LEGISLATIVE COUNCIL

Tuesday, 4 March 2025

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:15 and read prayers.

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

Bills

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

Assent

Her Excellency the Governor assented to the bill.

ANIMAL WELFARE BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor General Report 1 of 2025—
Update to the annual report for the year ended 30 June 2024

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

Regulations under Acts—
Fines Enforcement and Debt Recovery Act 2017—
Approved Treatment Programs
Payroll Tax Act 2009—General (2025)

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

Return pursuant to section 83B of the Summary Offences Act 1953—
Dangerous area declarations
Return pursuant to section 74B of the Summary Offences Act 1953—Road blocks
Rules under Acts—
Legal Practitioners Act 1981—
Legal Practitioners Education and Admission Council Rules Amending Rules 2025

Ministerial Statement

CROWLEY, HON. DR R.A.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:20): I table a copy of a ministerial statement relating to the Hon. Dr Rosemary Crowley AO made earlier today in another place by my colleague Premier Peter Malinauskas.

ADELAIDE HILLS AND FLEURIEU REGION EMERGENCY RESPONSE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:20): I table a copy of a ministerial statement relating to the emergency response to extreme dry conditions in the Adelaide Hills and Fleurieu region made earlier today in another place by my colleague Deputy Premier Hon. Dr Susan Close.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:26): I seek leave to make a brief explanation prior to addressing questions to the Leader of the Government in this place regarding Whyalla Steelworks.

Leave granted.

The Hon. H.M. GIROLAMO: On 3 March, it was reported by *The Advertiser* that the Whyalla Steelworks was losing $1.5 million a day since July 2024 and bled $319 million over the seven months prior to the government intervention. My questions to the Leader of the Government in this place are:

1. When did the government first receive advice that action must be taken to put OneSteel Manufacturing into administration?

2. On what date did these conversations occur?

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 questions. I won't traverse over the many public statements the Premier, as leader of this government, has made about the Whyalla Steelworks. Suffice to say that, as members would recognise from statements the Premier has made, the government became increasingly concerned about the viability of the Whyalla Steelworks and acted in a fashion in the last sitting week to do what we could to secure the future of the Whyalla Steelworks.

I have to say, sir, I was in Whyalla, your hometown, yesterday with a number of my ministerial colleagues and the sense of relief and the gratitude that a number of people expressed for the action that was taken by this government, and I must say also by this parliament in passing legislation last week, shouldn't be overstated. As a number of people expressed yesterday, there is a sense of optimism now in Whyalla that there hasn't been for quite some time.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:28): My questions are to the Leader of the Government in this place regarding Whyalla:

1. Has the government received any advice on possible buyers for the Whyalla Steelworks and, if so, who are the best options at this stage?

2. What involvement will the government have in the purchase agreement of the steelworks?

3. What plans does the government have for the Whyalla Steelworks if a purchaser cannot be found?

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley, are you going to take the question?

Members interjecting:

The PRESIDENT: Order!

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 her question. It is a little bit early to be looking to possible buyers. Administration has only just started. Yesterday was the very first creditors' meeting in Whyalla. Certainly the action that the state government has taken, the support package that has been announced by the federal government, seeks to give the steelworks and the people of Whyalla the best possible chance going into the future.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:29): Supplementary: my questions to the Attorney are:

1. In regard to best chances in the future, what does that mean in regard to plans for the Whyalla Steelworks?

2. Are backup plans being considered if a buyer cannot be found?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:29): As I have said, the actions the state government has taken—the support package—and a very significant support package announced by the federal government seek to make sure that the Whyalla Steelworks is in the best possible position to be a going concern and to continue for decades, as it has decades in the past, supporting the people of Whyalla but importantly keeping that long-form sovereign steelmaking capability in this country.

WHYALLA DRY ZONE PROPOSAL

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding Whyalla city council.

Leave granted.

The Hon. H.M. GIROLAMO: The Whyalla city council has commenced community consultation regarding a proposed city-wide dry zone in response to growing concerns about alcohol-related behaviour. Mayor Phill Stone has noted that while a dry zone could be implemented it is a lengthy legal process that requires thorough public consultation and government approval. My questions are:

1. What discussions has the government had with the Whyalla city council regarding the proposed city-wide dry zone?

2. Has the government provided any guidance or support to the council regarding potential alternative measures to address alcohol-related antisocial behaviour?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:31): I thank the honourable member for her question. Matters to do with liquor licensing fall under the jurisdiction of the Minister for Consumer and Business Affairs, the Hon. Andrea Michaels. I can say, though, in relation to any possible request that comes the government's way, we will of course always consider any requests that are put forward. I am not sure whether it's the commissioner for liquor licensing who determines those requests or the minister.

I can say, though, I have had the opportunity, as I mentioned earlier—being in Whyalla yesterday—to speak to Mayor Stone. The city-wide dry zone wasn't mentioned, which is understandable. There are many, many things on the minds of civic leaders in Whyalla at the moment.

ABORIGINAL SOCIAL AND EMOTIONAL WELLBEING CENTRE

The Hon. T.T. NGO (14:31): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about the new Aboriginal social and emotional wellbeing centre opening by the end of 2025 in Adelaide?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:32): I thank the Hon. Tung Ngo for his question and his very longstanding interest in the lives of Aboriginal people. The establishment of the new Aboriginal social and emotional wellbeing centre in Adelaide is a significant step forward towards better health and wellbeing for Aboriginal people and communities.

The centre, jointly funded by the state and federal governments under the National Mental Health and Suicide Prevention Agreement, will open its doors with an interim service by the end of this year, I am informed. Located in the Adelaide CBD, the centre will coordinate mental health support and wellbeing care for Aboriginal and Torres Strait Islander adults and children across South Australia, providing holistic, culturally safe and appropriate care.

For too long many Aboriginal and Torres Strait Islander people have faced barriers in accessing the health care they need. We know that mental health and wellbeing are deeply connected to family, culture and community. This centre will provide critical services that embrace these connections, ensuring Aboriginal people can access support services grounded in their history and strength.

The centre was developed following extensive consultation with Aboriginal communities and the South Australian mental health sector, ensuring that culturally safe and appropriate care, including traditional healing methods, are accessible in order to support the mental health and wellbeing of First Nations people.

I would like to thank everyone from state and federal governments who have worked hard to make this centre a reality and look forward to it providing these sorts of services to Aboriginal and Torres Strait Islander people for many years to come.

RABBIT NUMBERS

The Hon. J.S. LEE (14:33): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of rabbit overpopulation in regional areas.

Leave granted.

The Hon. J.S. LEE: A report on 20 February 2025 by ABC News found that rabbit populations have increased tenfold from last year. Mount Barker District Council operations manager Jamie Thornton said:

> We have some sites where we could see 40 to 50 rabbits sitting on a lawn or in an area where, previously last year, we might have seen five or 10…

This has seen lawns, vegetation and revegetation sites getting damaged, whilst holes in the ground made by rabbits are creating a public safety hazard.

Furthermore, rabbits are severely impacting the agricultural sector, with Eastbrook Farms, one of Australia's largest producers of brussels sprouts, saying they were doing extra work out of hours to try to protect the crop from rabbits. The Managing Director of Eastbrook Farms, Scott Samwell, said it is expensive and time consuming, plus it can get in the way of implements and other activities. Mr Samwell also wants the state government to step up and do more because of the sheer numbers and because it needed to be a whole region approach. My questions to the minister are:

1. What strategy will the minister now introduce to safeguard regional communities and the agricultural sector from damage to property and crops caused by the latest rabbit population boom?

2. What measures are being taken by the minister to track and manage rabbit population numbers and ensure that overpopulation of the pest species can be prevented before it becomes a bigger issue for the community?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I thank the honourable member for her question. This matter falls under the purview of the landscape boards. I will refer it to the Minister for Environment and Water and bring back a response.

GRAPE PRICES

The Hon. S.L. GAME (14:36): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development regarding indicative grape prices for Riverland growers.

Leave granted.

The Hon. S.L. GAME: In the past five years, Riverland grapegrowers have received prices below the costs of production. Many of the 1,000 grapegrowers in the Riverland face financial ruin in 2026 if grape processors fail to release indicative prices for wine grapes on 30 September 2025 for the following year, and if any mediation between growers and processors is not finalised before 31 October 2025. Knowing these prices will limit cartel behaviour and will give growers time to make business decisions relating to how much water they will lease and how much fertiliser and other inputs they will require, if any. My questions to the Minister for Primary Industries are:

1. Will the minister regulate grape processors in South Australia so they must publish their indicative prices for wine grapes on 30 September 2025 and every year on that date?

2. Will the minister regulate grape processors in South Australia so that expert determination in the voluntary code of conduct for Australian wine grape purchases is four weeks?

3. If the minister will not act on either of the two proposals, what will the minister do to limit the market power of grape processors, who set the prices without adequate transparency and accountability to the people of the Riverland and other grapegrowing areas in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question. I think it is certainly fair to say that there has been a widespread call for indicative grape prices to be released earlier. Certainly, I have raised that with some of the major wineries when I have had meetings with them, and I am aware that it has been raised at both the wine and grape working group hearings as well as, I believe, the recent Senate inquiry that was held.

In terms of the state government's ability to regulate and the advisability of doing so, I do think we need to look at this in the broader context. Industries obviously have some regulation; there are frequent calls for less regulation in our market economy. In terms of what we have done, certainly the grape and wine working group report, which included a study by Kym Anderson, talked about the need for structural reform within the wine industry, remembering that this was a national approach that was looking at the longstanding issues, as well as the immediate issues being faced. The state government has certainly provided a range of measures; I have spoken about those previously in this place.

GRAPE PRICES

The Hon. R.A. SIMMS (14:39): Supplementary: the minister referenced the Senate inquiry into the industry. Did the government make a submission to the inquiry and is the government supportive of the code of conduct that has been proposed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I can certainly check on some of those details and come back with a response.

WHYALLA DRY ZONE PROPOSAL

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before directing a question to the Leader of the Government regarding Whyalla city council's proposed dry zone.

Leave granted.

The Hon. J.M.A. LENSINK: Actually, I don't have an explanation at all; it is just a straight question, sorry:

1. Given that Whyalla city council is considering additional support services similar to those available in Port Augusta, will the government commit to expanding services in Whyalla to ensure there is adequate support and intervention programs?

2. Does the government have any concerns that a city-wide dry zone could shift alcohol-related issues to other regions?

3. What legal measures have been canvassed to manage alcohol-related antisocial behaviour in Whyalla while consultation on the dry zone is underway?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:40): As I responded to the Deputy Leader of the Opposition in this place, liquor licensing falls under the ministerial responsibilities of the Hon. Andrea Michaels, member for Enfield, Minister for Consumer and Business Affairs. To the honourable member's questions in relation to providing services, particularly social services to regional communities, I am happy to say that we are always keen to see how services can best be provided to meet the needs of communities.

GREEN TRIANGLE FOREST INDUSTRIES HUB

The Hon. R.P. WORTLEY (14:41): My question is to the Minister for Forest Industries. Will the minister update the council about the recent announcement of $300,000 for the Green Triangle Forest Industries Hub new workforce development program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the honourable member for his question. Members in this place would be aware that one of the state government's key election commitments was $2 million for the development of a South Australian Wood Fibre and Timber Industry Master Plan. The master plan was developed by industry and government in collaboration, working side-by-side to identify the key issues and opportunities within the South Australian forest industry. As a result, three main areas were identified as priorities for the industry: the right resource and capability; a future-focused workforce; and a clean, green circular economy. These priorities are reviewed on a regular basis by the forest industry in conjunction with the state government through the Forest Industries Advisory Council.

Whilst recently home in the South-East, I had the opportunity to announce support for a proposal that came through the South Australian Wood Fibre and Timber Industry Master Plan. The state government has committed funding worth $300,000 over two years for the Green Triangle Forest Industries Hub Workforce Development Program. This funding will enable the hub to increase its impact and effectiveness in workforce development within the timber industry, and appoint a workforce development officer, whose role it will be to increase recruitment in the forest industry.

This funding announcement allows the implementation of the Green Triangle Forest Industries Hub's Workforce Development Program and expands on the initial program that commenced in 2023. The new strategy aims to attract, retain and develop people with tomorrow's skills within the forest industry, in turn delivering a desirable and rewarding workplace with greater leadership and managerial capabilities.

I would also like to take this opportunity to put on the record my sincere thanks and appreciation for Mr Josh Praolini, who was the initial workforce development manager from 2023 to 2025, and acknowledge the significant work he achieved in this role. Indeed, at the announcement of this funding, I was advised that five apprentices had come through the program in recent months,

which speaks volumes for the work done by the Green Triangle Forest Industries Hub and Mr Praolini in his work as workforce development manager.

I had the opportunity to speak with two of those new trainees recruited through this program—Jake and Declan—and I must say they were both very well spoken and enthusiastic. It was great to hear firsthand their passion for the forest industry, even though they had only been in it a few short weeks, along with the collaboration underway from forest companies in the South-East to expose apprentices or trainees to a variety of different roles available in the industry. This program will be run out of the Green Triangle Forest Industries Hub, working closely with other key partners, including the Forestry Centre of Excellence, ForestWorks, and the South Australian Forest Products Association.

