LEGISLATIVE COUNCIL

Thursday, 20 February 2025

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

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

The PRESIDENT: I note the absolute majority.

STANDING ORDERS SUSPENSION

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

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

Motion carried.

The PRESIDENT: Again, the absolute majority is noted.

Motions

WHYALLA STEELWORKS

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

That this council—

1. Expresses its steadfast support for the people of Whyalla, in particular, to the workers of Whyalla Steelworks and the many businesses which rely on it;
2. Recognises that Whyalla is critical to sovereign Australian steel, producing 75 per cent of Australian structural steel and providing for several thousand people; and
3. Commits to working to secure the long-term future of Whyalla.

In a ministerial statement yesterday, I had an opportunity to outline the government's support for Whyalla and what we were doing, but I wish to again place on the record my gratitude and the government's gratitude for the way that parliament was able to pass legislation quickly yesterday and take steps that were necessary, from all the advice the government was receiving, to protect the future of the steelworks and the town of Whyalla.

I look forward to this being an opportunity, as I know many members of this council have very close connections with the City of Whyalla. Many have spent a lot of time in Whyalla, and this is an opportunity for all of us to express our support for the city and its people.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:04): I rise today to speak as the Leader of the Opposition in this place, to support this motion and to place on record that our thoughts are very much with the hardworking people of Whyalla during this time. Mr President, as you know, they are the heart of South Australia's industrial strength, yet they are facing profound uncertainty. Their livelihoods, their businesses and their community's future are at stake and, now

more than ever, they need certainty. It is our responsibility in this place as elected members of parliament to stand up for them and to ensure that their voices are heard.

We, the opposition, have been fighting for months for hidden truths to be revealed and for real, effective action to be taken by the government. It was almost 12 months ago in March 2024 when the steelworks first displayed signs of trouble, with the blast furnace being offline leading to hundreds, if not thousands, of workers being placed on a reduced shift schedule without pay and 56 job cuts from GFG mining contractors.

Then, in August, the alarm bells started ringing as it was revealed that several contractors were owed tens of thousands of dollars and a string of shutdowns started amid problems sourcing enough coking coal. It took until September for the government to seek advice from a procurement activity report around the state of GFG and the future of the steelworks if it fell into administration for a second time in the space of a decade. Despite all this, we are only just seeing some decisive action from the Premier yesterday.

For too long, Whyalla has been caught in a cycle of grand promises and shifting government priorities, and the steelworks, a pillar of our state economy and our sovereign capability, is now in crisis. Contractors remain unpaid and whilst we are assured they will be paid, we still do not know when that will be. Families and businesses are struggling with soaring electricity costs due to the state and federal government's policy in relation to energy.

It has become clear that the town's future hinges on clear, decisive leadership and action—something that this government has failed to provide over the last 12 months because they have been too busy, some might say, focusing on hydrogen plans and prosperity projects. Now, South Australia is in a situation where government intervention and taxpayer funds are having to be used to save a city. Gemma Jones, editor of *The Advertiser*, summed it up perfectly, I think, this morning when she wrote:

> We must be more mature and worldly on job creation, driven by private enterprise, rather than government largesse.

Wise words.

Despite what we are seeing globally with private and public investment walking away from hydrogen as an energy source, the Premier continues to refuse to walk away from his hydrogen pet project. In fact, just this morning, the Premier announced that the hydrogen power plant has been deferred and the funding reallocated to the Whyalla Steelworks—another broken promise by this Labor government, and whilst we welcome this broken promise, the Premier is being a little bit cute about it. He is, in effect, kicking the can down the road, and by doing so he is risking taxpayers' hard-earned dollars into the future.

In the meantime, we have seen how the state government's signature hydrogen power plant—the Premier's pet project—has been riddled with delays and cost blowouts. When the Premier and his minister announced hydrogen in 2021 as an election promise to bring prosperity to the region, it was touted as a game changer. This hydrogen power plant was Peter Malinauskas' only energy policy that the Labor Party took to the 2022 state election. A 250-megawatt hydrogen electrolyser, they said, would be operational by 2025 at a cost of $220 million. Yet, today, we know that that cost has blown out to well over $1 billion with not a shovel in the ground, as I said only yesterday in this place. Now we know that the electrolysers will be scrapped, as we suspected might be the case.

The government is still clinging to this hydrogen fantasy sometime down the road, while industry experts around the world are walking away from hydrogen due to its economic infeasibility and risk. Fortescue, Woodside and Origin Energy have all pulled back from hydrogen, citing skyrocketing costs and limited viability.

This is not only about failed policy, it is about failing the city and the people of Whyalla. It is about steelworkers who have dedicated their lives to an industry that built our nation. It is about small business owners who cannot afford to wait any longer for real solutions. It is about young people who deserve a future in Whyalla, not a ghost town left in the wake of government mismanagement. It is also about the people of South Australia, who are battling with record high electricity prices during a cost-of-living crisis.

The Labor government cannot keep shifting the goalposts. In 2021, the Premier's signature energy policy was about using green hydrogen for electricity generation, and at the time the Liberal Party warned that this was unlikely to come to pass. We warned about cost blowouts and time blowouts and, lo and behold, now, when the numbers do not add up, they suddenly claim it was always about green steel and the Whyalla Steelworks.

Peter Malinauskas is using the issue of the Whyalla Steelworks as a convenient scapegoat to defer his more than $1 billion hydrogen project, but the Premier needs to stop being cute. We know that GFG Alliance, the very company that was at the centre of Whyalla's steel industry, had clearly stated that increased gas supply—not hydrogen—is what is required for steel production in the future.

The people of Whyalla need immediate support, not political spin. I urge this government to work with its federal counterparts to secure Whyalla's long-term industrial future—indeed, the future of our sovereign capacity to produce our own steel. With that comes the responsibility to ensure that taxpayers are not funnelling bad money after bad money, because we cannot afford another State Bank disaster.

The government, if it truly intends to commit to the future of Whyalla, must be transparent with South Australians about the real cost and feasibility of the hydrogen plan, which they refuse to take off the table. The steelworks must have an assured, secure and stable energy supply based on realistic economic and technological conditions—because Whyalla deserves better.

It is time to stop playing politics with people's futures and start delivering real solutions today. The workers, the families and the businesses of Whyalla are counting on us. Let's not let them down.

The Hon. F. PANGALLO (11:11): I welcome this motion today. I am not going to be as cynical as the opposition today—and I will explain that just a little bit later on, about the part they played—but I want to begin by firstly commending the government.

I think that members who attended that meeting in the Watarru Room yesterday saw a masterclass in political leadership from the Premier, Peter Malinauskas, in making that decision. It would have been a very difficult decision for the government to make, and it is quite clear that they had been working on a plan to place GFG into administration. That would have required a lot of complex legal work and planning on how it could be done, and the Premier explained it to us yesterday.

There is no doubt that the Premier has had a lot of concerns about what has been going on in Whyalla over the last few months. I must say that it finally dawned on the Premier, and also Minister Tom Koutsantonis, that things were quite grave in Whyalla under that flim-flam man, Sanjeev Gupta.

I note that the opposition is now trying to score political points as a result of what has happened, saying, 'Oh well, this is what we have been telling you.' Well, let me tell you that when they were in government in 2019—in fact, I started asking questions in this place almost from the time I was elected about GFG and Mr Gupta's inability to meet debts with contractors and others at the steelworks—each time I raised it, it sort of fell on deaf ears, and this thing was allowed to fester to the point we have got to today. However, in saying that—

Members interjecting:

The Hon. F. PANGALLO: Pardon?

The PRESIDENT: Order!

The Hon. F. PANGALLO: The Marshall government had an opportunity to move in and investigate what was going on at Whyalla, and they did not. In fact, I can clearly recall Rob Lucas always fobbing me off, basically, about what was going on. They were afraid to act or do something—

Members interjecting:

The Hon. F. PANGALLO: You were; you were afraid to act.

An honourable member interjecting:

The Hon. F. PANGALLO: You were afraid to act. The Liberals were afraid to act—

The PRESIDENT: Order!

The Hon. F. PANGALLO: They did not act. Anyway, we got to the stage we got to yesterday, and I give the Premier a lot of credit for having the—well, I think they called him the Man of Steel in *The Australian* today. I have likened the actions yesterday to Michael Corleone, so swift was the hit on Mr Gupta that he did not see it coming, which is probably the way it needed to be done. What happened yesterday has given Whyalla another sense of hope and I think breathes new life and a beginning into the steel city, knowing that they have the full support of the South Australian government and the federal government and that they will not let it fail.

At least the Premier did maintain, along with Minister Tom Koutsantonis, that there was no way that steel mill was going to fail; that was not an option for them. It will continue because of its importance to the Australian and South Australian economy and the importance of having a sovereign steel industry in this country that produces long structural steel, so we had to have that going.

The sad thing is that people in this place watched the deterioration of that place and really did not question what was going on. The Premier made it quite clear yesterday to us that if they did not move the place was so run down that it just would have been closed and would not be able to carry out its business if there was not an intervention. That was borne out by the many people in Whyalla who reached out to me over the years who were telling me that Mr Gupta did not spend any money on the plant. There were no upgrades. He had his massive reveals, which if you could see through them you would understand what it was all about.

I actually became quite suspicious of Mr Gupta in 2017 when he took over the place, and from there on I really felt that South Australians and the City of Whyalla were being taken for a ride by this flim-flam man because money was not going back in to revitalising the plant and contractors were not being paid. He was using contractors as a bank, basically.

Then came the Greensill disaster, which I again raised in this place and nobody did or said anything about that, where contractors were given a discount if they accepted a deal that they would be paid after 120 days. What kind of a business could expect to survive under those conditions, particularly after what the people of Whyalla had been through previously with Arrium? It was just impossible, and you could see where this rusty ship was heading under the control of Mr Gupta.

Now, as I said, there is going to be hope for them. I have not seen the announcements today by the Prime Minister but the Premier has indicated that $2 billion is going to be spent and the much-vaunted green elephant, the hydrogen plant, is now being—I do not think he said he has scrapped it; he has put it on ice. It is just disappointing that the Hon. Reggie Martin is not here because since it has been announced I have kept ribbing the Hon. Mr Martin, saying that this plant would never happen. Anyway, so is the case.

To get back to Whyalla, it is also interesting to see that Mark Mentha has been appointed to oversee the administration of the place, a highly respected administrator who was there during the Arrium days when he saw that. He knows the place backwards and he knows what is required. It is just a pity that the Weatherill government and Minister Koutsantonis did not heed his recommendation back in 2017 that the preferred operator of the steelworks should be the Korean consortium that had put in a bid.

That is what Mr Mentha recommended at the time, but for some reason, only known to Jay Weatherill and Tom Koutsantonis, they overruled that and decided to go with Mr Gupta, and have a look at the mess and costs that decision has resulted in in all these years. It was a poor decision and they should have done their due diligence and they did not. I think they have all learnt from that lesson.

Members interjecting:

The Hon. F. PANGALLO: Well, they have, because he has gone. I can hear all the chuckles from the opposition, but the opposition were in government for four years when terrible things were going on at the steelworks and they showed absolutely no interest in it. In fact, they really only started showing interest in it late last year. I think they started to wake up to it last year.

Nonetheless, we are where we are now and the future looks brighter for Whyalla. A lot of people today can wake up with an air of confidence now that their future and the steel city's future has been secured. Again, you have to give credit to the Premier for the way he has handled the situation. He would have been under immense pressure: they had to find a solution, a way to do it, which would have helped the existing creditors at the moment. It had to be done in a way that would ensure that that plant, even through it is in terrible shape, could continue to produce steel and be put on a path to making some much-needed money come back into the community.

Sadly, hundreds of jobs have been lost in the past 12 months. Only recently, I was there on the day that 250 people lost their jobs at the mine when they were working for Golding and were laid off, but we have also seen situations with smaller contractors who were owed probably tens of thousands of dollars, a few hundred thousand dollars, a few million dollars, but were told by Mr Gupta, 'You have to wait until we can pay you.'

I understand that when the Premier was there last week he met with five of the creditors, and these were small to medium business that were owed a few thousand dollars to a couple of million dollars. They were saying to the Premier, 'If you don't do anything, we won't survive.' It was not weeks or months, like Mr Gupta promised and has been promising for the last few months, that things will be remedied and he will be back making money. People cannot wait that long, particularly for a bloke who has bought a mansion on the harbour and was going to spend not $10 million, my sources told me that it was closer to $80 million, on renovations on that place.

This was the sheer arrogance of that so-called billionaire, when there were struggling, battling families in Whyalla who did not know where their next dollar was coming from, could not pay their power bill, did not know what would happen to their mortgages or their futures and were contemplating moving out of Whyalla altogether because they could not afford to stay there. Yet, you had the arrogance of this bloke, who flies in on his private jet, gets out, grandstands, makes incredulous promises and then flies out again.

You only have to look back at all the big reveals that he was making in Whyalla. He makes his big reveals, he gets the politicians up there and you see them all there, standing behind him nodding their heads—'Oh, this is great'—without ever questioning whether this person was actually ever going to deliver. He has not been able to deliver, and it has been quite a painful process for those people.

Mr President, I know you are from Whyalla and I am sure that you would have experienced some of the pain that went on under the Arrium days. You would also have had friends in Whyalla and know how much it has impacted them having all that uncertainty with an owner who was not fulfilling his promises to put money into that steel mill. I think we can now look forward to having the burden of gloom lifted from their shoulders, and I think there will be a renewed sense of resilience in Whyalla today with a lot of relief for them.

I am sure there will even be some relief for the Premier's wife, Annabel, who will probably have an easy night now because the Premier kept saying how he was keeping his family up worrying about what was happening at the Whyalla Steelworks. He has put a lot of work into it and you can see that the government has been looking for solutions for a long time, and certainly in recent times, to be able to come to a position where they can at least guarantee that those steelworks are going to be there.

I hope that $2 billion goes into not just revitalising the plant but also into other projects connected to that plant—not so much the hydrogen plant, which I think is a green elephant, but there have been proposals to set up a ship salvage operation, rejuvenating the two old slipways at the steelworks, which would be tremendous for the steel city because it would provide at least 300 jobs if it comes to bear. On top of that, as we all know, marine steel is of the highest quality, and cutting up those ships and other materials would provide much-needed steel billets for the arc furnace should it ever go in.

I notice that the government has not announced what is going to happen with the electric arc furnace. I will be interested to see what Mark Mentha digs up about the financial state of the steel mill and whether Mr Gupta had ever put down a deposit for that electric arc furnace. If I was a betting man I would say that did not eventuate, and I am sure that the government started to get worried

about it last year when Minister Tom Koutsantonis had a meeting with Mr Gupta in Europe, and then made a rush trip to Danieli in Italy to see what the state of play was in relation to the electric arc furnace.

At a recent Budget and Finance Committee meeting, the Under Treasurer and others were talking to us about Whyalla and the concerns that the government had. It was revealed in that meeting that the cost of the electric arc furnace was not going to be the half a billion dollars that we were told it was going to be. In fact, if anyone did any homework, for an electric arc furnace made by Danieli you do not get any change for under €750 million, let alone half a million dollars. But it was going to cost, according to the Under Treasurer, something like $3 billion. That would have rung alarm bells even then for the government to think, 'Where is he going to get this kind of money to put into that place, when he is scrambling around the world just trying to get a loan of $US150 million to stave off some creditors here?' He was just putting bandaids on that operation.

My concern here today is that with this move yesterday that was of such significance, particularly when you have a government and also a federal government being involved in the administration of a major operation like that, that was debt-ridden, what is it going to mean to all those other businesses in Mr Gupta's rust-ridden empire in Europe? Because I would say that after today there will be banks and other lenders to Mr Gupta that would have shivers running down their spine when they see that a government has intervened and taken control of a steelworks from Mr Gupta.

I think there will be some worried faces in some of his European operations, some of the lenders and also in the UK, where Mr Gupta is also facing a possible criminal prosecution. He has bushfires all over the place and these bushfires have been raging for a long time. In saying that, I commend the motion to the chamber, and again I commend the government on its actions.

The Hon. R.A. SIMMS (11:30): I rise to speak in support of the motion. In so doing I want to acknowledge the leadership of the Hon. Frank Pangallo. I think in many ways the honourable member has been the canary in the mine shaft on Whyalla, raising the issues over many years. Indeed, certainly during the time that I have been in this place he has been a consistent voice on the issue, so I recognise his work on this.

I also want to reflect a little on what occurred yesterday in that I think what was really significant about the events that unfolded in the parliament is that you saw all sides of politics working together to confront what is a significant issue facing our state. Everybody put party politics aside, and we worked together for the common good. It does not always happen—it is not always possible for us to move outside our political party lenses—but yesterday it did happen.

I think that is a good thing for politics in our state. I think it speaks to the integrity of our system, and I think it is actually what the people of South Australia want from us when we are confronting challenging situations like the one that has been faced in Whyalla. So I want to acknowledge the role that all members of parliament have played in that but of course also the leadership of the government in taking this decisive action, which, as the Hon. Frank Pangallo reflected, I think is welcomed by the people of Whyalla.

I think it is appropriate when we are dealing with industry that is such a significant job creator that there is government intervention. I remember what happened back in 2013 and 2014 with the car industry in this state when we did not see any federal government support for the car industry. As a result we saw the end of those jobs, and that has been a disaster for South Australia and our economy and our manufacturing capability in South Australia.

That has not happened in this instance. I welcome the fact that the federal government have come to the table today with a significant package for Whyalla. I understand—I was reading news reports this morning—that they are going to be investing $2 billion and that the state government is also going to be investing a significant amount of money as well. Notionally, I think from what I have read, the state government is investing a significant portion of the $600 million that was originally planned for the green hydrogen project.

The Greens welcome that public investment in Whyalla. Our view is, though, that public investment should result in public equity in any business that is going to be running the steelworks

so that we do not find ourselves in this situation in the future where we are trying to dislodge a private business that is not effectively running the steelworks. What we would like to see in the future is a long-term pathway for Whyalla. Public investment should result in public equity.

In speaking to this motion I note that the people of Whyalla have endured repeated threats of job losses and economic hardship over the past decades. I first went to Whyalla in 2015 as part of the campaign the Greens were running at the time against the TPP—the Trans-Pacific Partnership—which a lot of people in Whyalla were concerned about because of the impact it would have had on procurement policies, particularly sovereign steel. There have been so many challenges that the people of that community have had to deal with over several decades.

Indeed, almost nine years ago, the then owners of the steelworks, Arrium, entered administration with debts of $2 billion and, once again, plunged the town into turmoil until the steelworks were purchased by Mr Sanjeev Gupta's GFG Alliance. We now know how that ended up. Given his financial failures and the fact that he is subject to regulatory investigation around the world, it is clear that Mr Gupta was never going to be giving the long-term solution that was needed for the steelworks. State and federal governments must now, of course, continue to work together on a solution for Whyalla.

Last week, the Greens wrote to the Premier, the Hon. Peter Malinauskas, and the federal Minister for Industry and Science, the Hon. Ed Husic, urging them to work together to protect steel production in Whyalla, including protecting jobs and the community from any negative economic consequences. We have, therefore, been pleased to see the actions that have been taken in recent days, and we welcome the support that is flowing from both the federal government and the state government.

It is critical that we preserve Australia's sovereign capability in steel production into the future. We know, as we face significant supply chain delays because of what is unfolding overseas, that we cannot rely on being able to import steel. We need to be able to make it here, and South Australia has a vital role to play in that space. We know that Australian companies are capable of producing very high-quality steel, a critical resource for 21st century jobs in the renewables and clean manufacturing sectors.

Whyalla's steelworks are able to produce over a million tonnes of raw steel each year, which is necessary for building wind turbines, grid infrastructure and energy storage facilities required to support green energy transition. In addition, the Whyalla Steelworks are the nation's only Australian-based manufacturer of the rail infrastructure that we need to expand the network for both freight and passengers.

