LEGISLATIVE COUNCIL

Thursday, 6 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.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following paper was laid on the table:

By the President—

Adelaide Park Lands Lease Agreement between the Corporation of the City of Adelaide and Minister for Sport, Recreation and Racing—Park 2—North Adelaide Aquatic Centre

Ministerial Statement

COMMISSIONER FOR THE RIVER MURRAY IN SOUTH AUSTRALIA, RESIGNATION

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:17): I table a copy of a ministerial statement relating to the resignation of the inaugural Commissioner for the River Murray in South Australia made earlier today in another place by my colleague the Deputy Premier.

Question Time

SOUTH AUSTRALIA POLICE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:18): I seek leave to make a brief explanation prior to addressing questions to the Attorney-General regarding statements made during question time yesterday.

Leave granted.

The Hon. H.M. GIROLAMO: During yesterday's question time, the Attorney-General made several statements, time stamped in *Hansard* at 2.37pm, 2.41pm and again at 2.48pm, about the former Liberal government reducing the police budget by tens of millions of dollars, when in fact the former Liberal government increased the South Australian police budget by just over $250 million over the four years of the Liberal government. This represents an increase of approximately 30 per cent overall. These figures clearly show—

The Hon. K.J. Maher interjecting:

The Hon. H.M. GIROLAMO: We've got the budget papers here, if you would like—

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The Hon. H.M. GIROLAMO: Over the four-year term.

The PRESIDENT: Order!

The Hon. H.M. GIROLAMO: It is clearly shown in the 2017-18 Budget Statements on page 29, where it shows that $832 million was spent in Labor's last budget and, on page 22 of the Budget Statements of 2021-22, that the last of the Liberal government's budgets clearly shows over $1 billion being spent at that date. As I indicated, this is absolute proof that the former Liberal government increased expenditure on South Australia's police by around $250 million, in other words in the order of 30 per cent.

Despite this, during question time yesterday the Attorney said that the previous government (time stamped at 2.37pm in the *Hansard*) was, 'cutting the police budget, ripping $50 million, I understand, out of the police budget'. Again, a direct quote from the *Hansard*, 'making massive, tens of millions of dollars of cuts, to SAPOL.'

Yet again, time stamped at 2.41pm in the *Hansard*, the Attorney said that the Liberal government had, 'tens of millions of dollars being cut from the police budget as opposed to tens of millions…being invested in the…budget.' Again, time stamped at 2.48pm in the *Hansard* the Attorney said, 'The Hon. Ben Hood's party, when in government, slashed tens of millions of dollars [out of] the police budget', and also, 'The Liberals slash and burn, reduce community safety'.

As I have clearly demonstrated from this, the Attorney-General's statements were completely factually incorrect. My questions to the Attorney are:

1. Will the Attorney acknowledge the facts, as clearly demonstrated in the relevant Budget Statements, that the previous Liberal government actually increased police spending by some $250 million or around 30 per cent, despite his statements to the contrary; if not, why not?

2. How on earth did the Attorney come up with these completely incorrect conclusions from yesterday's question time?

3. Finally, will the Attorney retract these outrageous statements from yesterday and correct the record?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:21): It has been brought to my attention that I need to make a clarification in relation to figures used for the police budget. I said the Labor Party had increased it by tens of millions of dollars: it was, in fact, hundreds of millions of dollars that the Labor Party committed—so I will correct the record, I absolutely will.

I said the Labor Party had increased the police budget by tens of millions of dollars. I was off by an order of magnitude there; the Labor Party has committed hundreds of millions of dollars more to the police budget—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: In fact, I am advised it has committed some $334 million—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order! I am trying to hear.

The Hon. K.J. MAHER: Over $300 million extra committed to the police budget from the Labor Party, including $82 million for new police security officers to allow frontline police out on the beat.

The Hon. H.M. Girolamo: Retract what you said yesterday.

The PRESIDENT: Order! The Hon. Dennis Hood has a supplementary question arising from the answer.

SOUTH AUSTRALIA POLICE

The Hon. D.G.E. HOOD (14:22): Does the Attorney accept that in the last year of the Labor government's budget, 2017-18, $832 million was spent on the South Australian police department, and that in the year 2021-22 just over $1 billion— or $1.38 billion—was spent in the last year of the Liberal government, exactly—

Members interjecting:

The PRESIDENT: Order! Just hang on, the Hon. Mr Dennis Hood. The Hon. Mr Hunter, I can't rule on this if I cannot actually hear what the supplementary question is, and you are drowning out the member. The Hon. Dennis Hood, have you finished your supplementary question?

The Hon. D.G.E. HOOD: I would like to start again, sir, so that it is clear.

The PRESIDENT: I want to be able to hear it before I can rule on it. It has to be arising from the answer, you know that.

The Hon. D.G.E. HOOD: Yes, sir. My question is: does the Attorney-General accept that in the last year of the Labor government, as shown in the 2017-18 Budget Statements, the Labor government spent $832 million on the South Australian police force, and that in the last year of the Liberal government, as shown in the 2022-23 Budget Statements, the Liberal party, whilst in government, spent over $1 billion—or $1.38 billion—on the South Australian police department?

The PRESIDENT: The Hon. Dennis Hood, the reality is that the minister, in his answer, never touched on what the Liberal Party spent at all, so I can't rule that—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order!

The Hon. H.M. Girolamo: He should be retracting what he said yesterday, because he knows it is completely incorrect.

The PRESIDENT: Order! It's not a supplementary question, the Hon. Dennis Hood.

The Hon. D.G.E. HOOD: Point of order: he did mention what the Labor government spent.

The PRESIDENT: Yes, but your supplementary question was about what the Liberal Party spent.

The Hon. D.G.E. HOOD: And what the Labor government spent.

The PRESIDENT: I have made my ruling. The honourable Deputy Leader of the Opposition, your next question.

BAIL LAWS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:24): I seek leave to make a brief explanation prior to addressing questions to the Attorney-General regarding legislative reviews.

Leave granted.

The Hon. H.M. GIROLAMO: The Liberal opposition has been calling for a review into bail laws for well over two years. This morning it was reported that the South Australian Law Reform Institute will, thankfully, finally undertake a bail law review at the request of this government. Given the absolute urgency, and the public expectation of this matter, my questions to the minister are:

1. When will this review into bail laws in South Australia be completed?

2. Has the government given any additional resources to the South Australian Law Reform Institute to undertake this review?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:25): I thank the honourable member for her question, and it is a perfect opportunity to talk about an announcement that the government made today in relation to community safety in South Australia. What we have had once more from the Liberal opposition is a suggestion for one tiny little thing that of and in itself will make little if no difference, so what the Liberal Party has suggested at some stage is a bail review—nothing more. No suggestions about any other reforms—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —no suggestions about any other way to make the community safe than a review, and the Liberal Party has form for this. We had the Liberal Party previously talking about knife crime, and what they did on that occasion is take one element of a plan from the Labor Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: They took one small element from the plan from the Labor Party, which is raising the age at which you can buy knives, and had that as their complete answer to everything. That was their only solution, their single solution, their tiny, little, single solution taken from a Labor Party policy, a discussion paper. We have now had knife laws in this parliament that seek to do a whole lot more than that, so the Liberal Party once again are found to be completely and utterly wanting. We will do things in a holistic way that actually address community safety, and if the Liberal Party want to go on their half-baked batty way of doing things, they can do that.

BAIL LAWS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:26): Supplementary: when will the review be completed by?

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 supplementary question. We have made a referral to the South Australian Law Reform Institute. The honourable member may know, but I would be not at all surprised if she wasn't aware, but salary reviews are very in-depth reviews and they often take considerable time to do because of the in-depth way they look for it.

The succession review that SALRI did about a decade ago was the forerunner to very significant changes to the law in succession. SALRI are currently undertaking reviews in relation to assisted decision-making more recently, and one currently underway into real property. In relation to a question that was previously asked, absolutely resourced for SALRI to do this exceptionally important and what we hope will be in-depth and informative work. I might add, I can understand the Liberal Party want to do something that might take a few days, get it done, result in nothing, because that's how they do policy.

PRISONERS ON REMAND

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:28): I seek leave to make a brief explanation before addressing a question to the Minister for Emergency Services and Correctional Services regarding prisoners on remand.

Leave granted.

The Hon. H.M. GIROLAMO: The number of remand prisoners in South Australia has increased by 18 per cent since 2016-17, with the largest figures showing approximately 47 per cent of the state's prison population is unsentenced. Nationally, the portion of prisoners on remand has also risen, but South Australia now exceeds the national average. This increase places additional strain on the corrections system, impacting capacity and rehabilitation efforts while raising serious concerns about access to timely justice. My questions to the minister are:

1. What specific actions is the government taking to address the increasing numbers of prisoners being held on remand in South Australia?

2. Given this trend, does the minister have concerns about the impact of prolonged remand periods on both the justice system and the correctional facilities?

3. What reforms, if any, is the government considering to ensure timely case resolution to reduce unnecessary remand detention?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:29): I thank the honourable member for her question. In regard to what are we doing in regard to infrastructure, this government

has invested record amounts, I am advised, in increasing the capacity of our prisons. We know that $205 million to construct 312 high-security beds, I have been advised, are going into the Yatala Labour Prison, and also I understand that $21 million is going into the construction of 40 additional beds at the Adelaide Women's Prison.

Increasing the size of our prisons is to ensure that we are giving that space to make sure we get the people out of our community into our prison systems but also giving that space to make them available. We are also changing facilities and putting more rehabilitation programs in place. We have also invested $5.1 million into the Lemongrass Place, which is alternative custody in Port Augusta. These are investments that are going into our rehabilitation program. Most importantly, we know that we have the lowest reoffending rate in our nation, so these rehabilitation programs are working. Our future investments are going towards increasing on that record, and we know as a nation we have the lowest reoffending rate.

PRISONERS ON REMAND

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:30): Supplementary: what is the current capacity of the prisons and how many prisoners are currently in our prison system versus those who are on remand?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:30): How is that out of this?

The Hon. H.M. Girolamo: You talked about increasing the capacity.

The PRESIDENT: Excuse me! Order! I will decide. I believe it is a supplementary question, given the statistics that you gave us, minister, so you can answer the question in a way that you see fit.

The Hon. E.S. BOURKE: I am happy to look at the exact figure.

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: My understanding is that it is around three and a half thousand, but I will come back to you and double-check that exact figure.

WOMEN'S REOFFENDING

The Hon. M. EL DANNAWI (14:31): My question is to the Minister for Emergency Services and Correctional Services. Will the minister inform the council about the government's strategy to reduce women's reoffending?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:31): I thank the honourable member for this question. It was my great pleasure this week to launch the Department for Correctional Services' Women's Framework and Action Plan 2025-2030. I thank the many members who attended that event who are here, both in this chamber and the other place.

What has become very clear to me since being appointed to this role is that the complexity in the lives of many of the women entering the criminal justice system cannot be ignored. That is why this action plan is so important. We know that women entering the justice system are more likely to have experienced physical and sexual abuse, have higher rates of mental illness than the general population, and are at higher risk of self-harm. All too often, they have experienced intergenerational trauma.

The action plan builds on the knowledge we have developed over the last 10 years to develop targeted strategies which support women engaging with the justice system and result in better post-release outcomes, with women becoming active members of their families and communities. I am advised that this action plan was created following a comprehensive consultation process, inviting feedback from over 350 individuals, organisations and stakeholders, including women in the justice system, service providers and correctional staff in the community settings.

Consideration was also given to the relevant evidence and research available, as well as the results from the previous action plan, to ensure that this plan would provide a framework for ongoing improvements to the lives of women in the justice system and the lives of their families and communities. Activity in the plan is focused on women's safety and choices in relationships, stabilising mental health and addressing substance abuse and dependency, as well as to develop skills and vocational opportunities for women to deal with financial pressures.

Since the first strategy for women in the South Australian corrections system began in 2014, many policy and operational changes have been implemented within our corrections system, including the provision of alternatives to custody and expansion of home detention. These changes have been complemented by a comprehensive suite of rehabilitation programs and support services to help women reintegrate into the community, as well as cultural supports and women-centred supervision models.

At the launch of the new action plan, we were fortunate enough to hear from former offender Evonne Penrose, who generously shared her story. Evonne was in custody on and off between 2003 and 2020. Evonne spoke of how much things have changed since she first entered the system in 2003. There was, unfortunately, little focus on rehabilitation at that time but when Evonne returned to prison in 2014, she was determined never to go back.

Evonne was the first to admit that she was never a big fan of the thought of participating in the first Women's Action Plan way back in 2014, thinking it would make little difference, but by 2019 Evonne was in pre-release programs and had a job as a labourer with BMD. She is still employed by the same company and is now a safety adviser. She is involved in the Civil Contractors Federation's Women in Civil Committee, and through that Evonne is working to encourage women in home detention into civil construction short courses. I am advised that this is part of the Department for Correctional Service's Work Ready, Release Ready program, and that it is expected that 95 per cent of the women who complete that course will gain employment in the construction industry.

Now Evonne is a big fan of the action plan. Yvonne spoke with great pride of how she respected women and members of her workplace and has been a recipient of the Women in Civil Award and the Emerging Leaders Award. Evonne is committed to being a mentor to other women who have been in contact with the justice system and to encouraging women to work in the construction industry. I am so grateful that Evonne was able to share her story on that day.

I would like to thank everyone who has helped to make the framework and action plan a reality, from the members of the ministerial advisory group, including the member for Elder, Nadia Clancy, and to service providers to our dedicated frontline correctional staff and the women with lived experience of our corrections system. Thank you for giving your time and feedback to make this possible.

SUPPRESSION ORDERS

The Hon. F. PANGALLO (14:36): I seek leave to make a brief explanation before asking a question of the Attorney-General about suppression orders.

The PRESIDENT: The Hon. Mr Pangallo, after yesterday's 'brief explanation', I am sure this one is going to be brief, isn't it?

The Hon. F. PANGALLO: It's a lot briefer than yesterday's.

The PRESIDENT: Excellent.

The Hon. F. PANGALLO: In November 2023, the Court of Appeal, which included the Chief Justice, heard two days of argument about the legality of the AN0M app. They reserve their judgement. On 12 January 2024, the Chief Justice convened a hearing, without any prompting from the parties, where he made an order that he recused himself from the matter. No party had asked him to recuse himself. The Chief Justice wrote reasons for recusing himself, but immediately directed that they be sealed. No-one has been able to see these reasons.

On the weekend, *The Advertiser* reported that it had applied for a copy of the Chief Justice's reasons but received no response. Through my office I have also made applications to the registry, only to be told a decision would have to be made by a judge, presumably the Chief Justice.

Section 131(1)(f) of the Supreme Court Act 1935 (SA) states that the court must, on application by any member of the public, allow the applicant to inspect or obtain a judgement or order given or made by the court.

In the case of Enzo Belperio, the Chief Justice himself ruled, on 22 November 2024, that the court has no power to seal documents that are available under section 131. The Chief Justice ruled that this section confers an unconditional right of access to the materials; that a court has no power to abrogate; that the power of the court does not extend to removing a document from the records of the court; and that judges do not have superlegislative power to override rules of court. My questions to the Attorney are:

1. Why did the Chief Justice seal his reasons for recusing himself?

2. Why has the Chief Justice not allowed his reasons to be obtained upon request, when in the case of Enzo Belperio he has clearly ruled that the court does not have any power to stop a member of the public accessing this pursuant to section 131?

3. Will the Attorney-General ask the Chief Justice to now unseal those documents for public scrutiny, as the law upon which the Chief Justice relies on categorically states?

4. Is he comfortable with what the Chief Justice has done?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:39): These are not measures for me as a member of the executive to determine; these are matters for the courts to determine. I don't propose to interfere in judicial processes. I am sure the honourable member has, as he has indicated, asked the appropriate authority—that is, the courts—for the reasons for the questions he has asked, and I would encourage him to keep liaising with the courts.

SUPPRESSION ORDERS

The Hon. F. PANGALLO (14:39): Supplementary.

There being a disturbance in the gallery:

The PRESIDENT: Sir, in the gallery, if you are going to be in the gallery you need to sit.