The state government is aware of the significant contribution the industry provides to the South Australian economy, contributing approximately $3 billion to the South Australian economy each year and employing approximately 21,000 people directly and indirectly. This of course underpins why this state government has made a significant contribution to the forest industry over its term of government so far, along with continued investment in a suite of projects through the South Australian Wood Fibre and Timber Industry Master Plan.

I would like to thank Greg Megaw from Group Training Employment, as well as his team, and I also want to thank the chair of the Green Triangle Forest Industries Hub, Cam MacDonald, and the general manager of the Hub, Tony Wright, for their significant work to put together this program. Forestry has a great future in this state.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:45): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of the age of criminal responsibility.

Leave granted.

The Hon. R.A. SIMMS: Recent media has highlighted the number of youth cases being dealt with in the Youth Court, with the opposition claiming that this is a result of a so-called increase in youth crime. This has been publicly disputed by the police commissioner, who disagrees that youth crime is worse than in previous years. In response, the new police minister, the Hon. Stephen Mullighan MP, has ruled out raising the age of criminal responsibility and stated that the government was investing in police, courts and prisons rather than in diversion and rehabilitation measures.

South Australia's Guardian for Children and Young People, Shona Reid, has said that the suggestion to strengthen laws for youth offenders will further criminalise children who instead need support. Last week, she told the *National Indigenous Times* that, and I quote:

> We know that children and young people in youth justice have often experienced serious trauma and abuse in their lives. If they lose their way and are engaged in behaviours that make our communities unsafe, telling children they bear all the responsibility is a cop out.

On 20 February this year, the Royal Australian College of General Practitioners published an article reaffirming their support for raising the age of criminal responsibility to 14 years. Dr Tim Jones, who is the chair of Specific Interest Groups—Child and Young Person's Health, stated:

> If we incarcerate our children, we are telling them we don't believe they are savable, that things can't get better. We know that children who are given appropriate support, who are provided with the ingredients they need to get ahead, are resourceful and will get there. We know that kids who go into the justice system tend not to exit it, so that's why it's a health issue.

My question to the Attorney-General therefore is:

1. Why has the government caved-in to the Liberal Party's scare campaign and ruled out raising the age of criminal responsibility?

2. What is the Malinauskas government doing to prevent kids as young as 10 years old from entering the criminal justice system in the first place?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:47): I thank the honourable

member for his question. I might, in starting to answer the question, reflect very quickly on the rate of youth offending in South Australia.

As the honourable member points out, there has been some concern. Any offending by anyone should be of concern, and anything that impinges on public safety is of course a concern. But some comfort should be taken that in 2022-23, according to the statistics that I have, South Australia's rate of youth offending was the second lowest in the nation, only behind the Australian Capital Territory. I believe, and I will double-check, that the most common offence is breach of bail, which generally isn't an offence against a person or property.

In relation to the minimum age of criminal responsibility, I have made it very clear a number of times in this place and outside of this place that we remain open to looking at anything that can make the community safer. There was a discussion paper released a year ago, and there had previously been papers written that were under the auspices of the former Liberal government at a national level through the Standing Council of Attorneys-General, looking at if the age were raised what conditions you would put in place.

I note that certainly Victoria and the ACT have gone down this path. Certainly, we remain open to anything that makes the community safer. Raising the minimum age of criminal responsibility is not a policy that we have ever said we will support. As I said, we are open to looking at what could make the community safer, and we continue to look at the evidence, but as I said it is not a priority at this moment.

WHYALLA STEELWORKS

The Hon. B.R. HOOD (14:49): My question is to the Leader of the Government regarding OneSteel Manufacturing:

1. Has the government received advice on the likely length of the administration of OneSteel Manufacturing?

2. Has the government received advice on the likelihood of all OneSteel Manufacturing creditors being fully repaid, being the full hundred cents in the dollar, and if so what is the expected timeline?

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 thank the member for his question. I think it is far too early in the process of administration to have any particularly definitive answers in relation to that. I am trying to think. From memory, the last time Arrium, the steelmaking business in Whyalla, was in administration, it was many months. I think it was over a year—

The Hon. C.M. Scriven: Seventeen months.

The Hon. K.J. MAHER: —seventeen months, a year and a half, that administration lasted. I don't think anybody expects this to be a very short process. Some information was released at the first creditors' meeting that occurred in Whyalla yesterday. I think some of the comments that I have heard were that the administrators, KordaMentha, found it in a worse condition than they had expected to find the Whyalla Steelworks. That shows there is a significant task ahead, and that's exactly why this state government and the federal government have committed very significant resources to making sure the Whyalla Steelworks has the best possible chance of having that ongoing future.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:50): Supplementary: what is the order of priority for when creditors will be paid?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:50): That's governed by the federal Corporations Act.

Members interjecting:

The PRESIDENT: Order!

AUTISM ASSESSMENT AND DIAGNOSIS ADVISORY GROUP

The Hon. M. EL DANNAWI (14:51): My question is to the Minister for Autism. Will the minister inform the council about the new Autism Assessment and Diagnosis Advisory Group?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:51): I thank the honourable member for her question and interest in this important initiative. I am pleased to update the chamber on our government's new nation-leading autism advisory group, a group which comprises health professionals, key government agencies and practitioners with lived experience to come together as a group to help provide advice to address the barriers to an autism assessment in South Australia.

The feedback from the consultation on the state's first autism strategy was clear, and pathways to a diagnosis have become focus area number one of the strategy. From the feedback we received at forum after forum, it became clear that in order to address the issues surrounding access to an autism assessment you need to bring together the key workforces that participate in this process.

As with everything, you must build knowledge in order to make the necessary changes, but importantly you must build knowledge in order to make the necessary changes that will work. To do that you need to work with the community members and industries to make this change. That is exactly what we are doing through this nation-leading advisory group.

We have heard from health professionals and members of the community that knowing how and where to access or provide an autism assessment can vary. No longer are we going to push that question down the road. We are acting by bringing the right people to the one table, from GPs to speech pathologists, to psychologists and occupational therapists, to finally work through these questions to address the barriers that the autistic and autism communities have and enable them to work through this process.

We have 12 members on our committee. They are leaders within these work professions. These independent experts are also supported by the Office for Autism and other state government departments, which are coming together to consider current government frameworks, the national guidelines for the assessment and diagnosis of autism and post assessment and diagnosis support for South Australians.

We held our second meeting on Friday. Members will meet regularly throughout the year to help build knowledge and work with services across our state and even interstate. Bringing together the right people and hearing and learning from them in one space will help address the barriers that families and individuals face and the challenges they have been calling to be addressed for too long. I look forward to continuing to work with the members of the advisory group and having those important discussions that for many in the autistic and autism community and the relevant workforce are well overdue.

WHYALLA AIRPORT

The Hon. F. PANGALLO (14:53): I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier in the other place, a question about Whyalla Airport.

Leave granted.

The Hon. F. PANGALLO: On 30 January, amid the crisis enveloping the Whyalla Steelworks, the Premier lobbed into the embattled town by car with much fanfare to announce his government's $13.8 million commitment to the $32.4 million upgrade of Whyalla Airport, with the rest of the money coming from the federal government—$16.2 million—and $2.4 million from the Whyalla council. While there, he also announced a further $5 million to fully fund the upgrade of the Whyalla Surf Club and cafe. The previous day, federal minister Catherine King had dropped into town in a chartered VIP jet to do a $3 million cheque handover for a splash pool on Whyalla's foreshore.

The Premier was on a whistlestop tour of Eyre Peninsula, and his Whyalla visit was in the same period his government was secretly planning its strategic masterstroke to place Sanjeev

Gupta's OneSteel into administration. I compared it to *The Godfather* movie, saying that Michael Corleone could not have executed a better hit job.

Observers at Whyalla Airport noted that there were two private jets parked on the tarmac that day, and the Premier and his entourage was seen boarding one of those two private jets to return to Adelaide that afternoon. My questions to the Premier are:

1. Whose jet did he use for the trip?

2. Was it a private charter and did taxpayers foot the bill; if so, how much did it cost?

3. Alternatively, did he and his entourage travel on the jet as guests of Mr Gupta rather than pay and wait for a commercial Qantas flight?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:56): I will be happy to pass those questions on to the Premier and seek a response.

WHYALLA STEELWORKS

The Hon. L.A. HENDERSON (14:56): My question is to the Leader of the Government regarding the administration of OneSteel Manufacturing. Has the government received any advice as to whether entities connected to Sanjeev Gupta will receive payment of their debts before other unsecured creditors receive payment of their debts?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:56): That will be a matter for the administrators to work out in the weeks and months to come.

WHYALLA STEELWORKS

The Hon. L.A. HENDERSON (14:56): Supplementary question: if the unsecured creditors are paid under the government scheme and the debt is assigned to the government, has the government received advice as to whether Sanjeev Gupta or his related entities will receive the benefit of that dividend, if any, before the state?

The PRESIDENT: No.

SOUTH AUSTRALIAN LEGAL NEW YEAR

The Hon. J.E. HANSON (14:57): My question is to the Attorney-General. Will the Attorney-General inform the council about the launch of the 2025 South Australian Legal New Year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:57): I thank the honourable member for his question. I was once again privileged to attend the first major event for the year put on by the Law Society and the Bar Association a couple of weeks ago in Adelaide. It is an opportunity for legal professionals to gather and celebrate—although a month and a half after the actual new year—the start of the new year.

Although lawyers are often thought of as a homogenous body, events like these allow those across private and public, not-for-profit, in-house practitioners, solicitors and members of the bar to come together. I joined the current President of the Law Society, Ms Marissa Mackie, and freshly appointed President of the SA Bar Association, Ms Jane Abbey KC, speaking to attendees. Ms Mackie made sure to highlight what was coming up this year, and it was noted that both the Law Society and the Bar Association were headed by women in South Australia.

The New Year event followed another successful Law Society forum, two days of legal education and continuing professional development sessions presented and chaired by over 60 practitioners and judges from South Australia as well as people from interstate. I understand this year's forum had a record number of about 900 attendees, both in person and online.

Pleasingly, there were several attendee scholarship awards to exceptional students and graduates from each of the three law schools in South Australia. I congratulate Sian Davies and Reece Parker from the University of South Australia, Leah Schlein and Caden Yau from the

University of Adelaide, Samuel Sarris from Flinders University and Nick Arundel from the Aboriginal Law Student Mentoring Program for being recognised by their educators and the profession in receiving scholarships.

GREYHOUND RACING

The Hon. T.A. FRANKS (14:59): I seek leave to make a brief explanation before asking a question of the Minister for Recreation, Sport and Racing on the topic of a Racing Appeals Tribunal finding on a use of a prohibited substance.

Leave granted.

The Hon. T.A. FRANKS: Greyhound trainer Donald James Turner was charged with breaches of Greyhounds Australasia Rules 141(a) and 141(3) by the Integrity Hearings Panel (IHP) following a positive result to a post-race urine sample taken following a race on 4 May 2023. Mr Turner initially pleaded guilty to the charge of breaching rules around prohibited substances, namely androstane, which was found to be present in excess of the legally accepted 10 nanograms per millilitre, indeed, potentially as high as 63 nanograms per millilitre.

Mr Turner subsequently tried to present evidence to explain the presence of this substance, saying it may have been caused by medication. However, this explanation was refuted by veterinary advice, and a penalty was fixed on that basis. Mr Turner was initially disqualified for two years in line with penalty guidelines for a category 1 offence, but this was reduced by 25 per cent for his early guilty plea to only 18 months, with the final six months suspended and a $5,000 fine, $2,500 of which was suspended.

However, Mr Turner subsequently appealed the penalty to the Racing Appeals Tribunal and suggested that the presence of the prohibited substance may have occurred naturally, a suggestion that was found to be so unlikely that it was disregarded, citing over 30,000 tests over a similar eight-year period that had failed to produce such a reading. Mr Turner then turned to his personal circumstances and, on the grounds of his mental health, subsequently successfully appealed and saw his penalty substantially reduced down to only six months, with 12 months suspended and wholly suspending the fine, with a two-year good behaviour bond. My questions to the minister are:

1. Is this the same Don Turner who similarly appealed the severity of a 2016 suspension for breach of the prohibited substances rule?

2. Does the minister think that such a substantial reduction in the penalty sends the right messages to greyhound racing in this state and the broader community about animal welfare and integrity?

3. Will any specific follow-up of Mr Turner be conducted in line with recommendation 14 of the Ashton inquiry to focus swabbing and sampling on participants subject to suspended suspensions for prohibited substances?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:02): I thank the honourable member for her question and summarising that process quite well. I am happy to look into that further and see what actions have been done outside of the discussions that you have raised today and get a further briefing on it. In regard to the recommendations, I know Sal Perna is working very hard to get through the 86 recommendations that were put before him and that Greyhound Racing SA is also willing to look at them as well. Feedback like yours today is very helpful, and I will be passing that on to them.

WHYALLA STEELWORKS

The Hon. D.G.E. HOOD (15:03): My question is to the Leader of the Government regarding the administration of OneSteel Manufacturing. It is obviously very early, but has the government received any advice at this stage as to whether it is possible for any of the payments already made to businesses to be clawed back by the administrator and, if so, under what circumstances?

