodies that have presented their views. I know that there are some legal representative bodies during that national consultation that presented their view that the qualified privilege, in their view, was enough. However, certainly a number of other states have already changed to implement the recommendation that we are putting forward here. If I remember correctly, I think a number of other states have gone further than it just being the police that attracts that absolutely privilege.

**The Hon. F. PANGALLO:** Did the Attorney consult with his friends at the bar?

**The Hon. K.J. MAHER:** I am happy to double-check, but I am quite sure that the Bar Association of South Australia would have been consulted as part of that national work.

**The Hon. F. PANGALLO:** Did they provide a submission to the Attorney-General about this and, if so, can he table it or refer to it?

**The Hon. K.J. MAHER:** I am happy to check and bring back a reply for the honourable member. They may have done in one of the discussion papers, but I suspect they may well have as well to the national work that preceded my appointment as Attorney-General in relation to work on these defamation changes.

**The Hon. F. PANGALLO:** What about also the Law Society? Before introducing this legislation, would it not have been prudent for the Attorney-General to consult with the legal fraternity to see what they thought about it?



**The Hon. K.J. MAHER:** The Law Society I am sure—but I am happy to double-check—would have had the ability to provide a lot of information, a lot of their views, during the national consultation that occurred on this.

Clause passed.

**The Hon. J.S. LEE:** The Hon. Robert Simms would like me not to move the amendment to insert new clause 5A.

Clause 6 passed.

New clause 7.

**The Hon. C. BONAROS:** I move:

Amendment No 1 [Bonaros–1]—

Page 6, after line 4—After clause 6 insert:

7—Amendment of Schedule A1—Additional publications to which absolute privilege applies

Schedule A1—after clause 1 insert:

2—Matter published to Legal Profession Conduct Commissioner etc

Without limiting section 25(2)(a) to (c), matter that is published—

(a) to any of the following:

- (i) the Legal Profession Conduct Commissioner;
- (ii) a person in their capacity as a member of staff of the Legal Profession Conduct Commissioner; and

(b) for any of the following purposes:

- (i) making a complaint under the *Legal Practitioners Act 1981*;
- (ii) an investigation of a complaint under that Act;
- (iii) anything else that may be done under that Act in relation to the complaint.

3—Matter published to Judicial Conduct Commissioner etc

Without limiting section 25(2)(a) to (c), matter that is published—

(a) to any of the following:

- (i) the Judicial Conduct Commissioner;
- (ii) a person in their capacity as a member of staff of the Judicial Conduct Commissioner; and

(b) for any of the following purposes:

- (i) making a complaint under the *Judicial Conduct Commissioner Act 2015*;
- (ii) an investigation of a complaint under that Act;
- (iii) anything else that may be done under that Act in relation to the complaint.

4—Matter published to Ombudsman etc

Without limiting section 25(2)(a) to (c), matter that is published—

(a) to any of the following:

- (i) the Ombudsman;
- (ii) a person in their capacity as a member of staff of the Ombudsman; and

(b) for any of the following purposes:

- (i) making a complaint under the *Ombudsman Act 1972*;
- (ii) an investigation of a complaint under that Act;

- (iii) anything else that may be done under that Act in relation to the complaint.

5—Matter published to official visitor

- (1) Without limiting section 25(2)(a) to (c), matter that is published to an official visitor for the purposes of the person performing the functions of the official visitor under the relevant Act.

- (2) In this clause—

*official visitor* means any of the following:

- (a) a community visitor under the *Mental Health Act 2009*;
- (b) an official visitor under the *Correctional Services Act 1982*;
- (c) a community visitor under the *Disability Inclusion Act 2018*;
- (d) the Visitor within the meaning of the *Youth Justice Administration Act 2016*;
- (e) the Child and Young Person's Visitor under the *Children and Young People (Safety) Act 2017*.

6—Matter published to Public Advocate etc

Without limiting section 25(2)(a) to (c), matter that is published to a person in their capacity as—

- (a) Public Advocate; or
- (b) a person employed, engaged or assigned to assist the Public Advocate in the performance of their functions.

7—Matter published to Public Trustee etc

Without limiting section 25(2)(a) to (c), matter that is published to a person in their capacity as—

- (a) Public Trustee; or
- (b) a person employed or engaged to assist the Public Trustee in the performance of their functions.

8—Matter published to Equal Opportunity Commissioner etc

Without limiting section 25(2)(a) to (c), matter that is published to a person in their capacity as—

- (a) Equal Opportunity Commissioner; or
- (b) a member of staff of the Equal Opportunity Commissioner.