The Hon. F. PANGALLO: It is actually the parliament that makes the laws, Attorney-General—and laws that the courts must adhere to. Are you comfortable with what the Chief Justice has done in relation to section 131?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:39): Again, I thank the honourable member for his question, but that is a matter for the Chief Justice to talk about, not for me.

ADELAIDE PARKLANDS FLYING FOX COLONY

The Hon. T.A. FRANKS (14:40): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs, representing the Minister for Climate, Environment and Water, a question on the topic of events held in the state land of Botanic Park and the flying fox colony there.

Leave granted.

The Hon. T.A. FRANKS: WOMADelaide begins tomorrow in Botanic Park. As noted in the preamble, that is state land. It lasts four days; however, the occupation of the park for that event is significantly longer, accounting for set-up and pack down of installations for the festival.

Currently a colony of grey-headed flying foxes who have migrated as climate refugees from the Eastern States and are listed on the vulnerable species list have made their home in that Botanic Park since 2010. The noise pollution from semitrucks loading and unloading during the set-up and pack down of the event as well as, of course, the four days of the festival itself are harmful to the colony, as these naturally shy bats take flight when scared and are often injured.

The bats also pose a risk to patrons and possibly performers alike, despite warnings not to touch a dead bat. For example, there have been reports that young patrons have been seen playing with deceased bats during the festival as well as, of course, the broader issues around hygiene and safety with patrons in such close proximity to the colony. The festival itself has clearly outgrown Botanic Park as the popularity of WOMADelaide continues to grow. My questions to the minister therefore are:

1. Given the threat to both the bat colony and patrons and anticipating the biodiversity act's implementation, is the government considering alternative locations for WOMADelaide in the future?

2. Does the government acknowledge the harm and disruption caused by this event happening in such close proximity to that colony?

3. If the government does not intend to move WOMADelaide, what will they do to protect patrons and the colony going forward?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:42): I thank the honourable member for her topical questions, and I certainly will pass those on to the minister responsible and bring back a reply.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. J.M.A. LENSINK (14:42): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding the age of criminal responsibility.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday, in response to a question from myself in relation to this matter, the Attorney stated:

> I want to be very, very clear here so the honourable member doesn't misunderstand: this government has not had a policy to raise the minimum age of criminal responsibility…
>
> We have never said that this is a priority for this government.

I think in a supplementary question I referred to the Attorney-General's Department discussion paper, which is dated January 2024, entitled 'Minimum age of criminal responsibility'. On page 5, I note that the following two sentences appear:

> It is proposed to raise the MACR in South Australia from 10 years to 12 years of age.
>
> It is further proposed to commit to a review of the MACR after two years of the age being raised to assess if any changes are warranted.

My questions for the Attorney are:

1. How does he reconcile his statements yesterday with what is clearly proposed in his department's discussion paper?

2. Can he confirm that the government has actively been considering raising the minimum age of criminal responsibility?

3. Has he misled the parliament and will he correct the record?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:44): I thank the honourable member for her question. I will answer the second part first. The work on the issue of raising the minimum age of criminal responsibility was started under the former government under a national process that South Australia partook in when the Hon. Vickie Chapman was Attorney-General.

Looking at the issue was something that was commenced by the former government—I acknowledge that they were the ones who started the work on that. A discussion paper was released that put forward for discussion a particular model. It had a model without any commitment to implementing the model, without any statement that it was the policy, and the model proposed that went out for discussion had a number of elements that would have included in that model raising to

12 a whole series of interventions and diversions away from the criminal justice system, but they were proposals for the sake of a discussion paper, not a government policy.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. J.M.A. LENSINK (14:45): Supplementary question arising from the answer: has the government published the submissions to the document, and what have been the submissions or comments from the Voice to Parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:45): If I remember correctly—and I am happy to check—I think the discussion paper was issued before the election of the Voice to Parliament.

The Hon. J.M.A. Lensink: 2024.

The Hon. K.J. MAHER: Yes, exactly. A number of submissions were received and, as is the usual course with submissions received, many are received and those who make the submissions often have an expectation of privacy. No, the government won't be releasing the submissions received.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (14:45): Supplementary: what is the point of a government discussion paper if it is not intended to inform government policy? What was the point of the whole exercise?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:46): I thank the honourable member for the question. Similar to the work the former Liberal government commenced looking at various models, it would probably be a significant criticism of the government if all possibilities were not looked at and investigated, but as I said we do not have a policy in this regard and it is not a priority.

NATIONAL ACCESS TO JUSTICE PARTNERSHIP

The Hon. R.P. WORTLEY (14:46): My question is to the Attorney-General. Will he inform the council about the signing of the new National Access to Justice Partnership?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:46): I would be most pleased to do so, and I thank the honourable member for his question. It is a basic tenet of our justice system that individuals should have access to justice, regardless of their financial means or knowledge of the law. For the past five years funding for legal assistance has been funded through the National Legal Assistance Partnership 2020-25, an agreement between the commonwealth and states and territories.

Funding is provided by both the commonwealth and the state and territory governments. Legal aid commissions, such as South Australia's Legal Services Commission, are predominantly funded by states, whereas other legal services are predominantly funded by the commonwealth. This agreement has seen significant legal services delivered in this state, but we know that more investment is needed. This has been made clear, not only by legal services and their clients but also by an independent review of the National Legal Assistance Partnership undertaken by Dr Warren Mundy.

I am pleased to inform the council that the new National Access to Justice Partnership, taking effect from 1 July this year, delivers an additional $800 million in funding for legal services across the country. In South Australia more than $300 million is being invested across the life of the agreement. This funding also acknowledges a number of important priorities for targeted investment.

In September 2024, national cabinet signed a heads of agreement for the new agreement, committing to the $800 million funding increase and identifying a particular focus on supporting legal services responding to gender-based violence. The new National Access to Justice Partnership includes specific funding and allocations for community legal centres, women's legal services, family

violence prevention legal services, Aboriginal and Torres Strait Islander services and legal aid commissions.

I acknowledge the strong commitment of the Prime Minister and the commonwealth Attorney-General to ensuring access for justice in Australia. I was proud to be able to sign the initial agreement on behalf of South Australia at the end of last year and, more recently, the final agreement. I also acknowledge the enormous work of legal practitioners across the state in delivering legal services for South Australians every single day.

I have spoken many times in this place about their work, whether it is the Legal Services Commission staff in Whyalla (supporting businesses right now), the Community Legal Centre staff in the Riverland during the River Murray flood event in 2022-23, and the many and varied staff working in this sector right across the state. I can report that we will continue to work hard to finalise the agreements that sit under this new plan during the course of this year, and I look forward to the ongoing work of our legal assistance sector over the years during the course of this agreement.

REGIONAL CHILDCARE SERVICES

The Hon. J.S. LEE (14:49): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development and Primary Industries about childcare shortages in regional areas.

Leave granted.

The Hon. J.S. LEE: Last December, 23 councils in the north and west of South Australia formed the Regional Childcare Desert Advocacy Project to highlight the flow-on effects of the shortage of child care in the regions. Health professionals, teachers and small business owners are just some of the faces in this campaign which calls for urgent funding to solve a critical childcare shortage across most of regional South Australia that is preventing skilled and otherwise available workers from participating in the workforce. They said it was hampering regional development and wellbeing, with the seat of Grey, covering 92.4 per cent of South Australia, found to be the worst for childcare accessibility in Australia, according to a 2022 study by the Mitchell Institute. My questions to the minister are:

1. What is the Malinauskas government's strategy to address childcare shortages for communities in regional South Australia?

2. With 23 councils in regional South Australia calling for more childcare accessibility, what advocacy has the minister undertaken, as Minister for Regional Development, to minimise the negative impact in the local economy and the wellbeing of our regional communities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for her question. Child care certainly is a significant issue in regional areas in particular. The Malinauskas Labor government's commitment to three-year-old preschool will, of course, play a part in assisting in reducing the barriers that are in place for those who are currently caring for their children to enable them to enter or re-enter the paid workforce.

I think it is important that we note that a great deal of the responsibility for child care comes under federal government policy. In terms of where we do have an opportunity to contribute to assisting with child care, I can certainly point to a number of applications to the Thriving Regions Fund for either assistance with facilities or, in some cases, some changes to facilities that will enable existing facilities to have greater numbers. It is something which is particularly important in regional areas, though I note that, of course, in metropolitan areas there are some challenges as well.

We will continue to work where possible noting that this is something that is well known and will continue to be, no doubt, a particular challenge. I also seem to recall that we have been able to make some changes in terms of training for childcare workers. Whilst that is not my particular portfolio I would need to check the details with my colleague in the other place. I think that is also an important part that we need to be very conscious of, and having the workforce needed going forward for what will no doubt be an increase in demand is also particularly important.

REGIONAL CHILDCARE SERVICES

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:53): Supplementary: when will three-year-old preschool be rolled out in regional areas, and will all regional areas be covered?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53): The commitment to three-year-old preschool included specific reference to regional areas; noting that there is currently inequity in terms of access to various services it will be rolled out progressively.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee has a supplementary question arising from the original answer.

REGIONAL CHILDCARE SERVICES

The Hon. J.S. LEE (14:53): I have a supplementary question: would the minister consider modifying the Thriving Regions Fund or grants to specifically target childcare shortage applications?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the honourable member for her question. Obviously, I am never closed off to any ideas about refinements or changes to the Thriving Regions Fund; however, I would certainly want to be very conscious of their vast range of needs, which are often the subject of applications to the Thriving Regions Fund. I think it could very easily become only a childcare fund if what is being proposed by the honourable member was to be put into place.

I think it is important to acknowledge the vast range of types of applications that have come to the fund. We have three different streams: the Strengthening Industries stream, the Thriving Communities Program, as well as the Enabling Infrastructure Program. The Thriving Communities Program provides grants of between $20,000 and $50,000 and has been very popular. If I recall correctly that aspect has included some expansions to childcare services in at least one area and I think possibly several more. Certainly, it is possible to apply under the Enabling Infrastructure Program as well and each case would be considered on its merits.

DOMESTIC, FAMILY AND SEXUAL VIOLENCE

The Hon. L.A. HENDERSON (14:55): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding courts.

Leave granted.

The Hon. L.A. HENDERSON: *The Advertiser* reported that in response to a question from royal commissioner Natasha Stott Despoja, SA Police Chief Inspector, Kellie Watkins, said officers were attending an average of 100 domestic abuse-related incidents a day. Chief Inspector Watkins also testified that police were imposing an average of nine intervention orders a day. In the same report, *The Advertiser* noted that the commission had received data showing there were more than 2,700 breaches of those orders last financial year. My questions to the minister are:

1. What impact does the scourge of family, domestic and sexual violence have on the courts?

2. What has the government done to address the resourcing of the courts in order to address this?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:56): I thank the honourable member for her question. Certainly, the experience of family and domestic violence generally is one that I think is of concern to all of us. As the honourable member has pointed out, there is a royal commission that commenced last year due to report later this year looking at domestic, family and sexual violence.

Certainly, I would be expecting recommendations will be made in a whole range of areas: the services that are provided, education and awareness, prevention of family and domestic violence,

and importantly the enforcement, investigation and prosecution of perpetrators of family and domestic violence.

I don't have the quotes in front of me that the honourable member talked about—some of the reported comments from evidence that has been given to that royal commission in terms of the amount of time that the police use dealing with family and domestic violence, which is an exceptionally important part of what SAPOL do in the community. When those matters are investigated and come before the courts, I know there are parts of the police prosecutors and the DPP that have very specific and specialised skills dealing with family and domestic violence.

Of course, as those matters find their way through to the courts, we have increased in numerous budgets overall resources in many areas in the criminal justice system, particularly the Office of the Director of Public Prosecutions and our court systems, but we will be looking forward to recommendations that come from the royal commission to see how we can do things better within existing resources and any recommendations for resources that might be needed in the future.

DOMESTIC, FAMILY AND SEXUAL VIOLENCE

The Hon. L.A. HENDERSON (14:58): Supplementary: has the minister asked for a breakdown of what percentage of matters going through the courts at the moment are in relation to family, domestic or sexual violence?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58): I thank the honourable member for her question. I don't have those figures, but I can see if they are available.

DOMESTIC, FAMILY AND SEXUAL VIOLENCE

The Hon. J.M.A. LENSINK (14:58): Supplementary: is it the government's position that it is waiting for the recommendations of the domestic violence royal commission prior to making funding allocations for matters which are clearly experiencing demand, such as the Domestic Violence Disclosure Scheme?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58): I thank the honourable member for her question. In a short answer, no, we are not waiting for that. We will look forward to seeing what recommendations are made in relation to that, but it is absolutely not the case that everything is on hold pending that. For example, a couple of months ago, I was fortunate to attend the launch of a new domestic violence program by Junction on Kangaroo Island, so we certainly are continuing to make investments, continuing as a government to do what we can, and we certainly look forward to further guidance from the results of the royal commission.

SOUTHERN ZONE ROCK LOBSTER

The Hon. T.T. NGO (14:59): My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the chamber about SARDI's world-leading research into our iconic rock lobster?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question. I am always pleased to speak in this chamber about some of our exceptional fisheries, and the southern rock lobster fishery is one such fishery. SARDI has again provided their world-class expertise and research capability to look at the sustainability of our iconic southern rock lobster fishery from several perspectives, with three of their scientific manuscripts into the species being published in well-respected international journals.

Southern rock lobster is the largest wild-catch fishery by value in the state and is an incredibly important driver of employment and opportunities, particularly across the South-East. While the last five or so years have been very difficult, starting with COVID and then trade restrictions in the Chinese market, the fishery has shown incredible persistence in opening new international markets and working to further develop the domestic market, but of course it has been tough.

One of the first actions our government took after the last election was to provide 50 per cent fee relief for the sector in 2022-23 to acknowledge just how tough it was. We have worked closely with the sector ever since, leading up to the recent reopening of the Chinese market. It cannot be overstated just how important the reopening of the largest export market is for the fishery. The removal of trade restrictions is a win not only for our southern rock lobster sector but also for Chinese consumers who put an incredibly high value, both economically and culturally, on the iconic species.

It followed respectful discussion at all levels of government both in Australia and from our Chinese counterparts. I would like to particularly acknowledge the work of federal trade minister Don Farrell for leading these discussions that have meant South Australian rock lobster is back on restaurant menus and dinner tables across China.

SARDI scientists' most recent research into the species focused on sustainability from several aspects. The first was monitoring juvenile rock lobster to predict fishery performance in years to come. The information gathered from this research will be used to assist future management decisions, including the setting of annual catch limits. This research was published in the aquatic biology journal *Fisheries Management and Ecology*.

The second project looked at how the fishery has been impacted by climate change, with scientists predicting that environmental changes caused by climate change could reduce the number of lobsters that reach legal size, and further looked at ways to safeguard the fishery from depletion caused as a result. The paper associated with this research was published in the journal *Fisheries Research*.

The third project, also published in *Fisheries Research*, looked at fishing gear efficiency, which found that using modified batten pots could increase catch efficiency and reduce fishing effort by nearly 40 per cent compared to the use of beehive pots. The research also found that batten pots reduced rates of undersize lobster, bycatch and mortality caused by octopus. Of course, a 40 per cent increase in efficiency with the added other benefits have a real potential to benefit the way the industry operates into the future.

The South Australian government's number one priority for commercial and recreational fisheries is sustainability. The excellent work done in these projects by SARDI and our southern rock lobster fishery will mean that we make better-informed decisions about the management of the fishery for the long term. On this side of the chamber, we respect the incredible scientific capability at SARDI. I hope those opposite will show the same respect and join me in commending the latest example of South Australia's world-class research and science capability.

RELIGIOUS DISCRIMINATION

The Hon. S.L. GAME (15:03): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding legal protections for religious groups in South Australia.

Leave granted.

The Hon. S.L. GAME: My office possesses a letter dated 26 August 2022, addressed to the Hon. Mr Kyam Maher, seeking the Attorney-General's support in establishing legal protections against discrimination, vilification and victimisation on the basis of religion. While South Australia's Equal Opportunity Act currently guards against discrimination on the basis of race, sex, sexual orientation or gender identity, disability and age, religion is not listed as a protected characteristic. Given that, unlike other states and territories, South Australia does not have legislation that specifically prohibits discrimination on the basis of religious belief, my questions to the Attorney-General are:

1. Does the government feel that, given the current climate of increased attacks on various religious communities, now is the time to strengthen legal protections for religious groups; if not, why not?