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

member for his question, but once again, I think it is far too early to start speculating about what the administrator may or may not be able to do. It has been a matter of, I think, still under two weeks since the administration began during the last sitting week of parliament. As I said, as I understand it, the first meeting of creditors was only held yesterday in Whyalla. These will all be issues I am sure the administrator will look at in the weeks and months to come.

WHYALLA STEELWORKS

The Hon. D.G.E. HOOD (15:04): Supplementary: to confirm, minister, the government has no advice to that effect at this stage?

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

CARBON FARMING

The Hon. T.T. NGO (15:04): I have a question for the Minister for Primary Industries and Regional Development. Can the minister update the chamber about carbon farming in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I thank the honourable member for his very important question. For those in this chamber who may not be aware, carbon farming is a whole-farm approach, using agricultural methods to increase the uptake and storage of carbon dioxide in soil. Carbon farming can have enormous benefits in reducing erosion, enhancing soil fertility, and combatting climate change.

Back in April 2023, this government announced over $600,000 towards the Growing Carbon Farming Pilot, with grants awarded to projects that would build the carbon farming market in South Australia. Successful projects were awarded funding of amounts between $43,000 and $100,000, spanning horticulture, livestock, cropping and dairy. The various projects included soil carbon sequestration and revegetation and animal effluent management project activities, and the projects are located across the state.

To be successful, the projects were required to demonstrate environmental, social and economic co-benefits for the state. The purpose of the pilot was to demonstrate an application of carbon farming methods to South Australian primary production, increasing recognition and uptake of carbon farming methods. To refresh everyone's memories in case you haven't all recalled, the successful projects back in 2023 included the following:

- Duxton Apples, who were awarded $43,990 for their soil carbon sequestration project, using cover cropping practices in their apple orchards;
- Thomas Elder Institute were offered up to $99,400 to evaluate carbon neutral opportunities for livestock production in the Upper South-East of South Australia;
- Upper North Farming Systems were offered $99,726 for their whole-of-farm carbon project to assess changes in land management to increase climate resilience through carbon sequestering in soil and vegetation;
- FarmLab were offered $85,000 to apply clay to sandy soils to improve the quality of the soil through increased soil carbon and diversify revenue streams;
- Thomas Foods International were provided $100,000 for their project, improving carbon sequestration on Mount Schanck grazing land; and, finally
- Mallee Sustainable Farming were offered $96,500 to demonstrate soil carbon sequestration practices for large-scale cropping systems over 3,000 hectares of cropping land.

Today, I am pleased to announce that our state's commitment to net zero by 2050 will be partly demonstrated through carbon farming videos showcasing these successful projects. These videos will showcase the role of landholders in implementing agricultural practices and modern land management to help reduce climate change by reducing emissions, enhancing soil health and increasing biodiversity.

The first video was released today and portrays Thomas Foods International's project at Mount Schanck where they were provided $100,000 to implement a tree-planting program identifying areas where more shelter was needed. They also have undertaken a soil project where they have identified their lowest performing areas to inform how to increase carbon capture and improve production.

These two projects continue to reduce the emissions at Mount Schanck and are increasingly important for market access for investors and consumers who are taking more interest in the sustainability credentials of farms. I look forward to the rollout in the coming weeks of further carbon farming videos, demonstrating the diverse and innovative agricultural practices being taken up across the state, which are bringing real benefits to both the environment and the agricultural sector.

ASSAULTS IN HOSPITALS

The Hon. R.A. SIMMS (15:08): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Industrial Relations and Public Sector on the topic of assaults in hospitals.

Leave granted.

The Hon. R.A. SIMMS: Last month, the ABC reported that across the state there had been a 6 per cent increase in Code Black incidents at SA Health sites, where there is violence or threats of aggression. In the regions, the figures have almost doubled from 385 in 2023 to 668 incidents in 2024. Australian Nursing and Midwifery Federation SA branch executive director Samantha Mead has said, and I quote:

> We know that nurses and midwives, and other health workers, have been exposed to violence, attacks and aggressive behaviour. We also believe that in no way, shape or form should that be part of the job.

My question to the Minister for Industrial Relations and Public Sector therefore is:

1. What is the government doing to protect our essential frontline workers and prevent these sorts of safety issues in their workplace, particularly at a time when the government is struggling to recruit people to work in our public health sector?

2. What is the government doing in terms of providing additional support to public sector staff in regional hospitals?

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 his question. As a government, we think we agree with the sentiments that were outlined in the honourable member's question: everybody has the right to go to work in the morning and expect to come home in the same condition as they left; that is, be and feel safe at work.

I know I have had the opportunity as the Minister for Industrial Relations and Public Sector to spend a little bit of time, along with my colleague the Hon. Chris Picton, member for Kaurna and Minister for Health and Wellbeing, with a range of people, including those who provide security services in our public hospitals, who do a remarkable job in what is often a difficult situation. I know that as a government we will continue to look to support those who provide that frontline security, who literally are on the frontline of the frontline in providing these important public sector services and certainly that extends to regional hospitals as well.

ASSAULTS IN HOSPITALS

The Hon. R.A. SIMMS (15:11): Supplementary: is the government considering providing additional support for regional hospitals in particular?

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 thank the honourable member for his question. I know it is something that the Minister for Health is acutely aware of. I know the Minister for Health has visited dozens and dozens of hospitals right across South Australia. We were recently, last week, at a country cabinet in the Adelaide Plains area just north of Adelaide where the Minister for Health visited some more of our regional health services, so I know it is

something he is keen to make sure that we see: the best health services being provided for South Australians regardless of where they live.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:11): My questions are to the Minister for Industrial Relations regarding Whyalla:

1. As Minister for Industrial Relations, has he been briefed on the possibility or likelihood of job losses that would be expected as a result of ongoing issues at Whyalla Steelworks?

2. What plans does the government have in place to support Whyalla Steelworks if job losses eventuate?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:12): I thank the honourable member for her question. As I have outlined, there are support packages announced, I think, combined between the state and federal government in the order of $2 billion of support for Whyalla. This is a massive and, as we see it, necessary intervention to make sure the steelworks has the best possible chance of continuing into the future, and that goes directly to making sure that there are those ongoing jobs in Whyalla as there have been for decades in the past—and, as we seek, and our ambition is, for decades in the future.

As Minister for Industrial Relations, my jurisdiction doesn't extend to private sector employment but certainly the express intention of the action that the government has taken, and the funding that the government has provided, is to make sure that the steelworks continue into the future and give it the best possible chance of attracting a new owner and making sure as best we can that there are those ongoing jobs for the City of Whyalla as there have been for decades in the past.

WHYALLA STEELWORKS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:13): Supplementary: are the support packages announced by the government applicable to individuals who are either contracted or employed by the steelworks and they lose their employment?

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 her supplementary question. There are a whole range of support packages—support packages that are particularly focused on local businesses. Again, it is very, very early but as I understand from media reporting, one of the facets that has been reported is that workers had continued to be paid for the work that they did if they worked directly for the steelworks but, of course, there are many, many other jobs that are not directly with the steelworks that are for companies who contract with the steelworks—those who provide services to the steelworks—and that is the absolute focus of the initial packages that the government is providing.

EMERGENCY SERVICES GRADUATES

The Hon. R.P. WORTLEY (15:14): My question is for the Minister for Emergency Services and Correctional Services. Will the minister update the council about the recent emergency services graduate program graduation?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:14): I thank the honourable member for his question. Having been in this role now for almost five weeks it is not lost on me how important our emergency sector is, both at a local and broader community level, from devastating bushfires, as we saw in Cudlee Creek and Kangaroo Island in 2019, to the COVID pandemic in 2020 and then the Murray River floods in 2022 and 2023 and most recently in Wilmington, where just weeks ago we saw the emergency services sector band together during the bushfires at the Mount Remarkable National Park.

I was humbled to travel to Wilmington to see firsthand the sector come together for the local community. Volunteers and personnel from across the state were working together to help a community that wasn't their own. During my Wilmington visit I popped into the local primary school,

who had handwritten a beautiful thankyou letter to the emergency services that saved their town. This is a fantastic reminder that all emergency services members and agencies play a very important role and leave their mark on our community. It is events like Wilmington that are the test of the community and the sector but that also highlight additional opportunities for future responses.

The emergency management uplift project was guided by the Emergency Management Act, the State Emergency Management Plan and now the State Emergency Management Committee. The $2.2 million investment into the capabilities of the emergency services sector was jointly funded by the Malinauskas state government and the Albanese commonwealth government through the National Partnership Agreement on Disaster Risk Reduction. The project aims to contribute to a sector that is collaborative, coordinated and capable of preventing, preparing for, responding to and recovering from emergencies.

A cornerstone of the emergency management uplift project has been the graduate program managed by SAFECOM. This program shows the importance of investing in our sector and highlighting how we can work together across 14 government agencies to host graduates and invest in their growth and learning. The departments and agencies which took part in the graduate program are the Department for Energy and Mining, the Department for Environment and Water, the Department for Education, the Department for Infrastructure and Transport, the Department of the Premier and Cabinet, the Department of Primary Industries and Regions of South Australia, SA Ambulance Service, SA Country Fire Service, SA Fire and Emergency Services Commission, SA Housing Authority, SA Metropolitan Fire Service, SA Police, SA State Emergency Service and SA Water.

As the program comes to an end, I am delighted to report that all six graduates have successfully transitioned into employment positions with the government in the emergency management sector. Congratulations to all six participants. This is a remarkable achievement, including their placement in both state and federal positions. The success story of these graduates is testament to the program and the potential to shape our sector.

HOMOPHOBIA IN AUSTRALIAN RULES FOOTBALL

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief explanation before addressing a question to the Minister for Recreation, Sport and Racing on the topic of homophobia in Australian Rules football.

Leave granted.

The Hon. T.A. FRANKS: In recent weeks, there has been online a Facebook group called the 'Hate Rainbow Crows Group' or something similarly titled. That group has attacked the Rainbow Crows publicly and so far has been found to 'not have violated Facebook's standards'. However, the statements made have been hate filled, venomous, homophobic and divisive. I understand and commend the leadership within the Crows itself for attempting to stamp out this sort of behaviour. My question to the minister is:

1. What can be done to address homophobia and transphobia in Australian Rules?

2. What other supports will the government give those who are under these vile attacks?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:19): I thank the member for her question. Sport is meant to be a place where anyone can belong and be a part of, whether on the field or off the field. This is something we need to talk about as a community. I will reach out to the Crows to have a better understanding of the actions they will take and how they have worked with social media outlets to ensure that these comments cannot spread further. This is meant to be a safe space for people. Everyone has the right to participate and there is no space in our community for hatred against someone for their sexuality. I am thankful the honourable member has brought this to my attention and I will reach out to the Crows to get a further understanding of their situation.

YOUTH CRIME

The Hon. J.M.A. LENSINK (15:20): I seek leave to make a brief explanation before directing a question to the Attorney-General about youth crime.

Leave granted.

The Hon. J.M.A. LENSINK: Last month, the Commissioner for Children and Young People released a paper entitled 'The Need for Rights-Based Reform of South Australia's Child Justice System'. In this paper she states, 'Access to diversionary programs is inconsistent and inequitable, particularly for Aboriginal children, who are over represented in the child justice system.' My questions to the Attorney are:

1. As the Attorney-General and Minister for Aboriginal Affairs, does he believe that these programs are satisfactory and adequate?

2. In light of concerns in the media and the community regarding youth crime and recidivist offenders, what is the government doing to ensure diversionary programs are appropriately used, while keeping the community safe?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:21): I thank the honourable member for her questions. As the honourable member would know only too very well herself, programs and the administration of the youth justice system, particularly the youth justice group, Kurlana Tapa, reside with the Minister for Human Services, in this government the Hon. Nat Cook, the member for Hurtle Vale. I have had many conversations with the minister responsible about issues to do with youth justice and youth detention, access to programs and timeliness in terms of court appearances, and I know it is an area that the minister takes very seriously and is always looking at what can be done to improve access to programs and access to justice for young people.

YOUTH CRIME

The Hon. J.M.A. LENSINK (15:21): Supplementary question: has the minister been briefed on diversionary programs, has he visited the diversionary program set up by the Marshall Liberal government, and has he had any conversations with the Granny Group, who dearly would have loved to see these programs expanded?

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 thank the honourable member. I certainly have had conversations with the Granny Group. I know that our colleague the Hon. Connie Bonaros also regularly has conversations and both she and I have had conversations with the Granny Group about programs and youth justice issues generally. I can't remember exactly when, but I have visited Kurlana Tapa and in the past had briefings on programs.

WHYALLA LEGAL SERVICES

The Hon. M. EL DANNAWI (15:22): My question is to the Attorney-General. Will the Attorney-General inform the council about his visit to the Legal Services Commission office in Whyalla?

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 thank the honourable member for her question. As I have mentioned, it was a privilege to be able to spend time just yesterday in Whyalla at several forums and to have discussions with members of the local council in Whyalla, but it was also a good opportunity to visit a number of other areas, including the Legal Services Commission in Whyalla, to hear more about how the additional funding the state government is providing will be used and is being used to provide further legal supports to Whyalla residents as they navigate some of the challenges the community currently faces.