I acknowledge the contributions that have already been made. Referencing what the Attorney said in his previous explanation, I also remind members what the equal opportunity commissioner reflected in terms of the chilling effect we are talking about, particularly on victims, when it comes to this issue, especially victims involved in cases of sexual offending, domestic violence, bullying, discrimination and vilification. I understand the Attorney's rationale in terms of there being no penalties for those frivolous or vexatious complaints.

I do have a question for the Attorney. I might be off the mark here, but I am hoping the Attorney might clarify. We have some protection from civil liability for complaints made to investigative bodies here in South Australia, as I outlined already. They apply to the Health and Community Services Complaints Act, specifically section 83, and the Public Interest Disclosure Act 2018. Obviously, they provide that those disclosures have to be made in good faith, for whatever reasons are outlined in those bills. Can the Attorney clarify whether any penalties apply in terms of complaints that are made already under the two existing areas in South Australia where they can be made?

**The Hon. K.J. MAHER:** I am not sure we have that information before us right now, but I will be happy to take it on notice and bring back an answer for the honourable member. I reiterate that, as I have already said, for the reasons outlined before, although we can understand the rationale for the honourable member's amendment, the government will not be supporting it.

**The Hon. N.J. CENTOFANTI:** I ask the Attorney where the government is at in regard to absolute privilege and other complaint handling bodies?

**The Hon. K.J. MAHER:** I outlined this earlier to the Hon. Connie Bonaros, I think during clause 1. We are happy to look at other complaint handling bodies, but I do not want to create a false impression that we are intending to make further amendments. We are happy to look at it, but we do not have a policy to extend it any further.

**The Hon. N.J. CENTOFANTI:** Does the Attorney have any timeline as to when they might form some policy regarding those other complaint handling bodies?

**The Hon. K.J. MAHER:** We do not have a timeline. We are looking at further aspects of defamation law reform, but there is not a timeline as to when we might do that.

New clause negatived.

Schedule and title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:45):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (ADMINISTRATIVE REVIEW TRIBUNAL) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 31 October 2024.)

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:45):** I rise to speak on the Statutes Amendment (Administrative Review Tribunal) Bill 2024. I indicate that I am the lead speaker for the opposition and that the opposition supports this bill.

The bill would make small technical amendments to a number of acts, the result of the commonwealth government replacing the Administrative Appeals Tribunal with the Administrative Review Tribunal. The bill substitutes references in the South Australian acts to the 'Administrative Appeals Tribunal' with 'Administrative Review Tribunal'. Additionally, references to the Administrative Appeals Tribunal Act 1975 have been substituted with equivalent provisions in the Administrative Review Tribunal Act 2024.

Before I finish this extremely short contribution, I would like to add that it does seem odd that the federal government is focusing on name changes for tribunals rather than the myriad issues that Australians are currently facing. I think that does raise some questions about its priorities. I do not think that any more time should be wasted, so I indicate the opposition's support for the amendment bill and indicate that we will not have any further contributions during the committee stage.

**The ACTING PRESIDENT (The Hon. I.K. Hunter):** All contributions made by the Leader of the Opposition are important.

**The Hon. J.S. LEE (16:47):** I rise to make a brief contribution to indicate that I will be supporting the Statutes Amendment (Administrative Review Tribunal) Bill 2024. In May 2024, the commonwealth government passed legislation to establish a new Administrative Review Tribunal, which replaced the Administrative Appeals Tribunal and re-established the Administrative Review Council. The new Administrative Review Tribunal has the same jurisdiction as the Administrative Appeals Tribunal. It is the federal tribunal responsible for conducting independent merit reviews of administrative decisions made under a wide variety of commonwealth laws. The tribunal plays an important role in helping improve the quality of decisions made by the federal government.

This bill amends several South Australian acts to replace any reference to the former Administrative Appeals Tribunal with reference to the Administrative Review Tribunal, which commenced operation on 14 October 2024. With those brief remarks, I support the bill.

**The Hon. T.T. NGO (16:48):** I rise to speak on the government's Statutes Amendment (Administrative Review Tribunal) Bill 2024. Since 1976, the Administrative Appeals Tribunal has conducted independent reviews of administrative decisions made under a wide range of commonwealth laws. It has offered individuals and businesses the opportunity to challenge decisions that affect them, such as social security, visas, taxation and workers compensation issues.

The new Administrative Review Tribunal (ART) commenced operation on 14 October 2024, replacing the former Administrative Appeals Tribunal. The ART will continue to operate in a way that is accessible and less formal than our courts, making it easier for the general public to seek justice. When people can choose to represent themselves or have legal assistance without going to court it reassures the general public that they have an accessible pathway to challenge what they consider to be unfair decisions.