2. When can the people of South Australia expect action on this issue?

3. Does the government respect that people of different faiths are fearful of discrimination at the present time?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:04): I thank the honourable member for her question. There are not infrequently suggestions put to government about protected attributes that ought to be considered under our equal opportunities regime. I am happy to go away and check; I just don't know where the one the member refers to is up to, but I am happy to go away and check for her.

CORRECTIONAL SERVICES

The Hon. D.G.E. HOOD (15:05): I seek leave to make a brief explanation before asking the Minister for Emergency Services and Correctional Services questions regarding correctional services in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: I appreciate that the minister is quite new in her position with respect to the most recent Ombudsman's report, but in that report she would no doubt be aware that there were approximately 4,634 complaints received by her office in the last year—that is the 2023-24 financial year—and that of these some 609 pertained to correctional services specifically.

Prisoner complaints comprised the vast majority of concerns raised, with one of the reports alleging that a correctional services officer used a prison intercom to attempt to counsel an inmate to commit suicide. This was later substantiated, and I understand this matter has been taken seriously. My questions to the minister are:

1. Does the minister consider the number of complaints made concerning South Australia's correctional services to be unacceptable, as outlined in the report?

2. Has the minister familiarised herself with the nature of the complaints against our state's correctional services, and what action is she taking to address the matter?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:06): As I have said previously in this chamber, any assaults are unacceptable in our prison system. We want to keep both our staff and our prisoners safe in our system. I am advised that 531 of the 609 complaints were made by prisoners, and I am further advised that overall complaints about the department have decreased by 12 per cent. I am also advised that regarding the Ombudsman's report, the vast majority of the cases received satisfactory responses, as I have highlighted in the chamber before, after the investigation.

CORRECTIONAL SERVICES

The Hon. D.G.E. HOOD (15:07): A supplementary: minister, with respect to the timeliness of those complaints, have you had any information with respect to how long they take, on average? Is it being handled to your satisfaction in terms of timeliness?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:07): As I have said before, they have worked through these. The investigations have been ongoing and undertaken, and I advise that they are satisfied where they are at this point in time.

WILMINGTON FIRE

The Hon. J.E. HANSON (15:07): My question is to the Minister for Emergency Services and Correctional Services. Will the minister update the council on the recent fire at Mount Remarkable?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:07): I thank the honourable member for his question. The Wilmington fire at Mount Remarkable National Park has now been contained for nearly two weeks, thanks to the tireless firefighting efforts of personnel and volunteers on the ground and in the air.

I am advised that on 3 February 2025 at around 5.30pm the CFS responded to a scrub fire near Alligator Gorge in the Flinders Ranges. I understand that, due to thick scrub and hard to access terrain, the fire continued to burn. We know that over 5,400 hectares of steep, rugged, and often inaccessible terrain was looked after and maintained by the CFS and many other volunteers. It was confirmed to be under control by 24 February, and it is now back in the control of the landowner, National Parks.

This fire has been the most significant fire event of the fire season so far, and hopefully it remains that way. It required an extensive and coordinated response effort due to the conditions I have just outlined. I travelled to Wilmington and met with Regional Commander Sandy McCourt, who is responsible for the largest region in the state. Sandy gave me a tour around regional headquarters in Port Augusta, where I met the hardworking team who put their community first, including people like Quinton.

While the Wilmington fire was actively burning, Quinton, who has two kids, also had to manage school drop-offs and pick-ups and keep the family life going. It is a reminder that when a natural disaster happens life at home doesn't stop, but our dedicated emergency services still go to the job every day.

I also had the privilege of checking out the incident management centre, which was a hive of activity, where Jason Druwitt, a CFS incident controller, got the maps out and explained the fire's behaviour. Later that day, I had the privilege of visiting the staging ground at the local football club where all aerial and ground support would come to refuel before heading out to the fireground. Almost 1,200 personnel were involved in the firefighting efforts, including highly skilled teams from the CFS and the Department for Environment and Water.

I am advised six strike teams, involving more than 150 firefighters a day, aircraft and farm fire units worked to establish and maintain a perimeter around the fire, and to extinguish any hotspots. Firefighters worked around the clock in extreme heat on difficult slopes and in conditions that were both physically demanding and unpredictable. Their efforts on the ground were supported by aerial firefighting resources, which played a crucial role in containing the fire.

It is my understanding that the help suppressed the fire, and firefighting aircrafts made 554 drops and delivered approximately 1.4 million litres of water. Not only was the aerial support instrumental in slowing down the fire but, in areas of difficult access for ground crews due to steep terrain, it was imperative. We should all be very proud that South Australia leads the way with strong aerial firefighting responses to major fire events. Through the CFS, we have over 30 aircraft available for quick action to keep our community safe.

Despite the intensity of the Wilmington fire, the significant effort of many firefighters involved prevented any major property loss. Alligator Lodge, a three-bedroom lodge in the fire zone, was successfully protected. The property damage was limited to just one toilet. The quick action of both DEW and CFS firefighters prevented further property loss and highlighted the level of coordination, professionalism and effectiveness of the firefighting teams. Volunteers from all sides of the state travelled to Wilmington to provide assistance, including the Salvation Army, and thank you to Reno, Wayne, Linda and Neal, who also put their hands up to travel across the state to provide hot meals to volunteers. And thank you to St John Ambulance, who kept our community safe and our volunteers safe as well.

I would like to also acknowledge the incredible outpouring of support from the communities in Wilmington and Port Augusta. As I have mentioned in the chamber before, the thankyou cards written by the children at the Wilmington Primary School made a huge impact on the CFS volunteers. These cards were circulated to all volunteers to read during their breaks at the fire staging ground, and also were provided to the senior firefighter injured while in service. A massive shout-out to the local community of Wilmington, who proactively donated food supplies and other forms of assistance to those on the frontline. The staging area was well filled with donations from the local community.

Events like the Wilmington fire reinforce the importance of a strong partnership between government agencies, non-profit organisations and engaged local communities. It was a fantastic effort from all sides, and I want to take this opportunity to express my deepest gratitude to the

firefighters, emergency personnel, volunteers and local residents who played a role in responding to the fire.

WILMINGTON FIRE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:13): Supplementary: does the minister acknowledge that locals, both CFS and farm fire units, were advised not to create containment lines in the Mount Remarkable National Park?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:13): I thank the member for her question. I believe I responded to this in regard to dry firefighting and made it very clear that my advice was that that was not provided. This has to be a coordinated effort. The CFS will provide the advice on the day about what is the best direction, what we need to be doing.

As I have just highlighted, there are a lot of different emergency services moving about on the one site. When aerial support is being used, we need to make sure that it is done in a safe way, and it has to be done through a coordinated effort. The amount of work that goes into making sure the right resources are used at the right time is crucial, and that is why it is done through a central control.

YOUTH CRIME

The Hon. R.A. SIMMS (15:14): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of youth offenders.

Leave granted.

The Hon. R.A. SIMMS: In parliament on Tuesday this week, the Attorney-General advised that, and I quote:

> ...comfort should be taken that in 2022-23...South Australia's rate of youth offending was the second lowest in the nation, only behind the Australian Capital Territory.

The government's document, titled the Young Offender Plan, states that over the 'last 10 years, there has been a significant and continuing decrease in the youth offender rate in South Australia'. This morning, the Attorney-General announced a suite of new policies to tackle the so-called youth crime crisis. My questions to the Attorney-General therefore are:

1. Given the statistics that he provided in parliament just this week, what is the basis for this new policy?

2. How will more young people being detained in custody reduce repeat offending?

3. Isn't this just another case of the government capitulating to the populist law and order nonsense being pedalled by the opposition?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:15): I thank the honourable member for his question. I will agree with one part of it: nonsense pedalled by the opposition is something I think most of us in this chamber can get behind as a statement of fact and truth.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. K.J. MAHER: Sorry, sir, I am being interjected on by the opposition. All I heard the opposition say is, 'Youth crime is a joke.' We certainly don't treat it that way. That is not our view of the world.

The Hon. H.M. GIROLAMO: Point of order: he needs to retract that. He completely misquoted. I was saying that you were joking about youth crime, not me.

Members interjecting:

The PRESIDENT: Order! Interjections are out of order and the minister won't respond to them.

The Hon. K.J. MAHER: I appreciate the honourable member's question. It relates to incidents of youth crime and announcements we have made today about young offenders. It is true, as the honourable member has stated, that in the official, nationally consistent figures, South Australia has a relatively low rate of youth offending. In the 2022-23 reported year, we were the second lowest in the nation, only after the ACT.

I am pleased to report there are new figures released just today from the Australia Bureau of Statistics, and once again South Australia has the second lowest rate of youth offending in the nation after the ACT. In fact, we have seen a slight decrease, I believe, a decrease in the drop in relation to young offenders recorded by the police in South Australia.

However, we do know, and the police commissioner has made public comments, that there is a small group of offenders committing many and serious crimes. I think one of the statistics is that 20 young people were responsible for 11 per cent of matters heard by the Youth Court. So a small group of young offenders are responsible for a disproportionately large amount of offending. Whilst it is true we have a relatively low offending rate in South Australia, that doesn't mean that we shouldn't continue to do everything we can as a government to keep the community safe.

The announcements we have made today are very specifically targeted at that relatively small cohort who are responsible for a disproportionate amount of that offending, looking at ways to disrupt some of the circumstances that young people find themselves in, particularly with street youth gangs, but also, and critically importantly, looking at programs particularly for that cohort, that small number of youth who are responsible for such a large amount of the offending.

Part of the announcement today that I am sure the Hon. Robert Simms will appreciate is the announcement of an extra $3 million of new money for intervention and rehabilitation programs for that, particularly aimed at that small cohort of young offenders. We do not wish to see some of these young offenders ending up being older youth committing crimes and then being adults committing crimes. We want to try to intervene as early as we can when some of these people come in contact with the criminal justice system, and that's exactly what this plan is aimed at: reducing offending and community safety.

Bills

CRIMINAL LAW CONSOLIDATION (MENTAL COMPETENCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2025.)

The Hon. J.S. LEE (15:19): I rise today to speak in support of the Criminal Law Consolidation (Mental Competence) Amendment Bill 2025. This bill seeks to amend the terminology used in relation to a defence of mental incompetence under division 2 of part 8A of the Criminal Law Consolidation Act 1935.

As honourable members would know, the courts deal with people who are suffering from mental health or cognitive impairment when they commit a crime differently to other criminal matters. It can add to the distress and anxiety that victims and other witnesses are already experiencing when the accused is not dealt with in the ordinary way under criminal law.

The emotional impact of the legal proceedings for victims of crime and their families should never be underestimated, let alone the ongoing trauma and impacts of the crime itself. Victims and families can be further affected by a court finding of 'not guilty by reason of mental incompetence'. These victims often feel a sense of injustice and despair that the defendant is not held responsible for their actions or is maybe getting away with the crime.

I understand that both the current and the former Commissioner for Victim's Rights have advocated for a change to the use of 'not guilty' in this context. It is a case of words matter, and they matter considerably for victims of crime and their families.

Recently, the tragic stabbing of Ms Julie Seed at a Plympton real estate agency in December 2023 has brought this issue to the forefront once more. Stabbing victim, Ms Susan

Scardigno, and the partner of the late Ms Julie Seed, Mr Chris Smith, have bravely advocated for a change to the wording following this horrific incident. Victims and families often feel that the 'not guilty' verdict in such circumstances is confusing and triggering and that it does not reflect the reality that the objective elements of the case have been proven and that the defendant did commit a crime, even though they cannot be held criminally responsible for their actions.

This bill will change the terminology used in such findings from 'not guilty' to 'conduct proved but not criminally responsible due to mental incompetence'. I understand that this change of language will have no impact on any aspect of the trial or supervision orders that may be imposed on the defendant. The proposed terminology has been modelled on similar changes already made in New South Wales. Language is important, and this change in wording is a result of the passionate advocacy of victims and families, such as Ms Scardigno and Mr Smith, and a recommendation made by the Commissioner for Victim's Rights.

If this change provides some comfort or makes even a small difference to those impacted and affected by horrendous crimes, it is definitely worthy of being adopted by this parliament. With those remarks, I commend the bill to the chamber.

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:23): I rise to speak on the Criminal Law Consolidation (Mental Competence) Amendment Bill 2025. I indicate that I am the lead speaker for the opposition and that the opposition fully supports the bill. This bill will amend the Criminal Law Consolidation Act 1935 to rename the defence of mental incompetence under division 2 of part 8A. Currently, a finding of mental incompetence is recorded as 'not guilty by reason of mental incompetence'. This bill will change the terminology of such a finding to 'conduct proved but not criminally responsible due to mental incompetence'.

This bill does not make any changes to the operation of the act. A finding of mental incompetence still provides for supervision orders subject to division 3A of part 8A of the act. Where set, a supervision order must fix a term equivalent to what would have been appropriate if the defendant had been found guilty and convicted.

I understand this reform arises partly as a result of work by the current Commissioner for Victim's Rights, Ms Sarah Quick, and the former commissioner, Bronwyn Killmier. Victims, their families and the community can rightly feel aggrieved and confused when a person whose actions are responsible for the death of or harm to a loved one is found not guilty.

I wish to additionally recognise the advocacy of Mr Chris Smith, the partner of the late Ms Julie Seed, and Ms Susan Scardigno, victims of the tragic stabbing at the Plympton real estate agency in December 2023. The work of this parliament in easing the burden on victims and their families in these horrifying circumstances is of utmost importance, and it would not be possible without such strong and passionate advocates.

Clauses 3, 4, 6, 7 and 8 would substitute the terminology of 'not guilty by reason of mental incompetence' with 'conduct proved but not criminally responsible due to mental incompetence' wherever located throughout the act. Clause 5 would insert new section 269AB specifying that references to a finding of not guilty include a finding of conduct proved but not criminally responsible due to mental incompetence for the purposes of other acts, unless specified otherwise.

I thank Commissioner Quick for her work and Mr Chris Smith and Ms Scardigno for their strong advocacy for this reform. I commend this bill to the chamber.

The Hon. M. EL DANNAWI (15:26): I rise to speak briefly in support of the Criminal Law Consolidation (Mental Competence) Amendment Bill 2025. This amendment addresses concerns raised both interstate and here in South Australia about the language used in relation to the defence of mental incompetence. This amendment looks to change the language used under part 8A of the Criminal Law Consolidation Act 1935, replacing a finding of not guilty due to mental incompetence with a finding of conduct proved but not criminally responsible due to mental incompetence.

Currently, there is a disconnect in the way a verdict of not guilty by reason of mental impairment is understood by the general community. The current language of not guilty implies that the accused is just that. The removal of the phrase 'not guilty' and its replacement with 'conduct

proved but not criminally responsible' more accurately demonstrates that the objective elements of the offence have been proven. It is phrasing that reflects the lived experience of the victim.

The defence of mental incompetence has a very long history and is respected as an essential part of our criminal justice system. It has changed over time to keep pace with evolving community sentiments and understandings of mental illness. This is one more change that maintains its function as a defence while bringing it in line with community expectations. It is my opinion that these changes in language strike the right balance between acknowledging the experience and pain of victims, the seriousness of the defendant's conduct and the mental health of those defendants. This change was requested by the former Commissioner for Victims' Rights, Ms Bronwyn Killmier, and is supported by the current commissioner, Ms Sarah Quick. These changes follow similar recent reforms interstate. I commend the bill to the chamber.

The Hon. S.L. GAME (15:28): I rise to support the government's Criminal Law Consolidation (Mental Competence) Amendment Bill 2025. While this bill is a minor amendment to the terminology used in relation to a defence of mental incompetence it addresses community concerns about the use of the phrase 'not guilty' and the confusion and pain caused to victims, their families and the wider community when it is heard that an offender who clearly committed a violent and sometimes fatal act is declared not guilty.

In a system where victims are often forgotten it is commendable to see a change that acknowledges the perspective, experience and rights of victims. Replacing the phrase 'not guilty by reason of mental incompetence' with 'conduct proved but not criminally responsible due to mental incompetence' does not change the law; however, it does acknowledge that harm has been caused and also provides some sense of justice being served.