On my visit yesterday to the Legal Services Commission Whyalla office I was joined by the Deputy Premier, the Hon. Susan Close MP, and had the opportunity to meet and talk to some of the solicitors in the Whyalla office, several of whom will be there as a result of recent government funding where the Legal Services Commission has now established a new emergency legal service. That

service is being staffed every Tuesday, Wednesday and Thursday to assist businesses and community members with any legal issues that may arise, importantly without means testing.

It was encouraging yesterday to hear directly from those involved in providing the services that they are being proactive in their legal support to the community, including already having reached out to institutions such as various banks in Whyalla, which no doubt will be fielding questions from their customers—which will be many of the businesses that support the steelworks in Whyalla—to discuss the various legal queries that may be raised by the customers of those banks.

The Legal Services Commission staff also shared with me their plans to proactively reach out to other institutions in Whyalla, such as the local council, to have similar discussions, as well as with the industry advocate, and appoint as Whyalla regional coordinator John Chapman OAM, who is responsible for ensuring that state government projects in and around the Whyalla region actively engage with local businesses and workers, creating new opportunities for those impacted by recent job losses, and providing some level of answers to questions that local business owners and operators may have.

The types of legal queries that the solicitors can provide advice on is wide and varied. It includes things like debt recovery; Centrelink advice; bankruptcy and insolvency, including processes currently underway in Whyalla; residential tenancies; mortgage deferrals; employment law queries; domestic violence; and can make referrals to mental health and financial counselling services.

I saw firsthand during the flood events in the Riverland just how well community legal centres were able to provide services to a community during times of need, and I am very pleased that the Legal Services Commission is providing some of those services for the people of Whyalla. People in Whyalla wishing to access the service can drop into the Legal Services Commission in Whyalla or book an appointment by contacting the legal helpline.

Once again, I would sincerely like to thank the commission and its solicitors and support staff for their hard work in providing high-quality legal advice to the Whyalla community. I am proud that this government has not hesitated to fast-track decisions to facilitate these small but important extra services.

Condolence

HODGINS, MS M.

The PRESIDENT (15:26): Before I call on business of the day, I wish to advise members of the recent passing of Margaret Hodgins. Margaret will be remembered by many members, having first been appointed as secretary to the Clerk of the council and typist in 1974, and remaining a valued member of the staff of the council until her retirement in 2018. Margaret also remained an active member of the Legislative Council football tipping competition up until this year. On behalf of honourable members, I pass on the condolences of the council to Margaret's family and loved ones.

Bills

CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:28): I rise in support of the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024 and indicate that I am the lead speaker for the opposition for this bill today. I also indicate that we will be supporting one of the Hon. Robert Simms' amendments to emphasise the purpose of the bill. While we oppose the amendment to limit the timeframe to solely within seven days, we will support the amendment with the added paragraph that allows up to six months for the request of authorisation where the seven-day timeframe is not appropriate. We will not be supporting the other amendments put forth by the Hon. Robert Simms and the Hon. Connie Bonaros.

In May 2019, under the Marshall Liberal government, the then Attorney-General introduced the Criminal Law Consolidation (Assaults on Prescribed Emergency Workers) Amendment Bill 2019 to create specific offences to deal with offenders who assault or cause harm to prescribed emergency workers acting in the course of their duties. As of February 2024, 2,711 defendants have been charged under this provision.

Police officers and emergency workers face constant uncertainty of aggression and violence in their line of duty. Biting and spitting are disturbing acts that are often carried out in the heat of the moment and can have life-changing consequences for those at the receiving end. While such acts cannot always be prevented, we can and must ensure that there are safeguards to address the consequences.

This bill would amend the Criminal Law (Forensic Procedures) Act 2007 to compel offenders who bite or spit on police officers or emergency workers to undergo blood testing for communicable diseases. Section 20A of the act provides a mechanism for a senior police officer to authorise the taking of blood where an offender assaults police officers or other emergency workers; this requires evidence of harm. This bill would expand upon this to ensure cases in which they are bitten or spat on are included, as such incidents carry a high risk of transmission of diseases.

Clause 3 expands the scope of emergency services workers to include police security officers, registered health practitioners and those employed under the Correctional Services Act 1982 and the Youth Justice Administration Act 2016. This ensures that all who serve in these vital roles are afforded equal protection.

Clause 3(4) and (5) remove the requirement that actual harm must have occurred for testing to be authorised, instead recognising that the risk of disease from biting and being spat on can be a significant harm in itself, one that can haunt a worker and their families long after the incident. Clause 4 replaces current section 20B with a new provision that mandates blood testing in prescribed circumstances when requested by an emergency worker.

The safety of police officers and emergency workers who dedicate their lives to protecting the community is of paramount importance, and we must ensure that we provide the support they require and ensure that they have the peace of mind to carry out their duties. The amendment bill will also send a strong message to those who would consider assaulting our frontline workers in such a degrading manner that their actions will not go unnoticed or without consequences. With that, we support the amendment bill.

The Hon. R.A. SIMMS (15:31): I rise to speak on the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024 on behalf of the Greens to indicate that we are not supportive of this bill. This bill is problematic, to say the least, and the Greens will be moving several amendments in an effort to try to fix what is a deeply flawed legislative approach. Indeed, I would argue that this is an example of populist politics at its worst, devoid of any evidence and, in effect, a policy-free-zone approach to what is a complex area.

Of course, the Greens support everybody's right to feel safe at work; this is vitally important. But the problem is that this bill does not actually achieve its purported aim; that is, of improving the safety of frontline workers. Indeed, if anything, this bill will actually create more anxiety among frontline workers.

The proposed reforms would compel offenders to undergo compulsory blood testing if an emergency worker has had any form of contact with biological material. Biological material is not defined by the bill and can be taken to mean anything, including saliva, faeces, urine, blood or semen. The bill's definition of emergency workers includes lifesavers, youth justice workers and health workers.

We recognise that this was an election promise made by the Labor Party, but this should not, in and of itself, be a reason to deliver a deeply flawed bill. This bill is not based on health advice or based on the science. Even worse, the bill will lead to an increased stigma for people who live with HIV AIDS and hepatitis.

Under the existing Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Act 2015, senior police officers can already require a person to provide blood; however,

there is a risk matrix applied to determine whether or not such an approach is necessary in the circumstances. This is a sensible approach, as we know, of course, that not all contact with biological material has any risk of transmission of a disease.

I was intrigued to hear the Hon. Heidi Girolamo say that there is a high risk of transmission of disease from saliva. This is certainly not the case. Indeed, a 2018 study reviewed over 30 years of scientific evidence and found that there is no risk of transmission of HIV through saliva, and the risk through biting is considered negligible at best.

At that time, there were no published cases of transmission of HIV by saliva, and the only cases where there had been any transmission was by biting and when the perpetrator had blood in their mouth at the time of the incident. We know after 40 years of HIV research that HIV is not transmitted by saliva and that contact with saliva does not create any risk or threat to an emergency worker.

I am deeply concerned about the potential for this bill to stigmatise people who are living with HIV and AIDS and to feed into those old fears that people had around transmission of this virus. The deeply flawed views were that HIV could be transmitted through saliva and that it was dangerous to kiss someone with HIV. It has taken decades and decades to move away from these falsehoods, and sadly the Labor Party, through this deeply flawed bill, are fanning the flames of prejudice once again. I really urge them to consider what they are doing here. I think this is a deeply dangerous and unhelpful approach that they are taking.

To implement public policy that suggests that there is some level of risk associated with saliva in this way has the potential to significantly increase misunderstanding about the risk of transmission in the community. We know that such misunderstanding leads to an increasing stigma for people living with HIV, many of whom have a viral load that is not detectable, due to modern medications.

What message do we send to our emergency workers if we tell them that the offender must be tested where there has been contact with biological material that cannot even transmit HIV? That emergency worker then has to live with the stress of worrying about whether they have contracted HIV when it is not even possible. Those emergency workers would not even be able to access post-exposure prophylaxis or PEP, and this is one of the elements that is really ridiculous about the legislative approach that the government is taking here.

Even if an emergency worker was spat on by somebody who tested positive to the HIV virus, under existing health protocols they would not be eligible to access PEP because there is no risk associated with saliva. What does the impacted worker do in that circumstance? They are going to have potentially three months of worry, because we know that it takes three months before you can potentially test positive to HIV should you have been exposed to the virus—three months of worry, when there is not a skerrick of evidence to suggest that they are at risk.

Health practitioners are required to consider the risk of prescribing PEP when they make this available. It is my understanding that neither a human bite nor saliva contact would make any worker eligible to access the medication. Regardless of all these issues, mandatory testing is also unnecessary. It is important that we note the statistics in terms of HIV, in particular within our community. In Australia, less than 0.01 per cent of the population is now living with HIV. That is approximately 29,000 people across the entire country. Of those 29,000, 95 per cent are now taking antiviral medication, which renders the virus untransmissible.

For those who are not great at doing the maths on the fly, that leaves potentially 1,450 people in the whole country who are likely at risk of transmission. The risk is so low, so if the government has any health advice that supports this bill I urge them to make it public, because I cannot understand how such an approach can be justified on the evidence.

The Greens have a long record of advocating for a science and evidence-based approach. In 2015, when a similar act was debated in this place, the Hon. Mark Parnell, my predecessor, stated, on behalf of the Greens, that he was concerned about invasive procedures such as blood testing, and there was a need for them to be limited to occasions where they are strictly necessary. I share

that view. He also spoke about how neither HIV nor hepatitis can be transmitted by saliva—and, again, we restate that position today. The facts have not changed.

The Greens have continued to advocate for an evidence-based approach to this issue, and in 2016 you, Acting President, asked a question in this place about whether an evidenced-based approach was being used when requiring blood tests of offenders and how police were ensuring that any legislation was not adding to the stigma for people living with bloodborne viruses where the only contact was with saliva—a pertinent question to ask.

The then Minister for Police and Emergency Services, the Hon. Peter Malinauskas, now our Premier, responded to the question but did not address the fact that there is no risk associated with exposure to saliva with these bloodborne viruses. When a similar bill was considered in New South Wales, the Greens also highlighted their concerns.

Since this bill was first proposed some time ago, my office has been contacted by a number of stakeholder groups that have expressed their concerns about this approach. The South Australian Rainbow Advocacy Alliance (SARAA), for instance, is concerned that the bill has unintended consequences and that mandatory testing will further stigmatise people living with bloodborne viruses, including people with HIV. They additionally note that mandatory testing is not effective, nor an evidence-based approach to public health. SARAA has stated:

> We recognise that policies to mandate blood testing for those who spit at or bite frontline emergency services workers are intended to protect emergency services workers from communicable diseases.
>
> While SARAA supports keeping emergency workers safe, we're deeply concerned about the potential unintended consequences of such policies to further stigmatise vulnerable South Australians living with blood-borne viruses (BBVs) including people with Human Immunodeficiency Virus (HIV).
>
> Given medical experts have firmly stated that mandatory testing for [blood-borne viruses] is not an effective or evidence-based approach to public health, SARAA is concerned that the risk of harm caused by this policy deeply outweighs the potential benefits.

The National Association of People with HIV Australia (NAPWHA) and Health Equity Matters have also come out against this bill and flagged the potential adverse consequences that could flow for people living with HIV but also for our health system more broadly. We should note that the Labor Party have made much of the fact that it was an election commitment. Well, their other election commitment was to end ramping, and we know how that has ended up. I do wonder how this mandatory blood testing approach could potentially contribute to the ramping crisis by further overburdening our health system.

In their briefings on this bill, the two organisations (that is, the National Association of People with HIV and Health Equity Matters) stated:

> The Bill continues South Australia's flawed approach to Mandatory Disease Testing Laws.
>
> The Bill proposes changes that will produce a dramatic increase in the number of Mandatory Disease Tests (MDT) that will take place in South Australia and the situations in which they will occur. MDT laws are already unnecessary, anti-scientific and, due to a lack of appropriate oversight and accountability, ripe for misuse.
>
> By proposing to devolve decision making about when to test to non medical decision makers at the lowest levels of workplace hierarchies and by removing the discretion of Senior Police Officers not to order a test when one is not needed, the Bill proposes to exacerbate this situation. Tests will be ordered based on stigma and not on evidence based science. This puts emergency services workers at risk as well as the communities they serve and will exacerbate existing pressure on health services in South Australia.

I agree. Indeed, NAPWHA and Health Equity Matters have provided a submission that argues against this bill and have raised concerns about a number of the clauses. I will be raising some of these concerns with the Attorney at the committee stage.

While the Greens are not in favour of this bill, we will be moving several amendments in an effort to try to improve the legislation somewhat. We will seek to change the definition of 'biological material' to remove saliva, as the diseases that this bill purports to capture cannot be transmitted by saliva. Our amendments aim to ensure that the biological material of the offender must come into contact with the blood of the emergency worker before a test is ordered. Mere contact with unbroken skin or clothing is not likely to cause any transmission, and this will reduce the circumstances in which these tests will be ordered.

We also have amendments that consider the timeframe of the test related to the contact incident. There is no benefit that could flow from testing someone after seven days as the person may have potentially contracted a bloodborne virus after the contact incident in question. All this will do, potentially, is add further worry and anxiety to the worker. It may extend the duration of their worry that they may have been affected, even when this was not at all possible.