A member of my staff told me how she assisted a constituent to access the former Administrative Appeals Tribunal when working in a federal office. It is a story that clearly highlights what I have just said about the role of the newly named Administrative Review Tribunal. This constituent had her application to access the disability pension denied, as she did not reach the specified benchmark number that is used to identify whether a person is permanently disabled to the extent of being unable to work.

She also was denied access to benefiting from her state government super fund because of the Centrelink decision regarding the rejection of her application for disability pension. This person, who was in her late 50s, was accompanied to the then Administrative Appeals Tribunal by a federal electorate officer who spoke on her behalf. It resulted in the Centrelink decision being overturned, and she was accepted onto the disability pension, and the issue with her superannuation payout was also sorted.

That was an example with the previous panel. The tribunal enabled this woman to challenge what was for her an unjust decision. While the new ART inherits the core functions of reviewing administrative decisions from the Administrative Appeals Tribunal, it also introduces reforms to enhance transparency and efficiency and adopt updated systems in order to streamline operations.

As a result of the change, a review of South Australian legislation has been conducted. This has identified a number of consequential amendments to South Australian acts that are required in order to reflect the establishment of the ART. Consequently, this bill amends several South Australian acts to ensure all references to the Administrative Appeals Tribunal are changed to be references to the Administrative Review Tribunal. I commend this bill to the chamber.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:53):** I thank honourable members for their contribution on what is a relatively uncontroversial and simple bill. I look forward to the committee stage.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:55):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (BUDGET MEASURES) BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 29 August 2024.)

**The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (16:56):** I rise to speak on the Statutes Amendment (Budget Measures) 2024 Bill—even though we are currently in 2025—and indicate that I am the lead speaker for the opposition. This has been a long time coming, so it is a good opportunity now to reflect on last year's budget as we work through this bill.

Now more than ever South Australians are succumbing to the pressures of the rapidly increasing cost of living. Across the state families and businesses are tightening their spending in their own personal budgets while this government should be doing the same. Instead, the Malinauskas Labor government has been on a spending spree, resulting in almost every single government department overspending in the last financial year.

The Premier's own department, which is where he likes to hide away his pet projects such as government spending, has overspent by a casual \$57 million. Minister Bettison could not resist a marketing campaign, and has overspent by \$54 million. The Malinauskas Labor ministry has the highest spending of any South Australian government on record. I would also like to note there were no measures of operating or investment savings outlined in the 2024-25 budget, indicating that departments have not been asked or been required to actively find efficiencies or increase productivity—all while debt continues to rise.

When I first wrote this speech some months ago, South Australia was heading towards \$44 billion of debt by the end of the forward estimates in 2027. In just a few short months, Labor has updated its debt balloon by an additional \$2 billion. In just two years South Australia will be carrying \$46 billion of debt. Where will it actually land over the coming forward estimates? I fear for the future generations that will inherit Labor's ever expanding debt balloon.

However, future generations have more to worry about than the cost of the Premier's vanity projects. What is at the forefront of many South Australians' minds, particularly young South Australians, is buying their first home. Whilst we welcome every effort to assist new homebuyers here in South Australia, may I remind the Premier, the Treasurer and the Minister for Housing that South Australia is the only state without a first-home buyers stamp duty concession on existing homes.

We, the opposition, will continue to call on our existing policy, which is to have a \$10,000 stamp duty concession for first-home buyers on existing properties up to the value of \$750,000. I foreshadow now that the opposition will not be supporting the Hon. Frank Pangallo's amendments to include existing homes for the current first-home owners grant. Whilst we commend the honourable member's efforts to assist first-home buyers to get into the housing market, we believe that the concession approach rather than a government grant is more appropriate.

Some South Australians are not just concerned about owning property but also about continuing to run their own businesses. Despite the current economic climate that is seeing businesses close at alarming rates, and more recently reports that South Australian businesses have the second lowest business confidence in the country, there were next to no measures in this Labor budget introduced to offer relief for South Australian businesses.

A budget is about priorities, and clearly small and family businesses do not feature highly in the Premier's priority list when it comes to offering cost-of-living relief. While South Australians are struggling to pay their bills, struggling to buy a home, or struggling to keep the doors of their business open, this government is receiving record revenue—absolute rivers of gold. Since coming into government in March 2022, total revenue from payroll tax, stamp duty and land tax has increased by 26 per cent. That is an increase of \$897 million per year of revenue.

Payroll tax alone has increased by 33 per cent in this financial year's budget, an increase of \$483 million per year since they came into government in March 2022. Payroll tax will continue to increase as Labor's new GP payroll tax is realised. Make no mistake, this massive increase in

government revenue has not come from any investment or savings measures, but rather from squeezing more out of South Australian households and businesses through bracket creep, through taxes and hiking up rates.