I would like to commend the work of all victims' rights advocates and all victims of crime in their fight for justice and express my commitment to do all I can to bring about the substantive changes that will preserve, protect and further the voice of victims in the criminal justice system.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:29): I thank honourable members for their contributions on this legislation. It is a small change, but an important change. The language we use is important in what it reflects and the way we treat those involved in our criminal justice system. I look forward to a speedy committee stage on this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 October 2024.)

The Hon. S.L. GAME (15:32): I rise to oppose the government's Climate Change and Greenhouse Emissions Reductions (Miscellaneous) Amendment Bill 2024. It was only two weeks ago in this very chamber that I spoke against the ideologically-driven proposal of the Greens to cancel fossil fuel corporations from sponsoring sports and arts events. According to the Greens, it was hypocritical of the government to endorse fossil fuel corporations, like Santos, as the chief sponsors

of the Tour Town Under, while the Premier was also pitching for Adelaide to host COP31, the 2026 United Nations climate change conference.

But, they say that two weeks is a long time in politics. As it stands today, climate change warriors have nothing to fear, because the government is back on the bandwagon again this week, resurrecting its commitment to 100 per cent renewables by 2027 and net zero emissions by 2050, despite the growing public frustration with heavily taxpayer-subsidised solar and wind farms, accompanied by the highest electric prices in the Asia-Pacific, not to mention the collapse of the $593 million flagship green steel project for Whyalla.

The hypocrisy of two weeks ago has been forgotten as the government tries to breathe some life back into the climate change narrative after the damage done by the ideological financial and political disaster of the Whyalla Steelworks. Two weeks is a long time in politics, but what about 12 months? It was back in March 2024 that the Minister for Climate, Environment and Water encouraged South Australians to have their say on these proposed amendments to the Climate Change and Greenhouse Emissions Reduction Act. According to the minister, South Australia's response to climate change and commitment to reducing greenhouse gas emissions needed to be updated. Apparently the goals of the past were not bold enough. South Australians need to be more ambitious. What we needed, according to the minister, was a statewide emissions reduction plan to achieve our goal of net zero by 2050.

Although we had done well to reduce our emissions by 42 per cent from 2005 levels, we still need to introduce interim targets to achieve our goal of a reduction by at least 50 per cent by 2030. We would also need a statewide climate risk assessment to be reviewed every five years so that the government can help South Australians plan, prepare and adapt to the economic, social and environmental risks of climate change.

How much have things changed since March 2024? I am sure that at the time many South Australians were extremely proud about reducing emissions by 42 per cent, but I am certain that the majority of households and businesses would now happily forfeit this hollow achievement for a cheaper and more reliable supply of electricity, especially when we consider the resurgence in construction of new coal-fired power plants in China, which is at the highest level of construction since 2014. It has been reported that Australia's yearly emissions are equivalent to what China emits in two weeks.

Given these figures, our reduction targets will clearly have no effect other than to increase our power bills and prohibit business and economic growth as investors start moving away from renewables and return to fossil fuels. This shift is already on, with leading energy corporation BP confirming the discontinuation of 18 preliminary hydrogen projects due to a record decline in profits. According to BP's chief executive, the energy giant's transition away from fossil fuels had gone too far and too fast and the faith in green energy was misplaced. When we combine these comments with the new US government's withdrawal from the Paris climate agreement, it is clear that something significant is changing in the global energy market that will inevitably impact us here in Australia.

This can be seen by the recent exit of Origin Energy from the government-backed Hunter Valley Hydrogen Hub project in New South Wales. These movements in the global and national market are significant when we consider our own state government's dramatic cooling on the green steel project at Whyalla, and the questions surrounding the future of the Hydrogen Power SA office with 55 staff and a chief executive on a salary of almost $600,000.

In addition to this, we have yesterday's report in *The Australian* that over 99 per cent of the announced green hydrogen projects in Australia have not progressed beyond the concept or approval stage. According to Zoe Hilton, the senior energy policy analyst at the Centre for Independent Studies:

> Green hydrogen was always a pipe-dream—the economics simply don't stack up, and it's unlikely they ever will.

With the failure of so many green hydrogen projects and the large-scale abandonment from private investors, the climate change gravy train appears to be running out of steam, but not before this government has one last shot at pushing the bill through the chamber in a desperate attempt to

enshrine an ideological commitment into legislation and to add another layer of regulation and reporting to an already bloated and overpaid bureaucracy.

We need to be cautious and diligent with our time and investments. We need to look back and see where we went wrong and how we can make better decisions for the future. It was back in 2016 that South Australia closed its last coal-fired power station at Port Augusta and, as of now, 70 per cent of our electricity is from renewable resources with a commitment in this bill for 100 per cent by 2027.

I will conclude with two questions to ponder. My first question is: what meaningful impact has this rapid and significant shift had on global greenhouse gas reductions? My second question is: how has the elimination of coal-fired power and the rapid uptake of renewables improved the lives of ordinary South Australians? With that, I conclude and confirm my opposition to the government's bill.

The Hon. T.A. FRANKS (15:38): It is with great pleasure that I rise today to speak on behalf of the Greens to the Climate Change and Greenhouse Emissions Reduction (Miscellaneous) Amendment Bill. This bill is fundamentally sound, and the Greens are happy to support it. Indeed, we are not only happy to support it but we are happy to make it a little bit better.

The Greens, therefore, will be bringing some amendments in four key areas—that is, increasing the ambition of the bill and the eventual act; improved reporting through greater transparency, and with that comes some language clarity, to move away from percentages to real figures as well as percentages in the reporting, and reporting on things that we in the Greens believe need to be continued to be reported on, that currently are not; strengthening the capacity of the Premier's Climate Change Council; and strengthening the requirements of the statewide climate risk assessment.

Our aim with these amendments is to ensure the best possible outcomes—outcomes in climate change mitigation, outcomes in good public faith in the work that is being done by government entities, and for current and future generations—because South Australians deserve a climate change act that is nimble, evidence-based and ambitious, not just for us but for our future.

One of the ways we aim to do this is through more ambitious target setting. Any young citizen who is voting for the first time in the looming 2025 federal election will be in their mid-40s by 2050. The evidence shows us that young Australians—our children and emerging adults—are amongst the most vulnerable populations when it comes to the mental health impacts of climate change simply because they do not see us doing enough. They worry that the proverbial can is being kicked down the road, left there for them and their generations to deal with.

When you add this to the evidence that shows that in terms of the climate crisis—and we have declared a climate crisis in this state—they live in one of the most vulnerable countries in the developed world, it is clear that we here as a parliament have a duty to respond to the lack of control and to the powerlessness they report feeling about perceived government inertia on climate change. Targets that stretch a long way into the future that aim for emissions reductions based on years of high emissions suggest that this is a problem we are not particularly interested in dealing with in reality. We can do better.

The Greens are keen to see improvements not only to the timeframe of the net zero target but also to the reduction target. Other jurisdictions use 2005 as the benchmark for emissions reduction and by that target our emissions seem to be dropping by pleasing levels, yet our 2022 emissions were less than half of what they were in 2005, which was, by contrast, one of our highest annual emissions totals by year for this state since our federal government first required reporting on them back in 1990.

The Greens will also bring an amendment that will require reporting by government agencies to report not only in percentages but also in hard data. That will increase the transparency and public faith in our system. It will also benefit those sectors where emissions reduction solutions are more challenging to implement. These sectors will find that, despite a reduction in real terms, their emissions, when expressed as a percentage of total emissions, have actually increased. Requiring reporting of this over the longer term will enable the public to see real reductions in emissions, rather

than to see what appears to be an increase in a sector's emissions, and this will enable them to have, of course, faith in our emissions reporting.

The Greens do value the work of the Premier's Climate Change Council, which was established in 2007 under this enabling act. The council was established to provide independent advice to the minister on, amongst other things, reducing greenhouse gas emissions, increasing the use of renewable energy and adapting to climate change. A significant amount of work has been done on the first two in particular. The amendment that we will bring in the debate on this bill is to ensure that that council is forward-looking, with a view to strengthening the relevance of the council by building in expertise in greenhouse gas emissions and ruminant livestock.

It also seeks to bring climate science into the mix of the council's skills base, which is of critical importance to climate adaptation as it is the science that examines the evidence base on climate systems both regionally and globally, thus helping us to understand changing global weather and climate patterns and the direct impacts they are most likely to have here in our nation. This will in turn enable us to best select the adaptations we need in place to best cope with climate change.

The addition of ruminant livestock to the expertise of the council will enable representation of the agricultural sector. Many in the sector know that, if the industry which they work in and that they wish to have a future is to have a future, climate change needs addressing now. Much work is being done to make this happen, but it is unfortunately progressing more slowly than in other sectors, meaning that, even if their emissions remained stable, they will naturally form a higher proportion of total emissions. The requirement of hard data in reporting, rather than just percentages of total emissions, and the provision of a seat at the table will go a long way to ensuring their voice is heard on this critical issue.

Finally, we seek to amend the requirements of the statewide climate risk assessment so it includes an assessment of the impacts of climate change on our state's biodiversity and ecological communities, the impacts of pollution and the impacts of climate change in relation to flooding risks and sea level rises within the state, ensuring the longevity and safety of our coastal and riverine communities, home to many and indeed significant contributors to our state's economy. That amendment also seeks to ensure that assessments take into account our progress towards a circular economy, something that we know to be of critical importance in mitigating our impacts on climate and our environment.

Lastly, this amendment will seek to take account of a just and equitable transition to lower greenhouse gas emissions and of the responsibility that we have here to at least minimise reasonably foreseeable harm to both the environment and future generations of South Australians. That duty of care to our future is something that the Greens hope to see within this bill. With that, I look forward to the committee stage. I note that the Greens are going to be strong supporters of this bill but are hoping to make it just that little bit better, to aim a little bit higher and to lift our ambition in the face of this climate crisis.

The Hon. M. EL DANNAWI (15:45): I rise to speak in support of the Climate Change and Greenhouse Emissions Reduction (Miscellaneous) Amendment Bill. Too much time has already been spent arguing about climate change when we should have been taking action. We have been warned for many decades now that climate change would have a negative impact on extreme weather systems.

We are no stranger to extreme weather in Australia, but we do not need to look far to see the consequences of the warming atmosphere. This week, we have seen the news cycle dominated by Tropical Cyclone Alfred, which will make landfall further south than we have seen in 50 years. At the same time, communities in the Adelaide Hills and along the Fleurieu are suffering the worst drought conditions they have seen in years. The impact of events like this one on people's lives and livelihoods and the suffering they cause is devastating.

These events also demonstrate the importance of the legislation before us today. The purpose of this bill is to modernise the Climate Change and Greenhouse Emissions Reduction Act to provide a more effective legislative framework to deliver our climate change policy objectives. The bill updates the state's emission reduction targets and enshrines them in legislation. Our reduction

target for 2030 has been updated to 60 per cent. Now a target for 2050 has been updated from 60 per cent to net zero.

To keep our state on track to achieve this target, the bill requires interim emissions reduction targets to be set every five years between 2030 and 2050. It is important to know that in South Australia we have exceeded our targets in the past, and there is no reason why we cannot do it again. The bill legislates a state target of 100 per cent net renewable electricity generation by 2027. Outdated targets for at least 20 per cent renewable electricity generation and use by 2014 have been removed from the act, as we achieved these targets well ahead of time in 2011.

Latest data shows that nearly 74 per cent of South Australia's electricity is generated from renewable sources. This is amongst the highest of any major grid in the world. Our achievements here highlight the importance of target setting and effective public policy and planning, for which the act and this amendment bill provide a sound legislative framework. As the Deputy Premier said in the other place, targets are only as good as the policies, plans and programs that support them. This is why the bill also requires the preparation of a publicly available statewide emissions reduction plan within two years of commencement, which sets out clearly the government's objectives, policies, programs and initiatives.

The bill also requires a statewide climate risk assessment to be prepared to identify risks and opportunities to inform adaptive planning, which will be renewed every five years. This will not only help government but also business and community organisations in climate risk and adaption planning. The bill will also introduce the ability for the Premier to nominate a public sector entity to prepare a climate change plan for an entity or sector.

In addition to this, the bill provides for public sector action and reporting on reducing emissions and managing climate risk in government's actions. There are also some changes to definitions that are worth noting. A few key terms are defined in the bill, including 'climate change adaption' and 'mitigation'. The introduction of these definitions is designed to improve consistency across South Australian legislation.

The bill also defines 'net greenhouse gas emissions'. The intention is that when setting a target or measuring reductions against the target, the term 'net greenhouse gas emissions' will be subject to the procedural requirements in section 5 of the act. These procedural requirements provide that the minister must seek to take into account relevant methodologies and principles that apply within other Australian jurisdictions, and seek to provide consistency with best practice.

This bill was informed by extensive community and industry consultation and engagement. As part of that process four First Nations engagement workshops were undertaken on climate change projects, including amendments to the act. The feedback received highlighted the importance of truth telling and the value of listening to truth telling in relation to climate change. The bill accordingly includes a new function for the minister responsible for the act to promote consultation with First Nations people.

Reaching the emissions reduction targets outlined in this bill will contribute to global efforts to minimise the impacts of global warming, provide opportunities for new jobs, and deliver co-benefits such as cleaner air, lower energy bills, and improved biodiversity outcomes. I commend the bill to the chamber.

Debate adjourned on motion of Hon. D.G.E. Hood.

SUMMARY OFFENCES (KNIVES AND OTHER WEAPONS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No. 1—Clause 9, page 10, after line 36 [inserted section 66Z]—After subsection (4) insert:

(5) To avoid doubt, a reference in this section to a public place includes a reference to a place of worship.

No. 2—Clause 9, page 12, line 7 [inserted section 66ZB(1)(b)]—After 'a' insert 'declared'

No. 3—Clause 9, page 13, after line 37—After section 66ZC insert:

66ZCA—Declaration of place of worship

(1) The Commissioner may, by notice in the Gazette, declare a place of worship to be a *declared place of worship* for the purposes of this Division.

(2) Before making a declaration under this section, the Commissioner must—

(a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and

(b) be satisfied that the exercise of powers under section 66ZB—

(i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and

(ii) will not unduly affect lawful activity in the place of worship; and

(c) in the case of a place of worship that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.

(3) A declaration under this section—

(a) must specify the area that comprises the declared place of worship (which may, to avoid doubt, include specified premises); and

(b) may be subject to conditions specified in the notice; and

(c) must comply with any other requirements set out in the regulations; and

(d) remains in force until revoked under this section.

(4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

(5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

No. 4—Clause 11, page 20, line 21 [clause 11, inserted clause 25]—Delete '(and for no other purpose)'

Consideration in committee.

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

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

This is in relation to laws involving the sale and availability of, and police powers, in relation to knives. When this was last in this chamber there were amendments moved by the opposition and also amendments moved by the Hon. Frank Pangallo.

We indicated as a government that we were interested in those amendments and would cede to their passage to the lower house so that we could take time to consider them. Having done that, and having been considered in the lower house, the amendments moved by the opposition are in relation to timeframes in terms of when the act comes into effect. We were able to make sure that could be facilitated.

There are a suite of amendments from the Hon. Frank Pangallo that would, in effect, have places of worship treated the same as nightclubs and licensed venues in terms of police powers for knives. I have had the benefit of having discussions with the Hon. Frank Pangallo on amendments I believe have previously been circulated to members that are on the table.

It is a quite simple amendment, in relation to the Hon. Frank Pangallo's amendments, that has the effect of having a place of worship treated in the same vein as things like shopping centres or public transport hubs; that is, it would give powers to police to declare, for a six-hour period, if

there is—I think the language is—'a threat of danger or violence', and also the ability for the police commissioner to declare those in an ongoing manner as places where those police powers could be used, rather than the more extensive powers that would have had them as akin to licensed nightclubs.

With that, I commend the amendments that were made in the lower house and look forward to their passage in the Legislative Council, if that is the desire of members.

Motion carried.

PASSENGER TRANSPORT (POINT TO POINT TRANSPORT SERVICES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:55): I move:

That this bill be now read a second time.