Finally, our amendments require the use of a risk matrix before any tests are ordered. This matrix will be determined by regulation, and in fact this is already the current practice when senior police officers determine whether or not a test is required. I note that SA-Best has an amendment to include workers in retail shopping centres, petrol stations and fast-food outlets. I think it is very clear, from our general concerns around this bill, that we will not be supporting that amendment.

I am concerned that, whilst the Greens are seeking to narrow the application of these laws, the Hon. Connie Bonaros' amendments will actually extend their application and extend the number of workers who will feel undue anxiety. In this case, it is most likely to be young workers, who may not understand that there is no risk profile associated with exposure to saliva. To put them in that position does not seem to make sense and, once we start expanding the number of workers that fall within the remit of these laws, has the potential to expand the level of stigma that I spoke of earlier.

To conclude, the Greens consider this bill to be deeply flawed. We will move amendments that we consider to be for the benefit of people living with bloodborne viruses but also for frontline workers. I want to put on the public record my disappointment in the Labor Party for the way they have approached this. It seems to me that this was a commitment that was made in the middle of an election campaign without any evidence. It is not supported by anyone in the health space and indeed has been roundly condemned by all of the advocacy groups in that space.

I would like to know what level of consultation the Labor Party adopted in developing this policy. I am keen to understand why such a poorly conceived concept would win the support of the opposition as well, who do not seem to be adopting a critical eye over what appears to be some sort of Labor Party brain fart that has not been given due consideration. I look forward to the committee stage, and I will be raising a number of questions on behalf of the Greens.

The Hon. J.S. LEE (15:48): I rise today to speak on the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024. This bill would make amendments to the Criminal Law (Forensic Procedures) Act 2007 to compel offenders who bite or spit on police officers or emergency workers to undergo blood testing for communicable diseases. In speaking to the bill, I want to express my thanks and support to all frontline emergency workers, who take on high-risk roles to protect and keep our community safe. Unfortunately, police and emergency workers are all too often harmed, assaulted, bitten or spat upon in the course of doing their day-to-day duties.

Antisocial behaviour that puts police and emergency workers at risk of transmission of communicable diseases that cause physical injury and also psychological harm is completely unacceptable, and this bill seeks to address these issues. It is important to note that there are already existing provisions in the act which provide a mechanism for a senior police officer to authorise a blood test from a person who assaults a police officer or other emergency services worker and where it is likely that they were exposed to the offender's biological material as a result.

One of the key elements of this bill is the inclusion of a provision that if the police officer or emergency services worker requests, within a set timeframe, that the offender undergoes a blood test, that procedure must be authorised. While the bill before us sets out that such a request must be made within six months of the incident, I understand the Hon. Robert Simms will be moving an amendment to alter this timeframe to within seven days of the incident.

I understand the government's intent with this bill is to provide reassurance for police officers and emergency services workers who may experience extreme stress or anxiety by ensuring that the affected workers have timely access to information about whether they have been exposed to bloodborne diseases. I believe the honourable member's amendments align with this intent and that a seven-day time period, unless there are extenuating circumstances, is reasonable.

The bill also makes changes to the existing definitions in the act to expand the scope of emergency workers captured, including police security officers, registered health professionals and

youth justice workers. This will ensure that all those working in an environment where there is a high risk of being bitten or spat on will have the same access to this provision.

Finally, I note that there is a carve-out for a protected person, defined in the act as a child or any person physically or mentally incapable of understanding the nature and consequences of a forensic procedure. This is a sensible exemption that still retains the existing discretion. Our police and emergency services face challenging circumstances every day in the course of their duties and this bill aims to address some of the anxiety that can impact on their mental health and wellbeing.

With that, I indicate that I will be supporting the bill and I also indicate that I will oppose the amendment by the Hon. Connie Bonaros, but will closely consider the amendments proposed by the Hon. Robert Simms during the committee stage. With those remarks, I commend the bill.

The Hon. S.L. GAME (15:52): I rise briefly to support the government's Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill. The bill will expand on the much-needed support given to our police officers and emergency workers who have been exposed to communicable diseases in the course of their duties. Currently under the act, police officers and emergency services workers who have been assaulted can receive authorisation for offenders to take a blood sample to assist in the determination of any risk exposure. This is appropriate and necessary to support frontline workers regularly engaging in high-risk situations with volatile and aggressive clientele.

This bill expands the category of workers receiving this support to include all persons authorised to provide emergency and non-emergency ambulance services, police security officers, health practitioners in hospitals and youth justice workers. The bill also expands the definition of 'prescribed serious offences' to include causing harm or assaulting a prescribed emergency worker and intentionally causing human biological material to come in contact with another person.

Our frontline emergency workers are consistently confronted with ongoing risk to both their physical and psychological health without the added stress and anxiety of being exposed to communicable diseases. I commend the great work they do and fully recognise the need to alleviate the strain associated with the possibility of being infected with a life-changing disease due to the violent actions of another person.

I am also confident that the process for requesting and authorising blood samples provides enough safeguards to protect vulnerable individuals from unnecessary testing. With that, I will be providing my support for the bill and acknowledge the inherent risk associated with the work performed by prescribed workers under the proposed provisions.

The Hon. T.T. NGO (15:54): I rise to speak on the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024, which delivers on the government's election promise to mandate blood testing for individuals who spit on or bite police officers or other emergency personnel, when the affected worker requests a test. Currently, the authority to approve blood testing under section 20B is discretionary and based on internal policies and procedures within South Australia Police (SAPOL).

This bill will make it compulsory for a senior police officer to approve blood testing when an affected worker requests it within a six-month timeframe; however, the bill does maintain the exception that blood testing will not be mandatory if the suspect is a protected person, such as a child or individual who lacks the mental or physical capacity to understand the nature and consequences of a forensic procedure as defined in the act.

This bill significantly expands the group of workers eligible to request blood testing after potential exposure to biological materials like HIV and hepatitis. The expanded categories now include all authorised providers of ambulance services, both emergency and non-emergency, under sections 57 and 58 of the Health Care Act 2008; police security officers; training centre employees and youth justice officers; hospital employees who are registered health practitioners (previous eligibility was limited to nurses, midwives and doctors employed in hospitals); and any other employment category prescribed by regulation.

Police officers, paramedics, hospital staff and other frontline workers frequently face violent or aggressive behaviour in the course of their duties. We know that spitting or biting exposes them

to serious infectious diseases such as HIV, hepatitis B and hepatitis C. Waiting months to confirm whether an exposure has resulted in an infection can cause severe anxiety and emotional distress for workers and their families. This bill allows affected workers to quickly determine if they have been exposed to a dangerous infection, enabling early intervention and medical treatments.

Additionally, blood testing authorisation under section 20B remains applicable only to those suspected of committing a prescribed serious offence. The bill updates the list of these offences and adds the following offences: causing harm to or assaulting a prescribed emergency worker, as outlined in section 20AA of the Criminal Law Consolidation Act; and committing a prohibited act by deliberately causing human biological material to come into contact with a person as per section 20AB of the Criminal Law Consolidation Act.

The bill also introduces a clarifying note in section 28 of the act. This states that forensic procedures authorised under section 20B qualify as a 'suspects procedure' under part 3 of the act. This amendment is in response to stakeholder feedback indicating uncertainty about the act's current interpretation. These amendments balance public health priorities with workplace safety, reinforcing the seriousness of such assaults while safeguarding those who serve in our community.

The Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024 sends a strong legal and ethical message that biting and spitting actions will be taken seriously and have immediate consequences. I therefore commend the bill to the chamber.

The Hon. R.P. WORTLEY (15:59): The Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024 fulfils the government's election commitment to compel people to undergo blood testing to detect communicable diseases if they spit on or bite police or other emergency workers and those prescribed workers request testing.

The bill builds on the existing provisions in sections 20A and 20B of the Criminal Law (Forensic Procedures) Act 2007, which provides a mechanism for a senior police officer to authorise the taking of a blood sample from a person who causes a police officer or other emergency services worker to potentially be exposed to biological materials through the commission of a prescribed serious offence, such as biting or spitting.

The power to authorise blood testing comes under 20B of the act and is currently discretionary. The considerations for determining whether to grant the authorisation are left to internal policies and procedures within the South Australian police force. The bill will make it mandatory for a senior police officer to authorise blood testing on the suspect where authorisation is requested by the affected worker within the designated timeframe of six months; however, it will not be mandatory for the senior police officer to authorise the procedure if they know that the suspect is a protected person. A protected person is defined in the act as a child or a person physically or mentally incapable of understanding the nature and consequences of a forensic procedure.

The bill broadens the categories of workers engaged in prescribed employment that may request blood testing following exposure to a biological material. The additional categories of workers include all authorised providers of emergency or non-emergency ambulance services in accordance with sections 57 and 58 of the Health Care Act 2008, rather than the current approach of naming some providers and not others; police security officers; training centre employees and youth justice officers; persons employed in a hospital as a registered health practitioner (rather than being limited to nurses, midwives and medical practitioners employed in a hospital); and any other employment of a kind prescribed by the regulations.

Further, an authorisation for blood testing under section 20B of the act may only be made in respect of a person suspected of committing a prescribed serious offence. The bill updates the list of the prescribed serious offences to reflect changes made to the criminal law since 20B was first introduced, in particular in adding the offences of causing harm to or assaulting a prescribed emergency worker contrary to section 20AA of the Criminal Law Consolidation Act and committing a prohibited act by intentionally causing human biological material to come into contact with another person, contrary to section 20AB of the Criminal Law Consolidation Act.

The bill inserts a note in section 28 of the act to make it clear that a forensic procedure authorised under section 20B of the act is a 'suspects procedure' for the purposes of part 3 after

consultation with stakeholders revealed confusion regarding the current operation of the act. I support the bill.

The Hon. C. BONAROS (16:02): I rise to support the second reading of the Criminal Law (Forensic Procedures) (Blood Testing) Amendment Bill 2024. The bill, as we have heard, seeks to provide a timely response for frontline workers—those in prescribed employment—in situations where they are exposed to the risk of communicable disease by individuals who bite or spit at them while they are performing their duties. It will require alleged offenders who engage in such conduct to be subject to blood testing for such communicable diseases.

As the bill stands the testing has to occur within six months of the incident, and I note that the Hon. Rob Simms has filed two amendments seeking to adjust this timeframe, with, I think it is fair to say, in my view, at least, the more preferable of the two providing for testing within seven days or, in extenuating circumstances, up to six months. I am open to the amendments that have been filed by the honourable member, and I will indicate what we do with those as we progress through the committee stage.

In terms of the bill, again prescribed employment we know includes police officers; police security officers; emergency services workers, both paid and voluntary; certain registered health practitioners; and others. There is also a regulation-making power allowing for further expansion of prescribed employment categories as needed.

While the intent of the legislation is clear, I also acknowledge that some stakeholder groups have raised particular concerns about the potential for stigmatisation, particularly regarding the perceived risk of transmission of certain diseases. I am certainly hopeful that we can work through at least some of those issues during the committee debate. It is important to clarify the actual risks involved. One of the issues that has been raised is HIV and the transmission or not through saliva, and those concerns I think deserve careful consideration. I expect they will be further scrutinised as we progress through this debate.

Beyond the current scope, I would like to draw attention to the experience of retail and fast-food workers, who also face significant risks in their roles. We have seen increased inappropriate behaviour towards such workers in recent times, and I have filed an amendment to expand the definition of 'prescribed worker' to include these workers. This was not done lightly, particularly taking into account the concerns that have been raised, but I guess it was done to reflect the alarming reality of what many in the retail and fast-food sectors endure.

The Shop, Distributive and Allied Employees' Association (SDA) reported in its 2023 No One Deserves a Serve campaign that 9 per cent of survey respondents indicated that they had been spat on while at work and 12.5 per cent reported being the victim of physical violence, and that is a figure that they say continues to grow. If we are legislating to protect frontline workers—and this is a debate we had during COVID as well—then we have to recognise that these workers are often just as exposed.

I note the government has indicated to me in discussions that it is not minded to support this amendment. The added pressure it would place on forensic testing services I think is the rationale for not supporting the amendment. That in itself highlights the significance of the issue for that cohort of workers in many respects because, as we know, this is not just about physical injuries. The psychological impact of these incidents can be profound on individuals and any worker who experiences violence or degrading conduct, such as being bitten or spat on, often suffers long-term trauma affecting their wellbeing.

I guess the question is: where does our duty begin and where does it end in terms of ensuring that all those workers who serve the public, whether they are doing so in the emergency service setting, the healthcare setting or the customer service setting, are adequately protected? With those points in mind, I look forward to the committee stage of the debate where I hope we engage in a few of these issues further, and I look forward to further explanations in relation to some of the amendments that will be moved, but overall indicate my support in principle for the bill, subject perhaps to some amendments.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:07): I thank honourable members who have contributed to the second reading debate. I appreciate that it has been foreshadowed that there will be some questions in committee, and I look forward to answering them. For the benefit of the committee stage that we are about to embark upon, I indicate what the government will do in relation to the amendments filed. In relation to the amendment filed by the Hon. Connie Bonaros, the government will not support that amendment.