Our policies remain. We will continue to call for the payroll tax threshold to be lifted, as well as providing further relief by exempting apprentices and trainees from payroll tax. More importantly, to keep the household within budget, we would axe the GP payroll tax that has seen visits to doctors increase by \$10 or more in some cases. We are calling on the government to implement these as the first commonsense steps to provide relief for our businesses and our community in this state.

I have a genuine concern for the finances of the state. I am concerned about our debt increasing, our economy and, most importantly, I am concerned for our young people in South Australia being able to afford housing. This budget is not about the priorities of the South Australian people that this government should be taking care of. This government has the wrong priorities. With that, I look forward to discussion during the committee stage.

**The Hon. J.S. LEE (17:01):** I rise today to make a brief contribution to support the Statutes Amendment (Budget Measures) Bill 2024. Notwithstanding some honourable members have already mentioned that this particular bill has not done enough to address the cost-of-living crisis, I wish to take this opportunity to highlight a few key measures that are included in the bill. No doubt all of us in this place are well aware that South Australia is in the grip of a housing crisis, with a lack of supply and surging prices placing significant barriers on those trying to enter the housing market.

Stamp duty is the largest taxation liability when purchasing a new home, and a major impediment to home ownership and economic growth. It is encouraging to see that the government is making amendments to relevant legislation to remove the property stamp duty threshold for eligible first-home buyers on new homes or vacant land.

I am also supportive of removing the property value cap of \$650,000 for the First Home Owner Grant. These measures will hopefully provide incentive for aspirational people trying to enter the home ownership market, improve housing affordability for first-home buyers and encourage an increase of supply in the market. I am also encouraged by the fact that this bill includes an amendment to the Payroll Tax Act to create a payroll tax exemption on the wages of general practitioners related to bulk-billed services, but I join many honourable members in this place and the other place to argue that this measure does not go far enough.

We have seen that visiting a GP is getting more and more expensive, with a new report from healthcare directory Cleanbill showing that over the past year the average out-of-pocket cost for a GP visit increased by 4.1 per cent nationally. Cleanbill also reported that patients are being bulk-billed less, with the proportion of bulk-billing clearly decreasing by 3.5 per cent nationally since last year. GPs already run on very thin margins and cannot absorb increasing costs such as the government's new payroll tax, which came into effect on 1 July 2024.

The rising cost of GP visits means that more South Australians are turning away from making appointments, leading to increased pressure on emergency departments and worse health outcomes for patients. While the government argues that this payroll tax exemption on bulk-billed service is meant to be an incentive for GPs to bulk-bill more patients, the reality is that bulk-billing rates are decreasing and average South Australians are paying more at each visit.

This could compromise health outcomes for so many vulnerable members of our community. This matter seriously requires the attention of government to address. I understand many honourable members have proposed a number of amendments, and I will consider those amendments during debate and the committee stage. With those brief remarks, I commend the bill.

**The Hon. C. BONAROS (17:05):** I rise to speak very briefly on the Statutes Amendment (Budget Measures) Bill. I reckon I could stand here for the next three hours and talk about payroll tax, and I am glad that the Hon. Jing Lee has highlighted the issues that she has just highlighted, because we all know that that is one area in particular where this government has absolutely zero appetite for any reform. It is not only disappointing, I think it is worse than that.

We keep seeing in the hospitality industry, in particular, places closing left, right and centre. The cost of doing business we hear is going great but that sector in and of itself is indicative of the

sorts of impacts that payroll tax has on us. The GPs have run a campaign which we have all ventilated in this place very well in terms of the impact of payroll tax, and the bottom line is that this government has done absolutely zero to even consider even just an independent review, despite the passage of a motion in this place and the will of this place being expressed in terms of having a motion to look at reforms in the area of payroll tax that could provide not only well-needed but such necessary relief to businesses across the state who have, across every industry and sector, said effectively, 'Payroll tax is killing us and it is making business difficult.'

I suspect that probably just before the next election we will see some announcement around payroll tax, but my concern is the number of—

*An honourable member interjecting:*

**The Hon. C. BONAROS:** Exactly, too little too late. My concern is for those businesses that are going to shut their doors in the meantime because they simply cannot afford their payroll tax debt. I think it is \$1.8 billion that we get in revenue from payroll tax, and the Treasurer says, 'Find me another income stream that can earn that and we will get rid of payroll tax.' I think that is a pretty lousy excuse. But enough about payroll tax, because we know what those issues are and we have ventilated them well in here.

I focus my amendments—and I might speak to it now for the benefit of members—on a part that I found peculiar about this bill, and that is part 4 which is the National Electricity (South Australia) Act changes. It seems to me that those changes—and we know that when it comes to this issue they are part of national reforms—have just been slid into the budget bill instead of actually being considered as a separate bill.