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

Leave granted.

I rise to introduce the Passenger Transport (Point to Point Transport Services) Amendment Bill 2025. The Bill amends the *Passenger Transport Act 1994* (the Act) to implement recommendations arising out of the Government's commitment to review the Act and reform the point to point passenger transport industry (taxi, chauffeur and rideshare). The Bill also seeks to implement elements of the Taxi Industry Support Package, approved as part of the State Budget 2024-25.

On 30 August 2024, the Government released the review which made 29 recommendations informed by feedback from industry, customers and key stakeholders. The review provides a framework for broad and enduring change designed to make services safer and more reliable, while supporting a more sustainable industry.

Change is much needed. There is no doubt this is a sector that is experiencing significant challenges. From safety concerns, fraudulent behaviour, and industry participants subject to differing requirements. This review, and the Bill here today before you, aims to build a framework to overcome these concerns.

The Bill removes the limit on the number of taxis that can operate and delivers on the taxi industry support. We have heard from all taxi stakeholders about the devastating impact of changes to the industry since the introduction of rideshare. This Bill removes the requirement for a perpetual licence to operate a taxi, removing the barrier to entry, and introduces an uncapped annual licence regime. The Bill also provides for the State Government to deliver compensation to the taxi industry, with the eligible licence holders to receive $200,000 for the first metropolitan taxi licence held, and $10,000 for each subsequent licence up to a total of six licences. In addition, anyone who is not eligible and has their perpetual licence cancelled will receive $10,000 compensation. Access taxi licence holders will receive $100,000 for their first licence and $10,000 for each subsequent licence.

This will be in part funded by an increase in the point-to-point transport service transaction levy (the levy). The levy was introduced after the introduction of rideshare in 2017, to help fund assistance packages to metropolitan taxi licence holders and lessees to help them transition to a new regulatory model following the introduction of rideshare. The $1 levy also funds reduced or waived annual fees for all passenger transport services, and to support other industry initiatives such as additional compliance officers and a lifting fee for people with disabilities who use a wheelchair or large mobility device and travel in an accessible taxi. At this time, the levy was $1, this Bill enables the levy to be set by regulation to enable indexation increases to occur as required. The levy will be increased to $2.

The Bill also strengthens the collection arrangements for the levy.

The Bill introduces a simpler accreditation model which reduces unnecessary complexity and enables more effective regulation of current and emerging business models. Introducing three accreditation types: Booking Service Providers, General Passenger Transport Service Providers, and Passenger Transport Drivers. A Booking Service is a point-to-point transport service where requests are made by members of the public and assigned to a driver or vehicle. General Passenger Transport Service Providers preserves the status quo for public transport and will apply to services that require accreditation but should not be required to meet the same obligations as Booking Service Providers, including payment of the levy. Driver accreditation broadly continues as it currently operates.

Vehicles will need to be authorised under the new framework to provide a passenger transport service. To hold vehicle authorisation the vehicle will need to meet prescribed standards, including vehicle identification and safety requirements.

The Bill strengthens compliance and enforcement regimes, introducing new offences and automatic suspension and cancellation of accreditation in prescribed circumstances. For example, a driver will automatically have their Passenger Transport Driver accreditation suspended if they do not have a current driver's licence. Additionally, the Bill provides that a person's accreditation will be cancelled if they have committed a prescribed offence, have breached the general safety duty or no longer meet the requirements to hold that type of accreditation.

The Bill enhances safety for drivers and passengers by introducing a general safety duty with similar principles to *the Work Health and Safety Act 2012*, and the *Heavy Vehicle National Law (South Australia).* This introduces a legal requirement to eliminate or minimise the risk of incidents involving death, injury or damage, and to encourage the development, maintenance, and continuous improvement of work safety practices. This duty will apply to those within the chain of responsibility for providing a passenger transport service, other than public transport, including the service provider, the driver, and holder of vehicle authorisation.

The Bill also implements a number of the review recommendations, with others to be implemented via future regulation changes. The Bill includes provisions to:

- Enable the Minister to prescribe passenger transport vehicle standards and fleet standards.
- Enable two separate metropolitan boundaries for point to point and public transport services to ensure they can be individually adjusted to respond to community needs over time.
- Establish a stronger compliance and audit framework, with Authorised Officers having clearer compliance and investigation powers, enabling swift action to be taken for expiable offences such as non-taxi point-to-point vehicles running a meter or stopping in a taxi rank. The Bill will also allow for audits to assess compliance with obligations under the Act, including correct payment of the levy.
- Replace the current Passenger Transport Standards Committee with a new decision making and disciplinary review mechanism, being Ministerial discretion, internal review mechanisms and appeals to the South Australian Civil and Administrative Tribunal, rather than the District Court.
- Provide greater customer protection from price gouging by prohibiting surge pricing or a queue-jumping fee in prescribed circumstances. Currently, rideshare operators have the ability to charge 'surge priced' fares according to supply and demand. The prohibition is to prohibit price gouging when a declared emergency occurs, for example as occurred in Sydney at the occurrence of the Lindt Café Siege. The introduction of this prohibition aligns with a number of other jurisdictions.
- Insert new data and information exchange provisions to assist compliance, with the Minister to determine arrangements for sharing prescribed information.

This reform seeks to improve how the point-to-point industry is regulated, with fundamental changes to address the situation for taxi licence holders and to improve service availability. The reform also seeks to increase safety and recognise that many of these safety issues are common to both taxis and rideshare vehicles. Consumer protection issues and fraudulent behaviour will also be addressed.

I commend the Bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Passenger Transport Act 1994*

3—Amendment of section 3—Objects

This clause amends the objectives of the Act to include updated terminology used throughout, and to remove reference to the public sector.

4—Amendment of section 4—Interpretation

This clause removes various definitions no longer used in the Act, and inserts various definitions consequential on the amendments being made by this measure.

5—Amendment of section 5—Application of Act

The clause amends sections 5(2) and 5(4) to allow the Minister to confer or revoke an exemption and vary or revoke conditions of an exemption by instrument in writing.

6—Amendment of section 20—Functions of Minister under Act

This clause amends the functions of the Minister consequential to changes being made by this measure.

7—Amendment of section 22—Powers of Minister

This clause substitutes reference to a taxi-stand for reference to a taxi zone.

8—Amendment of section 24A—Annual report

This clause deletes the paragraph requiring the annual report to include a specific report on taxi availability at taxi-stands and response times to bookings.

9—Amendment of heading to Part 4

This clause makes a consequential change to the heading to Part 4.

10—Substitution of Part 4 Divisions 1, 2 and 3

This clause substitutes new Divisions 1 and 2 as follows:

Division 1—Accreditations

27—Minister may grant accreditation to booking service providers

Proposed section 27 provides that the Minister may grant a booking service accreditation to a person who provides a booking service, and details the purpose of such an accreditation including compliance with various standards prescribed by the regulations or determined by the Minister.

28—Minister may grant accreditation to general passenger transport service providers

Proposed section 28 provides that the Minister may grant a general passenger transport service accreditation to a person who provides a general passenger transport service, and details the purpose of such an accreditation including compliance with various standards prescribed by the regulations or determined by the Minister. Such an accreditation must specify the services or kinds of services in respect of which it is granted.

29—Minister may grant accreditation to passenger transport drivers

Proposed section 29 provides that the Minister may grant a passenger transport driver accreditation to a person, and details the purpose of such an accreditation including compliance with various standards prescribed by the regulations or determined by the Minister.

Division 2—Offences relating to accreditations

29A—Booking service providers

Proposed section 29A makes it an offence to provide a booking service unless the person holds a booking service provider accreditation granted by the Minister under section 27 which applies in respect of the booking service provided.

29B—General passenger transport service providers

Proposed section 29B makes it an offence to provide a general passenger transport service unless the person holds a general passenger transport service provider accreditation granted by the Minister under section 28 which applies in respect of the general passenger transport service provided.

29C—Drivers

Proposed section 29C makes it an offence to drive a public passenger vehicle for the purposes of a passenger transport service unless the person holds a passenger transport driver accreditation granted by the Minister under section 29 which applies in respect of the passenger transport service provided.

29D—Passenger transport service must be linked to booking service or general passenger transport service

Proposed section 29D makes it an offence to drive a public passenger vehicle for the purposes of a passenger transport service unless linked to an accredited booking service provider or general passenger transport service provider. It also makes it an offence not keep records of each point to point transport service journey in accordance with the regulations.

11—Amendment of section 30—Procedure

This clause amends language to include reference to the right of review introduced under proposed section 37A.

12—Amendment of section 31—Conditions

This clause, in addition to a minor language update, introduces a new subsection (6a) which imposes additional conditions on a booking service accreditation under section 27 relating to use of information sharing systems or other technological systems specified by the Minister.

13—Amendment of section 32—Duration and categories of accreditation

This clause clarifies language used in subsection (4) to better reflect the provisions of subsection (3), which allows for classes of accreditations within each form of accreditation.

14—Insertion of section 32A

This clause inserts a new section 32A:

32A—Automatic cancellation of accreditation in certain circumstances

Proposed section 32A provides for automatic cancellation of accreditation in certain circumstances including an offence against sections 44K or 44O.

15—Amendment of section 34—Renewals

This clause removes the requirement for a renewal application to be made within a prescribed number of days before the expiry of the accreditation.

16—Amendment of section 35—Related matters

This clause updates language for consistency within the Act.

17—Insertion of Part 4 Division 4A

This clause inserts a new Division 4A:

Division 4A—Public passenger vehicle authorisations

35A—Preliminary

Proposed section 35A provides definitions relevant to the Division.

35B—Minister may grant authorisation

Proposed section 35B provides that the Minister may, on application by the relevant person for a vehicle, grant a public passenger vehicle authorisation in respect of a vehicle or fleet of vehicles, and that the Minister may determine and publish standards for determining this authorisation. Use of a vehicle as a public passenger vehicle without applicable authorisation is made an offence.

35C—Procedure

Proposed section 35C establishes procedure in relation to an application for authorisation.

35D—Automatic suspension or cancellation of authorisation in certain circumstances

Proposed section 35D provides for automatic cancellation of authorisation in certain circumstances including an offence against sections 44K or 44O.

35E—Inspections

This provision is relocated from section 54 (to be repealed by clause 39 of the measure) and requires that a vehicle be inspected by an approved vehicle inspector, and provides for circumstances in which a certificate of inspection may be issued. It makes it an offence to use vehicle as a public passenger vehicle without a certificate or to violate the condition of a certificate. It is also makes it an offence for a vehicle inspector to contravene a code of practice.

35F—Requirements and standards

Proposed section 35F provides that passenger transport vehicle standards, passenger transport fleet standards, prescribed requirements and standards for the purposes of section 35E must be widely published and made reasonably available to interested persons.

18—Repeal of section 35A

This clause repeals the current section 35A (under which the Minister is required to establish the *Passenger Transport Standards Committee*).

19—Amendment of section 36—Disciplinary powers

This clause includes several updates to language consequential on the amendments being made by this measure. Several of these changes are reflective of the inclusion of public passenger vehicle authorisations.

20—Amendment of section 37—Related matters

This clause removes all references to the standards committee and replaces them with references to the Minister.

21—Amendment of heading to Part 4 Division 6

This clause makes a consequential change to the heading to Part 4 Division 6.

22—Insertion of section 37A

This clause inserts a new section 37A:

37A—Review by Minister

Proposed section 37A provides for Ministerial review of certain decisions under Part 4 of the principal Act.

23—Amendment of section 38—Appeals

This clause amends subsection (1) to provide for SACAT review following a Ministerial review under proposed section 37A, and removes references to the standards committee.

24—Amendment of section 39—Service contracts

This clause replaces a reference to Metropolitan Adelaide with a reference to the Metropolitan Regular Passenger Service Area.

25—Amendment of section 40—Nature of contracts

This clause replaces references to Metropolitan Adelaide with references to the Metropolitan Regular Passenger Service Area.

26—Amendment of section 44A—Interpretation

This clause replaces a reference to Metropolitan Adelaide with a reference to the Metropolitan Regular Passenger Service Area.

27—Insertion of Part 5B

This clause inserts a new part 5B:

Part 5B—General safety duty and audits

Division 1—Preliminary

44F—Interpretation

Proposed section 44F provides definitions relevant to the Division.

44G—Relationship with other laws

Proposed section 44G addresses scenarios in which this Part and a provision of another safety law deal with the same thing, and provides that evidence of a contravention of this Part is admissible in a proceeding for an offence against a provision of another safety law.

Division 2—Principles and duties

44H—Principle of shared responsibility

Proposed section 44H establishes that the safety of activities associated with providing a point to point transport service or general passenger transport service is the shared responsibility of each person in the chain of responsibility, and provides factors for determining the nature of a person's responsibility.

44I—Principles applying to duties

Proposed section 44I establishes several principles relating to general safety duties.

44J—General safety duty

Proposed section 44J imposes a duty on each person in the chain of responsibility to ensure, so far as is reasonably practicable, the safety of the person's activities. It is made an offence for an officer of a corporation to fail to exercise due diligence to ensure compliance with the duty.

44K—Failure to comply with duty

Proposed section 44K provides for various offences relating to a failure to comply with the duty.

44L—Regulation may impose other duties or requirements

Proposed section 44L enables the regulations to impose other duties or requirements on a person in the chain of responsibility.

Division 3—Audits

44M—Purpose of Division

Proposed section 44M establishes that the purpose of the Division is to allow the Minister to carry out audits for purposes of assessing compliance and verifying information.

44N—Audit notice

Proposed section 44N enables the Minister to supply a written audit notice to a person in the chain of responsibility. Failure to comply with an audit notice is made an offence. The Minister is also required to provide a report to the subject of the audit following its completion.

44O—Direction to comply

Proposed section 44O enables the Minister to give a person whose activities were audited, and found not to have complied with transport legislation, a written direction to comply. Contravention of such a direction (without reasonable excuse) is made an offence.

28—Amendment of section 45—Requirement for licence

This clause makes some minor amendments to language, removes one of the exemption requirements under subsection (2) and provides that regulations may make provision in relation to the meaning of 'ply for hire'.

29—Amendment of section 46—Applications for licences or renewals

This clause inserts a subsection that allows the Minister to determine that renewal of a licence will be automatic on payment of the prescribed fee.

30—Amendment of section 47—Issue and term of licences

This clause amends section 47 to implement several changes to the taxi licencing scheme which allow for the transition to a model based around the renewal of licences on a 12 month basis. A licence now continues in force for 12 months from the day on which it is granted or, in the case of a renewal of a licence, 12 months after the expiry of the term of the previous licence. The section no longer provides for the grant of temporary licence or the transfer of a licence.

31—Substitution of section 49

This clause substitutes section 49:

49—Cancellation of licence at request of licensee

Proposed section 49 provides for cancellation of licences at the request of a licensee. Transfer of a licence is no longer possible under the amended section 47.

32—Substitution of section 51

This clause substitutes section 51:

51—Reviews and appeals

Proposed section 51 provides for Ministerial review of certain decisions relating to licences under Part 6 of the principal Act. A person aggrieved with a decision of the Minister may appeal to SACAT.

33—Insertion of sections 52AA and 52AB

This clause inserts a new section 52AA and 52AB:

52AA—No compensation

Proposed section 52AA establishes that no action lies against the State in relation to licences impacted by the measure.

52AB—Scheme for buy-back or cancellation of perpetual licences

Proposed section 52AB establishes that a licence in force immediately before the commencement of this section continues to have effect as if it were a licence under this Part (subject to any modifications or conditions in a prescribed scheme). The Minister may, in accordance with a prescribed scheme, cancel any such licence. This allows for the implementation of a government buy-back or cancellation of taxi licences.

34—Amendment of heading to Part 6A

This clause makes a consequential amendment to the heading to Part 6A.

35—Amendment of section 52B—Non-cash payment surcharges

This clause makes a consequential amendment to the section.

36—Amendment of section 52C—Overcharging for non-cash payment surcharge

This clause makes a consequential amendment to the section.

37—Insertion of section 52D and 52E

This clause inserts a new section 52D and 52E:

52D—Maximum fares for taxis

Proposed section 52D allows the regulations to prescribe maximum fares or methods of fare calculation, as well as maximums or methods of calculation for any component of a fare for taxi services. The regulations may also provide for amounts that can be charged in addition to the fare.