I think it is very clear from what we have seen in the parliament over the last 24 hours that all members of parliament, all political parties representing all parts of the state, care deeply about the people of Whyalla. We recognise the extraordinary stress that people in that community have been under, and I think we all hope, collectively, that the events of the last 24 hours will provide them with some reprieve, and it is our hope that this will set that region on a pathway for long-term sustainability and viability.

Before concluding, I do just want to touch on the reports this morning around the government deferring the $600 million green hydrogen plan so that they can bolster the investment in Whyalla. I actually think that is appropriate in the circumstances. It is appropriate to defer that project in light of what is going on, given the success of the green hydrogen plan is predicated on the steelworks. You cannot have a green hydrogen plan if you do not have a viable steelworks, so I recognise the government has had to take that course of action; however, I do urge them to ensure that public funding in Whyalla and new business also ensures that we are delivering some environmental outcomes as well in green iron, green steel and that technology. That is vitally important as well. With that, I commend the motion.

The Hon. J.S. LEE (11:38): I rise to support this motion, to stand in solidarity with the people of Whyalla. Yesterday, we saw something completely unprecedented in the South Australian parliament. Yesterday, an urgent meeting was called by the Malinauskas Labor government. I was briefed at 10.30am, with other members of the crossbench, by the Premier, the Minister for Energy and Mining and the Leader of the Government in this place, and we were asked to work with the

government to allow the immediate passage of the Whyalla Steel Works (Charge on Property) Amendment Bill.

Changes to the Whyalla Steel Works Act were rushed through both houses of state parliament on Wednesday morning, before being signed off by the South Australian Governor. Not one of us disputed the necessity of such swift action and completely understood the need for the steelworks' workers, suppliers, local businesses and broader South Australian community to have certainty about the future of the Whyalla Steelworks.

Under an extraordinary set of circumstances, all 69 members of parliament worked in unison to pass the changes to legislation that allowed the Malinauskas Labor government to place OneSteel Manufacturing Pty Ltd into administration because we all know how much is at stake if the steelworks collapses. It was not just about backing the government's plan; it was about protecting the people and businesses of Whyalla, safeguarding jobs, livelihoods, our state's economy and the remnants of manufacturing in South Australia.

Questions remain, though, about how and why we got to this point where such unprecedented and rushed actions were necessary. GFG Alliance has been in financial difficulties for some time, as mentioned by other honourable members, and the steelworks has been in crisis for months, with well documented issues around the blast furnace and failure to pay tens of millions of dollars of royalties and water bills, let alone delays in paying workers' wages and owing significant debts to the vast range of local businesses and suppliers.

Let us also not forget that it was the previous Labor government who heralded GFG and Sanjeev Gupta as the saviour of the steelworks that would provide the solutions Whyalla needed after the steelworks was last placed into administration in 2016. Some of the questions included: was due diligence undertaken at that time? Were there really no rumblings of the financial challenges facing GFG? The Hon. Frank Pangallo canvassed and mentioned his suspicions from the very start. Alarms have been ringing constantly since September last year, with secret talks and no assurances from the government until this legislation was sprung on Parliament at the final hour.

It is, of course, unacceptable for the steelworks' operation to be compromised and it is also unacceptable for that situation to be allowed to deteriorate to this extent; however, today I want to support this motion and welcome this motion to allow members of the Legislative Council to provide reassurance and steadfast support for the people of Whyalla, particularly the workers and their families and the many businesses that rely on the viability of the Whyalla steel industry.

I thank the government for taking that leadership. It is critically important that the government is now doing everything possible to secure the long-term viability and sustainability and provide a brighter future for Whyalla. I commend the motion.

The Hon. C. BONAROS (11:42): I rise today to speak in support of this motion, the steelworks and the people who call Whyalla home. This motion, as we have heard from all members, is about securing Whyalla's future, a town built on steel and essential to the region and more broadly our nation. As we have heard, the Whyalla Steelworks produces 75 per cent of Australia's domestically made steel. It is one of only two steelworks in the country and the only one producing long steel, which we know is critical for our airports, bridges, rail and essential infrastructure.

Without it, we all know that we would be reliant on imported steel, which is a risk I think we have all acknowledged we simply cannot afford to take. A country that loses its ability to produce steel undermines its own sovereignty, economic security and defence capability. We need Australian steel not just for construction but for our defence projects, ensuring we can build what we need, when we need it.

This is, as we have heard, a matter of national interest, made clear, of course, by the Prime Minister's presence in Whyalla today. The $2 billion package, which I too welcome, is a necessary intervention to prevent immediate collapse, securing the 4,000 direct and indirect jobs that rely on the steelworks.

And we know that this is just the beginning. For too long, as we have heard, the steelworks have been left to age and, from all accounts, investment has been lacking, and now we have a $500 million upgrade that is urgently needed to bring it up to standard. While the governments'

support, both state and federal, is essential at this moment, long-term sustainability would ideally also depend on private sector investment. We know that a strong, capable private owner with a vision to modernise operations and expand into future industries, such as green steel and renewable energy, would give Whyalla the best chance to thrive. The potential exists to manufacture on a bigger and better scale, strengthening both the region and the nation.

Mr President, we know and you know, personally, that Whyalla has been the backbone of the Upper Spencer Gulf for many years. We know too well that when any industry collapses it does not just take jobs but takes communities with it: the GPs leave, schools shrink, the netball and footy teams cannot field enough players, the local shops close and eventually so does the pub. A town without jobs is a town without a future.

Whyalla's future must extend beyond steel. The region has so much to offer. For those of us who were present at another function this morning, we heard, for instance, about the role that tourism plays in Whyalla and about the annual migration of the Australian giant cuttlefish, which brings something like $10 million into that economy. We know that the waters of the Upper Spencer Gulf offer some of the best fishing and seafood in the country. There is so much untapped potential in tourism, aquaculture and, of course, small business. But these industries are not the backbone of that economy; steel is, and that is something that we simply cannot afford to lose. The ripple effect for those industries, if we were to lose steel, cannot be overstated.

In terms of our role in this, I was really heartened by the multipartisan approach that we all took on this issue yesterday. That is what I consider a good day in politics and a good day in parliament. We know this is far from over. We know that suppliers are struggling, debts have mounted and the road ahead is long, but the bottom line is that we all want what is best for our steelworks, for Whyalla and for the community more broadly.

But we are not the experts, and it is absolutely our responsibility—and I think we did this well yesterday; we demonstrated it well—to do whatever is necessary to get things on track and to provide the certainty that is needed in Whyalla. South Australians do not walk away when things get tough. Whyalla, we will not walk away. We will, I hope, as the Premier put it yesterday, remain team SA on this issue.

Can I close by commending Minister Koutsantonis, who has of course played a critical role in where we are today, and in particular the Premier for his strong and decisive action. I do not think it matters which side of politics you sit on: there was leadership shown in this place yesterday. The Premier did not attempt to do it alone; he brought us all along on that journey with him. That shows great strength of leadership, which is very worthy of acknowledgement by all of us.

I think it is important to acknowledge that everything he said to us was based on expert advice. That is so critical in this because we are not the experts. We have a Steel Task Force and the Premier is surrounded by all the people who know what needs to be done in Whyalla, so there has to be a level of trust. I think yesterday was a great demonstration of just that, so I commend the Premier and also Minister Koutsantonis for their leadership on this issue.

I think there will be plenty of time for the politics of this over the course of the next year. I think today we need to acknowledge the importance of this decision, acknowledge the people of Whyalla and the sheer relief they would be feeling in knowing that this is happening, and again, as I said, acknowledge the leadership that has been shown.

I also want to give a shout-out to the local member in Whyalla, the member for Giles. I do not think anyone would have felt the heat as much as the local member, who has to front that community day in and day out, would have felt over the last few months especially. I think it is important to acknowledge his role in terms of supporting Whyalla and supporting the steelworks but, also, if the Premier was kept up at night—and I am sure he was; I did say I have never seen sweat on the Premier's face, but I did see it for the first time yesterday—I think the member for Giles has probably had plenty of restless and sleepless nights as well. He is at the coalface of it, so he knows what the community's sentiment would be, and that is not an easy gig by any stretch.

I think if it was frightening for us to hear the advice that the state of the steelworks was now perilous and approaching a point where it was irredeemable—and that was frightening yesterday—

then I cannot begin to imagine the fear and uncertainty of the Whyalla community. I hope that we have demonstrated that we can all work collectively on this issue for a better outcome for Whyalla and I wholeheartedly support this motion.

The Hon. S.L. GAME (11:50): I rise briefly to speak on the Hon. Kyam Maher's motion on behalf of the government. This motion correctly identifies the main reason why I supported the government's legislation that allowed the Whyalla Steelworks to be placed into administration. As outlined in this motion, the steelworks is Whyalla's economic lifeblood. Businesses and families rely on it. If the steelworks was allowed to perish, it would take a terrible toll on the city and cause enormous suffering to thousands of people who rely on it for their livelihoods.

We have already heard about the palpable sense of relief sweeping across Whyalla from individuals, families and businesses. We know that suppliers have not been paid and we know creditors are hurting. This includes the government and big business, but it also trickles down to mum-and-dad small businesses that rely on cashflow for their very survival, so I welcome this announcement and what it means to the people in Whyalla.

Ultimately, profits save jobs, not government handouts, so while I have supported this emergency team SA measure—this short-term nationalisation of the steelworks—the focus must shift to ensuring the steelworks becomes viable and profitable, and as soon as possible. That is done by creating an economic environment that allows business to flourish, and affordable, available power sources sustain that environment. The steelworks must be run to create steel for Australia, not to cut emissions and not to be operated as some sort of example of green fairytale technology propped up by taxpayer funds.

In supporting this motion, I emphasise its final sentence, which asks us to all commit to securing the long-term future of Whyalla. This pledge must be pursued with practical, sensible, financially sustainable policies that do not burden taxpayers with that responsibility.

The PRESIDENT (11:52): I rise to make a brief contribution before I invite the Attorney-General to conclude the debate. I am happy to put my hand up to say that I have been advocating for this type of unprecedented action for some time. However, like all of you—almost all of you—I was caught by surprise yesterday, but I am so grateful that every member of parliament, let alone every member in this place, wholeheartedly supported the action. We were, indeed, very much team SA.

I am a proud Whyalla person born and bred, as is my wife. My children were born there. Both sets of grandparents are in the Whyalla cemetery, as is my father. Whyalla is in my veins. The people of Whyalla are proud and resilient, but how many broken promises can a community bear? We all acknowledge and know that Australia needs Whyalla steel; everybody acknowledges that. I for one personally welcome the state and federal governments' support. I welcome everybody's support because God knows Whyalla deserves it. I send my and my family's best wishes to the people of Whyalla. Let us all celebrate the future deserved success of Whyalla.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:54): I thank members for their contributions on this important motion. Members have identified the resilience of the people of Whyalla and the need to support the people and the city, but members have also correctly pointed out, for a whole range of reasons, just why we need sovereign steelmaking capacity in this country.

I will echo the words of the Hon. Jing Lee, who talked about the people of Whyalla needing reassurance and steadfast support, and that is exactly what this parliament did, in a quite unprecedented and unusual way. However, extraordinary circumstances call for extraordinary action, and that is what we have seen in Whyalla.

I will not dwell on it very long, because the Hon. Frank Pangallo mentioned it, but when we look back at the contributions that have been made I am disappointed in some of the contributions we heard from the opposition. If you went to the people of Whyalla and told them you had an opportunity to express support for them and that, 'This is what I said in parliament,' you might reflect on that and be disappointed and think about how you would do things differently in the future.

Having said that, thank you for the support for the people of Whyalla that has been expressed in this motion. That is what this government will continue to do, and I expect that is what this parliament will continue to do.

Motion carried.

Bills

ANIMAL WELFARE BILL

Committee Stage

In committee.

(Continued from 19 February 2025.)

Clause 33.

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

Amendment No 24 [Franks–1]—

Page 24, after line 21 [clause 33(3)]—Before paragraph (a) insert:

(a1) to promote the ethical, humane and responsible care of animals used for scientific purposes; and

This prioritises animal welfare for animal ethics committees with regard to scientific purposes, so again, putting into these particular bodies we have established a priority for animal welfare. It will insert a paragraph at (a1) to, 'promote the ethical, humane and responsible care of animals used for scientific purposes'.

The Hon. K.J. MAHER: The government will not be supporting the amendment. I am advised that the purpose of animal ethics committees is defined in the Australian Code for the Care and Use of Animals for Scientific Purposes, which is given legal force and recognition in this bill. The responsibilities of the committees are consistent with those similarly across the country.

Amendment negatived; clause passed.

Clauses 34 to 50 passed.

Clause 51.

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

Amendment No 2 [AboriginalAff–1]—

Page 37, after line 16—After subclause (1) insert:

(1a) A court must, at the request of the prosecution, on finding a person guilty of an offence against section 7(1) or (2), make an order forbidding the person to acquire, or have custody of, any other animal or any other animal of a specified class, either until further order or for the period specified in the order.

I spoke on this in relation to an amendment that the Hon. Tammy Franks had before us yesterday, so I will not speak again but rely on what I informed the chamber previously.

The Hon. T.A. FRANKS: I indicate the Greens' support for this amendment and thank the government for working constructively on this very important issue, ensuring that animal prohibition orders apply upon the prosecution's request for people found guilty of ill-treatment offences, especially when intending to cause death or serious harm or being reckless about causing death or serious harm to an animal.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition will be supporting this amendment as well. We think it is a sensible amendment and a reasonable compromise.

Amendment carried.

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

Amendment No 3 [AboriginalAff–1]—

Page 37, line 17 [clause 51(2)]—Delete 'subsection (1)' and substitute 'this section'

This is an administrative change because it includes section 51(1)(a) relating to mandatory granting orders for the aggravated offences.

Amendment carried; clause as amended passed.

Clause 52 passed.

The CHAIR: There is an amendment in the name of the Hon. Ms Franks to insert new clauses 52A to 52E.

The Hon. T.A. FRANKS: Amendment No. 25 [Franks-1] seeks to ensure protection for informants or whistleblowers when disclosing conduct relating to an offence. Before I move it, though, I understand it is similar to the government's amendment No. 4, so if the government could indicate their intentions there, I will take it from there.

The Hon. K.J. MAHER: I can indicate that the government has tabled and I will be moving amendment No. 4 standing in my name.

The Hon. T.A. FRANKS: I indicate the Greens will support the government amendment and thank them again for working constructively on these important issues. So I will not be progressing with amendment No. 25 [Franks-1].

Clauses 53 to 57 passed.

Clause 58.

The Hon. T.A. FRANKS: I indicate that amendment No. 26 and amendment No. 27 in my name will not be progressed with and note again that the government has come to the party and worked constructively on these important issues. I do intend to progress, however, with amendment No. 1 [Franks-2]. I move:

Amendment No 1 [Franks–2]—

Page 41, after line 21 [clause 58(2)]—After paragraph (c) insert:

(ca) levy amounts payable in accordance with subsection (2a); and

This ensures the victims of crime levy would be hypothecated into the animal welfare fund. I assume I can also move amendment No. 2 [Franks-2] at this clause. I move:

Amendment No 2 [Franks–2]—

Page 41, after line 29—After subclause (2) insert:

(2a) Any levy imposed under section 32 of the *Victims of Crime Act 2001* on a person who is convicted or, or who expiates, an offence against this Act is payable into the Fund (instead of being paid into the Victims of Crime Fund under section 30 of the *Victims of Crime Act 2001*).

The CHAIR: I am going to put it that it be a suggestion to the House of Assembly to amend clause 58.

The Hon. T.A. FRANKS: For the government: any levy imposed under section 32 of the Victims of Crime Act 2001 on a person who is convicted, or who expiates, an offence against this act is payable into the fund instead of being paid into the Victims of Crime Fund under section 30 of the Victims of Crime Act 2001. It ensures that it is hypothecated into animal welfare rather than—

The Hon. K.J. MAHER: I appreciate, for the easy conduct of the committee, the explanation. The government appreciates that animals are victims of offences under this bill; however, we are not intending to put money into a different scheme that would create a rather bespoke way to do it that differentiates it from nearly all other offences.

Amendments negatived; clause passed.

Clauses 59 to 73 passed.

Clause 74.

The CHAIR: There is an amendment in the name of the Hon. Ms Franks.

The Hon. T.A. FRANKS: I see this amendment as consequential on previous failed amendments. It would have simply referred to the codes of practice being subject to oversight by the independent office of animal welfare, so I will not proceed with that one.

Clause passed.

Clause 75 passed.

Clause 76.

The Hon. K.J. MAHER: I rise to speak on this clause and to answer a series of questions the Leader of the Opposition put at clause 1. I thank her for that, because it has given us time to consider the answers, which are of benefit to all of us. The question was asked:

> In relation to 76A is a person entering a property unlawfully (trespass, break and enter) to gain information on animal welfare issues, immune to prosecution if a report of alleged convention is successfully progressed?

My advice is that, no, this amendment does not provide any authority or approval to seek information via unlawful means, nor does it provide any immunity to prosecution for that unlawful entry. A question was asked:

> In relation to 76A is an owner preventing access to their property by another person an act to 'hinder another person in making a report'?

My advice is that, no, this amendment does not make preventing access to your property an act of hinder. This provision seeks to prevent someone from intimidating or threatening someone not to make a report to an authorised officer or someone they know or believe it to be true. It provides no overriding power to go seeking more information or evidence to a member of the public. The next question was:

> …if a person commits a crime in gaining access to document an animal welfare issue, are they protected from prosecution regardless of the animal welfare outcome or only if an animal welfare breach is found?

My advice is that the bill on this amendment does not provide immunity to prosecution if a person commits a crime to gain access to a document for an animal welfare issue. The same evidentiary provisions apply—unlawfully obtained evidence would be a matter for the courts. This provision does not provide an exemption or immunity. The question was asked:

> …if a person has committed a crime to gain access to animal welfare information (trespass, break and enter) is their information admissible?

I am advised that the same evidentiary provisions apply. Any evidence obtained through illegal means would be a matter for the court and liable to the same restrictions as in any other situation. A question was asked:

> …if someone tries to stop a person from committing the crime of unlawfully (trespass or break and enter) being on a primary production premises, is that someone 'obstructing a report of alleged contraventions'?

My advice is that the situation described would likely fall under the Summary Offences (Trespass on Primary Production Premises) Amendment Act 2020, as outlined. The wording of the provision of this amendment is quite clear: that you must not prevent another person from reporting without a reasonable excuse, nor hinder or obstruct someone from making that report.

Reporting—and I am advised 'reporting' is the key term—and the provision does not create an ability for someone to bypass other legal requirements, including that under the Summary Offences Amendment Act 2020. The amendment that has been moved does not create an exemption or an immunity for someone to go looking for information or to take documents or other evidence. It is about ensuring that someone is not threatened or otherwise prevented from making a report.

The Hon. N.J. CENTOFANTI: I thank the Attorney for the answers to that series of questions that I put forward to the house on Tuesday. I can indicate that the opposition is satisfied with the Attorney's answers and will be supporting this amendment.

Clause passed.

New clause 76A.

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

Amendment No 4 [AboriginalAff–1]—

Page 47, after line 34—After clause 76 insert:

76A—Obstruction of report of alleged contraventions

A person must not, without reasonable excuse—

(a) prevent another person from reporting to an authorised officer an alleged contravention of this Act; or

(b) hinder or obstruct another person in making such a report.

Maximum penalty:

(a) in the case of a body corporate—$250,000;

(b) in the case of an individual—$50,000.

By way of explanation, this is to strengthen the legislation with greater enforcement options. It is a significant step forward in that reports by the public need to be able to be made about the potential ill-treatment of animals. We have gone through the reasons for that and what this does not entail, importantly, in the amended explanations that I was able to provide to the Leader of the Opposition.