I have to think back to my briefing, but I asked, 'What is the relevance of this to the budget?' and there is absolutely none. There is absolutely no rhyme or reason or logic as to why the government did this, other than just sneaking it into a bill maybe so we do not look too closely at it. But as innocent as those provisions may be, I absolutely see no reason for this. I do not think there is any logical reason, and certainly there was not one provided to me other than, 'Well, this was an opportunity to have this issue dealt with and we needed it dealt with, so we stuck it in the budget bill.'

That excuse does not fly with me. It is not frivolous. I think if we are going to consider changes to our national electricity scheme then we should be considering them in the way that we ordinarily do, through the introduction of a bill that actually focuses on that, on the National Electricity Rules. It is for that reason that I have actually sought to delete those provisions from this bill. It is a budget measures bill. This is not a budget measure by any stretch of the imagination, so for what it is worth, my proposal is that we remove that from this bill and deal with it separately as we normally would when it comes to issues that deal with the National Electricity Rules.

**The Hon. R.A. SIMMS (17:10):** It is nice to be back. I rise to speak briefly on the budget measures bill of 2024 and to indicate where the Greens sit on some of the filed amendments. As is the case each year, this bill is the legislative companion to the government's budget. Some of the measures contained in the bill are positive measures that will support South Australians. In particular, the Greens are supportive of removing stamp duty for eligible first-home buyers on the purchase of a new home on vacant land and removing the value cap for the First Home Owner Grant for eligible contracts.

I recognise that these measures will support some people who are trying to enter the housing market, but of course we know that this is only rewarding those South Australians who are lucky enough to be able to purchase their own home. It does not do anything to address the broader issues that we face around housing affordability in our state. I have a bill before parliament that would increase the requirement on developers to build more social and affordable housing, lifting the requirement from just 15 per cent to 30 per cent, significantly boosting the availability of affordable housing and social housing in our state. I urge the Labor Party to support that.

We also need to see action for renters in this budget. The Greens have been campaigning for a long time to extend the Cost of Living Concession to renters. I acknowledge the Malinauskas government's leadership in doing that in the last budget, but we need to see the government go further in terms of providing support to renters who are struggling. We need a rent freeze. The Greens

have been campaigning for this for some time. We know that a freeze of rents, if it had been instituted last year when the Greens first proposed it, would have saved South Australians thousands and thousands of dollars in rent.

It is not okay that we have some South Australians who are making a motza, some landlords who are making record profits, and rent prices continue to skyrocket while other South Australians are continuing to struggle to make ends meet and to be able to provide a home for their family. Renting is not a choice for most South Australians—it is the only option that they have—and housing is a fundamental human right. So I am disappointed that there has not been action on the circumstances that renters face within this bill.

I do recognise that the government has taken some action on payroll tax for GPs. It is an issue that the Greens, along with the Hon. Connie Bonaros and other members in this place, were very active on last year. We do call, however, for the government to extend that exemption in the regulations to practitioners such as physiotherapists and dentists, who are being affected in the same way as GPs. This comes after the New South Wales Supreme Court decision that found that tenant GPs, who pay a percentage of their earnings to a clinic rather than being paid a wage, count as employees for payroll tax purposes.

We will be supporting this bill on the basis that there is some positive change in that regard, and of course we support the budget measures bill as is the convention in terms of enabling the activities of the government. I am also disappointed, in terms of talking about health, that there was no action on ambulance call-out fees. The Greens made a submission to the government. We called on them to slash those fees and to bring South Australia into line with other states. Again, there is no action.

I just want to touch on the Liberals harping about debt. I think it is fair to say that some of their critique is disingenuous. They were in government, as we know, for that brief period when the Treasurer, Rob Lucas, handed down an enormous deficit. I make no criticism of that because he was dealing with the COVID-19 pandemic, and I think it was right that the Marshall government provided support to some South Australians who were struggling. So I make absolutely no criticism of that, but to then come into this chamber years later and start banging on about debt is, I think, a bit rich, given the circumstances that every state government and every government has faced nationally as a result of the COVID-19 pandemic.

The Liberals talk about debt in their budget response, but they have no plan to deal with it other than cutting public services, which they say is not on the cards. They say they do not want to privatise public services either, which is good, but then I do not see how they are going to plug the debt. They talk about cost-of-living relief, but then when honourable members put forward suggestions for dealing with cost of living, they are vehemently opposed to them. So I do not know what exactly their approach is. I am none the wiser in terms of how they would do things differently. Maybe between now and the election they will actually outline a vision to the people of South Australia.