52E—Certain fares and charges prohibited in prescribed circumstances

Proposed section 52E makes it an offence for a booking service provider or passenger transport driver to charge a fare calculated by reference to an element of surge pricing, or which includes a queue-jumping fee, for the provision of a point to point transport service in prescribed circumstances. The terms *queue-jumping fee* and *surge pricing* are defined.

38—Amendment of section 53—Authorised officers

This clause clarifies the powers of authorised officers primarily in regard to the collection of information and entry onto premises.

39—Substitution of section 54

This clause substitutes section 54 and inserts a new section 54A:

54—Confidentiality

Proposed section 54 makes it an offence to divulge or communicate information obtained in the administration of this Act except under certain circumstances, or to use information disclosed for such a purpose for another purpose.

54A—Arrangements for exchange of information etc

Proposed section 54A provides for disclosure of information obtained under this Act to the Commissioner of Police or a prescribed person or body. It also provides for information sharing agreements with a Minister, accredited booking service provider or accredited general passenger transport service provider.

40—Substitution of section 58

This clause substitutes section 58:

58—Liability of passenger transport service providers for acts or omissions of employees or agents

Proposed clause 58 clarifies liability for an act or omission of an employee or agent of a person who provides a passenger transport service, using language consistent with the rest of the Act.

41—Substitution of sections 62

This clause substitutes section 62:

62—Recovery of debts

Proposed section 62 establishes that a relevant debt amount includes interest, penalty amounts and overpayments. Such a relevant debt is recoverable by the Minister as a debt due to the Crown.

42—Repeal of section 63

This clause deletes section 63.

43—Amendment of section 64—Regulations

This clause allows the regulations to make provisions of a saving or transitional nature consequent on the enactment of the *Passenger Transport (Point to Point Transport Services) Amendment Act 2025*. It also removes mention of the *Liquor Licensing Act 1985* and provides for the prescription of fees thorough by fee notices.

44—Amendment of Schedule 1—Regulations

This clause expands and clarifies the scope of matters which the regulations may make provisions in regard to, using language consistent with the rest of the Act.

45—Amendment of Schedule 2—Point to point transport service transaction levy

This clause makes several changes to the point to point transport service transaction levy. These include changing the $1 levy to a prescribed amount, updates to language, and changes necessitated by alterations to other schemes in the Act.

Schedule 1—Statute law revision amendment of *Passenger Transport Act 1994*

This Schedule increases penalties and removes gendered language.

Schedule 2—Savings and transitional provisions

1—Interpretation

This clause inserts a definitions for the term principal Act as used in the savings and transitional provisions.

2—Accreditations to continue

This clause provides for the continuation of accreditations under sections 27, 28 and 29 of the principal Act in force immediately before the commencement of section 10 of the measure.

3—Inspections

This clause provides for the continuation of accreditations as an approved vehicle inspector under section 54 of the principal Act in force immediately before commencement of section 39 of the measure. In addition, certificates of inspection issued in respect of a vehicle and in force before commencement will also continue and the relevant person for such a vehicle is taken to have been granted a public passenger vehicle authorisation.

4—Effect of Schedule

This clause is a power to make savings and transitional regulations that may apply in addition to, or in substitution for, the savings and transitional provisions in the Schedule.

Debate adjourned on motion of Hon. D.G.E. Hood.

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Committee Stage

In committee.

(Continued from 20 February 2025.)

Clause 1.

The Hon. K.J. MAHER: Just for the benefit of the committee, I will give an update on where we are. I am not the minister responsible for this bill, and we also do not have the bill officers, the departmental people, available this afternoon, but I understand there are members who wish to continue their contributions today and also put some questions on the record, and on *Hansard*, so they can be answered when we do have the bill officers available and resume. We are happy to facilitate the wishes of members in relation to doing that, so for a short amount of time this afternoon we are happy to continue the bill, but noting the unavailability of bill officers. We are happy to have questions put on the record to come back to answer.

The Hon. L.A. HENDERSON: Can the minister please table a clear and transparent list of what has been changed in the bill before us compared to the 2017 act? Can the minister please advise if a clear and transparent list of all changes to the 2017 act in this bill was given to stakeholders during consultation of the draft bill, and then the bill before us now, or just the summary of key changes and the report from the review of the act as can be found on YourSAy? Will the government commit to publicly releasing a clear and transparent list of what has been changed in this bill compared to the 2017 act before the next sitting week to enable stakeholders the opportunity to get a complete picture of the proposed changes within the bill before us?

Can the minister please advise what parameters were provided to the department, including what budgetary parameters were given to the department, regarding the operationalisation of this bill? Can the minister please advise how this ultimately influenced the consideration of stakeholder feedback and advice? Can the minister please advise what recommendations are still outstanding from the independent review conducted by BDO into the complaints process that was conducted last year?

I have a number of questions I think the minister would be able to answer herself now. Can the minister please advise if it is the government's position that should the best interests be made the paramount principle, the government would no longer pursue this legislative agenda and retain the 2017 legislation?

The Hon. C.M. SCRIVEN: I understand that the honourable Attorney-General mentioned in his remarks that the relevant officer is not here to provide support, so all of the questions will be taken on notice. This one is included in that in terms of the need to discuss this further.

The Hon. L.A. HENDERSON: Is the minister not a member of the government and not able to inform as to the general policy position that this government has taken, rather than specific legislative points within the bill before us?

The Hon. C.M. SCRIVEN: The honourable member should be aware that I am not the portfolio minister but, further than that, she is saying if something happens in the future then what will the government do, which I think is something that should be clear the minister is continuing to have discussions on, and that is essentially what I am able to say at this stage.

The Hon. L.A. HENDERSON: Is it Minister Hildyard's position that should the best interests be made paramount principle within the bill before us, the 2017 legislation would be retained? A further question: has anything of this nature been communicated to either members of this parliament or stakeholders by Minister Hildyard or anyone within her office? Can the minister rule out that she will not be withdrawing this legislation and will continue to pursue legislative reform to the Children and Young People (Safety) Act and will not in fact be shelving it and retaining the 2017 legislation?

The Hon. T.A. FRANKS: The Australian Centre for Child Protection submission to the select committee that inquired into this bill made a recommendation in regard to what is called Home Stretch. It noted that the current Children and Young People (Safety) Act 2017 section 112(6) defines an eligible care leaver as a person who:

(a) is more than 16, but less than 26, years of age; and

(b) was, at any stage, under the guardianship or custody of the Chief Executive or another person pursuant to this Act or the Children's Protection Act 1993 for a period of 6 months or more (or such lesser period as may be allowed by the Minister).

In the current bill that we have before us, however, the Children and Young People (Safety and Support) Bill, clause 170(6) defines an eligible person as a person who is:

(a) is above 15, but under 25, years of age; and

(b) was in the custody, or under the guardianship, of the Chief Executive or another person or persons for a period of 6 months or more; and

(c) is leaving, or has left, care under this Act or a repealed Act.

Can the minister explain why the government has chosen to diminish the period under which the Home Stretch provisions and supports apply?

Further, the submission from the Guardian for Children and Young People, amongst others, notes in regard to shoulds and musts, in respect of the Aboriginal and Torres Islander Child Placement Principle, that there are a lot of shoulds where perhaps there could be some musts, and specifically I will refer the minister in this question to the shoulds and musts of clause 44, which of the bill currently articulates the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle: prevention, partnership, placement, participation and connection. That clause sets a low standard for these principles, and it has come under some scrutiny and criticism from the sector.

The bill goes on to read that, for prevention, Aboriginal and Torres Strait Islander children and young people should be provided access to culturally safe services, and, for partnership, Aboriginal and Torres Strait Islander people should be supported to participate in decision-making and policy development. I ask why that is not 'must' rather than 'should'?

In the next clause, for placement, Aboriginal and Torres Strait Islander children and young people should be placed with their family and/or member of their community. Again, I ask why that is 'should' and not 'must'? Further, it states that participation decisions that affect Aboriginal and Torres Strait Islander children and young people should engage Aboriginal and Torres Strait Islander family-led decision-making. Again, why is that not 'must'?

For connection, the bill states that Aboriginal and Torres Strait Islander children and young people should 'be supported to develop and maintain their connection with their family, community, culture, Country and language'. Why is that not 'must'?

Finally, the bill here states that if an Aboriginal or Torres Strait Islander child or young person is placed under the guardianship or care of a non-Aboriginal person, the court should be satisfied that the person has demonstrated commitment to supporting connection. Again, why is that not 'must'?

The Hon. L.A. HENDERSON: Can the minister please advise how the definition of 'harm' and 'significant harm' was determined? Can the minister advise why a decision was made for principles in clause 46 to only apply to Aboriginal and Torres Strait Islander children and young people, and not all children? Can the minister advise what types of proceedings will be used for 'respective persons', or what role they will perform, as outlined in clause 55? Can the minister give clarification as to the respected person's role in court proceedings, as per clause 55? Is the minister concerned that this may significantly increase the length of these hearings and delay the commencement of trial, in relation to clause 55?

The Hon. T.A. FRANKS: In the Guardian for Children and Young People's submission to the select committee, she notes that:

> I am pleased to see that a provision has been included regarding internal reviews; however, no equivalent guarantee has been inserted regarding an opportunity to provide in-person submissions at annual reviews or CARP reviews.

She goes on, as the guardian, to state:

> At the same time, I am concerned that with respect to annual reviews:
>
> - the removal of an existing provision, which requires the annual review panel to notify the child of their annual review, and give them a reasonable opportunity to make submissions (including in the absence of a person who has care of them)
> - at the same time, a new provision has been introduced to guarantee the opportunity for in-person attendance and submissions at annual reviews from carers with whom a child or young person is placed.

The guardian goes on to say:

> I understand the new clause 13 may be intended to ‘catch’ this process, through imposing an obligation to take reasonable steps to ensure children and young people’s voices are heard in the course of decision-making affecting them. However, the discretion allowed by that provision falls far short of a guaranteed opportunity for in-person attendance and submissions. It is insufficient to meet the intent of my recommendation: which is to improve opportunities for in-person attendance at annual reviews.

If the government could please respond to that concern raised by the Guardian for Children and Young People.

I also note that the Guardian for Children and Young People has called for the government to establish a rationale, because it is challenging and curious, for clause 132(3) in the bill. Also, she asks what the rationale is for clauses 28(1)(d) and 28(1)(e) in this bill. Further, she asks what the rationale is for clause 114 in this bill. With regard to resolution 24 of the Guardian for Children and Young People's submission to the select committee, she goes on to note with concern:

> However, at the same time, it limits the definition of a qualifying offence to circumstances where the offender was a parent of the child (removing the words ‘or guardian’). A new definition is inserted which clarifies that, for the purpose of the provisions, parent does not include a step-parent or a person acting in loco parentis.

Her concern, raised in her submission, was that this significantly alters the scope of applicability for these provisions, and the rationale for why a parent should be excluded from the scheme if they were found guilty of a homicide against their stepchild rather than their biological child is not apparent and requires an explanation from the government.

So if the government could explain to this council whether that is an error in drafting or whether it is intentional or perhaps the guardian has not received the information and the government has not communicated well enough why, with that definition of parent, the government has taken that approach and whether they are concerned that it indeed will limit the scope of those who are captured where homicide against a child has occurred.

Further, at resolution 25 of the Guardian for Children and Young People's submission she seeks to understand at clause 213, which deals with moneys, why that is not payable to the child or

young people upon the chief executive ceasing guardianship. If the government could please provide an explanation for that, that would be most appreciated.

The Hon. L.A. HENDERSON: Can the minister please advise what changes were made to the bill as a result of consulting with the First Nations Voice to Parliament and why the government or department failed to meet with the First Nations Voice until only after the bill had passed the House of Assembly?

Can the minister please advise if the decision to change the threshold from 'harm' was a decision made due to resourcing issues? Can the minister please advise how changing the threshold to 'significant harm' will result in better outcomes for children? Can the minister rule out that by changing the mandatory reporting threshold there will not be children who would otherwise be brought to the attention of the department who may now not be—i.e. can the government rule out that children will not slip through the cracks under this new reporting threshold?

Can the minister advise why the decision has been made to have a different threshold for interventions taken to remove a child or young person into care or return them to family post care compared to mandatory reporting? In other words, why is there an inconsistent application of significant harm and harm within the legislation? Is this something that was raised as a concern during the consultation?

Have concerns been raised with the government that the statement of commitment does not create legally enforceable rights through entitlements and why was this decision made? Were any changes made between the first draft of the bill as a result of consultation received during that period? In consultation on clauses 16 and 17 were young people consulted and what were their opinions? Were any changes subsequently made as a result of these opinions in the consultation?

How did the government go about first establishing how the new threshold was appropriate? Having done so, how did the criteria for that threshold of significant harm then come into being and how has that threshold been set, more particularly?

Could the minister advise if she agrees that sexual abuse always results in significant harm to a child, whether physically, emotionally or psychologically, and can the minister advise why the decision was made to have it as the threshold of harm rather than significant harm? Can the minister advise why harm caused by sexual acts is considered harm rather than serious harm? Can the minister advise why there is an inconsistent threshold between harm and significant harm?

The Hon. T.A. FRANKS: I note that in submissions to both government and to the select committee inquiring into this bill, organisations that supported best interests of the child being paramount made their views clear, certainly to the select committee, and apparently had made their views clear to the government's consultation process but had been ignored.

My questions are: why has the government ignored Uniting Communities, Junction Australia, The Carer Project, Uniting Country South Australia, Infinity Community Solutions, the Commissioner for Aboriginal Children and Young People, the Commissioner for Children and Young People, KWY Aboriginal Corporation, BaptistCare SA, the Youth Affairs Council of SA, the Aboriginal Legal Rights Movement, SACOSS (South Australian Council of Social Service), the Legal Services Commission SA, SAACCON (SA Aboriginal Community Controlled Organisation Network), Relationships Australia, the Australian Centre for Child Protection, Wakwakurna Kanyini, the Law Society of South Australia, Thriving Families SA and, through them, the BetterStart team from the University of Adelaide School of Public Health? Why have their views that the paramount principle of this legislation be the best interests of the child been ignored?

Further to that, anticipating that the government will possibly contend that this goes back to a coronial inquest, I have a further question, which is drawing the minister and the government's attention to the work and words of Coroner Mark Johns at 5—Conflict of interest, at 5.1, with regard to the coronial inquest into the death of Chloe Valentine. I note that he said at 5.1:

> Social workers working with parents of young children, including such parents who are themselves under 18 years, must act at all times in the interests of the child. They must be trained to see that the interests of the child and an irresponsible parent are in conflict. You cannot act in the best interests of both. Any attempt to do so will inevitably lead to confusion and muddle-headed thinking, such as we have seen throughout this inquest.

At 5.3 he goes on to say:

> I am firmly of the view that social workers must accept that the child's best interests can and do conflict with the parents sometimes. In some cases, such as that of Chloe and Ashlee, they conflicted most if not all the time. It was not possible to act in a way that was best for both of them. So Ashlee's needs and interests had to give way to Chloe's. They must become the standard approach in dealing with these cases.

I ask the government to reflect upon that and provide a response as to why the best interests of the child, given all of the credible stakeholders in this sector have for many years now, and continuously through consultation on this bill, told the government that they support the paramount principle being best interests of the child, that the words of the Coroner make it clear that he saw that the then Department of Families SA had their own conflict of interest where best interests of the child were not put first. In some ways the intention of the Coroner has been twisted.

I note further that in *Hansard* in the other place, at the time when the shadow minister was the member for Adelaide and the Attorney was the member for Enfield, when this debate came up, after the Nyland royal commission made it very clear that best interests of the child should be paramount in terms of the stakeholders already letting the government know we had taken a wrong path—with good intention, but a wrong path—in that discussion the then Attorney stated that there was not an adequate definition of best interests of the child.

I note that much work has been done interstate and that any jurisdiction in this country that looks at South Australia looks at a jurisdiction that has taken a different path. We are standing alone in the choices we have made with regard to our child protection legislation.