New clause inserted.

Remaining clauses (77 to 79), 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) (12:11): I move:

That this bill be now read a third time.

The Hon. T.A. FRANKS (12:12): I just want to very briefly express a repeat of the gratitude to the minister and the consultation process that was undertaken for this bill. The information that has been provided to members of this council to inform our deliberations and debate have been, I think, a model for other bills to follow: quite extensive, quite thorough and incredibly transparent.

I reiterate the thanks I previously made but I also want to add and acknowledge Animals Australia's Glenys Oogjes, Shatha Hamade, Naaman Kranz, Jed Goodfellow from Australian Alliance for Animals, and Dr Rebekah Eyres from the RSPCA of South Australia, in particular, for providing really detailed feedback, which was invaluable in assisting the Greens in our deliberations, as well as the Animal Law Committee of the Law Society of South Australia and, in particular, Mr Ronan O'Brien and policy chair Mr Nathan Ramos.

I want to make sure for the record that both of those factors, I think, really informed this debate and made it a very productive one and I hope a much better set of laws to support animal welfare in this state into the future.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (12:14): I rise today on behalf of the Liberal opposition as the lead speaker on the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2025. I indicate that the opposition supports the amendment bill, which aims to present legislative amendments which will strengthen our justice system, enhance public safety and improve the administration of laws in South Australia. The bill contains a series of

reforms designed to address gaps, modernise existing provisions, and ensure the fair and effective functioning of our legal and correctional systems.

Firstly, parts 5 to 7 as well as parts 12 and 13 propose amendments to the District Court Act 1991; the Environment, Resources and Development Court Act 1993; the Magistrates Court Act 1991; the Supreme Court Act 1935; and the Youth Court Act 1993. These amendments will empower the relevant head of jurisdiction to appoint a new judicial officer in instances where the presiding officer becomes incapacitated or passes away during the course of a trial. At present, section 175.1 of the Uniform Civil Rules 2020 provides for such a scenario in civil trials. This bill extends that principle to criminal trials and inserts it into legislation rather than procedural rules, ensuring greater consistency and certainty across all jurisdictions.

Part 2 of the bill introduces two key amendments to the Controlled Substances Act 1984. Firstly, clauses 3 and 5 will transfer the power to appoint an analyst from the Governor to the minister, streamlining the appointment process. Secondly, clause 4 expands the mental element of attempted trafficking of a controlled substance to include 'recklessness'. This amendment directly responds to the Court of Appeal's decision in Kingston (a pseudonym) v The Queen and Maxwell (a pseudonym) v The Queen and will strengthen our ability to prosecute those who attempt to traffic illicit substances.

Turning to part 3, this bill amends the Correctional Services Act 1982 to grant the Parole Board the authority to amend parole conditions without requiring the paroled person to first breach an existing condition. This change, requested by the Parole Board, will provide greater flexibility in managing parole agreements and ensuring compliance with rehabilitation objectives.

Part 4 concerns an important amendment to section 85B of the Criminal Law Consolidation Act 1935. Currently, the law provides a defence for individuals whose fire-related activities were genuinely directed at preventing or controlling a fire. However, this provision could be exploited by individuals who recklessly start a fire and fail to manage it responsibly. The amendment ensures that those who act recklessly cannot use this defence to escape liability.

In part 8, this bill makes two key amendments to the Motor Vehicles Act 1959. Firstly, it ensures that ultra high-powered vehicle class licences apply retrospectively to offences under section 74 of the act. Secondly, it aligns the demerit point system so that penalties imposed via phone detection cameras carry the same consequences as those issued by police officers.

Parts 9 and 10 make important technical corrections to legislation. Part 9 corrects an error in the Sentencing Act 2017 by substituting the word 'Crown' with 'DPP' in section 59, ensuring clarity in prosecutorial authority. Part 10 updates the Spent Convictions Act to reflect the establishment of the National Anti-Corruption Commission, replacing a reference to the defunct Australian Commission for Law Enforcement Integrity.

Finally, part 11 strengthens protections for our railway infrastructure. This amendment expands the offence of interfering with railway tracks under section 43 of the Summary Offences Act 1953 to explicitly include cables and systems. Moreover, it increases the penalty from $10,000 to $50,000, reinforcing the seriousness of such offences and acting as a stronger deterrent.

These amendments represent a comprehensive set of reforms aimed at bolstering the administration of justice, enhancing public safety and ensuring that our laws remain fit for purpose. I commend the bill to the chamber.

The Hon. R.A. SIMMS (12:18): I rise to speak on the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill. The Greens will support this bill, but we do have some concerns about a number of the provisions, and I might ask some questions about those at the committee stage. The bill contains a number of minor and technical amendments, most of which the Greens support and we understand the rationale; however, there are two provisions of note that I wish to comment on.

The first is the amendment to the Correctional Services Act found in part 3 of the bill that allows the Parole Board to impose new conditions where there has been no breach of parole. It is my understanding that the Parole Board asked for this change and that this power will not be used often, but the Greens are concerned that there is no test or threshold that has to be met before a new condition can be added.

Once this new bail condition is added, the usual processes around parole apply and a person impacted has a chance to challenge the new condition. However, I am concerned that in the absence of any breach of parole, I am struggling to envisage circumstances where additional parole conditions would be needed and could not be addressed through other mechanisms. It gives the Parole Board a very wideranging power that despite assurances it will not be used often, but in particular hypothetical situations, we simply do not know how or how often this power will be used, and that is of concern. We are giving very broad, wideranging powers, and the precise rationale for the change I do not think has been made clear by the government.

Secondly, in regard to part 11, I am pleased to see the government cracking down on copper theft from rail infrastructure and clarifying this provision; however, studies show that harsher penalties do not work to reduce crime. The Greens do recognise that copper theft is an issue and, as is the case of theft from rail infrastructure, it has the potential to cause hazards and delays, but that does not change the fact that harsher penalties do not work.

There is also a significant problem in our state at the moment with copper theft from construction sites. This, indeed, is an issue that has been raised with me. I have heard of South Australians who are building their own homes being in a situation where they do not want to leave the construction site unattended because they are in fear that someone is going to come and rip up the copper. Perhaps, it is worth the government investigating some sort of tracking or another mechanism to help prevent theft of this nature and looking at ways that they might keep track of copper.

Ultimately, the way to reduce crime is to minimise the circumstances in which they feel they are left with no other options. Social and affordable housing, free education, lower grocery prices, free and frequent public transport—all of these things reduce the risk of crime, particularly if the offending relates to stealing a material and selling it on for profit. I urge the government to consider that as part of its broader approach.

As I say, we are broadly supportive of a number of the provisions within the bill. There are a few elements that we have concerns about, and I will ask the Attorney-General some questions about those in the committee stage.

The Hon. R.P. WORTLEY (12:22): Every now and again, an Attorney-General's portfolio bill is required to rectify minor errors, omissions and other deficiencies identified in legislation committed to the Attorney-General and to other ministers' legislation where such changes are technical in nature. Given the minor or technical nature of the amendments, it is often more efficient to deal with such amendments in a single omnibus bill, rather than separate amendment bills for each act. The bill will ensure the proper and effective operation of various laws committed to the Attorney-General and other ministers by clarifying, removing and updating, where relevant, various inconsistencies, ambiguities and inefficiencies identified in the current legislation.

Part 2 of the bill contains two separate sets of amendments to the Controlled Substances Act committed to the Minister for Health and Wellbeing. Section 33 of the Controlled Substances Act abrogates the common law requirement for the prosecution to establish that a person knew, or was reckless with respect to, the identity or quantity of a controlled substance for offences committed against part 5 of the Controlled Substances Act.

In Kingston (a pseudonym) v The Queen; Maxwell (a pseudonym) v The Queen, it was held by the Court of Appeal that section 33P does not apply to attempted drug offences as they are not offences against part 5 of the Controlled Substances Act, but rather offences against section 270A of the Criminal Law Consolidation Act 1935.

The Director of Public Prosecutions has expressed concern that, following the decision in Kingston, the prosecution will not be able to rely upon section 33P as an aid to proof in respect of attempted drug offences. Instead, the prosecution will need to prove that the defendant had actual knowledge of, or was reckless with respect to, the identity or quantity of the controlled substance, as required by the common law.

To address this concern, part 2 of the bill amends section 33P to provide that a reference to an offence against part 5 of the Controlled Substances Act includes an attempt to commit that offence

in accordance with section 270A of the Criminal Law Consolidation Act. This will allow for the prosecution to rely upon section 33 as an aid to proof in respect of attempted drug offences under section 270A of the CLCA.

A further amendment is made to section 33P(2) to clarify that it is not necessary for the prosecution to establish that a person knew, or was reckless with respect to, the particular identity or quantity of the controlled substance, consistent with the intent of the heading to section 33P—knowledge or recklessness with respect to identity or quantity.

A transitional provision has also been included to clarify that the amendments will only apply to proceedings relating to an offence that were instituted after the commencement of the amendments, regardless of when the alleged offence occurred.

Part 2 of the bill separately amends section 51 of the Controlled Substances Act to remove the requirement for the appointment of analysts to be made by the Governor in Executive Council and to instead allow for these appointments to be made by the minister by way of a written instrument published in the *Government Gazette*.

Section 51(1) of the Controlled Substances Act provides that the Governor may appoint such number of persons to be analysts as the Governor thinks necessary or desirable for the purposes of the act. Analysts have a range of functions under part 7 of the Controlled Substances Act. This includes analysing and making determinations in relation to the weight, amount or quantity of substances that have been seized for the purpose of ascertaining whether the substance is a particular poison, prescription drug, drug of dependence, controlled precursor, controlled plant or medicine, or for any other evidentiary purpose.

In practice, analysts are usually appointed from employees within Forensic Science SA, namely forensic scientists. South Australia is the only jurisdiction which requires analysts to be appointed upon the approval of the Governor in Executive Council. In other jurisdictions, analysts are either appointed by the minister or the functional equivalent of a chief executive, typically by notice in the *Gazette*.

Accordingly, the bill seeks to allow for analysts to be appointed by the minister by way of a written instrument published in the *Gazette* rather than by the Governor. This is similar to the appointment process that currently applies in relation to authorised officers, who are appointed by the minister under section 51 of the Controlled Substances Act.

Section 71 of the Correctional Services Act 1982 currently provides that, where a person has been released on parole from a sentence other than a sentence of life imprisonment, the Parole Board may, on application or on its own motion, vary or revoke a condition to which the parole is subject.

Under 71(2), the same powers to vary or revoke conditions of parole also extend to a person who has been released on parole from a sentence of life imprisonment. Pursuant to section 74AAA(1) of the Correctional Services Act, it appears that a new condition of parole may only be added if the Parole Board finds that there has been a breach of parole.

The presiding member of the Parole Board has raised concerns that, in the absence of a breach, section 71 does not appear to allow for the Parole Board to add a new condition of parole and the board's powers are restricted to varying or revoking an existing condition of parole only. In particular, the presiding member has expressed concern that the inability of the Parole Board to impose further conditions where there has been no breach of parole has the potential to compromise community safety.

In response to these concerns, part 3 of the bill amends subsections 71(1) and (2) of the Correctional Services Act to permit the Parole Board to add new conditions of parole, in addition to the current powers to vary and revoke conditions, in circumstances where there has been no breach of parole. A transitional provision has been included to make it clear that the amendments will apply in relation to the parole of a person who has been released on or before the commencement of the amendments.

Part 4 of the bill amends section 85B(3)(b) of the Criminal Law Consolidation Act 1935 to achieve greater consistency with section 201A of the Victorian Crimes Act 1958, with the intent of tightening the operation of the back-burning defence in relation to the offence of causing a bushfire.

Section 85B(1) of the Criminal Law Consolidation Act provides that a person who causes a bushfire, intends to cause a bushfire or is recklessly indifferent as to causing a bushfire is guilty of an offence. The offence carries a maximum penalty of life imprisonment.

Section 85B(3)(b) provides that an offence is not committed if the bushfire results from operations genuinely directed at preventing, extinguishing or controlling a fire. Concerns were raised that this section may appear to permit a situation where:

- the fire was originally lit by a person for genuine fire prevention purposes; for example, back-burning;
- the person loses control or fails to extinguish the fire, whether by neglect, accident or intention; and
- the fire spreads onto a neighbouring property without the consent of the neighbouring property owner and the fire destroys the neighbour's property.

To address these concerns, section 85B(3)(b) has been redrafted to tighten the operation of the back-burning defence in line with section 201A of the Victorian Crimes Act, so the defence will only be available where:

- the bushfire was carried out in the course of carrying out a fire prevention, suppression or other land management activity; and
- at the time that the activity was carried out:
  - there was a provision made by or under an act or by a code of practice approved under an act in force that regulated or otherwise applied to carrying out the activity and the person acted in accordance with that provision in carrying out the activity; and
  - the person believed that their conduct in carrying out the activity was justified, having regard to all these circumstances.

Parts 5 to 7, 12 and 13—District Court Act 1991 and related acts: rule 175 of the Uniform Civil Rules 2020 provides that if a presiding judicial officer dies or becomes incapacitated before the final determination of proceedings, another judicial officer may be appointed to complete the hearing and determination of the proceeding. However, there is currently no equivalent provision in any legislative instrument in relation to the criminal jurisdiction.

The death or incapacity of a presiding judge in a criminal trial that has been part-heard has the potential to impact on the timely and efficient administration of justice, particularly where the trial is required to be heard afresh. A number of jurisdictions—Northern Territory, Queensland and Victoria—have enacted legislation to allow for a substitute judge to be appointed in relation to a criminal trial that has been part-heard in the event of the death, incapacity or illness of a presiding judge. Given the potential for this situation to arise in relation to both civil and criminal trials, the government considers that it is appropriate to ensure consistency across both the civil and criminal jurisdictions with respect to the appointment of a substitute judicial officer in the event of death or incapacity.

Part 5 of the bill amends the District Court Act 1991 to allow for a substitute judge to be appointed by the Chief Judge to preside over a civil or criminal trial that has been part-heard, whether the trial is by jury or by judge alone, in circumstances where the presiding judge dies or has been incapacitated. In particular, the amendments provide that:

- if the reasons for the judgement in the final form were prepared by the presiding judge, another judge appointed by the Chief Judge may publish the reasons and grant judgement in accordance with them; or

- in any other case, another judge appointed by the Chief Judge may complete the hearing and determination of the proceedings and rehear evidence and submissions to the extent that the judge thinks fit, and make orders as appropriate.

Parts 6, 7, 12 and 13 of the bill make similar amendments in respect of the Environment, Resources and Development Court Act 1993, the Magistrates Court Act 1991, the Supreme Court Act 1935 and the Youth Court Act 1993.

Part 9—Sentencing Act 2017: section 59 of the Sentencing Act 2017 allows for the Director of Public Prosecutions or a detained person to apply to the Supreme Court for release on licence in relation to an offender who has been declared unable or unwilling to control their sexual instincts.

Part 9 of the bill amends subsection 59(11) of the Sentencing Act to replace an erroneous reference to the Crown with the Director of Public Prosecutions. This is consistent with all other subsections in section 59, which refer to the Director of Public Prosecutions.

Part 10—Spent Convictions Act 2009: part 10 of the bill amends paragraph (d) of the definition of 'justice agency' in section 3 of the Spent Convictions Act 2009 to replace and update an outdated reference to the Australian Commission for Law Enforcement Integrity (ACLEI) with the National Anti-Corruption Commission (NACC).

The commonwealth National Anti-Corruption Commission Act 2022 (the NACC Act) came into operation on 1 July 2023. Amongst other things, the NACC Act established the NACC and repealed the commonwealth Law Enforcement Integrity Commission Act 2006 (the LEIC Act). Upon the commencement of the NACC Act, the ACLEI, which was established under the LEIC Act, was subsumed into the NACC.

Paragraph (d) of the definition of 'justice agency' in the Spent Convictions Act refers to the ACLEI 'or any other similar crime or integrity commission, body, office or agency established under a law of the Commonwealth or a State'. Given this, it is considered that the NACC would likely be caught by the catch-all reference in that definition as a 'similar crime or integrity commission…established under a law of the Commonwealth'. However, for the avoidance of doubt, it is proposed to remove the reference to the ACLEI and replace it with the NACC.

Part 11—Summary Offences Act 1953: part 11 of the bill amends section 43 of the Summary Offences Act 1953 to address concerns regarding an increase in the number of incidents of individuals interfering with or damaging assets on the rail network, including the theft of copper wire and piping.

In July and August 2023, thieves attempted to steal copper cabling at the North Adelaide train station. Although unsuccessful, these incidents were reported to have caused widespread delays and cancellation of metropolitan train services, with passengers forced to consider alternative modes of transport. In addition to presenting a public safety risk, incidents of this type have a significant flow-on impact on the rail network, causing unnecessary delays for passengers and costly repair bills to rectify the damage to the network.

Section 43 of the Summary Offences Act makes it an offence for a person to interfere with any part of a railway, tramway or any signal or machinery used in connection with any such railway, tramway or track. While it is considered that this would likely capture the theft of copper wire or piping that forms part of the railway or track, it is uncertain whether the offence would capture interruptions caused to the railway network system or processes where this is a secondary or indirect consequence of the copper wire or piping being stolen.

For the avoidance of doubt, part 11 of the bill amends section 43 of the Summary Offences Act to make it clear that the offence applies to any conduct that interferes with any signal, cable, system or machinery used in connection with a railway, tramway or track, such as the theft of copper pipe or wire. A further amendment has been made to increase the current maximum financial penalties for this offence from $10,000 to $50,000 in recognition of the significant financial impact of this type of offending. With that, I commend the bill.

The Hon. M. EL DANNAWI (12:39): I rise today to speak briefly on the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill, which amends a number of acts that

fall within the Attorney-General's portfolio. As the Attorney-General noted in his second reading speech, sometimes minor or technical amendments to many acts are most efficiently dealt with in an omnibus bill, like the one before us today. This bill is necessary maintenance to ensure the effective operation of our justice system, and I will speak briefly to a few of the changes that are made through this bill.

From feedback and concerns from the Presiding Member of the Parole Board, the bill amends the Correctional Services Act 1982 to allow the Parole Board to add new conditions to a person's parole. Previously conditions could only be revoked by the board, and the only way in which a condition could be added was if there had been a parole breach. Through this bill conditions can now be added by the Parole Board in the absence of a breach.

Upon feedback from the Director of Public Prosecutions, the bill amends the Controlled Substances Act 1984 in response to recent judicial findings. It also amends the act to remove the requirement for the appointment of analysts to be made by the Governor in executive council. Instead, these appointments can now be made by the minister by way of a written instrument published in the *Government Gazette*.

The bill also amends the Criminal Law Consolidation Act to tighten the operation of the backburning defence in relation to the offence of causing a bushfire. This change also brings us more in line with the Victorian Crimes Act. These changes further narrow the context in which the backburning defence will be available to someone charged with starting a bushfire.

The bill also amends the District Court Act 1991 and other related acts. Currently, the Uniform Civil Rules 2020 provide that if a presiding judicial officer dies or becomes incapacitated before the final determination of proceedings, another may be appointed to complete the hearing. However, there is currently no equivalent provision in any legislative instrument in relation to the criminal jurisdictions.

Given the potential of this situation to arise in relation to both civil and criminal trials, the government considers that it is appropriate to ensure consistency across both jurisdictions with the respective appointment of a substitute judicial officer in the event of death or incapacity. Part 5 of the bill accomplishes this with other parts of this bill making similar amendment in respect of other courts.

The bill amends the Summary Offences Act to address concerns regarding an increase in incidents of individuals interfering with or damaging assets from the rail network, including the theft of copper wire and piping. In addition to presenting a public safety risk, incidents of this type have a significant flow-on impact on the rail network, causing unnecessary delays for passengers and costly repair bills to rectify the damage to the network. This bill makes it an offence for a person to interfere with any parts of a railway or tramway, or any signal or machinery used in connection with them.