In terms of some of the amendments that have been filed on this bill, I note the Hon. Frank Pangallo has filed an amendment in relation to stamp duty. The Greens do not support the Hon. Frank Pangallo's amendment and I have indicated to the honourable member my reasons for that. Whilst we want to reform stamp duty, we do not believe this should be done as a standalone measure. To do so would blow a huge hole in the budget and not actually address housing affordability, unless it is accompanied by action on land tax. Indeed, I am very open to looking at what we can do in that space and whether there is a more equitable way that we can approach land tax and then reduce stamp duty.

So let's keep that conversation going, but we will not be supporting the Hon. Frank Pangallo's amendment on the basis that it really pulls the rug out in terms of taking action where it is needed. I also note the amendment from the Hon. Connie Bonaros. I do understand her sentiments in relation to that, but we will not be supporting the Hon. Connie Bonaros's amendment in this instance. I am keen to see, after many months, some movement on this bill. Rest assured, the Greens will be out there in the community talking about our alternative vision in terms of dealing with cost of living, and



we hope that the government will take up some of those ideas when it comes to crafting their next budget.

**The Hon. F. PANGALLO (17:17):** I must say I am gobsmacked by the Liberals, but I will address that later on, and I am quite surprised by the Greens as well in their attitude. I rise to speak on the budget measures bill and the amendments I am putting forward today.

Since May last year, the government has proudly flooded social media boasting about how much it cares for young people and first-home buyers. We are about to put that to the test. Over seven posts, at last count, from the Premier claim the First Home Owner Grant and stamp duty changes are 'one of the biggest shake-ups and tax reductions we've seen in our state's history'. Let's fact-check that—and for the benefit of the Hon. Robert Simms, who seems to think it is going to blow a hole in the budget.

The government's own modelling shows its policy only produces a net loss for its kitty of just \$2 million in stamp duty revenue in 2024-25, increasing to only \$4 million thereafter. So, with the average property price in the metropolitan area now sitting at \$785,000, that translates to just over 50 properties being stamp duty exempt this financial year and only 108 properties per year after—108. That is barely a drop in the ocean and hardly the grand gesture the government claims it to be. After all, it is totally intoxicated with this tax, which it was estimated would bring in \$1.092 billion in the 2023-24 financial year but has come in at almost \$300 million over budget, at \$1.383 billion.

They are totally drunk on this tax, and they are in no hurry to get sober. To put it in perspective, the government spends more in total on frivolous promotions like the appearance of Sam Smith before 300 influencers at The Cube or reduced hire fees for Katy Perry concerts than it does on this revolutionary housing policy.

We know many new developments, particularly in the northern suburbs, do not even have proper infrastructure like sewerage and water systems. New residents there are forced to rely on daily sewage trucks, and we have been told the fix will not be ready until 2027 or 2028. I suspect the same is going to apply to those new developments in the southern suburbs that were announced by the planning minister, the Hon. Nick Champion, just over a week ago.

Is this really the kind of housing solution the government is pushing? Let's not forget these incentives for first-home buyers only apply to new builds or vacant land. If you want to buy an established home, one with character and one that is closer to essential services, you are out of luck. But why should those wanting to purchase an existing home be excluded? Our amendment is simple and does two key things: it expands the stamp duty exemption and the first-home owner's grant to include all first-home purchasers, whether it is a new build, vacant land or an existing home. This will give buyers more flexibility and provides everyone with a fair chance at home ownership, not just a select few.

I guess some of the reasoning for this for new builds is to keep the construction industry cranking along. However, as we can see, the construction industry is actually grinding to a halt because of several factors, including the lack of infrastructure, the availability of trades and supply issues, which include land. So even that is causing delays in people being able to get their first home. As I said, this will give buyers more flexibility and provides everyone with a fair chance at home ownership, not just a select few.

Let's be clear that providing a stamp duty exemption is really just an artificial propping up of the market. It does not actually reduce new housing costs. In fact, it may even inflate them as developers simply add the exemption into the price of the home. But, if the government insists on pursuing this, then it should at least do it for all first-home buyers, not just those looking at new builds or vacant land kilometres away from the CBD.

The current policy does nothing to put downward pressure on house prices. All it does is force young people to the fringes of metro Adelaide, perhaps even the regions, where public transport infrastructure and other public amenities are severely lacking. I do not know how many times either I or the Hon. Mr Simms have to say in this place that the government is just ignoring the white elephant in the state in the transport area, which is rail transport.

Again, when I was in the regions last week, where I was having discussions with civic leaders and others, they emphasised the problems that they are experiencing with adequate transport not just in their regions but also from there into Adelaide. Of course, the old chestnut came up again: 'What about rail?' and, 'Why haven't we got passenger rail?'