In relation to the amendments filed by the Hon. Rob Simms, the government will not be supporting the five amendments in set 1. In set 2, the Hon. Robert Simms has two amendments filed. I indicate that the government will support both those amendments and will not support the amendments in set 3, one of which I think replicates very closely one of the amendments in set 2. With that, I look forward to the committee stage.

The council divided on the second reading:

Ayes 17
Noes.....2
Majority 15

AYES

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

NOES

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

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: To ease proceedings, I thought what I might do is just ask all my questions at clause 1 to perhaps make it a little bit easier for us to progress. A number of speakers on behalf of the government referenced the risks associated with saliva and biting with respect to acquiring bloodborne viruses. Can the minister provide any evidence that supports that assertion? In particular, will the government release any advice they may have obtained from SA Health in relation to the bill?

The Hon. K.J. MAHER: I thank the honourable member for his question. I would be surprised if the honourable member did not expect the government to say this, but, consistent with what we do in relation to similar questions regarding other bills and the releasing of advice, it is not the government's intention and it is not the usual practice of government to release the results of consultation or, necessarily, advice in relation to bills.

The Hon. R.A. SIMMS: Beyond this simply being an election promise, what is the demonstrated need for change to the law? Can the government indicate which stakeholders have advocated for the change?

The Hon. K.J. MAHER: I thank the honourable member for his question. Once again, despite the honourable member's very tricky attempts to have me be fooled into revealing what stakeholders there were or how the government has conducted its consultation, this is not something that governments typically do. The honourable member is right: it was an election commitment, and

it was after representations and discussions with those representing, particularly, police officers that this policy came into effect and is now being enacted.

The Hon. R.A. SIMMS: Silence speaks volumes. What measures will the government put in place to protect people living with bloodborne diseases from further stigmatisation as a result of this bill? Is the government concerned about the potential for misinformation to spread as a result of this bill?

The Hon. K.J. MAHER: Certainly, that is not the intention of this bill. Labor governments through the decades and this government, particularly with some of the measures that we have passed—including outlawing conversion practices, and the Weatherill government in many of the initiatives that they have taken—have made significant steps. To stigmatise people is not the intention of this bill, and many of the actions that we have taken in other pieces of legislation and policy have, I think, demonstrated that Labor governments are keen to reduce stigmatisation.

The Hon. R.A. SIMMS: Does the minister not concede that a bill that is premised on the false belief that there is a risk of acquiring a bloodborne virus like HIV simply through exposure to saliva could fan misinformation about HIV transmission in our community? What steps will the government be taking to try to safeguard vulnerable people against that misinformation?

The Hon. K.J. MAHER: As I have said, that is certainly not the intention of this bill. The government will continue to take steps in a wide range of areas to safeguard vulnerable people and people from communities that can be wrongly stigmatised.

The Hon. R.A. SIMMS: How many more tests does the government anticipate will be undertaken as a result of this change? Is the minister confident that SA Health will be able to manage this, given the current pressures already faced by our health system?

The Hon. K.J. MAHER: I thank the honourable member. I do not have any figures as to what might be in the minds of people if they request these tests. Those figures obviously are something that is not known now but which will be borne out in the future.

The Hon. R.A. SIMMS: Is the minister confident that SA Pathology has the capacity to manage the increase in blood tests that may be required as a result of the legislation?

The Hon. K.J. MAHER: I thank the honourable member for his question. I am confident that government agencies will be able to meet the requirements that parliaments decide in terms of making their laws.

The Hon. R.A. SIMMS: Is the minister familiar with the case of Warren v Police of 2024? I understand that in that case there was consideration around whether an involuntary sneeze could be considered to intentionally cause human biological material to come into contact with another person. In that case I understand the judge determined that, whilst a sneeze was involuntary, the direction in which the sneeze was directed could be considered to be rarely involuntary. In other words, an individual may not be able to control whether or not they sneeze, but they do determine which way they direct the sneeze. Is the minister concerned that a sneeze could potentially be captured under this legislation?

The Hon. K.J. MAHER: I am not familiar with the case that the honourable member refers to, although my advice is that the contact needs to be as a result of a prescribed offence. So without anything else, just an involuntary sneeze, it would be difficult to see how that could be captured.

The Hon. C. BONAROS: Just before we get to the next point the Hon. Rob Simms might make, I want to expand on that one, if we could, a little. The reason for this is really to keep individuals safe from harm in the course of their employment. If that is the case, we know that this only kicks in where a suspected prescribed serious offence has been committed. What sorts of offences are we talking about when we talk about 'prescribed serious offences'?

The Hon. K.J. MAHER: I thank the honourable member for her question. Regarding the 'prescribed serious offence' as outlined in the Criminal Law (Forensic Procedures) Act 2007, division 4, section 20A in the interpretation section defines and lists the prescribed serious offences. I will not go through all of them, because they refer to the section of the Criminal Law Consolidation

Act primarily, but they are offences such as ranges of assaults, acts endangering life, riot and violent disorder. They are the types of offences that are included.

The Hon. R.A. SIMMS: Yes, but my point was in relation to someone sneezing while they are being arrested, or spitting or coughing in that context. I am not disputing the application of this in relation to serious offences. I am keen to understand the rationale for identifying six months after the suspected offence occurred. Given there is no way to prove that the person already had the bloodborne virus at the time of contact, what is the reasoning for six months? Why not a shorter window?

The Hon. K.J. MAHER: I thank the honourable member for his question. The honourable member will be pleased to know, as I indicated in my second reading sum-up, that was how it was originally drafted but, upon being persuaded by the honourable member's amendment, we will be supporting the amendment that reduces that to seven days.

The Hon. R.A. SIMMS: I am very persuasive. After several months, the opportunity to take post-exposure action, including medication, has passed. What is the benefit to the emergency services worker of getting the offender to take a test, as opposed to just undertaking a test themselves?

The Hon. K.J. MAHER: My advice is that it is ineffective. The honourable member is right: there are periods where something will not become apparent for sometimes a number of months. The reason for the testing—and as we have said we have been persuaded by the honourable member to reduce that to seven days—is to find out immediately, so you do not have to wait up to that three months, or sometimes even more.

The Hon. R.A. SIMMS: What if a worker discovers that the person who has, say, spat on them or bitten them is in fact HIV positive? Would that worker be eligible for access to PEP, the post exposure prophylaxis, which is used in circumstances where there is a significant risk of transmission of the HIV virus?

The Hon. K.J. MAHER: I am advised that would be a wholly clinical decision, a clinical health decision about what the appropriate course of treatment would be.

The Hon. R.A. SIMMS: Under the current guidelines the circumstances in which the minister describes would not meet the criteria, someone would not be eligible for accessing PEP if someone with HIV has, say, spat on them, for instance. They just do not fit the criteria. Is the minister saying that the criteria will be revisited? How is that going to work in practical terms, and what benefit is there to a worker if they find out that they have been spat on by someone who is HIV positive if they do not then have access to the PEP?

The Hon. K.J. MAHER: I understand the honourable member's question, but that will be a clinical decision on what to do in those circumstances. Obviously, this will be a new procedure and it will be a matter for the clinical practitioners, they will decide what the course of action will be and what the guidelines will be in those situations.

The Hon. R.A. SIMMS: Will the government be providing additional psychological support to workers who may be under the misapprehension that they are at risk of acquiring the HIV virus or other bloodborne viruses?

The Hon. K.J. MAHER: They are clinical questions for clinicians to decide what support workers need.

The Hon. T.A. FRANKS: The minister would be well aware that there is a proactive psychosocial duty now in place. We are now putting workers in a position where they are being told they can contract a disease that is actually not able to be transmitted in the way that we are telling them, and there is forensic testing being done as a result. That worker may well believe, because of the government's laws, that they are indeed in danger of contracting these bloodborne viruses.

What information will be provided to a victim, who is also a worker, to assure them of the actual science here so that they are not unduly placed into stressful situations where their mental health may be quite seriously harmed?

The Hon. K.J. MAHER: That will be up to the PCBU, the person who is undertaking the business or undertaking, who does have a positive duty, under our work health and safety laws, to provide a safe workplace—which, as the honourable member correctly points out, now includes psychosocial hazards. That will be up to the individual workplace, to make sure that their workers are properly supported.

The Hon. T.A. FRANKS: Following that, how will the PCBU know that the bloodborne virus cannot be contracted in the way that the government laws now apparently believe it can, given that the law is based on a lie rather than science? Will the government provide pamphlets to say, 'We've got this law but actually you're in no danger from this particular transmission,' and provide the PCBUs with that pamphlet to be able to hand to their employees?

The Hon. K.J. MAHER: The existing requirements to provide a safe workplace will remain.

The Hon. C. BONAROS: I go back to the one of the rationales for this bill. It talks about a person being exposed to bloodborne diseases, including HIV or hepatitis A or B, and the time—what we call the window period, which can last several months—between exposure and possible detection. I ask this of the Attorney and hope he may have a response, or anyone else who might help: have concerns been raised about saliva that contains blood?

The Hon. K.J. MAHER: My advice is that we are not aware of that being addressed by a specific question. If there is a very specific scenario maybe we can provide—

The Hon. C. Bonaros: I am not aware of one: that is what I am asking.

The Hon. K.J. MAHER: I am not aware of that being specifically addressed.

The Hon. R.A. SIMMS: What measures will the government have in place to protect the privacy of the person who is being tested for the bloodborne virus? Given the emergency worker will be given information on the potential HIV status or potential health status of another individual and they will be able potentially to request this some time after exposure, how will the government ensure that sensitive information is being appropriately managed?

The Hon. K.J. MAHER: It is a good question. I am advised that, under section 50 of the act that this bill seeks to amend, there are confidentiality provisions in place. Of course, these sorts of tests can be ordered now; this is just varying the ways that they shall be ordered. The same confidentiality provisions that already apply for when tests are ordered, as the honourable member points out, pursuant to a risk matrix, will still apply to procedures under the act if it is amended.

The Hon. R.A. SIMMS: Just finally, I am still keen to understand: what is the rationale for this change in terms of moving us away from the existing regime? There is already a process in place with a risk matrix. Why the change?

The Hon. K.J. MAHER: I am happy to restate what I think I said at one of the first questions answered. As the honourable member pointed out, it was an election commitment, and it was a response to concerns raised from particular emergency services workers.

The Hon. R.A. SIMMS: Just finally—

The CHAIR: Is this the final final?

The Hon. R.A. SIMMS: This is the final final question. In making that election commitment, who exactly did the Labor Party consult with? Presumably, they did not pluck this out of thin air. Where did the idea come from, and on what evidence is it based?

The Hon. K.J. MAHER: I thank the honourable member for his invitation at the end of the proceedings, as he started. Similarly to governments typically not going through advice that is provided by those that are consulted with, oppositions tend not to, either. I thank him for his invitation once again but will not be providing the information in relation to the ins and outs of the who, what, where and when of consultation.

The Hon. C. BONAROS: Just on that, it is fair to say though that, at least insofar as this bill applies, police and emergency workers generally have been raising this for some time in terms of the concerns that they have around these laws. Without divulging anything that the Attorney cannot

divulge, we are talking about frontline emergency workers. This is dealing with that cohort, so there are concerns that have been raised with government from those cohorts in relation to this issue.

The Hon. K.J. MAHER: I have already said that essentially that is the case, in response to a question from the Hon. Robert Simms earlier.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Simms–1]—

Page 2, after line 10—Before subclause (1) insert:

(a1) Section 20A, definition of *biological material*—delete the definition and substitute:

biological material of a person means the person's—

(a) blood; or

(b) faeces; or

(c) urine; or

(d) sperm;

This amendment defines 'biological material' as blood, faeces, urine and sperm. The amendment removes saliva from the definition. As I indicated in my second reading contribution, there is no evidence that HIV can be transmitted by saliva. There is only a negligible chance when saliva comes into contact with a significant quantity of blood, the blood comes into contact with a mucous membrane or open wound and the viral load of the person who is HIV positive is not low. Again, that is considered very low. If an employer provides appropriate work-safe conditions, which includes vaccinations, then personnel could already be vaccinated against hepatitis. HIV is not transmittable by saliva, so there is no need to include saliva as a biological material.

The Hon. K.J. MAHER: As I indicated in my second reading summing-up speech, the government will not be supporting this amendment, but I do indicate, as I did before, we will be supporting, in the second set of the Hon. Robert Simms' amendments, amendment No. 1.

The Hon. C. BONAROS: Can I just ask the mover to repeat what he said in relation to hepatitis, specifically, not HIV?

The Hon. R.A. SIMMS: I am advised that if an employer provides appropriately safe workplaces, which includes vaccinations, then personnel can be immune to hepatitis—that is my advice—but that HIV of course is not transmittable.

The Hon. C. BONAROS: But if, for whatever reason, an individual were not to have such a vaccination, then excluding saliva could potentially have ramifications in terms of that test; we accept that, do we not?

The Hon. R.A. SIMMS: The workers that we are talking about are frontline responders and high-risk workers, so it would be my assumption that most of those would have access to the vaccination.

The Hon. C. BONAROS: I indicate for the record that I will not be supporting the amendment. I fully acknowledge the reasons for the amendment, and I fully acknowledge the balance that we are dealing with here and the concerns that have been raised, particularly in relation to HIV. I am not convinced, though, when it comes to other issues, particularly the one that I have just outlined, for instance.