Finally, the bill also makes minor changes in the Sentencing Act 2017 and the Spent Convictions Act 2009 to correct names and fix errors. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (12:42): I thank members for their contributions on this bill, which has quite a number of different parts—small but important changes. I thank members for their indications of support for the bill and look forward to the committee stage and the intense questioning we will be subject to from the Greens.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I referenced in my second reading speech some of the concerns that I had in relation to the changes to the Correctional Services Act and, in particular, new powers of the Parole Board to change conditions. Is the Attorney able to outline the rationale for those changes?

The Hon. K.J. MAHER: This was at the suggestion and request of the Parole Board. It is to only be able to make changes where there is a formal breach found. There is, in the submissions made, a quite limiting ability for the Parole Board. The honourable member asked during his second reading contribution, 'Is there an example of where such a new ability, should this bill pass, might be exercised?' I am happy to give, after discussion with the Parole Board, an example.

While the proposed amendment does represent an extension of the Parole Board powers, the government considers these changes are warranted to ensure the Parole Board can continue to execute its statutory duties properly and effectively—namely, to protect the safety of the community. An example of where these powers might be exercised is where a parolee has entered into a new relationship with a person and it is alleged that the parolee has behaved violently towards their new partner.

In these circumstances, it is the Parole Board's view that it would be in the interests of the person's safety for it to have the power to impose a condition that prevents a parolee having contact with the alleged victim. The Parole Board observes that such charges are commonly contested, which may mean that the matter may not finally be determined by the court for some time.

In these situations, it is the Parole Board's view that, should it be able to respond appropriately and impose new conditions if necessary, notwithstanding the alleged conduct may not amount to a formal breach of a parole condition, it is also important to note that the Parole Board's proposed powers will continue to be subject to a number of existing safeguards, which the honourable member outlined in his second reading contribution and are provided for in section 71 of the existing Correctional Services Act. This includes a requirement for the Parole Board to give reasonable notice of its intention to exercise its powers to the parolee and to consider any submissions from them before determining whether to make any orders.

In addition, section 71(4) prevents the Parole Board from making an order in relation to a person who is under the supervision of a community corrections officer unless it has obtained a report from the Chief Executive of the Department for Correctional Services. It is anticipated that these safeguards would apply equally in the event that the Parole Board considers it is appropriate to exercise its power to impose a new condition on parole, should this bill pass.

Clause passed.

Remaining clauses (2 to 22) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (12:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:48 to 14:15.

WHYALLA STEEL WORKS (CHARGE ON PROPERTY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Members

LENSINK, HON. J.M.A.

The PRESIDENT (14:18): Before we start, I am sure you would all like to join me in wishing the Hon. Michelle Lensink a very happy birthday.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Interstate Travel Report from 9 December to 10 December 2024 prepared pursuant to the Public Sector Act 2009
Travel Report from 16 December to 20 December 2024 prepared pursuant to the Public Sector Act 2009

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

Direction to the South Australian Water Corporation—Public Corporations Act 1993
South Australian Water Corporation Charter December 2024
TAFE SA Ministerial Charter 2024-2025

Ministerial Statement

SOVEREIGN STEEL PACKAGE

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I table a ministerial statement made by the Minister for Energy and Mining in the other place entitled Sovereign Steel Package.

Question Time

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:20): I seek leave to give a brief explanation before asking questions of the Leader of the Government in the Legislative Council regarding new legislation.

Leave granted.

The Hon. H.M. GIROLAMO: Yesterday, the Parliament of South Australia pushed through legislation that forced OneSteel, which runs the Whyalla Steelworks, into administration. This was done in an urgent attempt to resolve the crisis at the embattled steelworks, which employs some 1,500 people direct and supports upwards of 3,000 people locally in Whyalla.

The opposition and crossbench in this place worked with the government to ensure the security of the steelworks and the regional city it supports. It was extremely fast, and not best practice when it comes to legislation, but we all appreciate that it was very important. My questions to the Leader of the Government in this place are:

1. Is the government preparing any further legislation to prioritise small creditors impacted by the GFG collapse and administration?

2. Are creditors with outstanding debts incurred before 19 February protected or will it only apply to additional creditors from that date onwards?

3. Will 100 per cent of creditors be reimbursed for all debts that are outstanding at this time?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:21): I thank the honourable member for her question. As the honourable member pointed out in her explanation, and as we talked about in this chamber today, there were extraordinary circumstances that brought about an extraordinarily fast piece of legislation that passed parliament yesterday, was assented to very quickly afterwards, and steps were then taken for the steelworks, owned by GFG, to be placed into administration.

In relation to questions about creditors in the future and any outstanding debts that are owed to creditors in the future, my understanding of the way administration works is that one of the purposes of administration is to be able to pay debts prospectively when they become due. It has been no secret and the Premier has been on the public record as being very keen for the steelworks in Whyalla to be a going concern and for those debts to be paid in the future as they fall due, and to look for a new owner to take over the operations of those steelworks.

There are laws that govern orders and payment for creditors. I think everyone's main concerns are particularly with small South Australian, often Whyalla-based, businesses that have not been paid for quite some months in some circumstances. I know that details are being worked out about what sort of supports can be put in place for those who are owed money. There were some announcements made earlier this morning while we were all either in the chamber or preparing for parliament, and there will be more made over the coming days, but certainly that is at the forefront of the thinking and concerns of both the state and federal governments.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:24): Supplementary: is the government aware of the exact value of all outstanding creditors from OneSteel?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:24): I think there are two parts to that answer. I think that was one of the big problems with the situation that was faced with the operations of OneSteel, that it was unclear exactly what was owed and who it was owed to. It is not a publicly listed company, and access to those records has been difficult at best. I think *The Advertiser* published some of those about a week ago, but that will be part of the point of the administration—to ascertain exactly what is owed.

But also, a part of the legislation we passed yesterday allowed for the government to have access to those complete financial records as well as the laws surrounding the administration of the company. So that will have to be ascertained in the coming days and weeks.

WHYALLA STEELWORKS

The Hon. D.G.E. HOOD (14:25): Supplementary: you mentioned the prospective debts that may be incurred. What about those that have already been incurred? What is the plan? What is your expectation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:25): I thank the honourable member for his question. As I said in the original answer to the original question, there have been some announcements that have been made this morning while we have been at parliament. There will be further announcements about how state and federal governments will look to support particularly, as I said, those small creditors and often locally based creditors, but there will be further announcements about how the state and federal government will support them.

OFFICE OF HYDROGEN POWER

The Hon. J.M.A. LENSINK (14:25): I seek leave to make a brief explanation before directing a question to the Minister for Industrial Relations and Public Sector regarding units in DPC.

Leave granted.

The Hon. J.M.A. LENSINK: In a press conference this morning the Premier outlined that the Office of Hydrogen Power isn't going anywhere, to use colloquial language. However, it is understood the $593 million plan for the plant has been deferred until a later time that has not been communicated to the South Australian public. My questions therefore to the minister are:

1. As the minister responsible for the public sector, what purpose is there in maintaining the Office of Hydrogen Power if the plan is to be deferred?

2. What modified roles will the number of people, in the order of 60 employees, be performing which will be different?

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 thank the honourable member for her question. As she appreciates and as the chamber obviously appreciates, this is a matter that has been moving very, very quickly. I note in the ministerial statement the Hon. Clare Scriven tabled from the Minister for Energy in another place—part of that statement says that the Office of Hydrogen Power SA will continue to operate with a focus on exploring and facilitating investment opportunities for a hydrogen industry in South Australia. Obviously, exactly how that operates and the needs of that office will be determined over the coming days and weeks.

OFFICE OF HYDROGEN POWER

The Hon. J.M.A. LENSINK (14:27): Supplementary question: can the minister confirm that the number of employees will remain the same?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:27): I thank the honourable member for her question. That is not something I can confirm will definitely be the case. As I said, this has been something that has been developing and changing over time, and that will be worked out in the coming days and weeks—exactly what is needed.

STEEL TASK FORCE

The Hon. B.R. HOOD (14:28): I seek leave to make a brief explanation before asking questions of the Leader of the Government in the Legislative Council regarding the Steel Task Force.

Leave granted.

The Hon. B.R. HOOD: The Department for Energy and Mining website states that the Steel Task Force was established to support Whyalla's mining, smelting and manufacturing operations following the steelworks entering administration back in 2015. This was done in order to make the Whyalla Steelworks to be the basis of a globally competitive and sustainable steel industry. My questions to the Leader of the Government are:

1. How often has cabinet been briefed by the Steel Task Force?
2. When was the last briefing?
3. Will you be receiving briefings going forward?
4. What reports or minutes will be provided publicly of the Steel Task Force?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:28): I thank the honourable member for his question. I will temper my answer by virtue of the fact that the honourable member hasn't been here for very long, certainly hasn't been ever involved in a cabinet process before and probably doesn't understand how cabinet operates.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: But one thing I won't be doing and one thing I don't think the sole member of the opposition who has been a member of cabinet, if the honourable member consulted with her before asking questions, would probably advise him is that the operations of cabinet are not spoken about. I would encourage the honourable member to speak to his—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —more experienced teammates who might be able to maybe guide his enthusiasm, and properly channel it in a way that might be useful.

BUSHFIRE RESILIENCE DAY

The Hon. M. EL DANNAWI (14:29): My question is to the Minister for Emergency Services and Correctional Services. Will the minister update the council about the importance of Bushfire Resilience Day 2025, which took place last week?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:30): I thank the honourable member for her question. It raises a very good reason to be highlighting this special day. With so many of our volunteer firefighters only recently returned from the firegrounds at Wilmington in the state's Flinders Ranges, we are receiving a timely reminder of the importance of Bushfire Resilience Day. This is a day to reflect upon the distance our firefighting resources have travelled since Ash Wednesday in 1983, which this day was established to remember.

Bushfire Resilience Day is held annually on or around Ash Wednesday's anniversary of 16 February. In South Australia, those fires killed 28 people and destroyed 383 houses with a total damage bill, I am advised, of more than $200 million. While the foundations of the day are based upon the tragedy of Ash Wednesday, Bushfire Resilience Day is also about recognising all lives lost to bushfires in the state, and remembering the efforts of our emergency services and the communities that they support and that have been impacted.

Bushfires have resulted in the significant loss of lives, as well as the destruction and loss of countless homes, pets, belongings, livestock, and other sources of livelihood. Bushfires have also had a lasting mental health impact on affected communities. From each bushfire comes a significant learning opportunity for all, from the government to Country Fire Services, to the South Australian community, always building upon the knowledge base of what has come before.

Even more than 40 years since its tragic ramifications, Ash Wednesday remains a pivotal moment for many, and one that helped shape the CFS that we know today. Since then, the CFS has continuously demonstrated the benefit of a centrally organised, highly trained volunteer base supported by equipment and safe systems of work that enable our members to safely respond to bushfires.

I grew up on the Yorke Peninsula. It gives me great comfort to see that the CFS volunteers who protect my family's community, along with other regional areas across the state, continue to reap the benefits of ongoing training, and equipment and system upgrades. As an example, in 2023, the CFS completed its most significant vehicle upgrade since Ash Wednesday: in the safety systems in all trucks, including in-cabin breathing systems; radiant heat shield windows and curtains; the Halo system that many would have heard of since the KI fires; and tyre spray protection systems.

Further to this, in December last year, the CFS 24 and 34 single-cab trucks, some of which are 30 years old, have been retired from operational services and replaced. All trucks now have a safety system in place that is in line with modern safety requirements and expectations. In recent fire danger seasons, the CFS has also secured the largest number of aircraft ever available to support South Australia during bushfires, with a total, I am advised, of 31 aircraft.

The combination of CFS's upgraded trucks, its well-resourced aerial capacity and also over 13,000 volunteer firefighters ensures that our state is as best protected as it possibly can be through the fire danger season, as we have witnessed at Wilmington.

CITY OF ADELAIDE EXPIATION FEES

The Hon. S.L. GAME (14:33): I seek leave to make a brief explanation before directing a question to the Hon. Clare Scriven, representing the Minister for Local Government, regarding the City of Adelaide council's expiation fees.

Leave granted.

The Hon. S.L. GAME: At its January meeting, following questions from elected member Henry Davis, it was revealed that the City of Adelaide has budgeted to collect $10.3 million in parking fines in the 2024-25 financial year, representing a 61.8 per cent increase from 2022-23, when it collected $6.3 million. That same meeting heard that, during that timeframe, the council employed seven new parking inspectors dedicated to issuing expiation notices.

The City of Adelaide council is also about to open public consultation on 21 February on a proposal to reduce car parking along Hutt Street from 131 spaces to 57 spaces and has recently floated a plan to cut speed limits across the CBD to 30km/h. My questions to the Minister for Local Government are:

1. Given the exponential increase in parking fines being issued in the Adelaide CBD and the City of Adelaide's other proposed anti-vehicle policies, does the minister concede the council's actions are working against the government's stated aim of ensuring the Adelaide CBD remains a healthy, vibrant retail precinct?

2. Will the government commit to addressing this clear trend of action with the council, reminding it that, as the heart of the state's retail and hospitality sector, the Adelaide CBD must be protected from its clear overreach and increasingly imbalanced policies regarding vehicles in the CBD?

3. Will the government remind the council that those impacted businesses are ratepayers and need to remain profitable in order to employ hundreds and thousands of South Australians?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I am happy to refer that to the minister in the other place and bring back a response.

GAMBLING ADVERTISING

The Hon. C. BONAROS (14:35): I seek leave to make a brief explanation before asking the Attorney and/or the Minister for Consumer and Business Affairs, who he represents, a question about gambling advertising during broadcasts of sports events.

Leave granted.

The Hon. C. BONAROS: Yesterday, the Australian Communications and Media Authority put out a media release detailing the findings of the regulator's investigation into the apparent broadcast of gambling advertising on commercial television during practice round 1 one of the Formula One Australian Grand Prix on 22 March 2024.

Conclusively, the investigation found that Network 10 (Sydney) breached the Commercial Television Industry Code of Practice, which mandates that gambling promotions cannot be shown during broadcasts of sporting events between 5am and 8.30pm, including five minutes before or after the event. This follows a separate 2024 investigation which found the streaming service 10 Play, provided by Network 10, to have breached online gambling regulations during two livestreamed soccer events.

Keeping in mind that it is Channel 10 Sydney that the ACMA media release refers to, my question to the Attorney is: are we aware of any similar breaches to the SA gambling advertising codes in this jurisdiction during major sporting events?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:37): I thank the honourable member for her question. I think she correctly identified that the minister responsible for gambling as it pertains to South Australian regulation is the Hon. Andrea Michaels, Minister for Consumer and Business Services. I am not aware, but I am happy to pass that on to see if there is an answer to be brought back about any awareness of the circumstances in which the honourable member outlines.

GFG ALLIANCE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:37): I seek leave to give a brief explanation before asking questions of the Leader of the Government in the Legislative Council on GFG administration.

Leave granted.

The Hon. H.M. GIROLAMO: The government announced yesterday that KordaMentha would be appointed by the government as administrators of OneSteel, owned by GFG Alliance, with

notices officially served to GFG throughout yesterday morning at offices across the country. According to *The Advertiser*, the owner of GFG Alliance, Mr Sanjeev Gupta, in an internal memo to his executive, said that the Australian government was wrong to put the Whyalla Steelworks into administration and would seek legal advice on how to protect the interests of his other companies which comprised more than half of Whyalla's creditors. My questions to the Leader of the Government in the Legislative Council are:

1. Is the government aware if Sanjeev Gupta and GFG may attempt legal action to remove KordaMentha as administrators of OneSteel?

2. What impact would any potential legal action from GFG play during the administration phase and on the operations of the Whyalla Steelworks?

3. Will this impact on the government's ability to find a buyer for the Whyalla Steelworks?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:39): I thank the honourable member for her question. As she appreciates, I certainly won't canvas anything that could in any way whatsoever jeopardise the proper administration and then the ongoing continuation and hopefully new ownership of the Whyalla Steelworks.

What I can say, and I know that the Premier has said publicly, is that in coming to the decisions that were made and the action that was taken yesterday, which will happen over the coming days, weeks and months, the very best advice—the very best legal advice, in particular—of some of the very best legal minds in this area, the law, was sought. It informed the decisions that the government took and the way in which those decisions were made.

WHYALLA LEGAL SERVICES

The Hon. R.P. WORTLEY (14:39): My question is to the Attorney-General regarding additional funding for Whyalla legal services. Will the Attorney-General inform the council about the government's announcement of new funding to expand the provision of legal services in Whyalla?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:40): I thank the honourable member for his question and the concern he has shown not only for Whyalla in particular but for regions across South Australia. I know the honourable member is a regular visitor to our regions; he has affogatos in most cafes right around the state.

An honourable member interjecting:

The Hon. K.J. MAHER: Sorry, I may have inadvertently misled parliament: deconstructed affogatos, right across South Australia. I am pleased to share with the council that, as I had outlined earlier today, announcements have been made about significant further support for the community of Whyalla. The commonwealth and state governments are looking to do what we can to support the people of Whyalla and the businesses in Whyalla. There will be funding necessary during these initial periods of administration, but both the state and federal governments recognise that there will be a need for ongoing support for Whyalla and for businesses in Whyalla as we hopefully transition to a new operator of the steelworks.

One small part of what we are providing with this funding is further funds to the Legal Services Commission of South Australia to provide more legal support and service to the people of Whyalla during these uncertain times. The Legal Services Commission, who are South Australia's leading legal aid commission, are a highly regarded legal aid service who provide high-quality and free legal advice to community members and small businesses who need it. New funding will ensure that the Whyalla office is staffed with more lawyers throughout this month, staffing emergency legal services that will provide on-the-spot legal advice and minor assistance to anyone in the Whyalla region, with no financial means testing.

This emergency legal service commenced recently and will operate for four weeks on Tuesdays, Wednesdays and Thursdays. The emergency legal advice service will be able to assist individuals and small businesses with legal queries relating to, amongst other things, debt recovery

and insolvency, including administration processes, mortgage deferrals, employment queries, Centrelink advice, advice on any government programs that may become available, and residential tenancies. Referrals in relation to related family law and other issues can also be made. Whyalla-based lawyers will also be able to refer individuals to mental health services, financial counselling services and other wraparound support services where necessary.

This is another small but significant indication of the support that we are providing for Whyalla and its people.

WHYALLA STEELWORKS

The Hon. R.A. SIMMS (14:43): I seek leave to make a brief explanation before addressing a question without notice to the Leader of the Government in this house, the Attorney-General, on the topic of the Whyalla Steelworks.

Leave granted.

The Hon. R.A. SIMMS: This morning the government announced that a rescue package of $2.4 billion across the state and federal governments will be offered for the Whyalla Steelworks. The package includes $384 million to fund the operations of the steelworks during administration to ensure workers and contractors will have ongoing work and will continue to be paid. Additionally, there is a $1.9 billion investment in upgrades and new infrastructure. My question to the minister, therefore, is: will the government consider giving the public an equity stake in the steelworks to ensure that we don't see any repeat of the mistakes we have seen over the last few years, flowing from private ownership?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:44): I thank the honourable member for his question. As I am sure the honourable member will appreciate, this is the very early stages of administration before we see what comes next. As I say, what we are aiming for is ongoing continuing operation with a new owner. I think it was around 2017, the last time the steelworks was in administration—it was about 17 months, if I am remembering correctly, of administration before a new owner was found.

Issues to do with what it looks like coming out of administration are, obviously, a lot of work to look at that, but I think it is fair to say what the state and federal governments wish for—and what I think we all wish for in both houses of the South Australian parliament—is whatever happens and whatever structure it takes to give it the best possible chance of success for the people of Whyalla for decades to come.