I had to shake my head in disgust while I was travelling through the Burra region, going alongside a rail line that had trees, shrubs and everything growing through it. It was in a mess, because the Labor government has failed to enforce the contracts on the rail network, particularly in the regions and, as a consequence, they have fallen into disrepair. These lines should have been kept in a state where they could have been reactivated within two weeks—never happened, they did not enforce it, nothing.

This government is not interested in rail at all. It is only interested in road. Even in comments recently by the transport minister, that is all they are interested in—cars, even coming down the freeway. He said, 'We're only interested in cars. Cars get people to destinations quicker.' He is only talking about the metropolitan area. Again, they forget about the people in the regions. There are people in the regions who want to get to Adelaide, want to get here as quickly as they can but at an affordable rate, rather than having to expend half a tank of petrol to see doctors or go to other important appointments in the city.

As I said, it was disappointing to see our regional rail networks in such a state when you can go anywhere else in this country, anywhere else in the world, and their economies have rail as one of the foundations. In fact, they work on it extensively to ensure that it is efficient, both for passengers and rail.

I will go back to the story of when I was in Spain two or three years ago and I met with Talgo and Renfe, the train operator. Spain was in a similar position to that in which we find ourselves today, where they had an inefficient and poor rail network and at the same time they were experiencing an increase in the cost of housing affordability. That was a real issue for the Spanish government and the people of Spain. They could not afford to buy houses in Madrid, Seville or elsewhere—it was just too expensive. But they had Talgo with their innovative rail technology, where they could change gauges because of the technology they have, the rolling, etc., and exceptionally fast trains made by Renfe.

Once they upgraded their rail lines it opened up the regions to quick, efficient and cheap transport, and people started to move into the regions because they could afford to buy a house. That could happen right here, but the government will not do that. Instead it is haphazardly opening up green spaces in the north of Adelaide, around Angle Vale and down south around Sellicks, where they do not even have the infrastructure, and it will take years before housing is even ready for them. It is a government that really is not interested in transport. They can hail everything they want about bringing it back into public hands, but we have one of the worst rail networks in the world. Apart from the metropolitan area, I would put it in the Third World category, and they should be ashamed of it.

It does not reduce new housing costs. In fact, it may even inflate them, as developers will just add to the exemption in the price of the home. If the government insists on pursuing this, it should at least do it for all homebuyers, not just those looking at the new builds. The current policy does nothing to put downward pressure on house prices; all it does is force young people into the fringes of metro Adelaide, where there is a lack in transport and infrastructure. It does not address the demand issue, which is largely driven by excessive immigration and foreign and interstate investment. Just remember federal Labor's policy of last year, where almost 600,000 immigrants were allowed into Australia. I believe something like 60,000 or 70,000 of them came into South Australia, adding to the pressure on housing in this state.

Stamp duty is essentially a tax on mobility. It discourages people from moving, whether they are first-home buyers, retirees looking to downsize or families needing more space. The elderly, in particular, are stuck. Many are living in homes that are too large, but the cost of downsizing, with the burden of stamp duty on their next property, is prohibitive. It is extraordinary.

For instance, if somebody were to sell their property now and it had appreciated in value from the time they first bought it—say they might have paid \$200,000 or \$300,000 several years ago and now it has appreciated to the point where it is worth more than \$1.6 million—they want to leave,

they are empty-nesters, the kids are gone, and they are looking at buying another place. What can they buy, what is left, for anything under \$1 million, perhaps even more? And what happens? The state government benefits in stamp duty by more than \$100,000.

If I were a retiree contemplating downsizing, I would think, 'Why would I want to give the government more than \$100,000 in stamp duty? I might as well stay where I am.' There is no incentive. If the government considered providing them with stamp duty relief, we could free up larger homes and improve housing availability for young families.

While we are on the topic of property sales, let us talk about the outrageous lodgement fees. On a \$1 million home—and let us not forget where the price is at the moment, at nearly \$800,000, so we are not far away from that in terms of the median price—buyers are forced to fork out close to \$10,000 just to record a change of ownership on the government system. That is \$10,000 for a click on a computer. This is an outrageous fee, and it is easily the highest of anywhere in the country. In some states it is only a few hundred dollars.

As I have said, this government for some reason seems to be intoxicated on taxes, particularly property taxes, and on imposing even more financial burdens on homebuyers and young homebuyers. This is an unnecessary charge, totally unnecessary, and they just continue to allow it to happen. It is outrageous. It is a ridiculous tax for what is essentially an administrative task that will only take a minute or two, if that.

Then there is the issue of new building standards. While the government touts stamp duty savings on new builds, these savings are quickly offset by the cost of complying with these new standards, leaving first-home buyers no better off. For example, what about this one: having to spend \$10,000 or more to install a compulsory rainwater tank in all new builds. It is totally unnecessary. Remove it and there is a big saving right there for first-home owners. On the day the policy was announced—the housing policy, the road map, but it is more like a mud map at the moment—the Premier called it 'a great day', which it is for the government because it has fleeced the public with a spin policy that costs it hardly any money.