Some jurisdictions had followed that same path that South Australia had undertaken, but had returned to either a paramount principle of best interests of the child or a dual principle of best interests of the child. In doing so, many in the sector have pointed to Queensland and Victoria as the exemplars of the wording around that definition. I note that the definition, which is in the amendments that I have filed, puts safety of the child to the forefront, but it is so much more than that. It reads:

> 10—Best interests of children and young people must always be paramount
>
> (1) For the purposes of this act, the best interests of children and young people must always be paramount.

The 'best interests of children and young people'—absolutely in accord with what the Coroner said. It continues:

> (2) In determining whether a decision or action is in the best interests of a child or young person, the need to protect them from harm, to protect their rights and to promote their development (taking into account their age and stage of development) must always be considered.

So that 'best interests of the child', far from the way it has been cast by this government's rhetoric, protects children from harm and it puts children and young people first. The definitions, well consulted on and effectively working in Victoria, go on to state at (3):

> (3) In addition to subsection (1) and (2), in determining what decision to make or action to take in the best interests of a child or young person, consideration must be given to the following, where they are relevant to the decision or action:
>
> (a) the need to give the widest possible protection and assistance to the parent and child or young person as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child or young person;
>
> (b) the need to strengthen, preserve and promote positive relationships between the child or young person and their parents, family members and other persons significant to them;
>
> (c) the need, in relation to an Aboriginal or Torres Strait Islander child or young person, to protect and promote their cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal or Torres Strait Islander family and community;

(d) the child or young person's views and wishes, if they can be reasonably ascertained, and they should be given such weight as is appropriate in the circumstances;

(e) the effects of cumulative patterns of harm on a child or young person's safety and development;

That is something that is not just in that Coroner's report but is in the expert advice that has been given, that cumulative pattern of harm being so important. Amendment (f) states:

(f) the desirability of continuity and permanency in the child or young person's care;

(g) the desirability of making decisions as expeditiously as possible and the possible harmful effect of delay in making a decision or taking an action;

(h) that a child or young person is only to be removed from the care of their parent if there is an unacceptable risk of harm to the child or young person;

(i) if a child or young person is to be removed from the care of their parent, that consideration is to be given first to the child or young person being placed with an appropriate family member or other appropriate person significant to them, before any other placement option is considered;

(j) the desirability, when a child or young person is removed from the care of their parent, to plan the reunification of the child or young person with their parent;

(k) the capacity of each parent or other adult relative or potential care giver to provide for a child or young person's needs and any action taken by the parent to give effect to the goals set out in the case plan relating to the child or young person;

(l) contact arrangements between the child or young person and their parents, siblings, family members and other persons significant to them;

(m) the child or young person's social, individual and cultural identity and religious faith (if any) and their age, maturity, sex and sexual identity;

(n) where a child or young person with a particular cultural identity is placed in out of home care with a care giver who is not a member of that cultural community, the desirability of the child or young person retaining a connection with their culture;

(o) the desirability of a child or young person being supported to gain access to appropriate educational services, health services and accommodation and to participate in appropriate social opportunities;

(p) the desirability of allowing the education, training or employment of the child or young person to continue without interruption or disturbance;

(q) the desirability of siblings being placed together when they are placed in out-of-home care; and

(r) any other relevant consideration.

This has been a well honed, well crafted and well consulted on definition of 'best interests of the child' that is working in other jurisdictions and clearly puts the safety of that child and the best interests of that child at the forefront and does so in a way that is absolutely in accordance with what this parliament thought it was doing many years ago and what this parliament should be doing now.

It is no wonder that the sector has backed this in. The question is: why will the minister not back this in? She has been unable so far to name a single credible organisation within child protection that backs her contention that the paramount principle should be the one as she cast it and she has not given an explanation as to why she has not listened to the sector. So I certainly ask for a response to that and why the minister did not consider and listen to the sector and stakeholders.

I will add that I know the Australian Association of Social Workers are also firmly in support of 'best interests of the child' and my feedback from them was that time and time again, starting more than two years ago, every time they went to a consultation and tried to raise this issue they were shut down. So I ask the minister: why were stakeholders shut down rather than listened to?

Further, there is a media release of 3 February 2025 that I believe all members of this council have received and it is from the Leadership Coalition for Child Protection Reform, which is Lutheran

Care, KWY, Junction, Baptist Care, Uniting Communities, Uniting Country SA, and Infinity. They have raised four key issues that they say need to be addressed before we support the passage of this bill and they are: elevating the best interests as the paramount principle in this legislation, the consistent application of a significant harm threshold, expanding and amplifying active efforts within this bill, and prioritising and creating stronger provisions for reunification of families.

So my question is also: has the minister responded to that correspondence from that key leadership group and has she done so in writing and, if so, can a copy of that correspondence be provided for the benefit of the council's deliberations?

Further, just this week we saw a state government response to the coronial inquest recommendations relating to the death of Caleb Evans, a pseudonym, name suppressed, that was prepared by the Department for Child Protection and the Department for Health and Wellbeing. The Coroner made a number of recommendations, but recommendation 1 and recommendation 2 both recommended specific changes to the act that we are currently debating before us in this bill.

In the government's response, they agreed in principle, but refused to change the legislation. My question is: why is the government not amending this bill before us in response to these most recent coronial inquest recommendations and why do they pick and choose which parts of the Coroner's words they listen to and which ones they do not? With that, I move:

Amendment No 1 [Franks–1]—

Page 12, line 4—Delete '(Safety and Support)' and substitute '(Best Interests)'

Amendment carried.

The Hon. I.K. HUNTER: I move:

That progress be reported.

The committee divided on the motion:

Ayes 8
Noes.....9
Majority 1

AYES

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

NOES

Bonaros, C.	Franks, T.A. (teller)	Game, S.L.
Girolamo, H.M.	Henderson, L.A.	Hood, B.R.
Lee, J.S.	Lensink, J.M.A.	Simms, R.A.

PAIRS

Martin, R.B.	Centofanti, N.J.	Hanson, J.E.
Hood, D.G.E.		

Motion thus negatived.

The CHAIR: We are at clause 1.

The Hon. T.A. FRANKS: I will note for the clarity of members that we voted on a procedural motion, but we did support the amendment to change the title of the bill, which reflects the best interests principle, which is an ongoing issue within the bill. I know there are members in this chamber who would like to put on record why they supported the best interests principle being paramount.

The Hon. L.A. HENDERSON: I will take this opportunity to touch on and briefly address what could be described as a lukewarm attitude by this government to this bill. The first sitting week back this year the bill was listed as the government's number one priority, with all stages to be completed that week. The second sitting week back this year the bill was listed to progress as far as possible, and now this sitting week, the third sitting week back this year, the Children and Young People (Safety and Support) Bill was not listed as a priority—all the while we in the opposition have been encouraging the government to listen to the sector and bring considered amendments to this legislative reform.

It was only today, following notification from the crossbench and opposition that we still had questions for clause 1—and I indicate that I still have questions for clause 1 that I will put next week—that members were notified by the government that we would proceed with questions on clause 1 today, only to subsequently be advised that the bill officers would not be available today and that questions would be put on notice and answered later.

I find it quite astounding that the government would bring on this bill and then say, 'We know you have a question, in fact many questions, but you will not get your answers today.' I find it quite the change of attitude from this government, to try to ram this bill through on the first sitting week to now, when there is not even a bill officer available to answer questions from members in this chamber. Nonetheless, we progress with the bill before us, and I indicate that I will have future questions next sitting week. I will say that this government should be up-front with the child protection sector and members of this parliament if they intend to shelve this legislative reform; they should say so publicly, not behind closed doors, if it is their intention to do so.

I indicate that the opposition has supported the Hon. Tammy Franks' amendment to amend the title of the bill from the Children and Young People (Safety and Support) Bill to be the Children and Young People (Best Interests) Bill. The title of the bill should indicate the intention of the legislation. This therefore foreshadows the intention of the opposition to support a shift from the paramount principle in this legislation from safety to best interests. It is important to note that it is in the best interests to include children's and young people's safety as one of the core rights that should guide all assessments. Keeping a child or young person safe is always in their best interests. The best interests principle does not sit in opposition to the principle of safety.

We have thoroughly engaged with the sector and listened to their expertise and their guidance. I take this moment to thank everyone who has taken the time to email us, to meet with us and to share with us the ways in which they believe we can improve this in-crisis child protection system. The process undertaken between the crossbench and the opposition in engaging with this sector has, I believe, been a true example of what coming together for a shared cause in politics looks like.

It is in doing so that the opposition has made the decision to adopt best interests as what we believe should be the paramount consideration. It has been abundantly clear that the sector largely disagrees with the adoption of safety and is, in the most part, supportive of the best interests of the child being the paramount principle. It strikes me as unusual that the government would adopt an approach that appears to be contradictory to the views of the sector, and it is disappointing that the government has adopted what could be described as a 'tin ear' approach to the views of the sector on this issue.

As I said at my clause 1 contribution, based on feedback received, safety as the paramount consideration results in a one-dimensional application of decision-making rather than a holistic framework that considers safety amongst emotional needs, developmental needs, cultural identity and long-term outcomes, amongst other things, as you would see where decisions are made in the best interests of the child, with best interests being the paramount principle.

The CHAIR: The Hon. Ms Henderson, this is not another second reading speech. I think you have had the opportunity to make a contribution to clause 1 previously. Are you nearly ready to wind up with this?

The Hon. L.A. HENDERSON: With that, Mr Chair, I will make my closing comment, which is that, noting the government's strong opposition to best interests, it is my hope that the government

will now come to the table and listen to the sector and what they want, and that their expertise is leading this discussion for many of us in the chamber.

The Hon. S.L. GAME: I rise, very briefly, to put on the record why I support the amendment by the Hon. Tammy Franks to amend the title of the bill and reflect the best interests principle as paramount.

The reason the best interests principle needs to be paramount is that every single stakeholder that I have listened to and engaged with has explained to me that failure to do so will, (1), result in children being removed from their families and homes who should not be removed from their families and homes. Children need to be with their families wherever they can be. As a mum of three children, I can only imagine the total devastation from both the parent and child perspective of a child being removed who does not need to be removed.

Secondly, it has also been explained to me that not only are we going to see an increase in the number of children being removed from their home who should not be removed from their home but we are putting at risk not removing those children who are at risk of serious harm and then being left in situations where they should be removed.

For me, I am not an expert in the field, but I am willing to listen to those who are the experts, and every single stakeholder has clearly explained to me that we have to have the best interests principle as paramount in order to ensure that children who should be with their parents are, and those who should be removed have the best chance of being removed.

The Hon. C. BONAROS: I rise to indicate the reasons for my support for this amendment with respect to the title of the bill and the issue of best interests. I think it has been articulated well by all honourable members who have spoken today. It is extraordinary that we have had to get to this point of this debate to try to engage in these discussions productively with the government, and indeed the minister, around the feedback that we have all received in relation to the issue of safety and best interests. It is absolutely dumbfounding in many respects that we are still here.

It is extraordinary today that this debate is being brought on and we are not in a position to progress the debate as we ordinarily would with a bill because of the absence of advisers for the minister. As we know, when these things normally occur, and perhaps we could have asked questions on this particular clause, it is not a fixed question and nothing flows from that. There is always a dialogue that ensues, and I think today is a reflection of how ill-prepared we have been for that, and I have to say in that respect I think the minister has taken for granted the way that this chamber operates, and so it is a warning and a message.

I am not referring to Minister Scriven when I say this. I am referring to the minister responsible. I am, indeed, not referring to any minister in this place. I am referring to the minister responsible in terms of the way that we conduct these debates. By extension, and just to lead on from two points—one made by the Hon. Sarah Game—everyone in here when it comes to this particular amendment, and the reason we have supported this amendment, has done exactly what the Hon. Sarah Game has outlined: they have listened to the experts.

They have taken the advice of the commissioners who wrote that joint letter to us. They have worked their way through the submissions that were given to that inquiry process, and they have come to the very sound decision that we simply cannot progress if there is not any movement. If, as the Hon. Laura Henderson has suggested—and certainly we have heard plenty of stakeholders say to us that if we support this amendment or, indeed, if we do not support keeping safety as the paramount principle, then the minister will shelve the bill or pull the bill and we will be left with what we had in 2017, then I think that is something that we ought to be getting some clarification on from the minister. We need to know what the bottom line is.

The minister has gone to great lengths, I think, in the last week—and it is a little bit laughable—to make herself available to have discussions. Nobody denies that, she has gone to great lengths, but I have not seen the minister come with an alternative amendment to the one proposed by the Hon. Tammy Franks. I have not seen the minister come to us and say, 'Here is what we are proposing.' I have not seen the minister say, 'Okay, here is a middle ground,' and that is precisely what all of us have been working on: trying to find the alternative and the middle ground.

Digging your heels in and saying it is your way or the highway is not going to work in this debate. If you needed any evidence of that then I think the vote that we just had was a reflection of that. We have taken the advice of those expert witnesses in relation to not only the four key pillars of what needs to be included in this legislation but also in relation to this particular amendment, and we have voted as such.

I am genuinely hopeful that we will be in a position to work through the mountain of questions that exist at clause 1 in order to progress this debate further. Bear in mind that the minister herself has said over and over again, repeatedly, that this is a complex area of law. There is nothing straightforward about the issues that we are dealing with. They impact not only children's lives but families' lives and carers' lives in profound ways and we should not be rushing this legislation through. I think the intention of the amendment that I have sought to support, together with other honourable members, is a reflection of that.

The Hon. J.S. LEE: I want to briefly state my support for this particular amendment, which includes that the best interests of children and young people must always be paramount. I also want to concur with many honourable members who have mentioned that we stand in solidarity for this particular amendment, ensuring that, when all the stakeholders come to the round table with us, we have taken their words and their advocacy very seriously.

I believe that in determining whether any action should be taken or any decision made on behalf of a child or young person, they ought to be taken in the best interests to protect them from harm, to protect their rights and to promote their development, and those must all be under consideration in their best interests.

The Hon. T.A. FRANKS: Chair, unless the minister is planning to say something, report progress.

The Hon. K.J. MAHER: The Hon. Clare Scriven, as the minister handling this, probably has something before reporting progress. I just thought I would very quickly place on the record in relation to the proceeding of this bill today that I think there has been some not entirely fair commentary about how the bill has been conducted. It is true, this bill was not listed this week. I understand there have been some discussions between members in this chamber and the minister and the bill was not listed this week while they continued.

The government, having been approached by members of the chamber who indicated they would like to put on the record further things in relation to this bill, facilitated that today. It was unusual and quickly done, but because of that bill officers were not available. So to suggest that the government wanted to bring this on of their own volition and then did not have bill officers here I think is unfair.

I know no-one is accusing the minister here, but it is actually also unfair on Minister Katrine Hildyard, who is the minister responsible for this bill. The government having facilitated those requests, I think it is unfair for criticism to be made that there are not bill officers here, having brought this on at very short notice as a courtesy to allow members to do that. If there is a criticism of ministers here or Minister Hildyard, I think that is misplaced in that respect.

I encourage all members to continue discussions. As members here have said, it is a very important piece of public policy, a very important piece of legislation, and I do not think anyone here doubts Minister the Hon. Katrine Hildyard's absolute sincerity in terms of what she does in her portfolios. I know that she, like other members here, wants to do the very best to protect children in South Australia. Having known Minister Hildyard for many years and having sat around a cabinet table with her for a number of years as well, I know that she is absolutely and completely dedicated to protecting children in South Australia. So I would encourage members to continue discussions so that we come to the best result.

The Hon. C.M. SCRIVEN: I want to reiterate, since we were discussing the amendment that has now passed, that I am advised that for the first time the bill would have included both the safety principle and the best interests principle. As I said in the previous sitting week, the advice is that safety has not been elevated because currently, in the 2017 act, it is the only principle to be considered. So what the government had indeed done was to reintroduce and elevate the best

interests principle in the draft bill, because that had been removed after the tragic death of Chloe Valentine.

The bill makes it very clear that the best interests principle is to be applied in all decision-making. Where there is a conflict between the two principles, safety is maintained as the paramount principle; that is, it prevails. Workers constantly work to help ensure a child's best interests, according to my advice. However, they need absolute clarity about what prevails when there is a conflict. The bill makes it clear that safety prevails and that that is paramount. I am further advised that the two-year implementation phase will provide a crucial opportunity to bring the two principles in the bill into implementation in the best possible way.