I do not think there is any requirement for a police security officer or security personnel necessarily to have immunisations. I think there would be a cohort within the group that are captured that probably are not required to have an immunisation, and I think that they should be able to turn up to work without the expectation that this would occur to them. Whilst I appreciate what the

honourable member is seeking to do, I am worried about the other issues that may be unintentionally captured as a result of doing that, and on that basis will not be supporting the amendment of the Hon. Robert Simms, [Simms-1] amendment No. 1.

Amendment negatived.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 3, after line 14 [clause 3(3), inserted definition of *prescribed employment*]—

After paragraph (g) insert:

(ga) employment in the provision of services in a retail store, shopping centre, petrol station or fast food outlet;

I will not repeat what I have already said during my second reading contribution. Effectively, this seeks to broaden the scope of individuals who are captured. I go back to the point that I made at the outset. I appreciate that there is a fine balancing act here, but ultimately we are talking about keeping individuals safe from individuals who are actually taking part in what is serious offending, and it is serious offending against frontline workers. We all accept that that sort of offending has no place anywhere, whether it be a hospital or a police station or anywhere else.

We have seen this week the sorts of incidents that have been reported in Rundle Mall. Where they involve this sort of behaviour, that is equally unacceptable. In terms of the purpose of the bill, we have said there is a window there—what we call the window period. It can last several months. You are expecting a person to wait several months before having any certainty about any biological matter that they have been exposed to. I do not think any of us accept that individuals should be taking part—and I am not suggesting that any of us are condoning that sort of behaviour in any way shape or form.

The point of the amendment is to extend that further and acknowledge that there are other workers who may very well be—perhaps not to the extent of emergency frontline workers—subject to the same sort of behaviour. I note again that even if that were to apply, it would be where there are cases of suspected serious offences. So we are not talking about every case; it is those where there are serious offences that someone is taking part in.

I would ask the Attorney to clarify whether there is any intention—I note there is a regulation-making power—to review the list and in what timeframe, and also whether there were discussions with security guards in relation to the application of these laws potentially to them.

The Hon. K.J. MAHER: I thank the honourable member for her question and for bringing this amendment forward. Whilst we acknowledge the intent of the honourable member's amendment, we will not be supporting what would be a very big expansion of not just the scheme as it is contemplated currently in the criminal law forensic procedures legislation. We have not had consultation with any of the groups mentioned by the honourable member as it was not our intention that it would be expanded in such a way.

The Hon. R.A. SIMMS: I indicate the Greens will not be supporting the amendment from the Hon. Connie Bonaros, but I do just want to put on the record that our decision not to support the amendment does not mean that we differ from the honourable member in terms of her respect for workers in the retail sector. They are vital, valued members of the workforce. We were reminded of that, of course, during COVID.

Might I say, the Greens absolutely condemn anybody in the community who is spitting on or biting a retail worker or our first responders. That behaviour is totally inappropriate, and I am sure all of us in the parliament agree with that proposition. The question here is around whether or not what is in effect quite an invasive procedure is justified by the evidence, and it is on that basis that we are critical of the proposed reform overall and, indeed, in that spirit, the expansion of this regime to retail workers.

Amendment negatived; clause passed.

Clause 4.

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

Amendment No 1 [Simms–2]—

Page 3, after line 24 [clause 4, inserted section 20B]—Before subsection (1) insert:

(a1) The purpose of this section is to provide for the authorisation, in certain circumstances, of the carrying out of a forensic procedure on a person, consisting of the taking of a sample of blood from that person, for the purposes of testing for the presence of any communicable diseases which may be detected in blood.

This amendment clarifies the purpose of the section. As I indicated earlier, it is important that this section is clear about the intention of the legislation so that these laws are not misused.

Amendment carried.

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

Amendment No 2 [Simms–1]—

Page 3, line 25 [clause 4, inserted section 20B(1)]—Delete 'A' and substitute 'Subject to this section, a'

Amendment negatived.

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

Amendment No 3 [Simms–1]—

Page 3, line 29 [clause 4, inserted section 20B(1)(b)]—After 'it is likely that' insert 'the blood of'

This amendment requires the authorising officer to consider if it was the blood of the person subject to the biological material that likely came into contact with the offender's biological material. The intention behind this is to ensure that there is an actual likelihood of transmission of a bloodborne virus. If a person gets another person's biological material in contact with their clothes or skin, there is, of course, very little prospect of transmission.

The Hon. K.J. MAHER: As I have indicated, we will not be supporting this amendment.

Amendment negatived.

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

Amendment No 4 [Simms–1]—

Page 3, line 33 [clause 4, inserted section 20B(2)]—Delete 'subsection (3)' and substitute 'subsections (3) and (3a)'

On my understanding this amendment is consequential to amendment No. 5. Amendment No. 5 requires a risk matrix to be used. We understand it is already the practice that a risk matrix is applied to determine whether a test is necessary, considering the likelihood of transmission. So this amendment makes that amendment possible.

Amendment negatived.

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

Amendment No 2 [Simms–2]—

Page 3, lines 36 and 37 [clause 4, inserted section 20B(2)(a)]—Delete paragraph (a) and substitute:

(a) within—

(i) 7 days; or

(ii) if the authorising officer considers that the person engaged in prescribed employment did not have a reasonable opportunity to make the request within the period referred to in subparagraph (i) due to injury or other extenuating circumstances—such longer period, not exceeding 6 months, as the authorising officer considers appropriate in the circumstances,

after coming into contact with, or otherwise being exposed to, the biological material; and

This limits the amount of time within which tests can be requested to seven days or up to six months if an appropriate rationale can be provided.

The Hon. K.J. MAHER: As I indicated in my second reading summing-up and in answers to questions from the Hon. Robert Simms at clause 1 and for the benefit of the committee, particularly my colleagues behind me, we will be supporting this amendment.

Amendment carried.

The Hon. R.A. SIMMS: It was the intention to do them the other way round. That was what I indicated. That is fine, given I understand that other amendment was not going to have support in any case. But I did indicate my desire to do them in an alternative order.

The CHAIR: The final amendment is amendment No. 5 [Simms-1].

The Hon. R.A. SIMMS: I think this amendment is no longer required, because I referenced the risk matrix earlier.

Clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2025.)

The Hon. J.M.A. LENSINK (16:50): I rise to speak on behalf of the opposition and indicate our support for the Criminal Assets Confiscation (Review Recommendations) Amendment Bill 2025. This legislation plays a role in ensuring that crime does not pay. The bill implements key recommendations from the statutory review into the prescribed drug offender provisions of the Criminal Assets Confiscation Act 2005. While previous amendments address some immediate concerns, this bill ensures that all necessary reforms are enacted to maintain the act's integrity and effectiveness.

One of the key provisions of this bill is the introduction of measures allowing the Chief Recovery Officer to assist with asset forfeitures using the powers of the Fines Enforcement and Debt Recovery Act. This reform enhances efficiency by utilising the most experienced agency for asset management and recovery, thereby reducing the administrative burden on the Office of the DPP.

Additionally, the bill ensures fairness in asset confiscation by aligning prescribed drug offender confiscations with other forfeiture processes. This recognises that prescribed drug offender cases now constitute the majority of all confiscations, particularly following significant law enforcement operations such as Operation Ironside. Treating these cases consistently with other confiscation improves procedures generally.

This legislation also makes amendments to the Justice Rehabilitation Fund, which receives proceeds from confiscated assets and funds important initiatives such as rehabilitation and victim assistance programs. Administrative costs will be deducted before funds are transferred to the Justice Rehabilitation Fund, which will assist in ensuring that operational costs effectively fall less on taxpayers.

The bill also has compliance and enforcement provisions by introducing new obligations for offenders to disclose any third-party interests in confiscated property, which would have the effect of preventing offenders from exploiting loopholes by falsely claiming external ownership to evade

forfeiture. It also extends the obligations of freezing orders beyond financial institutions to ensure that all relevant parties comply with asset seizure directives.

To enhance enforcement mechanisms this bill increases penalties for noncompliance so that individuals who attempt to undermine the asset confiscation process face additional consequences. This also revises procedural timelines, including reducing the time financial institutions have to respond to requests for information from 14 days to a range of three to seven business days, which will improve timeliness of law enforcement agencies.

Broadly speaking, the legislation improves the legal framework to ensure that crime does not assist people to obtain financial rewards, provides law enforcement with tools to confiscate assets, supports offenders' rehabilitation and improves the justice system. With those comments, I support the passage of the bill and look forward to the committee stage.

The Hon. S.L. GAME (16:53): I rise to speak on the Criminal Assets Confiscation (Review Recommendations) Amendment Bill and offer my in-principle support. The main intent of the bill is to prevent commercial drug offenders from profiting from their crimes, which is a worthwhile and necessary aim, given the lucrative illegal drug trade in this state and across the country. However, the forfeiture of all property is a significant consequence that was intended to target persistent or high-level drug offenders involved in large-scale commercial operations, not backyard operators growing cannabis plants for predominantly personal use.

While I understand that the line has to be drawn somewhere, under the current Controlled Substances Regulations 20 cannabis plants is considered to be a commercial quantity and, as a result, offenders with three convictions in this category potentially could be liable for forfeiture of all their property.

It should be noted that the government's proposed amendments will guard against convictions being counted from the same course of offending. Nevertheless, the Law Society has suggested there should be amendments to the threshold for commercial drug offences and prescribed drug offenders to avoid backyard operators being captured by the harsh consequence of having all their property confiscated.

Profiting from drug addiction in the community should always be punished to the full extent of the law, but we should also endeavour to ensure that the punishment fits the crime, that the punishment is proportionate, fair and equitable, and not excessive or unreasonable. It is difficult to see how someone facing three convictions for possessing a commercial quantity of heroin or amphetamine is equivalent to someone facing three convictions for growing 20 cannabis plants.

Both of these are serious crimes that deserve punishment and condemnation, but should both offences be treated the same, with both being subject to the forfeiture of all property? That being said, I will support the bill in the interests of protecting the community from the proliferation of the drug trade but will continue to question whether such measures are constructed more to raise revenue rather than to achieve justice.

The Hon. J.S. LEE (16:55): I rise today to make a contribution to the Criminal Assets Confiscation (Review Recommendations) Amendment Bill 2025. This bill will implement a number of changes recommended by the statutory review into the prescribed drug offender provisions of the Criminal Assets Confiscation Act 2005. Some urgent changes to the act were passed by parliament last year with the remaining recommendations before us in this bill today, along with changes suggested by South Australia Police.

This bill will ensure that the Criminal Assets Confiscation Act remains effective and up to date, to ensure that criminal offenders cannot profit from their crimes. Some of the key recommendations implemented in this bill include allowing for penalty collection to be dedicated to the Chief Recovery Officer and Fines Enforcement and Recovery Unit to free up resources within the Office of the Director of Public Prosecutions. Clause 12 will ensure that costs for the administration of the act, such as repaying the Office of the DPP for costs incurred in the forfeiture of process, will be provided for first, with the balance of the proceeds paid to the Justice Rehabilitation Fund.

As honourable members would know, the Justice Rehabilitation Fund, which receives proceeds from the prescribed drug offender confiscation, funds programs aimed to divert and rehabilitate offenders, including within the prison population. The fund currently assists the Department for Correctional Services to provide an overall uplifting and alcohol and other drug support services, including for programs run by the Aboriginal Drug and Alcohol Council and Offenders Aid and Rehabilitation Services of SA Inc.

The fund also supports abuse prevention programs, victims' programs and the Carly Ryan Foundation. This bill will bring it in line with the process for ordinary confiscations, which are paid into the Victims of Crime Fund and ensure that the costs of dealing with confiscated assets from prescribed drug offences are not a burden on the taxpayer.

Other changes include allowing the court to exclude the property of a prescribed drug offender from being forfeited to the Crown, based on their cooperation, and adds a requirement that the courts must be satisfied the cooperation was not already taken into account when the person was sentenced for the offences. I understand this would provide added incentive for cooperating with law enforcement but would prevent double dipping.

The bill will also increase the number of penalty provisions in the act from $20,000 to $100,000. One of the other additional amendments was to ensure that the provisions requiring compliance with freezing orders apply to all persons and not only to financial institutions. There are a number of changes requested by SAPOL to assist them to continue to use every available avenue to tackle serious crime in our community and prevent criminals from profiting from their offending. With those remarks, I commend the bill to the chamber.

The Hon. T.T. NGO (16:59): I rise to speak on the Criminal Assets Confiscation (Review Recommendations) Amendment Bill 2025. The Criminal Assets Confiscation Act 2005 allows the government to seize property from prescribed drug offenders and transfer it into the Justice Rehabilitation Fund. The Justice Rehabilitation Fund is primarily funded through money and assets seized from criminal activities and redirected to programs and facilities that help offenders, victims and crime prevention efforts. This change aligns with how assets from non-drug offenders are used to fund the Victims of Crime Fund.

The bill will improve administration, allowing certain powers to be delegated from the Director of Public Prosecutions to the Chief Recovery Officer in the Fines Enforcement and Recovery Unit. This will enable a portion of the confiscated assets to be used to cover administrative costs before the remainder is placed into the Justice Rehabilitation Fund. A recent review of the act led to several recommended changes, many of which were approved in a bill last year, including:

- expanding the definition of 'government custody' to include home detention;
- clarifying that prescribed drug offenders can still have effective control over property, even if it is subject to a restraining order; and
- confirming that forfeited property can be destroyed when necessary.