The Hon. R.A. SIMMS: Supplementary.

The PRESIDENT: Supplementary question, the Hon. Mr Simms. It would want to be good, given that you are only semi-dressed, but I will listen.

The Hon. R.A. SIMMS: It has gone out of my head now, Mr President. You have embarrassed me.

The Hon. T.A. FRANKS: Point of order: is there a dress code for this chamber that we should be made aware of?

The PRESIDENT: The Hon. Ms Franks, your point of order is well made. There is a convention that we try to adhere to. I know the Hon. Mr Simms is a very handsome man, but I would still prefer him to have a tie on like everybody else. If he chooses to defy me, it will be okay.

The Hon. T.A. FRANKS: Point of order: when you say 'everybody else', do you include everyone in this place?

The PRESIDENT: No, I am sorry: the males, the Hon. Ms Franks. The Hon. Mr Simms, let's have your supplementary.

WHYALLA STEELWORKS

The Hon. R.A. SIMMS (14:46): Thank you, Mr President. Should a private owner be found for the Whyalla Steelworks, which we all hope is the case, will the government consider giving the

taxpayer a public equity stake commensurate with the public investment to ensure that taxpayers have more oversight over what happens in Whyalla?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:46): I thank the recently described 'very handsome' honourable member for his question. As I say, I think it would be foolish to start trying to forecast what sort of structure or shape it might take after administration. As I say, I think we would all hope that whatever shape it takes gives it the best possible chance of providing for the people of Whyalla, South Australia and Australia for decades into the future.

WHYALLA EMPLOYMENT

The Hon. J.M.A. LENSINK (14:47): I seek leave to make a brief explanation before directing a question to the Minister for Industrial Relations regarding jobs in Whyalla.

Leave granted.

The Hon. J.M.A. LENSINK: My understanding is that there were at least 350 contractor jobs cut in January this year at a mining contractor in the Upper Spencer Gulf linked to former Whyalla Steelworks owner GFG Alliance, which came on top of job losses of some 48 positions at the steelworks in August last year. My questions for the minister are:

1. As someone who has attended ministerial briefings and has a stake in having a greater understanding than the rest of us here, can he confirm exactly how many people have lost their jobs, either directly or indirectly, as a result of matters to do with the steelworks in the last year?

2. Were the 400 employees and contractors who have lost their positions contacted by the government directly or through their employers?

3. Can the government rule out any further job losses?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:48): I thank the honourable member for her question. Certainly, we would like to see as many people employed as possible in Whyalla, and that is exactly the point of the actions that have been taken this week: to do everything that is in our power to protect the ongoing operations of the steelworks and prevent further job losses.

I know that there are things being set up now that will create a place and an ability for people to go to to look at potential future work. I think there is a jobs and skills hub being set up in Whyalla to provide that sort of support for people. Our aim, above everything else, is to make sure the steelworks continues operating so it can continue to provide jobs directly and all the jobs that are provided indirectly.

WHYALLA STEELWORKS

The Hon. J.M.A. LENSINK (14:49): Supplementary question: will the minister take on notice some of the questions I asked and attempt to bring back a reply 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) (14:49): I am happy to see if there are answers to those. Of course, we don't necessarily have all visibility of everything that happens in private sector employment, but I am happy to see if there are any statistics that the government holds. I will also bring back greater detail about some of services being offered to the people of Whyalla in this regard.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:49): Supplementary: can the minister rule out any further job losses at the steelworks?

The PRESIDENT: The Hon. Mr Ngo.

WHYALLA DEVELOPMENT

The Hon. T.T. NGO (14:50): My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the chamber about projects being delivered through PIRSA and other state and federal agencies to support regional development in Whyalla?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for his question. Clearly the last day has been hugely significant for the people of Whyalla as well as for our state and our nation. The actions that have been taken by our government, with the broad support of members of state parliament across the board and alongside the Albanese government, to set up the Whyalla Steelworks hopefully for generations to come, mean that we also see the opportunity to ensure the viability and prosperity of the city of Whyalla for generations to come.

The Whyalla community is resilient, and they have displayed this spirit over a number of decades now. We understand, of course, that the community has endured hardship before, as many are enduring now, on the back of the success or otherwise of the steelworks. Like the steel the city is famous for, the people are strong and resilient.

While all in this chamber would be aware of the importance of the steelworks to the city of Whyalla, the state and the nation in terms of sovereign capability, providing the steel for the crucial material we need with the resources we have, I want to highlight the actions our government has taken to further strengthen and build the community of Whyalla that improve the quality of life in the region by enabling smaller projects.

One very notable association with Whyalla is the incredible Australian giant cuttlefish aggregation that occurs on its doorstep. Every year around wintertime thousands of people flock to Whyalla to take part in not only witnessing one of nature's great marine spectacles but also to immerse themselves in the festivities around the city that have been growing around this natural wonder over the years.

The growth in tourism to Whyalla has seen the city and the state and federal governments invest in infrastructure to cater to the growing demand, doing so in such a way that it does not compromise the marine environment that attracts thousands upon thousands of cuttlefish to the waters off Whyalla.

The state government has made available another $100,000 towards a study into design options for the Cuttlefish Cove Experience, further building on the momentum behind the increasing tourism to the region each winter which is so important for local businesses. One of the first actions I took as minister was to reinstate protections for the Australian giant cuttlefish in the Upper Spencer Gulf, protection that was allowed to lapse under the former government. The community in Whyalla was very clear that they wanted the species protected, which would in turn protect their continued investment in bringing people to the region to witness this spectacular event.

The city's foreshore will also see major investment, with state government delivering $5 million to fully fund the upgrade of the Whyalla Surf Club and cafe. This project, being undertaken by the Whyalla city council, is another important asset that provides opportunities for residents and tourists to Whyalla to participate in the local community in different ways.

These projects are among many being funded by local, state and federal governments, importantly including a vital upgrade to the Whyalla Airport, a project supported by all three levels of government at a cost of $32.4 million. Also, I am sure many kids in Whyalla will look forward to the Whyalla Beach Splash and Play Plaza, another fantastic project that has received support from the federal government.

When we talk about Whyalla we have to talk about and think about the community and the region as a whole. The steelworks underpin so much of the city's prosperity and, in ensuring it has a future, we can invest in the incredibly hardworking community that provides the skills that keep our nation making its own steel.

It has been very encouraging to hear the sentiments from Whyalla over the last few days, that of relief and hope. Today and yesterday have been momentous in the history of Whyalla and our state, and mark the start of what I am sure will be a positive chapter for the community.

RIVERLAND GRAPEGROWERS

The Hon. F. PANGALLO (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about the plight of Riverland grapegrowers.

Leave granted.

The Hon. F. PANGALLO: Both the federal and state governments have rushed to prop up the Whyalla Steelworks with a bailout of over $2 billion to stave off a crisis in that region. But there is one large critical region that has been forgotten by this minister and the state and federal governments—the food bowl of the state and our nation: the Riverland. It's now a year since I first raised the financial plight of grapegrowers. In that time, we have seen sales to China resume, which have hit near pre-COVID levels. Blaming a glut, wine companies have been holding growers to ransom by offering them unrealistic prices for their grapes, losing up to $200 per tonne just to reach their break-even point.

It is harvesting time again and it's happening again. For the fourth vintage in a row, growers are facing savage losses, which are causing dire economic hardship for them and the region. In response to one of my questions last year, the minister prattled on about the Riverland Wine Industry Blueprint, a 10-year plan full of motherhood statements and little else. There was $200,000 in funding over two years to support industry to implement the blueprint's recommendations. Despite this, desperate growers contacted me today to say nothing has happened—no financial assistance to transition or remove vines, no sign of a mandatory code for the industry.

While the minister may have had a recent meeting with the industry body, growers say she really needs to meet with them at the coalface to see how badly they are hurting. They are asking: if there is money for Whyalla, what about the Riverland? My questions to the minister are:

1. What financial assistance is your government going to provide to growers, and when will you meet them?

2. Exactly what has been implemented from the blueprint recommendations, and how much of that funding has been spent?

3. What has happened to the implementation of a mandatory code?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for his question. I think there are a few points to make. Certainly, the lifting of the tariffs into China has resulted in a very significant change in the wine industry in South Australia. I have always said, however, that it was not a single solution.

Whilst we have seen excellent results in terms of exports to China since the lifting of the tariffs, there are many individual businesses that perhaps are not involved in export or part of that chain, and there are many other issues that are facing the wine industry. The oversupply of red wine grapes is of course a key one of those. However, it is encouraging that the value of South Australian wine exports in the year ending November 2024 was up just over 51 per cent by value to $1.85 billion compared to the previous year.

Growth was noted in China, and it's almost not worth talking about a per cent given that it was virtually nil prior to that, but according to my references it is a 23,637.8 per cent increase. Hong Kong was up 20.5 per cent, the UK was up by a small amount, as was Canada. Malaysia was up by 10.9 per cent, Taiwan up by 6.9 per cent, Belgium up by 76.4 per cent, United Arab Emirates up 53.7 per cent and Sweden up 7.6 per cent.

From a volume perspective, there were increases for the United Kingdom, China, Belgium, Hong Kong, Japan, Malaysia, South Africa, UAE and Sweden. From April to November 2024—that's obviously the end of the tariffs—South Australia exported over $647 million in value and over

77 million litres of wine to China. For the month of November 2024 alone, wine to China grew 18.1 per cent to $93.6 million.

The positive momentum has been aided by financial assistance from the state government, as well as from the federal government. The South Australian government's $1.85 million wine exporters China re-engagement support package has executed 11 trade activations and market visits, along with seven targeted marketing campaigns since March 2024.

The Hon. F. PANGALLO: Point of order: will the minister answer my questions? I don't want to hear about China.

Members interjecting:

The PRESIDENT: I hope I don't have to share my salary with the Hon. Mr Hunter. Minister, if you could do your best to answer the member's question and seek to conclude your remarks so that we can move on, as soon as you can, please.

The Hon. C.M. SCRIVEN: Thank you, Mr President. The honourable member asked about financial assistance and the $1.85 million, I would have thought, was significant financial assistance.

The package is helping to reposition South Australia as a market leader in China and support the broader stabilisation of the trade and economic relationship. The Department of State Development has also co-funded 32 South Australian wine producers to attend the Vinexpo Asia wine fair. A Taste of South Australia networking event was held ahead of the Vinexpo fair, which enabled South Australian wine producers to connect and showcase wines to over 450 trade guests from across the region.

The trade minister has also visited Shanghai, China as part of the first official wine delegation to China since the removal of tariffs. In April 2021, the wine export recovery and expansion program was established to offset the significant impact of the China tariffs, and that diversification remains important. I think one of the key things many businesses have appreciated since there were tensions which resulted in trade barriers of various sorts in various sectors is the need to continue to pursue diversification.

In terms of the Riverland, a number of workshops have been held to assist the Riverland. Members may be aware of a change in leadership within the organisation, which is Riverland Wine. I recently met with the new and I believe interim executive officer of Riverland Wine. One of the topics of discussion was the blueprint, and how a number of things that have been called for by growers within the region are contained either directly or indirectly within that blueprint.

In November last year, the federal government and state government announced a new $2.5 million wine recovery support program, developed using recommendations made by the viticulture and wine sector working group. That program will focus on targeting vineyard waste management, building domestic demand and regional grape and wine capability.

The honourable member mentioned assistance to pull vines. He, I am sure, has heard my response on a number of occasions in this place to the various views in regard to vine pulls. The Anderson report, which formed part of the wine sector working group, pointed to the disruptions in the market that can be caused by such things in terms of vine pulls, especially those supported by government, and the history of them certainly engendered a great deal of very passionate opinions through some of the conversations that occurred or the submissions made to the working group.

Certainly, that has been my experience on the various occasions that I have been in the Riverland and the discussion around vine pulls has come up. Therefore, it is not considered an appropriate approach to trying to overcome some of the issues that remain being faced by the Riverland.

RIVERLAND GRAPEGROWERS

The Hon. F. PANGALLO (15:03): Supplementary: what financial assistance can the South Australian government provide to these growers in the Riverland rather than federal funding, and what has been implemented from the blueprint recommendations?

The PRESIDENT: Minister, if you could give a short answer so we can move on, I would appreciate it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): Certainly. First of all, I will invite the honourable member to refer back to previous answers I have made about specific financial support that had been offered, including small grants for everyday expenses.

In terms of an update on the blueprint, at my meeting recently—as I mentioned, that was with a new and I think interim executive officer—there was only a very high-level report back, given their newness in the role, in regard to the blueprint.

WHYALLA STEELWORKS

The Hon. B.R. HOOD (15:04): I seek leave to provide a brief explanation before asking a question of the Leader of the Government in the Legislative Council on the Whyalla Steelworks.

Leave granted.

The Hon. B.R. HOOD: During this morning's press conference with the Primer Minister in Whyalla, the Premier stated that he had spoken to the Prime Minister last year regarding the issue in Whyalla, with the PM responding and, in the words of the Premier, I quote, 'I'm going to make this work.' On FIVEaa today when asked a question by Graeme Goodings as to why this has taken so long, federal minister Ed Husic said there was hope that the former owners would actually pay their bills and invest in what they said they would.

Given those comments, my question to the Leader of the Government is: when exactly did the government form a view that GFG could not pay its debts, and when did the government decide to pursue the action that it has now taken?

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 will refer back to the ministerial statement that I read out that was made by the Premier yesterday in parliament. Again, going into the ins and outs of what cabinet discussions or deliberations occur is not something that I will do and it is not something that any minister has done in this chamber in the past.

From the public statements that have been made, from the actions that we saw yesterday, I think we are all well aware that this took a great deal of planning. The preciseness of the actions that were needed to give the events that occurred yesterday the best possible chance of playing out, and to give the Whyalla Steelworks the best possible chance of being the success it can be into the future, have necessitated a lot of work and forethought.

MEN'S RUGBY WORLD CUP

The Hon. J.E. HANSON (15:06): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the council about Adelaide recently being named as the host city for the Men's Rugby World Cup in 2027?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:07): I thank the honourable member for his question and interest in the importance of this announcement. In a development that has been welcomed by rugby union fans across our state, it was announced recently that Adelaide will host five matches as part of the Men's Rugby World Cup 2027.

Adelaide will be one of seven host cities during the six-week nationwide festival of rugby that will take place from 1 October until 13 November 2027. For those who are less familiar with the rugby community, the Men's Rugby World Cup is considered to be one of the world's major sporting events. I am advised its return to Australia in 2027 will be the first time the cup has been held in the country since 2003. I understand that the 52-match tournament will see some 792 players across 24 teams compete, and a further 12 teams will qualify for their sport as part of the Journey to Australia 2027 which kicked off just a few days ago on 31 January in Europe.

However, there is also another historic rugby match to keep our eye out for and that is the historic British and Irish Lions match on 12 July this year. An expected packed-out crowd at the Adelaide Oval will witness the British and Irish Lions play for the first time in almost 140 years.

These rugby events show that South Australia continues to attract some of the biggest sporting events on the planet, boosting our great state's standing as a major event powerhouse, and injecting economic support to our local tourism and hospitality sectors. I am advised the Men's Rugby World Cup tournament is anticipated to inject $1.3 billion in indirect visitor expenditure across the country and attract more than 250,000 international visitors, while creating 8,700 full-time jobs. I look forward to welcoming the teams and supporters from around the world and interstate who will be coming over for these historic matches, and also the experience of our great state.

CHILD PROTECTION LEGISLATION

The Hon. T.A. FRANKS (15:09): Under standing order 107, I seek leave to make a brief explanation before addressing a question to the Leader of the Government in this place on the Malinauskas government's willingness to negotiate with this Legislative Council.

Leave granted.

The Hon. T.A. FRANKS: It has been reported in *The Advertiser* today that child protection minister, Katrine Hildyard, is refusing to 'compromise' on new laws—on the child protection legislation—specifically refusing to negotiate on the best interests of the child being a paramount principle. South Australia is currently completely out of step with every other jurisdiction in this nation and indeed the courts of our nation in regard to our relegation of best interests of the child, which, of course, include protecting children from harm but many other categories.

My question therefore to the Leader of the Government in this place is: will the Malinauskas government negotiate with this council on legislation even if the child protection minister won't?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:10): I thank the honourable member for her question. It is neither my portfolio area, nor am I the minister that represents the minister in that area here. Being involved with debates and discussions in the Legislative Council in one way or another for some time since being a Chief of Staff—since I think 2002, so a couple of decades now—one thing I am absolutely certain of is that there will be robust discussions held in this chamber on any proposal potentially that is brought before it, and all members will have their say on what they think the best way forward is in their view for any proposal that is brought here.

CHILD PROTECTION LEGISLATION

The Hon. T.A. FRANKS (15:11): Supplementary: does the Malinauskas government accept that this is a parliament, not a government, that makes the legislation in this place?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:11): I can confirm that this is indeed a parliament.

CHILD PROTECTION LEGISLATION

The Hon. C. BONAROS (15:11): Supplementary: does the Minister for Child Protection acknowledge that this is a parliament, not a minister who makes these decisions?

The PRESIDENT: Sit down.

WHYALLA STEELWORKS

The Hon. D.G.E. HOOD (15:11): I seek leave to make a brief explanation before asking a question of the Leader of the Government in this chamber about the Whyalla Steelworks and GFG.

Leave granted.

The Hon. D.G.E. HOOD: As I am sure the government would acknowledge, the opposition has asked multiple questions over many months, especially in the House of Assembly, where the responsible minister is and which therefore would be the appropriate place to ask most of the

questions about the Whyalla Steelworks and GFG. In particular, we were focused on its financial solvency and its status to continue trading in a solvent manner, as has been the Hon Mr Pangallo, I should point out as well.

We have done so in order to establish the viability of the steelworks and GFG and the government's position, as I think all of us could see—that is, government, opposition and crossbench—the potential for another significant financial hit to the state comparable at least in monetary terms to the infamous State Bank disaster. My questions to the Leader of the Government are:

1. When did the South Australian government first become aware of and publicly acknowledge the severity of GFG's financial troubles?

2. Is it the government's expectation that all of the creditors will receive their payments and, if so, in full—that is, past and present?

3. Does the government have an expectation of receiving the outstanding funds due back to South Australian taxpayers that I understand are in the order of tens of millions of dollars, and if they do have an expectation of receiving that return to them in full, when is that expected?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:13): I thank the honourable member for his question and his concern for and interest in what is a very big part of the South Australian economy and indeed a very important part of the Australian economy. In relation to payment of creditors, I think I will refer the honourable member to an answer I gave to his colleague earlier today: that is a process of administration. The point is if it is to be a going concern, which is exactly what we are aiming for, for prospectively creditors to be paid their debts when they become due. In relation to those ones that have occurred before the administration, that is something that is being looked at and worked out, and there will be further things said about that in coming days.

In relation to the state of the finances over recent months and in fact recent years of the operation of the steelworks, it is on the public record that the Steel Task Force has provided the best possible advice that the government was able to seek, noting the difficulty in obtaining actual records from the private company, GFG. I think that is well known and on the public record, and certainly the government has acted in a way—using the best advice we had—to protect the future of the Whyalla Steelworks.

WHYALLA STEELWORKS

The Hon. D.G.E. HOOD (15:14): Supplementary: I thank the minister for his answer. With respect to retrospective payments, I understand it is early and difficult to pin that down, but is there an expectation that the public funds will be returned?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:14): Sorry, that was the third part of the question, and I neglected to mention that. Again, this is the first full day of administration. I think it is too early to tell, but certainly, as I have answered to a couple of other questions, as a government, the South Australian government and also the federal government, first and foremost our interest is in making sure the Whyalla Steelworks is viable for many years to come for the necessary production, the sovereign capability of producing long-form steel, but also, and even more importantly, the people of Whyalla—the thousands of people and families—directly and indirectly, who rely on that steelwork continuing.