What about the quality of these new builds? We have all heard the horror stories. Late last year, I visited a large development where the owners had been fighting for four years to rectify serious defects that cause flooding every time it rains. Neither the builder, the developer, the council, the insurers or the Consumer and Business Services department had been willing to assist. The builder definitely will not help because, as it turns out, his liability insurance was fraudulent. Is this really the kind of housing stock the government is pushing young people into buying with its selective stamp duty exemptions?

I just need to also remind the government of the collapse of a number of builders in recent times and the mess that has left behind for some of these young people. Some people are actually living in a house that has not been completed and also still has problems. I even visited recently a retirement village where people had downsized and bought into this. It was quite expensive, this retirement village. I met with a particular block of residents of this new development at this large, expensive retirement village. Their problem is they bought the units on the ground floor of this retirement village block. They also had residents living on the top floor, but just to cut corners and save money the developer—the builder—decided not to have soundproofing on the floors between the two units, instead just the hollow timbers that are there.

So what happens every day, every night? They hear all the goings on, the clattering, the moving of furniture, everything upstairs, in their units. The developer and the builder do not know what to do, because it is going to be an expensive fix, and they are just trying to buck-pass the whole thing.

But what about these retirees? They are now going to be left with units that, when it is ready for them to move on, they will not be able to sell without having to make a disclosure to potential buyers that there are problems here. Who wants to buy a unit in a residential village—and it is a beautiful residential village—where all you are going to get is noise and clatter constantly, clatter of people with their heels and everything while they are walking upstairs? It is annoying. I have heard it myself, and I think, 'There's no way I'm going to buy here.' Again, it just pinpoints the quality of construction in even expensive developments, like in retirement villages.

This policy as it stands is just more showboating from the government. If it truly wants to help first-home buyers, it needs to go further. Our amendment ensures all first-home buyers, whether looking at new builds or established homes, get the support they deserve. I gather already from the second reading speeches here that the only member in this place who seems to be going to be supportive of my amendment is the Hon. Sarah Game. I am going to thank her for her support on this issue. She has recognised the need for a fairer, more inclusive approach, and I appreciate the backing as we push for these amendments.

I am going to leave my last blast over the bows for the opposition. What an incredible, gobsmacking piece of hypocrisy I have heard today from the Hon. Heidi Girolamo, saying that they were not going to now support my amendment which actually was something their own former leader David Speirs announced as being a 2026 election commitment. Suddenly the Libs have backflipped on an election commitment made by their former opposition leader. Shame on the Liberals and shame on the opposition leader, Vincent Tarzia.

I am going to make it quite clear here that, even though it is clear I am not going to get up on my amendments, I am going to divide on every one of them just so that young people out in the community, young home owners who are struggling to come up with deposits, struggling to find affordable housing, will know exactly where members in this parliament really stand when it comes to housing affordability for first-home owners and young families. They will know that, and I will make sure that they know that and say, 'Well, here you go. This is what the Liberals think now, when last year they were all happy to go to an election with this commitment about making stamp duty exempt for all first-home buyers.' Now they have suddenly changed that—

*The Hon. H.M. Girolamo interjecting:*

**The PRESIDENT:** Order!

**The Hon. F. PANGALLO:** They are changing their policy to suit themselves, Mr President. The same with the Premier when he comes out with these big ticket announcements about what they are doing for young first-home buyers with their exemptions, when it is quite clear that it is a trickle. It would hardly even cause a ripple in the Hon. Stephen Mullighan's budget, so they are not really serious. Let's make sure that this housing policy provides all first-home buyers with a fair chance of ownership.

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

## **CRIMINAL LAW CONSOLIDATION (STALKING AND HARASSMENT) AMENDMENT BILL**

*Final Stages*

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

## **DOG AND CAT MANAGEMENT (BREEDER REFORMS) AMENDMENT BILL**

*Introduction and First Reading*

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

*Parliamentary Committees*

### **LEGISLATIVE REVIEW COMMITTEE**

The House of Assembly appointed Mr Dighton to the committee in place of Mr Brown.

### **STATUTORY OFFICERS COMMITTEE**

The House of Assembly appointed Ms O'Hanlon to the committee in place of Mr Brown.

### **JOINT PARLIAMENTARY SERVICE COMMITTEE**

The House of Assembly has appointed Ms Stinson to the committee as alternate delegate to Mr Odenwalder.

At 17:44 the council adjourned until Wednesday 5 February 2024 at 14:15.