The key changes in this new bill incorporate further amendments suggested by South Australia Police, which include expanding the power to freeze bank accounts belonging to drug offenders and that banks will also have less time to provide a response to police requests about the offender's assets. In today's world, money can be moved instantly, making it much easier for criminals to hide assets. The bill allows police to question offenders about any third-party interests in confiscated property. These changes will help to ensure that innocent people are protected, while preventing offenders from making false claims simply to delay investigations.

The bill confirms that multiple convictions at the same time will count towards determining someone as a prescribed drug offender. This change aligns with the Supreme Court's decision in the Director of Public Prosecutions v Donnelly, which clarified that multiple convictions occurring at the same time should be considered together when determining if someone qualifies as a prescribed drug offender under the law. Stronger penalties will be introduced for noncompliance. Police will also have more time—60 days instead of 25 days—to return seized property that does not end up being confiscated.

These amendments will help to facilitate a more effective and efficient Criminal Assets Confiscation Act. They ensure that drug traffickers lose their profits, while seized funds can be used to address the many social harms caused by drug crime. We all know how drug-related crime fuels violence, addiction, homelessness and mental health issues, all of which place enormous pressure on health care, law enforcement and social services. Addressing and improving the social harms of drug crime is essential. I therefore hope members of the chamber support these new amendments.

The Hon. R.P. WORTLEY (17:04): The Criminal Assets Confiscation Act 2005 allows the state to confiscate the property of prescribed drug offenders (PDOs) and transfer it into the Justice Rehabilitation Fund. A number of recommendations falling out of the review of the operation of the act were passed in a bill before this place last year, including amendments to provide that home detention is within the definition of government custody, to clarify that property can be under the effective control of a PDO even if it is subject to a restraining order, and to clarify that forfeited property can be destroyed.

The new bill also contains amendments made at the suggestion of South Australia Police, who assist the Office of the Director of Public Prosecutions in the operation of the act. There are a number of procedural amendments, including the scope of freezing orders placed on banking accounts which belong to offenders, as well as a reduction of timeframes in which banks have to respond to notices from police with information as to the assets it holds in relation to PDOs. This comes in response to the instant nature of banking, which has occurred since the beginning of this act, in the mid 2000s, where money can be transferred instantly within and outside of Australia, and PDOs will do so to try to conceal their true assets.

Similarly, a new power to demand answers from offenders as to legitimate third-party interests in any confiscated assets forms part of this bill, to ensure that the property of innocent parties is protected whilst not sending law enforcement on a wild goose chase following up warrantless claims made by PDOs.

Amendments which will increase the effectiveness and efficiency of the scheme include the delegation of certain powers from the Office of the Director of Public Prosecutions to the Chief Recovery Officer of the Fines Enforcement and Recovery Unit and an amendment that will allow the costs of administering the act to be taken from the forfeited assets prior to the remainder being placed into the Justice Rehabilitation Fund. This is identical to how assets seized from other non-drug offenders are used to pay administration costs prior to being placed into the Victims of Crime Fund.

The Justice Rehabilitation Fund is a dedicated fund for the provision of programs and facilities for the benefit of offenders, victims and other persons, which will further crime prevention and rehabilitation strategies. The bill also clarifies that simultaneous convictions will be taken into account for the purposes of the identification of a prescribed drug offender, which echoes the reasoning of the Supreme Court of South Australia in the matter of the Director of Public Prosecutions v Donnelly.

Several noncompliance penalties under the act are increased in the bill, in recognition that often it is high-value assets being dealt with and penalties must reflect a punitive outcome. Following feedback from SAPOL, it also extends the time for police to return property that is initially seized but has not become the subject of a forfeiture order and can be returned to the owner from 25 to 60 days.

The bill keeps the CAC Act effective and efficient. It supports the aim of the scheme to both hit commercial drug offenders where it hurts the most—the hip pocket—and use these seized funds to address the social issues and their profiteering impacts. In that, I support the bill.

The Hon. C. BONAROS (17:07): I rise very briefly to speak to this bill, which we know is the result of the CAC review into the legislation that was passed some years ago, and echo many of the sentiments that have been expressed across the chamber today.

For those who were around when these laws were first introduced around the Justice Rehabilitation Fund (JRF) and the way that fund is used, I note that from the second reading, following questions that I put to the Attorney's department, we know that those funds currently—after what I think it is fair to describe as some negotiation at that time—are being used in terms of rehabilitation when it comes to the prison population, the overall uplifting of alcohol and drug support

services, including Aboriginal Drug and Alcohol Council and Offenders Aid and Rehabilitation Services, prevention programs, victim programs and programs like those that are run by the Carly Ryan Foundation.

These are all critically necessary and important, particularly given—and this goes back to the original debate on this legislation—that often those who are convicted of offences, who end up behind bars, are not necessarily those who are at the top of the pecking order when it comes to drug offences in particular. So the proceeds of any assets that are confiscated ought to be going towards providing what are critical services, when it comes to that sort of offending, for those who do not sit as high on the pecking order.

I will foreshadow a question to the Attorney while I speak, and I guess that is just to confirm, for our peace of mind, the proportion of funds from the JRF that are actually going towards that sort of spending. The debate at the time was that we did not want these funds being spent on propping up the courts and other things. I understand that is not the case, I understand that those funds are going towards those sorts of services, but we know those sorts of services are critically underfunded at a government level.

We also know—and this is another pet subject of mine that I have raised with the Attorney—that those in prison often do not qualify. Those on remand, for instance, often do not actually qualify for the sorts of services they need before they are released back into the community, and that only serves to feed the cycle of crime. Someone may very well have served a long period in incarceration before they are released and only qualify for the sorts of services that the JRF would fund upon sentencing. They may have already served their time upon sentencing and find themselves released from prison without having had the benefit of any of those sorts of rehabilitative services.

My question to the Attorney, if he could provide it in the summing-up, is: what is the state of the fund generally and, I suppose, a confirmation that the overwhelming funds in the JRF actually go towards these sorts of rehabilitation programs and education campaigns and so forth.

I also foreshadow with the Attorney a subsequent question in relation to 56AB which, I understand, is really intended to avoid the shifting of assets and questionable claims made in relation to interests in property—basically, false claims. It does have real ramifications in relation to genuine claims of interested parties who may have absolutely no knowledge of the offending that results in the confiscation of assets.

To that extent, I query with the Attorney how we came up with the 14-day period and whether that is, in the scheme of things, considered to be a sufficient enough period to allow somebody who does have a genuine claim to have their details provided by the offender in those cases. With those words, I look forward to the committee stage of the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:13): I thank honourable members for their contributions during the course of the debate. I know members, particularly the Hon. Connie Bonaros, contributed in great detail when this scheme was set up some years ago.

There are a couple of questions I do not have answers for right now but I might have at clause 1, if the honourable member might repeat them. However, I think the main question she asked during the second reading stage was about the current state of the fund. I am happy to let the honourable member know that at the moment there is more coming into the fund than there is going out. My advice is that as at 31 January this year the fund had a balance of $6.1 million.

The honourable member also asked what sorts of things the fund is used to support. There are a wide range of things that the fund is used to support, and when there are funds available we review what else we can look to support, which I am pleased to say we are currently doing. The fund is currently used for programs such as:

- increasing the capacity of current alcohol and other drug support services offered through the Department for Correctional Services, expanding that with the service delivery of the Aboriginal Drug and Alcohol Council and the OARS Community Transitions team;

- the delivery of Aboriginal cultural programs in prisons, such as workshops through Ananguku Arts and Ngangkari Clinics;
- supporting reviews of the Courts Administration Authority's Abuse Prevention Program;
- supporting the Department of Human Services developing a 12-month program for a new therapeutic pathway of working with young people in the African community at risk of offending behaviour;
- the Department for Correctional Services for the Victim Services Unit to keep high-risk victims of domestic violence informed of changes of circumstances in relation to a perpetrator who is currently in custody or under the supervision of DCS;
- Project Connect, a Carly Ryan Foundation project to deliver online safety education sessions as part of a program educating children, their parents and communities about the risks of sex-related crimes against children perpetrated or initiated online and how to avoid those risks;
- Metropolitan Youth Health with the Women's and Children's Health Network for the Supporting Parents' and Children's Emotions (SPACE) program, which provides intensive support to young parents who are in domestic and family violence situations; and
- Junction, to deliver domestic and family violence prevention activities on Kangaroo Island.

After we had a community cabinet on Kangaroo Island, Junction directly let me know of the service they provide and what they could provide with only a little bit more money. That was only in recent months. I was back on Kangaroo Island to launch the program that is funded out of this, which is a remarkably good thing to be able to do, particularly in a place like Kangaroo Island where the isolation compounds for those who experience family and domestic violence.

There is also a two-year trial of the Youth Aboriginal Community Court in Adelaide. I think the honourable member, as well as other members of this place, was at the launch of it at the Youth Court in Adelaide. So there are quite a wide range of programs that may well have not been able to be implemented if it were not for this fund being set up.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: If I could just put the second question again to the Attorney in relation to section 56AB. I appreciate that there is a process that has to be gone through before we get to this provision kicking in, but a prescribed drug offender is effectively given 14 days or such longer period as may be allowed by the DPP in order to specify the contact details of anyone who may have an interest in property.

Noting that there is obviously a process that will precede that 14 days, my question is that there are inevitably going to be individuals who have a genuine claim. We are not talking about the prescribed drug offender who says, 'Seventeen people have an interest in my property,' but there may very well be a partner, family or children who do have a genuine interest and who stand to lose as a result of this. My question is: how did we arrive at the 14 days as an appropriate period, noting of course that there is a longer period that precedes that before we get to this point?

The Hon. K.J. MAHER: I am advised that it is a balancing act between providing enough time to provide that information but also making sure it is not an open-ended amount of time so that what this scheme intends can be affected. I am advised, too, that the 14 days is not a cut-off for those who may have an interest; it is the time in which the offender themselves has under the scheme to provide that information. The 14 days does not necessarily close a claim from a third party, but that is the time given to the offender to provide that information.

The Hon. C. BONAROS: Just on from that, though, in terms of the way that this operates differently from what operates now, there is an offence as well for failing to provide those details within either the 14 days or the appropriate timeframe, and that is a move from where we currently are in terms of the legislation.

The Hon. K.J. MAHER: That is correct. I am advised that is because it has been the case that offenders can tend to provide either false information or not provide the information they should, so this creates a distinct incentive to do that.

The Hon. C. BONAROS: In terms of its general application then, if I were a prescribed drug offender and I said, 'There are two people with an interest in my assets,' and we got to this point under 56AB, if I then failed to provide the details of those two individuals who I claimed had an interest in the asset, then I would potentially be liable for a penalty.

The Hon. K.J. MAHER: Again, without going into details or how the courts will have the scheme operate, yes, that is quite likely.

Clause passed.

Remaining clauses (2 to 12), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:24 the council adjourned until Wednesday 5 March 2025 at 14:15.

Answers to Questions

CRIMINAL DETAINEES

In reply to **the Hon. L.A. HENDERSON** (13 November 2024).

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

1. As at 10 February 2025, there are a total of 15 released detainees in South Australia. This increase of nine since 28 March 2024 is due to the ongoing review of detainee circumstances by the Department of Home Affairs and several High Court decisions which have resulted in detainees returning to the state they resided within prior to being held in immigration detention. SAPOL has affirmed the identity of the detainees and maintains contact with each of them in South Australia and works with the Department of Correctional Services, Australian Federal Police and Australian Border Force to monitor them.

FIRST NATIONS VOICE TO PARLIAMENT

In reply to **the Hon. L.A. HENDERSON** (26 November 2024).

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

Polling day for the region 1 Local First Nations Voice supplementary election will be held on Saturday 15 March 2025.

The costs of the supplementary elections will be considered through the usual budget processes.

RESERVED JUDGEMENT TIMELINESS BENCHMARKS

In reply to **the Hon. D.G.E. HOOD** (28 November 2024).

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

The judgement timeliness benchmarks are a matter for independent Heads of Jurisdiction, and not set by the state government. The Heads of Jurisdiction and the State Courts Administration Council regularly review data including outstanding judgements.

There are regular communications between my office and the Heads of Jurisdiction and the Courts Administration Authority on timeliness in the justice system.

There are several publicly available metrics on the timeliness of justice, including the Report on Government Services and the budget papers.

In respect of the comments made by Judge Muscat I note that the remarks were not in relation to the time taken for judgements rather the time from committal of the matter to sentencing. The full statement in these remarks reads 'The court is becoming frustrated through lengthy delays occasioned by psychologists taking such a long time to prepare their reports. It's not infrequent now that somebody who gets committed to this court is not sentenced for somewhere between six and 12 months. That never used to be the case.

The state government has funded the Youth Court for an additional magistrate and associated support staff, to the Coroner's Court for an additional Coroner and associated support staff; and dedicated funding to the Courts Administration Authority to manage and accommodate large multi-defendant trials resulting from Operation Ironside.