SHOP TRADING HOURS

The Hon. M. EL DANNAWI (15:15): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about extended shop trading hours during the festival season?

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 certainly will, and I thank the honourable member for her question. It is an important topic, shop trading hours, for South Australia. As members of this council will very fondly recall, we saw very significant changes

and amendments to South Australia's shop trading regime in 2022. This followed what could only be described as a full term—four long years—of policy paralysis in this area under the former Liberal government.

But in 2022, the first year after an election, the new government was able to get it done after that policy paralysis that characterised the Lucas Liberal government of those four years. The changes we made in our first year of a new government were important reforms. They extended Sunday trading to start at 9am, allowed for midnight trading on Black Friday and in the lead-up to Christmas, and it regularised the sporadic trading on the Boxing Day public holiday.

It also, and importantly, reformed the process for making ministerial shop trading exemptions, notoriously misused by the former Lucas Liberal government. We have been clear about the use of ministerial trading exemptions to support businesses during significant times of community events, particularly those that bring large numbers of tourists to our state. We don't want to misuse the exemptions and undermine the important regime that is set up to protect families and protect workers.

Members interjecting:

The PRESIDENT: Order! Keep going, please. I want to get to the Hon. Ms Lee, if I can.

The Hon. K.J. MAHER: Under these amendments, industry stakeholders—both business and worker representatives—are put at the forefront of decision-making.

Members interjecting:

The PRESIDENT: Order! Order, all of you!

The Hon. K.J. MAHER: I will keep my remarks very brief because I do understand, and I also want to get to the Hon. Jing Lee to be able to ask a question. After being hounded out of her party, now they are trying to stop her asking questions and I won't stand for that. I won't stand for that, and I will facilitate the Hon. Jing Lee trying to be heard.

Members interjecting:

The PRESIDENT: Order! Attorney, come on.

The Hon. K.J. MAHER: I am very pleased to be able to say that continued collaboration—

Members interjecting:

The PRESIDENT: Order! Stop it!

The Hon. K.J. MAHER: —will see extended shop trading hours in the CBD tourist district for Saturdays between 15 February and 22 March, to coincide with LIV Golf, which is an exceptionally important event that is supported by this government, the Fringe and the Adelaide Festival. Data shows similar exemptions last year, extra hours on the Saturday, increased tourism in the CBD with a 22 per cent increase in visitation in Rundle Mall and, I understand, an 18 per cent increase in retail trade. It is an excellent example of government, industry and unions working together for the betterment of South Australia.

CHILDCARE SERVICES

The Hon. J.S. LEE (15:19): I seek leave to make a brief explanation before asking a question of the Minister for Emergency and Correctional Services, representing the Minister for Education, on the topic of safety in childcare centres.

Leave granted.

The Hon. J.S. LEE: A report by *The Advertiser* on 12 February found that children are going missing or being locked outside of childcare centres across the state, with the latest data revealing a rise in reports of injuries and illnesses. Last financial year, there were more than 2,370 incidents reported, including about 300 cases where children were taken from centres, locked in or out of rooms or could not be found. Ambulance, police or firefighters were called to centres 245 times and there were more than 1,820 reported injuries or illnesses. Currently, operators are not required to tell

parents about incidents or notices issued by safety inspectors, only changes imposed on their conditions of operation. My questions to the minister are:

1. What measures will the government implement to improve the safety of children at childcare centres?

2. Will the government take action to improve the transparency requirements for childcare centre operators regarding safety incidents and notices issued by safety inspectors?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:20): I thank the honourable member for her question. I guess there is an overlap here of different areas that should be looking after this very important matter, but I will start with the minister for early years and see if there is any information that he can get back to you in regard to this matter.

Bills

CRIMINAL LAW CONSOLIDATION (DEFENCES—INTOXICATION) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:21): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:22): I move:

That this bill be now read a second time.

I am pleased to introduce the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill 2025, colloquially known as Synamin's Law. On 12 March 2022, Ms Synamin Bell was killed in an horrific manner by her partner. That man was charged with Ms Bell's murder but pleaded guilty to manslaughter and was sentenced on the basis that he had acted in excessive self-defence due to his belief that she intended to kill him, a drug-induced delusion caused by his consumption of illicit drugs.

On 6 September 2024, the court sentenced Synamin's killer to 11 years' imprisonment, with a non-parole period of eight years and 10 months. This case highlighted that a person who has been charged with murder can rely on the partial defence of excessive self-defence, reducing their criminal liability from murder to manslaughter based on their genuine belief that their conduct was necessary and reasonable to defend themselves even if that belief was formed on the basis of delusions or hallucinations caused by self-induced intoxication.

It is clear from the public's reaction to the killing of Ms Bell that it is inconsistent with community expectations that a person may rely on their self-induced intoxication to reduce their murder charge to manslaughter. Synamin's Law seeks to address this by amending the Criminal Law Consolidation Act 1935 to exclude the availability of excessive self-defence when a person's genuine belief that their conduct was necessary and reasonable to defend themselves has arisen from the voluntary and non-therapeutic consumption of a drug.

Part 2 of the bill makes the following amendments to the Criminal Law Consolidation Act 1935:

- Clauses 3 and 4 insert new sections 15(2a) and 15A(2a) to exclude the availability of excessive self-defence in relation to a charge of murder if the prosecution proves beyond reasonable doubt that the defendant's genuine belief that their actions were necessary and reasonable for a defensive purpose was substantially affected by the voluntary and non-therapeutic consumption of a drug. The exclusion of the partial defence of excessive self-defence in these circumstances will apply to both the defence of persons and of property to ensure a consistent application of the partial defence.

- A 'drug', for the purposes of the new section, includes alcohol or any other substance capable of influencing mental functioning. The consumption of a drug is taken to be non-therapeutic if it was not prescribed and/or consumed in accordance with the medical practitioner's and/or the manufacturer's instructions. This definition allows a partial defence of excessive self-defence to remain available to a person whose genuine belief is affected by intoxication caused by an unexpected reaction to a prescribed or an over-the-counter medication that has been taken in accordance with the relevant instructions.

In order to address stakeholders' concerns that this bill is criminalising domestic or family violence victims by removing the partial defence of excessive self-defence for people who kill their abusive partner to protect themselves, the bill inserts a note in clauses 3 and 4. The note provides some guidance on the application of the new provisions, namely, that it does not prevent the operation of section 15B of the Criminal Law Consolidation Act, which addresses offences committed in circumstances of family violence.

In particular, the note clarifies that it may be that the genuine belief of a defendant is not substantially affected by the consumption of a drug or alcohol where there is evidence of other matters substantially informing or affecting the belief; for example, if the offence occurred in circumstances of family violence.

To put it otherwise, the purpose of the note is to ensure that, in determining the availability of the partial defence of excessive self-defence where a person kills a family member, the court can take into account any evidence of family violence in the determination of whether the defendant's belief was genuine or substantially affected by the consumption of a drug, or whether the background of family violence has substantially informed or affected the belief.

It is intended that these changes will address the community's concerns about a defendant's ability to reduce the murder charge to manslaughter through excessive self-defence in circumstances where their actions were a direct result of their voluntary and non-therapeutic consumption of a drug, and deter the consumption of substances that may affect mental functioning and result in the commission of violent acts.

I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 15—Self defence

The proposed amendments to section 15 provide that a defendant is not entitled to rely on a defence under section 15(2) in relation to a charge of murder if the prosecution proves beyond reasonable doubt that the genuine belief of the defendant, that the conduct to which the charge relates was necessary and reasonable for a defensive purpose, was substantially affected by the voluntary and non-therapeutic consumption of a drug.

4—Amendment of section 15A—Defence of property etc

The proposed amendments to section 15A provide that a defendant is not entitled to rely on a defence under section 15A(2) in relation to a charge of murder if the prosecution proves beyond reasonable doubt that the genuine belief of the defendant, that the conduct to which the charge relates was necessary and reasonable for a purpose referred to in section 15A(2)(a), was substantially affected by the voluntary and non-therapeutic consumption of a drug.

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (DATA ACCESS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 August 2024.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:27): I will keep my contribution short, given the importance of the next bill that is coming up. I rise today to speak in support of the Statutes Amendment (National Energy Laws) (Data Access) Bill and indicate that I am the lead speaker for the opposition. This bill is a step in improving how energy data is managed and shared in Australia with the aim of supporting better decision-making and planning as our energy system continues to evolve.

At its core, this bill will allow the Australian Energy Market Operator (AEMO) to share protected energy data with trusted bodies, such as government departments, the Australian Bureau of Statistics, the Clean Energy Regulator and researchers. This is data that AEMO already collects but can only be shared in a limited way under current laws. By broadening the list of bodies that AEMO can share the data with, the bill enables more effective planning, policy development and research on energy matters.

Proper data analysis can help to produce policy in order to reduce rising household energy costs. Late last year, when I spoke to the National Electricity (South Australia) (Orderly Exit Management Framework) Amendment Bill, I highlighted the unprecedented energy costs that South Australian households and businesses are facing. Since then, South Australians are still facing some of the highest power bills in the nation. Currently, energy departments at the state level have often found it difficult to access AEMO's data in a timely manner, due to competing priorities and a lack of formalised agreements.

This bill gives the South Australian energy and mining minister the power to establish rules around the data access amendments. This ensures the regulatory framework can adapt as technology and the energy landscape change. However, as always, the opposition will monitor closely how the minister uses these powers.

The Statutes Amendment (National Energy Laws) (Data Access) Bill is a pragmatic step to improve how energy data is used in Australia. With that, I support the bill.

The Hon. S.L. GAME (15:29): I rise to speak on the Statutes Amendment (National Energy Laws) (Data Access) Bill. These proposed amendments to national energy laws are designed to develop a data strategy for the National Electricity Market. One of the key elements of the strategy is to remove barriers in accessing data from the Australian Energy Market Operator. The removal of legislative barriers will allow the market operator to share consumer data with an expanded list of prescribed bodies. This will allow policymakers, planners and researchers access to data from consumer meters and renewable energy units or systems that are located at houses or businesses to provide power.

The rationale for expanding access to consumer data is to gain a better understanding of different consumer behaviour and the impact of the energy transition that will inform forecasting, investments, new services and consumer protections. It has also been stated that this data could support energy accounting, reporting and net zero aspirations. However, even the minister in this place has highlighted the clear risk of data security and the need to increase public confidence in data sharing between the energy operator and wider stakeholders.

While the minister has assured this chamber that the disclosure of protected information for data-sharing purposes will be limited and restricted, with civil penalties imposed for breaches of protection requirements, I remain concerned about the expanded dissemination of protected consumer data and also how government bodies might accumulate data to use against consumers by restricting access or imposing quotas or penalties. I am also concerned about how effectively the market operator will be enforcing any breaches of consumer data by these newly prescribed bodies.

Further to this, the bill creates broad power for the minister to make rules or revoke or amend a rule because of the enactment of the data access amendments. In short, this means that further

expansion and dissemination of consumer data could be enacted with limited oversight. With this, I put my concerns before the chamber regarding this bill, the risk it poses to protected consumer data and the potential for this data to be used against consumers in the future.

The Hon. T.T. NGO (15:31): I rise to speak in support of the Statutes Amendment (National Energy Laws) (Data Access) Bill. The reforms in this bill are part of a broader data strategy which is essential to ensure consumers benefit from the rapid changes in the energy system. A consequence of allowing private companies to own and control energy services is that it has become harder for public agencies to create well-informed policies that benefit everyone. Fundamentally, this bill is about helping to control costs in order to keep energy affordable for consumers and to make sure South Australians are protected and treated fairly by energy companies.

This government understands that a coordinated data strategy will facilitate informed decision-making by enabling research and policy development processes to be improved. In recommending reforms, the Energy Security Board has identified that data gaps have already led to avoidable inefficiencies, higher costs and risks for consumers. The board also found that these data gaps were frequently caused by decision-makers not having access to relevant data. Not having this important information has shown that people struggle to choose the best energy plans or solar systems because, as consumers, they are not given enough information about energy use and potential savings.

Although since 2014 consumers have had the right to access and share their energy use data, the complicated processes and inconsistent standards make it difficult to understand this information. This was highlighted in a survey by Energy Consumers Australia, which found that only about half of consumers feel they have enough information to make informed energy choices.

In addition to this, important research groups and policymakers cannot access key energy data such as meter readings or electricity bills, even if the data is anonymous. This makes it harder to identify important issues such as how rooftop solar, electric cars and energy programs for low income households affect the energy system. Creating smart policy becomes challenging, and it can also makes it very hard for networks such as SA Power Networks to develop cost-effective alternatives for consumers.

Likewise, new energy companies struggle to improve their services because they cannot access the customer's energy use history, unlike older, well-established energy companies who have large amounts of past data, giving them an unfair advantage. Consequently, this prevents new companies from offering better services to consumers.

This bill aims to fix these problems by creating rules for sharing energy data safely and fairly. It allows the Australian Energy Market Operator (AEMO) to share data with trusted organisations to help with research and planning and in making better energy policies. The bill allows for specified agencies that follow existing obligations on data protection to be classified as class A, such as state energy departments and jurisdictional regulators.

The bill will allow other agencies to be classified as class B, such as the Australian Renewable Energy Agency, the Clean Energy Finance Corporation, Energy Consumers Australia, and universities that working on energy projects. This will come with strict data protection rules as well as strict penalties if those rules.

Today, too much of the knowledge about the energy system that powers our homes and businesses is being kept out of reach of those who can use this data to benefit consumers. This bill seeks to redress that imbalance, and I hope honourable members support it.

The Hon. J.E. HANSON (15:36): Who doesn't love a good energy bill? Everyone does; it is really good. The Hon. Mr Ngo has actually said some of the things I was going to say, but—

An honourable member: Say them again.

The Hon. J.E. HANSON: I might. Mine goes a little bit further and mentions a quote from Sir Francis Bacon, so just hang in there—it is towards the end.

The Hon. B.R. Hood interjecting:

The Hon. J.E. HANSON: Sir Francis Bacon, that is right, Hon. Mr Hood. I rise to speak in support of the Statutes Amendment (National Energy Laws) (Data Access) Bill. As pointed out by the Hon. Mr Ngo, the reforms in this bill are part of a broader data strategy—and all the rest of that stuff.

Privatisation of the energy system has created barriers to good public policy, but we have to work within the constraints to manage risks and affordability to protect consumers. Currently there is a lack of access to data, which inhibits doing that, certainly efficiently, and definitely limits us in terms of effective decision-making. That affects consumers, obviously, registered market participants, new entrants, planners, forecasters, policymakers—aka pretty much everyone.

The uptake of digital technologies and increasing data needs have emphasised the shortcomings in the system, as I just outlined. In recommending reforms the Energy Security Board, as the Hon. Mr Ngo has pointed out, found that data gaps have already led to avoidable inefficiencies, higher costs, risk for consumers, and contributed to affordability and security challenges.

The board actually went further than what the Hon. Mr Ngo had to say, and said that data gaps were frequently caused by decision-makers not having access to relevant data, even if sharing the data would clearly be in the wider interests of consumers. There are out of date regulatory frameworks governing data, lack of process to manage or share data, and a lack of incentives for parties to make data available. At this stage if you are not thinking of *Star Trek*, sir, I would be surprised.

A coordinated data strategy will be a key enabler to improving processes, better targeting research, guiding policy development and enabling informed decision making. So getting settings right, if you like, will support innovative services, and enable a higher uptake of renewable and low emission technologies. It will reduce inefficiencies which are clearly associated with poor operational or poor investment decisions, and support a more affordable energy outcome for households, businesses, communities—basically everyone.

The Energy Security Board cited several examples of data gaps, and I am going to go into a few of them. They included the following: consumers currently make choices on new energy plans and solar voltaic systems without easy access to data on how they use their energy. What that means is what the best services for them may be or whether they may be better off with another choice to be made is actually difficult for them to ascertain. For example, a household where people leave to go to work during the day are likely to derive more of their benefit, for instance, from battery than those who stay at home during the day. So the diverse usage patterns of households will benefit from better data to allow them to understand their individual circumstances.

Consumers have had a right to access their own metered data, as was pointed out by the Hon. Mr Ngo, and share it with other service providers since around about 2014. There is an obligation on retailers and networkers to provide it. However, a lack of required common processes, such as a common way to do it, a common identification verification and common data standards to facilitate that means that most consumers—and I would think even most people even in this building—will still struggle to gain access or only access to it in a form that limits the ability to share that data, the portability of that data.

The Energy Consumers Australia consumer sentiment survey, as cited by Mr Ngo, indicated that only half of consumers feel confident that they have enough information to make good energy decisions. I would actually think, in practice, it may be well below that. Secondly, there is planning and forecasting. System planners, forecasters and market participants have had to forecast demand with limited visibility of current demand and many unseen factors driving consumer change, including uptake and impacts of new technologies, such as air-conditioning units, and energy efficient technologies, such as solar voltaic cells, have led to key challenges in forecasting major changes in the other aspects—so not usage but demand.

These forecasting challenges are a contributing factor to price rises over recent decades. When demand fell unexpectedly, higher forecasts contributed to overinvestment in networks. There is also the development of network-supporting services. At present, most demand management is focused on reducing load during higher price periods. Essentially, demand management is a substitute for peaking generation; however, it can be an efficient substitute for network investment.

Greater visibility of load profiles would help distribution network service providers, which is SA Power Networks in this state, to develop non-network alternatives to network upgrades; for instance, for particular customers, during a small number of peak periods driving a need to upgrade a substation, there may be opportunities for that provider to work with customers to develop mutually beneficial alternatives, if you like, that are much cheaper than a substation upgrade.

Lastly, getting to ourselves—the policymakers and regulatory bodies—policymakers make significant investments in programs to trial new technologies and to address concerns around vulnerable consumers and exposed sectors. However, access to data and metrics to measure the impact of these measures and evaluate consumer benefits is inadequate. This reduces benefits and learnings from the programs and limits the improvement in future programs.

Similar challenges are experienced with customer surveys or trials where limits on consumer consent, due to a lack of clear requirements and advice, mean findings are unable to be shared. Only retailers, as was pointed out by the Hon. Mr Ngo, currently can see what consumers actually pay for energy. No other party can currently access usage data, tariffs or even bills in a way that can support some sort of broad statistical analysis or understanding of ongoing impacts on consumers. This is a major challenge for everybody but definitely for us here in trying to institute things like consumer protections or retail transparency and wider consumer policy.

Regulators and policymakers have limited access to data and to evaluate how consumers are impacted by different policies and services, making it challenging to monitor consumer protections, to assess and advise jurisdictions—even our own—on retail margins or design or test policy options.

Regulators monitor retail market prices based on prices offered in the market and do not have clear visibility on which tariffs consumers are actually on or what consumers really pay. Published estimates for consumer bills vary widely and provide no insights into impacts on different consumer segments.

The distribution of tariff reform or changes to the structure of distribution of tariffs will redistribute who pays for network costs. For instance—Mr President, I know that you are right across that—if networks are moved toward time-of-use charges, customers who use their power predominantly during peak periods are likely to have to pay higher bills. Making more granular data available to parties responsible for tariff reform will help ensure that restructuring is targeted towards delivering more efficient outcomes, without disproportionately impacting any particular group of customers.

As tariff structures change, better data will also help customers adapt their behaviour in ways that reduces bills and overall system cost. The bill before us seeks to create a framework to begin to close gaps in access to data. It does so in a pretty structured way by allowing the Australian Energy Market Operator to share data with specified bodies to improve planning, regulation and research. The bill allows for specified bodies to be classified as class A, with our existing obligations on data protection. These are bodies such as jurisdictional regulators and state energy departments.

It is pretty absurd that a legacy of privatisation is that our own Department for Energy and Mining cannot currently access all the relevant data it needs to make informed policy recommendations. This bill allows for certain other bodies to be classified, not just as class A but the nifty class B. These will include the Australian Renewable Energy Agency, the Clean Energy Finance Corporation, Energy Consumers Australia and universities, all of which are working on energy policy and program projects. Class B will be bound by explicit data protection conditions, backed by a pretty hefty civil penalty framework.

As promised, in my wrap-up I said that I would get to the quote of Sir Francis Bacon, which I know we have all been hanging out for, in particular the Hon. Mr Hood. Back in 1597—quite some time ago, I think it was the last time the Liberals were in power—he wrote that 'knowledge is power', and this remains true all these centuries later, it really does. We could even amend it to say that knowledge about power is power. There you go, see! Today, too much knowledge about power, about the energy system that powers our homes and businesses, is being kept out of reach of those who can benefit—consumers. This bill seeks to redress that imbalance, and with that I commend it to the chamber.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:47): I thank honourable members for their contributions: the Hon. Ms Girolamo, the Hon. Ms Game, the Hon. Mr Ngo and the Hon. Mr Hanson. I appreciate the indications of support for the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.L. GAME: I have a couple of questions for the minister at clause 1. What measures have been put in place to review the effectiveness of the new civil penalty regime for breaches of consumer data and, other than penalties for breaching the rules regarding access to consumer data, can the government outline what other measures or actions have been taken to protect consumer data once access has been given to these newly prescribed bodies?

The Hon. C.M. SCRIVEN: I am advised that—and we probably all agree—protecting Australia's energy sector from cyberthreats is of national importance. This has been recognised by the inclusion of the energy sector within the Security of Critical Infrastructure Act 2018, and the reforms. These reforms support the ability of the energy sector to maintain secure and reliable energy supplies, thereby supporting our economic stability and national security.

AEMO has worked closely with the commonwealth and industry to develop the Australian Energy Sector Cyber Security Framework. AEMO securely receives, stores and shares significant amounts of information as part of operating energy markets, and is consistently uplifting cyber capabilities in accordance with the AESCSF, act and an evolving threat landscape.

The initial data strategy reforms make provision for AEMO to share information that it currently holds. In terms of sharing this information, AEMO will firstly need to understand the capability of the party requesting the information, and that will conclude with a data-sharing agreement being put in place. The actual sharing of information will be through one of AEMO's secure channels so that it is within the monitored and managed infrastructure. This process is likely to require the recipient to be onboarded as an authenticated user prior to sharing.

Clause passed.

Remaining clauses (2 to 14) and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Committee Stage

In committee.

(Continued from 6 February 2025.)

Clause 1.

The Hon. C.M. SCRIVEN: I have been asked to thank the Hon. Tammy Franks for her questions, provided last week, which were taken on notice, and I can now provide answers. Before responding to those questions, it is important to make very clear that the government will not be compromising the safety of children and young people.

The bill clearly lays out and elevates the best interests principle and enshrines it in this legislation in a way that frontline workers will be able to clearly apply to their hard work with and for children and young people, but safety will remain as the paramount principle, and we will not apologise for putting child safety first. If that is not the will of the chamber we will seek to adjourn the debate.

Regarding the member's question about the stakeholders who advocate for the elevation of safety as the paramount principle over best interests as the paramount principle, firstly I can reassure members that safety has not been elevated. Currently, in the 2017 act, it is the only principle to be considered.

What the government has actually done is reintroduced and elevated the best interests principle to the draft bill. This was removed after the tragic death of Chloe Valentine where the coroner recommended to the government that safety be placed as the principle in the act. The elevation of the best interests principle applies to all decisions made by the department and its staff except when the best interests principle and the safety principle are in conflict. Further to the member's questions, I have received advice that the minister and chief executive heard from staff and young people that they wished for safety to remain the paramount principle.

Frontline DCP workers always work in the best interests of children, and this legislation articulates that they must now do so when making decisions. They are sometimes faced with unimaginable life or death situations where they must make critical decisions about children and young people. When they are in these situations they have told the Minister for Child Protection that they need utter clarity that their first consideration is safety.

I also take the opportunity to reference a joint statement from four key organisations that represent the needs and interests of vulnerable South Australians and young people and those who care for them. This joint statement was sent out yesterday and was from Child and Family Focus SA, the peak body for child safety and child protection, representing the needs of South Australian children, young people, families and the non-government not-for-profit organisations which support them; Connecting Foster and Kinship Carers—SA Inc., the independent peak representative body for foster and kinship carers; the CREATE Foundation, the peak body representing the voices of children and young people with an out-of-home care experience; and the Reily Foundation, the parent and family support and advocacy body for South Australia. This joint statement states:

> …the four agencies agreed today to support the passage of this Bill through parliament. There are many elements in the Bill that will fundamentally improve the operation of the child protection, support and care system in South Australia and vulnerable children, young people and families, and those that support them, need those changes.

They go on to list the reasons as to why this legislation is important and its passage must be prioritised. The government will not apologise for prioritising the safety of children and young people as, indeed, the citizens of South Australia expect.

Furthermore, the member asked further questions regarding the Chief Executive of the Department for Child Protection misleading a select committee hearing, allegedly. According to my advice, as was said last week, it is the expectation that all public officials would do their best to provide accurate answers at all times. I am advised that the chief executive did not mislead the select committee. I am aware that Ms Jackie Bray has now met with the Guardian for Children and Young People and discussed the matter further. I am asked to take the opportunity to state that accusing any public official of misleading parliament is extremely serious and should not be done lightly.

The Hon. T.A. FRANKS: Can the minister please table the entirety of that statement she has just made reference to?

The Hon. C.M. SCRIVEN: Which statement is the honourable member referring to?

The Hon. T.A. FRANKS: CAFFSA, Reily Foundation and Fostering—the joint statement she read selected quotes from. If she can table the entire thing that would be really good.

The Hon. C.M. SCRIVEN: I am happy to provide this letter for tabling.

The Hon. C. BONAROS: I am due to speak in a moment after the Hon. Sarah Game, but given what the minister has just said, I would also like a copy of the answers that she has just

provided to be circulated to members as well, please, so we can consider that in the context of the debate.

The Hon. S.L. GAME: I would like to speak at clause 1. I rise to speak on the Children and Young People (Safety and Support) Bill 2024 in response to evidence given during the recent select committee where numerous stakeholders willingly and courageously, and with very little notice, generously offered to tell their stories and recount their experience of a system that is clearly in crisis. It is never easy to speak up and continue to challenge such a powerful bureaucracy with a self-serving agenda, so I want to commend all the stakeholders who persisted and persevered in their advocacy for our state's most vulnerable children and young people, and the many carers and workers trying to do their best in a system that is no longer fit for purpose.

It would have been a lot easier and far more convenient for members of this chamber to just rubberstamp the government's proposal on that last sitting day of 2024, and head off into Christmas holidays under the guise of it having at least passed through something rather than nothing in the hope that there would be some improvements to the care of our young people.

Thankfully, the opposition and crossbenchers in this place resisted that temptation, and we stood together to send this half-baked piecemeal proposal to a select committee where disgruntled stakeholders would finally be afforded an opportunity to be heard. It was a pressing and overwhelming call from stakeholders to hold this government to account and advocate for much-needed change that has inspired members of this place to do all they can to get the government to listen.

I would like to commend stakeholders, legislators and advocates who have been willing to admit the mistakes of the past, in particular the reforms of 2017, which made the safety of the child the paramount principle and which we are now aware has had unintended consequences. With the benefit of hindsight, we can always do things better, and that is why we are here today to do our due diligence to the best of our ability, and hopefully prevent the possibility that in 10 years from now we will not again be forced to fix the mistakes of the past.

Recently, on 11 February, my office attended a collaborative briefing with industry leaders from the child protection sector, which included brave grandmother Belinda Valentine, whose granddaughter Chloe died so tragically back in 2012. Belinda eloquently and passionately explained how Chloe's death impacted the psyche of this state, and how the elevation of 'child safety' to become the primary and paramount principle was how the state collectively attempted to heal the pain of Chloe's death.

The state believed that with child safety at the forefront of the department's decision-making, tragedies like Chloe's would never happen again. However, despite these good intentions to keep children safe, Belinda noted that many families in crisis now avoid reaching out for support and assistance due to the fear of having their children removed under the primary principle of safety. This view is supported by all other providers in the sector who attended the briefing and is also confirmed by the alarming increase in children and young people in care in South Australia since 2014, which, according to data presented by the CEO of Uniting Communities, Simon Schrapel, is 4 per cent above the national average.

Consequently, the question must now be asked: why does South Australia have such a higher rate of children in care compared to other states? The clear and unequivocal answer from all industry providers is that other states have 'best interests of the child' as the paramount principle, and not 'child safety', which means that government bodies and social workers in other states are more focused on supporting families to care for their children rather than removing children from what the department has determined to be an 'unsafe' environment.

However, the Minister for Child Protection continues to support the retention of the 'child safety' principle as paramount, despite the overwhelming rejection from key stakeholders and the long list of personal accounts from children and families about the negative impact of retaining this principle. This raises an important question for the minister regarding the government's rationale for insisting that this principle be retained as the primary principle, above the best interests principle.

In response to questions on notice put forward to the chief executive, Jackie Bray, as part of the select committee process, it was stated that retaining the child safety principle ensured that child protection officers had a clear and unfettered focus on the safety of the child. It is clear from this response from the chief executive that retaining the safety principle serves an important function but it is not to uphold the best interests of the child. It is ultimately to protect the department and its decision-making process, regardless of the effect that these decisions will have on the wellbeing of children in their care.

Such a position can no longer be defended by the minister, given the overwhelming opposition from stakeholders and the ramifications to the care of children. To retain safety as the primary principle only serves to highlight that the key problem with child protection and care in this state is the dysfunctional self-serving bureaucracy that views its own flawed procedures and processes as sacrosanct and refuses to listen to the growing calls from stakeholders to honour the fundamental reason for its existence, which is to act in the best interests of the children and young people in their care, no matter how difficult or challenging this might be for decision-makers.

Another key recommendation from the Leadership Coalition for Child Protection Reform that would go some way to resolving the premature removal of children from their families is the expansion of active efforts where the department and other industry providers must engage in a process of supporting and assisting families before making the significant decision to remove a child.

It has been put forward by the Leadership Coalition for Child Protection Reform that active efforts should be legislated to make it mandatory for the courts to consider whether the department is effectively engaged with certain prescribed actions of support and assistance before removing a child. This would ensure that the department is legally accountable for its commitment to engaging in a process of support and assistance to families in crisis, rather than just claiming to be acting in the best interests of the child. This measure would specifically enshrine this commitment into legislation.

In addition to this, stakeholders have called for a renewed commitment to reunification measures where families in crisis are supported to recover and rebuild the family unit, rather than feeling isolated and discarded by an unsympathetic system. It is important to reiterate that this renewed focus on best interests of the child will always include a commitment to child safety and the removal of children from unsafe environments where necessary, but removal will be the last resort rather than the first. Without this fundamental reform, the system will continue to fail our most vulnerable children and families.

This morning, my office attended a briefing with the minister's office and it was made very clear that the government is determined to maintain and defend its position. This is unfortunate, given the extensive history of the bill's passage through this place since it was introduced late last year and then referred to a select committee so that stakeholders who felt unheard were given an opportunity to state their case.

Now we stand at another crossroads, where the minister is once again locked into a battle with stakeholders with no clear pathway forward. I understand how impossible it is to please everyone in such a contentious space, but no-one will benefit from this perpetual gridlock, least of all the children and young people who need our support.

Another fundamental element of these reforms is the vital role of carers and the need to recognise, reward and protect these courageous individuals who willingly sacrifice their lives and open their homes to care for our most volatile and vulnerable children. It is clear from the feedback of multiple carers and carers' advocates that carers have been neglected by the child protection system and in many instances punished for speaking out. This is why there has been an ongoing call from carers for an independent body to be established to afford carers the right to be heard. An independent carers' advocate combined with an independent investigation body to hear all complaints will go some way to addressing widespread concerns about the insular nature of the current model of carer advocacy and the hearing of complaints.

I have drafted an amendment to section 144A to ensure that all reasonable costs associated with providing out-of-home care to a child or young person will no longer be borne by carers but will be paid for by the Crown. This would be a significant measure which not only recognises the valuable

work of carers but also shows the community that we are prepared to invest in the care of our most vulnerable children.

In our ongoing exchange with carers, it was clear that many children in care require significant medical treatment and assistance and it is often the case that carers end up paying for this. It is my intention that, with such an amendment, this would fully cover the cost for carers; however, I would not be able to support this bill anyway in its current state.

In closing, I want to commend carer and advocate Lisa O'Malley, whose determination and unwavering commitment to the cause of carers and the reformation of the child protection system has inspired all of us in this place to stand firm and continue to push this government to recognise the need for practical, positive changes that will make a meaningful difference to the lives of all involved in the child protection system.

The Hon. C. BONAROS: I have to start by saying it is hard not to begin by responding to the answers that were just served up by the minister, but I will resist for now. I will use this opportunity to speak on the child protection bill before us:

> An enlightened truth, and the bedrock of sound child protection, is that childhood is fleeting. This time of life must be optimised for children's sake, and for society's good, because bad early experiences have deleterious, life-long consequences. Because today's child is tomorrow's citizen, modern nations place a premium on the care, education and socialisation of children. That adults have a duty to nurture and not damage, disturb and distress children is a universal aspiration shared by all civilised peoples. That Australians allow this social norm to be transgressed in our rich and prosperous country is what's so shocking about the harm done under the rubric of child protection. The wrongs hereby perpetrated are of biblical proportions; doubly wicked are those who protest otherwise but must know, in their hearts, minds and consciences, that what they say is false.

That is the foreword of the inquest into little Chloe Valentine. Chloe Lee Valentine died on 20 January 2012. She was four years and five months old at the date of her death. A post-mortem examination, conducted by forensic pathologist Dr Karen Heath, provided a report giving the cause of death as Chloe's head injury, with possible contributing factor extensive subcutaneous and intramuscular haemorrhage. That finding was also adopted by former Coroner Mark Johns.

The inquest makes for very difficult and harrowing reading, as does every inquest into the death of a child, but it is also critically important in this debate. I appreciate Chloe's grandma Belinda, who is here today, giving me permission to speak about Chloe as part of this debate. The inquest is important first and foremost because it recommended the Children's Protection Act be amended to make it plain that the paramount consideration is to keep children safe from harm, and that maintaining the child in his or her family must give way to child safety.

This parliament supported that recommendation unanimously and overwhelmingly, and nobody has disputed that. Those of us who were here at the time supported that change. Chloe's grandmother Belinda, well known to many of us, advocated and fought for that change in the hope that no other child would suffer the same fate as her granddaughter. I know. I was here. I worked with Belinda at the time, fighting for the same change.

During the last sitting week, Belinda sent an open letter to all members of parliament, and that letter reads:

> Dear Members of Parliament
>
> Unfortunately, I don't need to introduce myself.
>
> You all know my granddaughter Chloe's story. She died at four and a half years old in 2012 after the system meant to protect her failed at every turn. Since then, I've fought to ensure no other child suffers as she did.
>
> Now, you have another opportunity to make real change. I implore you not to waste it—or rush it.
>
> The proposed Children and Young People (Safety and Support) Bill does not do what it claims. Instead of protecting vulnerable children, it instead protects the department and the government with vague wording and loopholes. This is a missed opportunity to prevent future tragedies.
>
> If you're going to ask people with lived experience what they think, really listen—don't just tick a box and move on. I engaged in the recent consultation at first, but I stopped when it became clear it was another box-ticking exercise.

The issue isn't just the words; it's how they are applied. 'Best interests' failed Chloe, and 'safety' alone has failed children since. The problems run deeper.

The intent behind these principles has been lost, and without real systemic change, this bill won't fix it. It's like trying to open a coconut with a plastic spoon—pointless and ineffective. Children's rights—including both safety and best interests—must be the foundation of any reform, and this bill doesn't achieve that.

We need real action, not just more words. Independent child representation must be introduced to give children a voice in the decisions about their lives—because right now they don't have one.

Family Group Conferencing should be the 'right' of every child involved with this department and the process needs to be strengthened so families are genuinely included in solutions, rather than being sidelined.

Changing the threshold when it comes to 'harm' should be based on outcomes not resourcing issues.

This bill does not do enough to protect the next Chloe.

My question to you is simple: Will this bill actually protect children like Chloe, or is it just more empty words? The overwhelming feedback is the latter.

What will you do to help protect children today? And when will we get serious about a community education campaign and recognize the invaluable point of reference that lived experience brings to the table?

Chloe would have turned 18 this year. She should have had a happy childhood and a full life. Instead, she was left in danger and lived only four short years.

Don't let her death—and others like hers—be in vain.

Belinda ends the letter by issuing an open invitation to all MPs, including the minister, to discuss this issue further.

Belinda's letter is far from politically motivated and anybody who knows her—and I would like to think after all these years I do know her well enough to say this—would know she will do absolutely anything within her power to spare another child Chloe's fate and to spare another young parent her daughter's fate.

They would know the lengths she went to in order to protect her granddaughter and that if she had her time over, she probably would have ignored every person who gave her advice and told her what the consequences would have been of ripping that child from her own daughter's care and suffered the legal or criminal consequences for it—because none, absolutely none, of those sorts of consequences come close to losing little Chloe in such needless and tragic circumstances. Belinda did not lose one child; she lost two.

They would know the trauma that Belinda and her family relive each and every time they learn of another child dying and another inquest is conducted. They would know that, despite how painful and triggering this debate might be, she is still as committed today as she was all those years ago to child protection in this state—but only where it is meaningful.

Chloe died at a time when best interests of the child was the paramount principle. I know how difficult that particular set of words is for Belinda to hear, yet she has been here pleading with all of us not to support the government's proposal. She—and pretty much everyone else—is now pleading with the government to change the paramountcy principal again. Why? Because what we know now is that it is simply not working.

If you need proof of that, I refer you to the 'Trust in culture—a review of child protection in South Australia' report prepared by Kate Alexander and published in November 2022. That report tells the story of six children who died and were the subject of coronial processes since 2010. Four of the six—Heidi Singh, Amber Rigney, Korey Mitchell and Zhane Chilcott—are Aboriginal children.

Ebony Napier, another of those six children, was four months old when she died in 2011 from blunt force head trauma. She was mercilessly and seriously brutalised. In addition to head injuries, she had multiple injuries to her spine, her rib cage and her upper and lower limbs. She had 48 old healing rib fractures and four recent fractures. There were new fractures on the sites of the old fractures. Her finger and toe fractures were consistent with squeezing and stomping, and her injuries were believed to have all been deliberately inflicted. The evidence demonstrated the injuries occurred at the hands of her parents, both of whom were young and both of whom had their own history with child protection.

Heidi was 14 when she was found deceased at a train station near an electricity pylon. Her cause of death: electrocution. When Heidi died, she was under the care of the minister and living in emergency accommodation that was staffed by contracted rotating commercial carers. The Coroner focused on the lack of collaboration and silo-driven approach taken by all, the level of support and services provided by CAMHS and the use of emergency care and staffing, as well as the insufficient efforts to connect Heidi with kin and to follow the Aboriginal and Torres Strait Islander Child Placement Principle.

Amber and Korey were aged six and five respectively when they were killed by their mother's partner. Both children were exposed to parental drug use, violence and neglect. In the lead-up to their deaths there were ongoing proceedings in the federal court, which dealt mainly with the custody of Amber and Korey's older brother, but an independent children's lawyer was appointed to represent the interests of all three children, and the Coroner referred to previous recommendations regarding mandatory obligations available to child protection workers to intervene when children are at risk that resulted in the Alexander review to which I am referring.

Zhane died in circumstances of suicide in July 2016 aged 13. He was removed from his mother's care before his first birthday and lived under a guardianship arrangement. He lived in 18 different placements, including foster care, emergency commercial care and residential care in his 13 short years. The inquest into Zhane's death considered the experience under the guardianship of the minister and the significant concerns about the level of care and support he was provided.

Sadly, that is not the end of the list. That is the six that are outlined in that report, and the six inquests into deaths that have occurred since little Chloe, since the same matter that the minister just referred to in her opening remarks as the justification for this piece of legislation.

There has been a deafening silence over the death of little Spencer, who members in this place will recall was killed after sleeping in a skip bin in Port Lincoln, along with his two mates, when it was emptied. I can say that I called for an inquiry into Spencer's death—it was about four years ago—but I was mindful of the fact that there might be an inquest.

I just dread that we have to wait to hear from the Coroner the harrowing accounts that resulted in the death of Spencer, or any other child, the recommendations upon recommendations that we get back from the Coroner, and our inability to listen to the advice being given to us or to follow it as was intended.

We cannot have this debate without referencing those cases I have just alluded to. They all happened post Chloe, they all point to ongoing and systemic child protection failures, they all highlight that the changes we made in this place in 2017—however well intended—simply have not worked. I just do not think we managed to achieve what former Coroner Mark Johns envisaged in Chloe's inquest.

Six inquests to date, a related royal commission, at least four major reviews, the formation of a Department for Child Protection, a new child protection strategy, a select committee of inquiry into child protection, legislation followed by more legislation followed by more children dying, followed by more and more of the same—that is what we have had. It is little wonder, then, that people are fed up and frustrated.

I honestly cannot wrap my head around it anymore. I do not understand the government's reluctance to listen, to engage, to hear the concerns of an entire sector, all of whom have been shouting from the rooftops that what we are doing is not working, and if we do not do something different kids will continue to die, families will continue to be destroyed, patterns of generational trauma (which disproportionately impact our Indigenous kids) will continue to thrive, because that is what they are doing now. I do not know why we bother appointing commissioners tasked with providing advice to the government and to us on the wellbeing and welfare of children only to ignore the advice once they give it to us.

I know I am not alone. Just last week we heard an impassioned plea from a young man during the Youth Parliament who I think could put this debate more eloquently than any of us in here possibly could. He said:

Mr Speaker, fellow parliamentarians and distinguished guests, every child deserves to feel safe, loved and protected—that goes without a doubt—yet right now in South Australia there are thousands of children who go to sleep every night afraid of abuse, afraid of neglect and afraid of being forgotten by a system that was designed to protect them but has instead failed them. I know this pain firsthand; I grew up around the system. I have seen its cracks, I have seen its blind spots, and I have seen its devastating consequences, and today my own siblings remain caught in the very system that once failed me.

This is not just an issue on paper; this is personal. Let's look at the reality because it is heartbreaking. As of June 2024, there were 4,891 children in care in South Australia and this number continues to rise: 16.1 per cent of those children in out-of-home care in South Australia were living in residential care. This nearly doubles the national rate of 8.5 per cent.

In 2024, over 11,800 calls to South Australia's child protection abuse hotline went unanswered despite receiving 63,600 calls. This is not a crisis of resources, it is a crisis of priorities. If we truly care about our most vulnerable we must act now. What must we do? We must establish an independent child protection watch doctor, hold the system accountable and prevent further failures, and establish a child protection reform commission. We must reduce caseloads for child protection workers. We must increase funding to hire and retain more child protection caseworkers. We must increase funding for family preservation services. We must reduce bureaucratic barriers to fostering. We must offer long-term housing options for children transitioning out of care and we must strengthen the Aboriginal Child Placement Principle to ensure culturally appropriate placements.

Finally, I think it is important to mention we need progress to meet that target under the National Agreement on Closing the Gap, which is to reduce the rate of Aboriginal children in out-of-home care by 45 per cent by 2031. The gap is not closing, it is growing and we must set this as a priority. Mr Speaker, the scars of a broken childhood never fade. Children in our care do not need sympathy, they need action. The damage is already done but we still have time to rewrite the future for every child who still hopes for safety, for love and for a home. Let us not be the generation that simply acknowledges the problem, let us be the generation that solves it. Thank you, Mr Speaker.

They are the words of a young man who presented here in Youth Parliament. There is nothing in there, there is nothing in that contribution that Jack gave that has not been expressed by all of the stakeholders who have taken part in this process. It is extraordinary that a young man like Jack, who clearly has firsthand knowledge of the child protection system, gets it but we have a minister who not only fails to get it but she fails to listen, she fails to listen to any of the advice that is being offered to her.

My advice to the minister is: go and watch and rewatch and watch it again, go and watch every word that Jack Harrison spoke during Youth Parliament and let every single word he uttered sink in—truly sink in. Do not go out and say, 'Great job, Jack. We stand with you on child protection.' Listen to what that young man is saying because it is the exact same thing that every other person has been saying to the minister for I do not know how long now, and it is all falling on deaf ears.

Jack was not speaking for himself and himself alone; he was speaking for every single kid and every single family who has ever had to deal with DCP. My advice to the minister is to go and listen to him really carefully and come back to us when you are ready to have a meaningful discussion about this bill. Do not come in here and tell us there is no room for negotiation and you will not resile from your position because guess what? Neither will we.

We have just had an inquiry into this very issue. There were over 55 submissions to the inquiry, none that I can reference in favour of the government's position—none—instead of pausing to reflect on why the minister instead has focused on dividing and conquering. We have seen the reference today: miraculously, the day before the debate, the day before this debate starts, miraculously she has four groups co-signing a letter—extraordinary timing! I do not know how this did not happen up until today, but now here it is. She has relied on dividing and conquering those who have opposed her position.

It is morally unconscionable that any minister could, behind the scenes, try to pick off MPs—and we all know it has happened—try to pick off stakeholders, one by one, corner them, tell them what the consequences will be if they continue to support everyone else in this place and not support her bill. It is unconscionable to try to pick off two members in this place and put this legislation through, knowing what she knows.

This is not any other bill: it is child protection. If you or your staff, minister, are going to tell people, 'Either support safety or we'll drop the entire bill,' do it here, do it in this place. Get Minister Scriven to do it. Do it out there publicly. Have the intestinal fortitude to stand up to everyone in here and out there and say, 'We're going to drop this bill. We're going to drop anything good in this

bill because you will not budge,' and do so knowing that you are ignoring everything we are being told from commissioners down—the very commissioners that you appointed—and pushing ahead with an agenda that the minister and the minister alone supports. I do not accept that she has the support she says she has. I do not accept it, because I do not accept the way she got that support.

I have to say on that point that even the chief executive was forced in evidence during the committee process to acknowledge that, when it comes to this bill, despite the consultation, despite the minister going on radio and trying to convince us there was a review, that there were a thousand people in organisations who provided feedback, that there were varying views, even she acknowledged in evidence that the outcome was a foregone conclusion.

We knew what the outcome was going to be in terms of the bill that was presented to this place. It did not matter what those thousand people said, it did not matter what the stakeholders said, it did not matter what the foster carers, the kinship carers, the families or the grandparents said—it did not matter what anyone said. The minister had a position and that is what the CE was charged with selling to the public and to this parliament.

If the minister is going to continue down this path then she should absolutely do so knowing that she will be responsible for the continued creation of classes amongst our kids, the ones who are too far gone, the ones where we will do the bare minimum and hopefully keep them alive, and the ones who actually stand a chance and we spend and invest some time and money in. We are writing off families in their entireties and we are doing nothing about it, nothing meaningful about it, and this is the net effect the law is having on kids: kneejerk reactions and decisions based on fear—fear, as Belinda has said, of making that terrible march from the Central Market to the Coroner's Court to explain why a child has died in care, why a child has died under DCP's watch.

I said yesterday and I stand by this: the government's Animal Welfare Bill, honestly, in my view did more to protect animals than we are doing to protect kids in this state. We all love our animals but, by God, we are talking about kids in our state, and we cannot offer them the same level of support and security and certainty that they need for a good future. I cannot wrap my head around that notion.

I challenge the minister to keep working on MPs in the hope of getting to her magic number—it is only two, minister. I know you have been working hard behind the scenes to chip off just two. That is all you need, just two of us, but know that it will come at a very dear cost to kids, or she could choose to work with us because we are all here, as we were in 2015, ready, willing and able to work with government as a collective, as we did in this place yesterday, to agree to change that we will all then be collectively responsible for.

We have all spoken today in this place and in the other place about the power of team SA, the leadership the Premier showed in Whyalla, and a rare show of unity amongst all of us on such a critically important issue. If child protection is not important enough to warrant the same sort of approach, if Minister Hildyard wants to actually be acknowledged for the same sort of leadership, then we are giving her the opportunity to do that. We are all inviting her to sit with us and work this out—not, 'I will not back down. I don't resile from my position. I am resolute,' or however else she described it. It is not going to work. It is not going to work so either come and sit down with us or let this fail at your own—

The Hon. T.A. Franks interjecting:

The Hon. C. BONAROS: Jack Harrison, there is one. I do not know which minister wants a legacy of more systemic failures. If those inquests alone—and these are not kids who are with their parents alone. We have talked about kids in care, we have talked about kids in residential care, we have talked about kids in foster care, and we have talked about kids with their families—and all those kids are dead. If she wants to show some genuine and true leadership on this issue, then we are all giving her that opportunity.

In closing, I want to thank everybody, and the stakeholders and commissioners in particular, for all their assistance on this issue, but above all I want to thank everyone who shared their stories with us—Belinda, Steve, families, carers, parents and kin alike. I know how hard this is. I know their fears and I know how triggering and upsetting this is and how traumatic it is for all of them, but I thank

them for their courage, for their determination and for their commitment to getting this right on behalf of all kids in SA.

The Hon. T.A. FRANKS: I thank the minister for her response to some of my questions from the previous time we were in committee. However, the most important question I thought was: can the minister representing the minister please provide organisational stakeholders that support the idea of paramountcy of safety over paramountcy of best interests of the child, because we have provided dozens who support best interests of the child being paramount, and we have yet to hear a single organisational stakeholder that supports the minister's and the CEO's position.

The Hon. C.M. SCRIVEN: I am advised that the minister has been listening to the frontline social workers who are performing these functions every day at the frontline. She has also heard directly from young people about the need to keep them safe. The government wants safety to be put first, and that is what frontline workers have asked the government to do, this is what children have asked the government to do and this is what families have asked the government to do.

The Hon. T.A. FRANKS: Is it not the position of the Australian Association of Social Workers and the Australian Association of Social Workers South Australia that the best interests of the child be paramount, and indeed do not social workers right across this country actually implement and work with best interests of the child as their guiding paramount principle?

The Hon. C.M. SCRIVEN: I reiterate the advice that I have received in regard to the minister listening to frontline social workers.

The Hon. T.A. FRANKS: Does the minister acknowledge that that is not an organisation that the minister has been able to provide this minister with for this council? Does she understand the difference between an individual and an organisation—not the minister representing the minister but indeed the minister and her advisers who are responsible for this bill?

The Hon. C.M. SCRIVEN: The minister considers it is important to be hearing directly from the social workers, and that is what, according to my advice, she has been doing. I will reiterate that the bill elevates the best interests of the child. As I mentioned in my contribution at clause 1 upon returning today, safety has not been elevated. Currently, in the 2017 act, it is the only principle to be considered.

What the government has done is reintroduced and elevated the best interests principle to the draft bill. Clause 11 of the bill provides:

> It is a principle of this Act (the best interests principle) that the best interests of each child and young person are to be upheld and effected in all decision making under this Act (and a reference in this Act to a particular decision being in the best interests of a child or young person will be taken to be a reference to the decision being made in accordance with the best interests principle).

As I outlined, the elevation of the best interests principle will enable decisions made by the department and its staff except in those circumstances where the best interests principle is in conflict with the safety principle.

The Hon. T.A. FRANKS: Could the minister representing the minister outline those areas where she anticipates that conflict would occur?

The Hon. C.M. SCRIVEN: One of the explanations that has been provided to me refers to clause 11(2)(b):

> the desirability of the child or young person's family having primary responsibility for the child or young person's upbringing, protection and development;

This is under, 'In considering what is in the best interests of a particular child or young person'. That is one of the things that should be given regard. However, in terms of family preservation, some of the other subclauses there refer to similar concepts. That is clearly something that needs to be given due regard; however, if it is in conflict with the safety of an individual child or young person, that is when safety would take precedence.

The Hon. T.A. FRANKS: I know the Hon. Laura Henderson also has many questions. The minister undertook to the Hon. Connie Bonaros to provide the answers that she read out previously,

in response to the previous committee stage, but we have yet to receive those. They have not been tabled. Could we please have those tabled, so that members of this council can read them?

On the statement that you have provided today, the joint statement on the draft Children and Young People (Safety and Support) Bill 2024, I have some simple questions. What is the date of that statement, and who are the signatories? Given the minister came here championing and waving around a bit of paper that she claimed was the silver bullet, how is this a hard question to answer?

The Hon. C.M. SCRIVEN: We were checking in regard to the date. What we can say is that it was provided yesterday, so that would be 19 February, and the signatories are those four organisations.

The Hon. T.A. FRANKS: Within that statement, on page 2 of 2, it is quoted:

> The Minister has given us written reassurance that we can work in partnership to evaluate the outcomes of the legislation as it is implemented, rather than the usual practice of undertaking a review at 5 years.

Could the council please be provided with a copy of that ministerial undertaking to the so far unnamed entities?

The Hon. C.M. SCRIVEN: Yes, I am advised that can be provided.

The Hon. T.A. FRANKS: This joint statement on the draft Children and Young People (Safety and Support) Bill from Child and Family Focus SA letterhead that we now understand to be from yesterday, noted that while there had been people within their organisations who had advocated for best interests, that they simply wish to see the passage of this legislation, does that mean in its initial form or in an amended form?

The Hon. C.M. SCRIVEN: I am advised that the understanding is that that would refer to the version of the bill that is currently before the chamber.

The Hon. T.A. FRANKS: So to be very clear, this joint statement on the draft Children and Young People (Safety and Support) Bill 2024, which is from Child and Family Focus SA, Connecting Foster and Kinship Carers SA, the CREATE Foundation and the Reily Foundation, asked for the bill to be passed in its current form as it sits, completely unamended, before the council? Is that the case?

The Hon. C.M. SCRIVEN: What I can say is that the four agencies agreed today—presumably that was yesterday—to support the passage of this bill through parliament. There are many elements in the bill that will fundamentally improve the operation of the child protection support and care system in South Australia, and vulnerable children, young people and families, and those that support them need those changes.

The Hon. T.A. FRANKS: It is still not clear to me whether or not this statement is calling for the bill to be unamended or amended, yet the government has amendments. Did the government intend that their amendments are different to everyone else's amendments?

The Hon. C.M. SCRIVEN: I am advised that the government has consulted with these agencies in regard to the proposed government amendments.

The Hon. T.A. FRANKS: Does consulted mean they are going to get a guarantee that their amendments are going to get up? The government has moved amendments to this bill. The government has moved amendments to their own bill, which were filed yesterday. Is the government anticipating that the council will support those but not support any of the council's own amendments should they be put? Is that the proposition from the Malinauskas government?

The Hon. C.M. SCRIVEN: I am advised that our understanding is that the four organisations that were signatories to this letter support the government bill with the proposed government amendments. In terms of what the government expects to occur, we obviously are in the hands of the chamber.

The Hon. T.A. FRANKS: So is the government intending to go and do deals with any other stakeholders or is it just these four?

The Hon. C.M. SCRIVEN: The government will continue to engage with stakeholders. The minister is always keen to listen and I think she has demonstrated that she has done that, whilst not necessarily meaning that the government or the minister would necessarily accept all of those different competing viewpoints because obviously some of those will be in conflict with each other.

The Hon. L.A. HENDERSON: In relation to the joint statement on the draft Children and Young People (Safety and Support) Bill that the minister has provided us with today, can the minister please advise if the CREATE Foundation, which is a part of this particular statement, is the same CREATE Foundation that is on the child protection department's website, where it states:

> The Department for Child Protection is proud to be sponsoring the CREATE Foundation Voices in Action Conference at the Adelaide Showgrounds from 21-23 March 2024.

The Hon. C.M. SCRIVEN: I am advised the CREATE Foundation is the peak body representing the voices of children and young people with an out-of-home care experience. It is not unusual for sponsorship or support of conferences for peak bodies, and I believe the honourable member is referring to a conference that has already occurred. I think she referred to last year.

The Hon. L.A. HENDERSON: Can the minister please advise if any of the four groups have received funding in the last two years?

The Hon. T.A. FRANKS: Chair, we are still waiting for the copy of the minister's words that the Hon. Connie Bonaros now asked for quite a significant period of time ago. I just alert you to that. It was agreed by the minister she would provide it. We are still waiting for those words to be provided.

The Hon. C.M. SCRIVEN: Just in regard to that particular question about the notes, they are provided in a form that cannot be provided, at this stage, to the chamber, contained as they are within a briefing note. However, we are seeing whether we can provide the particular quotes that I believe the honourable members were seeking.

The Hon. T.A. FRANKS: Chair, is it not the case that a minister is reading from a piece of paper in this council and a member has requested it, and it was agreed to by the minister that it should be provided and tabled in the council? Could you just—

The Hon. C.M. SCRIVEN: To clarify, I believe the particular remarks that were requested were within another document, hence the delay in obtaining the particular parts that were requested.

The CHAIR: I will quote from standing order 452 so that there is clarity:

> A Document quoted from in debate, if not of a confidential nature or such as should more properly be obtained by Address, may be called for at any time during the debate, and on Motion thereupon without Notice may be ordered to be laid upon the Table.

The Hon. C.M. SCRIVEN: In regard to the question about funding, we are unable to obtain that information at the moment; we do not have that answer.

The Hon. T.A. FRANKS: Point of order: we actually asked you to make a ruling, and we were in the middle of a different thing.

The CHAIR: Okay. We will get to it.

Members interjecting:

The CHAIR: Order! Minister, sit down. Minister, you were reading from a document. The standing order says:

> … if not of a confidential nature or such as should more properly be obtained by Address, may be called for at any time during the debate…

So, minister, are you prepared to table the document?

The Hon. C. BONAROS: Chair, before the minister answers that question, I remind her and you, Chair, that she (a) already agreed to it, and (b) told us at the outset that it was in response to questions that had been asked in this place by the Hon. Tammy Franks and perhaps others during the last sitting week. Those were her opening words in response to the document that she was referring to.

The CHAIR: Minister, are you going to table the document?

The Hon. C.M. SCRIVEN: Not in the current form, because it is more extensive than what was requested and what was agreed to provide. What I would suggest we do, Mr Chair—

The Hon. C. BONAROS: Point of order: how do we establish that it was more extensive than what she offered to provide? Who is going to assess that?

The Hon. I.K. Hunter: It's the minister's claim, and you accept it.

The Hon. C. BONAROS: I am not willing to accept it.

The Hon. I.K. Hunter: Well, you've got to, I'm afraid.

The Hon. C. BONAROS: Based on what?

The Hon. I.K. Hunter: Because that's what the minister has said.

The CHAIR: Order! Just sit down for a second. I am going to seek some advice and then I am going to rule, and that is going to be it.

The Hon. C.M. SCRIVEN: Mr Chair, may I suggest a proposed way forward?

The CHAIR: I am going to tell you that, unless you claim that that document is of a confidential nature, there will be a motion put that that document be tabled. It will be debated and voted upon. So is it of a confidential nature?

The Hon. C.M. SCRIVEN: I think we can resolve that the rest of the document is not particularly confidential, and so I seek leave to table the document.

Leave granted.

Progress reported; committee to sit again.

EDUCATION AND CHILDREN'S SERVICES (BARRING NOTICES AND OTHER PROTECTIONS) AMENDMENT BILL

Introduction and First Reading

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

ANIMAL WELFARE BILL

Final Stages

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

At 17:02 the council adjourned until Tuesday 4 March 2025 at 14:15.