The Hon. D.G.E. HOOD: I will be very brief because I do not want to prolong this discussion. I do want to put on the record why I felt compelled to vote for the amendment put forward by the Hon. Ms Franks and, more generally, in support of the changes that have been suggested for this bill. It is because this system has been broken for a very long time. It really needs a complete overhaul, and there needs to be a commitment from both sides, indeed all sides, of this chamber of the parliament—full stop—to fix this.

I and other members of this place would be aware of some horrendous things that have happened in recent times, and yet somehow there is an absolute lack of willingness to take that bold step to turn the place upside down to fix this. I hate even saying this, but there has been an example of a child put in boiling water. I cannot even think about it; that image has haunted me for months. I hope it does not haunt anyone else by me saying it. This is what is happening in South Australia. We have the resources to at least make a substantial change, and the first step in that is the legislative process. I wholeheartedly support these changes. I have no doubt that members on all sides of this place, every single one of us, want better outcomes for these children. This is an opportunity to start that process, and we just have to make it happen.

Progress reported; committee to sit again.

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

Second Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (16:54): I move:

That this bill be now read a second time.

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

Leave granted.

The Education and Children's Services (Barring Notices and Other Protections) Amendment Bill 2024 will make some significant changes to Part 8 of the *Education and Children's Services Act 2019*, which grants powers to our school leaders, to respond to abusive behaviour from parents, and others, towards our school staff.

This is an important piece of legislation which seeks to address the increasingly unacceptable way that our teachers, school staff and principals, in preschools, primary schools and high schools, are being treated, primarily by parents, not just in the public system but across all sectors of our education system in South Australia—Catholic, independent and public.

Over the last five years we have seen an enormous increase in the number of cases of bad behaviour exhibited by parents towards school staff in South Australia. In fact, we have seen a 200% increase in the number of barring notices issued by public schools alone and a more than 250% increase in other operational responses, such as formal warning letters and reminders about expectations of respectful behaviour.

This is not something that is happening only in South Australia. In his second reading speech in the other place, the Minister for Education, Training and Skills noted that in all the meetings and conversations he has had with his interstate and territory colleagues and the federal Minister for Education, he has heard the same message about the same kinds of increases in the same bad behaviour from adults towards preschool, primary school and high school staff.

The Government's message to those people who have been responsible for that abusive behaviour is: enough is enough. We are not going to sit idly by and do nothing, especially at a time when it is harder to retain education staff and attract new people to the profession of teaching than it has perhaps ever been before.

We have seen unprecedented teacher vacancies interstate in the order of thousands in single states, particularly in the Eastern States. This means there are classes that do not have a qualified teacher in front of them.

We are not immune from those kinds of pressures here in South Australia, and we are doing everything we can to avoid being in the same kind of situation that those states have found themselves in. The Government has committed to increase permanency in the system by at least 10 percent, and is working very hard to meet that target. The Government has also committed to make the regional zone incentive ongoing for all regional teachers.

Of course, the other thing we need to do is to protect our workforce, and that is why this Bill is so important. We need to grow our workforce and to convince young people that teaching is not just a noble profession but a profession that they will enjoy and thrive in, in which their employer will protect them. We need to be taking action against the really unsavoury kind of behaviour that we are seeing increasingly directed towards our staff. Behaviour which includes physical violence from some parents. Behaviour which includes staff, regularly female staff, being physically hit by parents, being spat on, stalked, harassed, pursued and having their physical space encroached upon, and includes parents standing outside the school grounds and yelling and swearing. The toll that this kind of behaviour takes on school staff is profound. It directly results in them quitting. They just do not see the point in subjecting themselves to it anymore, especially in the current economy where there are other job opportunities for people, and they can choose to go elsewhere.

Of course, this does not only affect our existing staff. Increasingly, abuse has been occurring in online forums, where it can be witnessed by those who are studying teaching and those young people who are thinking that they might want to be a teacher when they are older. A young person who may have previously fancied themselves as a preschool teacher, primary school teacher or high school teacher, may well question whether it is the profession for them after reading the often totally unfounded and highly defamatory claims being made against schools, principals and other education staff online, and seeing the kind of abuse that the existing workforce is subjected to.

This Bill here today goes directly to the things that we can do to protect our education workforce. This Government wants South Australia to have the most modern, fit-for-purpose legislation in this area. That means it is not just about the penalties, although they are important and we are increasing the penalties here, but also making sure that our legislation is actually fit for purpose for the year 2025.

As I said earlier, we are not the only place in Australia or internationally dealing with this; it is a global trend. The latest Australian Principal Occupational Health, Safety and Wellbeing survey data report, published in March 2024, found that the behaviour of some parents and caregivers is a major contributor to the stresses faced by school leaders, with principal responses suggesting parents were the top source of issues that involved bullying, cyberbullying, gossip and slander and sexual harassment. Of those principals who reported being threatened with violence, two-thirds experienced this from parents and caregivers.

This Bill seeks to address these problems by building on, and improving, what we already have by way of protections in Part 8 of the *Education and Children's Services Act 2019*.

Part 8 sets out relevant offences for misbehaviour and trespass on the premises of schools, preschools, and education and care services, and for abuse and offensive behaviour directed towards teachers and other staff acting in the course of their duties, wherever that occurs.

Part 8 provides for designated persons in respect of premises, such as principals of schools and directors of preschools, to direct a person away from the premises in response to such behaviour, and / or issue a notice barring a person from the premises, or from other premises used or to be used by the school, preschool or service.

However, the specific terms of Part 8 have meant those powers have not been able to be leveraged in relation to some types of harmful behaviour. This includes, for example, vexatious communications with or about a member of staff, offensive behaviour targeted at students when involved in an education activity away from the premises of the relevant school, preschool or service, including but not limited to schools camps, excursions and sports days, or offensive behaviour that occurs just outside the boundary of the premises, such as yelling abuse from outside the school gate.

The Bill aims to address these issues and to improve the overall ability of leaders at schools, preschools, and education and care services to ensure safe learning and working environments.

The Bill will amend Part 8 of the Act to make it an offence to behave in a disorderly or intimidating manner on premises and increase the penalties for all offences under Part 8 from $2,500 to $7,500.

The Bill will also broaden the grounds on which a designated person can issue a barring notice in respect of the premises of a school, preschool, or education and care service to include where the designated person reasonably believes:

- that the person, while on those premises poses, or would pose, a risk to the safety or wellbeing of any other person on the premises;

- that the person, while on any related premises being used by, or for an activity or in connection with, the school, preschool, or education and care service, poses, or would pose, a risk to the safety or wellbeing of any other person on the related premises;
- that the person poses, or would pose, a risk to the safety or wellbeing of any person related to a relevant school, preschool, or education and care service while the related person is in transit between relevant premises;
- the person, while on premises, poses, or would pose, a risk of causing significant disruption to the learning or working environment;
- that the person has engaged in vexatious communication with, or regarding, a member of staff or other person employed at the premises.

The Bill will provide for the Minister to publish guidelines in relation to barring notices and require a designated person, in issuing a barring notice, to comply with those guidelines.

The Bill will set out that a barring notice may:

- bar a person from premises to which Part 8 applies, or a part of the premises, specified in the notice;
- bar a person from any related premises for any period specified in the notice during which the related premises are being used by, or for an activity conducted by, or in connection with, the school, preschool, or education and care service;
- prohibit a person from communicating with or otherwise contacting (whether electronically or by some other means) a member of staff or other person specified in the notice employed at the premises;
- prohibit the person from communicating on any online platforms of the school, preschool, education and care service or department specified in the notice;

The Bill will also provide that, subject to any guidelines published by the Minister, a barring notice may, in specifying premises or related premises in relation to which a person is barred, include any area within 25 metres of a boundary of the premises.

Amendments made in the other place further provide for an authorised person in respect of premises to deal with imminent risks to the safety and wellbeing of persons on premises or related premises, or significant disruption to the learning or working environment, or vexatious communication with or regarding a member of staff, by directing a person to not enter the premises or related premises, in addition to being able to direct them to leave premises as currently provided for under section 95 of the Act. A direction may be given orally or by written notice. A person so directed would not be able to enter, or attempt to enter, the premises within 2 business days after the day on which the direction was given.

I note the State First Nations Voice to Parliament provided detailed and considered feedback on the Bill. I thank them for their engagement. While they were generally supportive of the Bill, the Voice provided suggestions to ensure the provisions operate in a culturally sensitive way and do not disproportionately impact on First Nations people. To this end, the Bill provides for guidelines to be published by the Minister in relation to the consideration of the particular needs of Aboriginal and Torres Strait Islander staff, students and children and their families in the issuing of any barring notices.

The measures in this Bill, as with the current provisions in Part 8, will not prevent parents, caregivers, and other community members from raising reasonable complaints or advocating for their child's particular needs. They seek to promote positive interactions with the staff of schools, preschools and other services by improving safeguards against the worst kinds of misbehaviour.

There is no place in our schools, preschools or education and care services – regardless of whether they are public, Independent or Catholic services—for violent, abusive or threatening behaviour. Our teachers deserve a workplace in which they can feel safe and free from harassment and harm. For our children and students to thrive, we need to ensure our schools, preschools and education and care services can focus on providing the best education and care possible.

I commend the Bill to the house and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Education and Children's Services Act 2019*

3—Amendment of section 90—Application of Part

This clause amends section 90 to extend the application of the Part to premises which are the premises of an approved learning program that has been prescribed by the regulations.

4—Insertion of section 90A

Section 90A is inserted.

90A—Interpretation

Proposed section 90A inserts several definitions for the purposes of the measure.

5—Amendment of section 91—Offensive or threatening behaviour

This clause extends the application of the offences in section 91(1) and (2)(b) to include disorderly and intimidating behaviour, which is consistent with other amendments made by the measure. The heading of the section is amended to reflect this change, and the maximum penalty for the offences is increased from $2,500 to $7,500.

6—Amendment of section 92—Trespassing on premises

This clause increases the maximum penalty for an offence against the section from $2,500 to $7,500.

7—Amendment of heading to Part 8 Division 3

This clause amends the heading of Part 8 Division 3 to reflect that the Division deals with the making of barring notices.

8—Substitution of section 93

Section 93 is proposed to be substituted as follows:

93—Power to bar person from premises, etc

Proposed section 93 gives a designated person in respect of premises to which Part 8 applies the power to issue a barring notice to a person if the designated person reasonably believes that person poses a risk to any other person on the premises, or on related premises, or to the learning and working environment or activities carried on at the premises or related premises. Subsection (3) provides a list of certain circumstances in which a person will be taken to pose a threat. A barring notice may also be issued to a person if the designated person reasonably believes that the person has engaged in vexatious communication with a member of staff or other person employed at the premises. A barring notice may prevent a person from entering premises, or engaging in conduct, specified in the notice. Provision is made in relation to the preconditions for the making of a barring notice, the form a barring notice must take, the premises and activities to which a barring notice can apply, and the consequences for the breach of a barring notice. The Minister may make guidelines in relation to barring notices, which must be followed when a designated person issues such a notice.

9—Amendment of section 94—Review of barring notice by Minister

This clause amends section 94 such that a person who is issued with a barring notice under section 93 that applies for at least 2 weeks may apply to the Minister for review of the barring notice, except to the extent that the notice applies to a non-Government school, preschool, approved education and care service or approved learning program.

10—Amendment of heading to Part 8 Division 4

The heading of Part 8 Division 4 is amended to reflect that barring notices may now also apply in respect of a related premises.

11—Amendment of section 95—Certain persons may restrain, remove from or refuse entry to premises

Amendments are made to section 95 such that an authorised person in respect of premises to which Part 8 of the Act applies may, in circumstances where the authorised person reasonably believes that a person poses an imminent risk, either to the safety and wellbeing of any other person on, or to the learning and working environment or activities carried on at, the premises or related premises, may direct that person to not enter the premises or related premises or to leave the premises or related premises. The authorised person may also direct a person to not enter the premises or to leave the premises if the person has engaged in vexatious communication with a member of staff or other person employed at the premises. Provision is made for certain circumstances in which a person will be taken to pose a risk.

12—Amendment of section 135—Proceedings for offences

Section 135 is amended to require that proceedings for an offence against the Act may only be commenced by the Chief Executive, or a person authorised by the Chief Executive, with the written consent of the Minister.

Schedule 1—Transitional and savings provisions

1—Barring notices

Provision is made such that a barring notice made under the Act prior to these amendments that is in effect as at the commencement of the amendments will continue in force as if it had been issued under section 93, as substituted by this measure.

Debate adjourned on motion of Hon. L.A. Henderson.

INDEPENDENT COMMISSION AGAINST CORRUPTION (CONDITIONS OF APPOINTMENT - INTEGRITY MEASURES) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:54): I move:

That this bill be now read a second time.

This bill, the Independent Commission Against Corruption (Conditions of Appointment—Integrity Measures) Amendment Bill 2025, amends the Independent Commission Against Corruption Act 2012 to (1) provide for the entitlement of the Independent Commissioner Against Corruption to a pension that closely aligns with judges' pension entitlements under the Judges' Pensions Act 1971 and (2) fix the salary of the ICAC commissioner to that of a puisne judge of the Supreme Court. This bill was introduced by the Deputy Premier in the other place due to its status as a money bill. I will now set out the origins and provisions of the bill in much the same way as the Deputy Premier did in another place.

On 12 December 2024, Her Excellency the Governor in Executive Council appointed Ms Emma Townsend as the Independent Commissioner Against Corruption for a term of five years, commencing on 3 February 2025 and expiring on 2 February 2030, pursuant to section 8 of the ICAC Act. Prior to her appointment as the Commissioner, Ms Townsend served as Director of the Office for Public Integrity and before that as a prosecutor in the Office of the Director of Public Prosecutions.

Ms Townsend is well qualified to serve in the important role of Independent Commissioner Against Corruption, and I am sure all members will join me in wishing her well as she takes up that task. However, Ms Townsend is the first person to hold this role who is not a former judge of the Supreme Court of South Australia. An analysis of ICAC commissioner equivalent roles around the country has shown that approximately 50 per cent of these are held by former judges, with the approximately other 50 per cent comprising other backgrounds. While the appointment of Ms Townsend therefore marks a departure from the practice to date in South Australia in appointing former Supreme Court judges as ICAC commissioner, it is in step with other jurisdictions.

In appointing someone who is not a retired judge and therefore not otherwise entitled to the judicial pension, the government considered that it was important to enshrine in the legislation an entitlement for the commissioner to receive a pension that closely aligns with the entitlement for judicial officers under the Judges' Pensions Act. This entitlement is intended as an integrity measure to reflect the independence of the commissioner and acknowledge that previous commissioners have been similarly entitled to a pension by virtue of their status as former judges of the Supreme Court.

Accordingly, the bill amends the ICAC Act to provide that the ICAC commissioner is entitled to a judicial pension by applying the provisions of the Judges' Pensions Act 1971. To reflect the initial maximum fixed term of seven years and maximum total appointment of 10 years of an ICAC commissioner under the ICAC Act, the new commissioner's pension will apply as follows:

- The pension entitlement is to accrue after five years of service.
- After five years of service there is an entitlement to a pension of 50 per cent of salary, with incremental progression of 1 per cent for each additional six months of service up to 60 per cent of salary at a maximum 10 years of service.
- A period as acting commissioner under section 11 of the ICAC Act is to count as service for the purposes of calculating the pension entitlement.

- The pension entitlement is not to be paid out until the commissioner reaches 60 years of age (consistent with how the Judges' Pensions Act applies to judges).
- Spouse or domestic partner entitlements and child entitlements are to apply as for judges under the Judges' Pensions Act but with any necessary modifications to the application of that act to tailor it to the bespoke accrual and qualifying periods for the commissioner pension. For example, this will entail a different calculation of a notional pension under the Judges' Pensions Act since there is no relevant retirement age in the case of the ICAC commissioner.
- If the ICAC commissioner is suspended under section 8(10) of the ICAC Act, the time under suspension is not to count as service for the purposes of the pension.
- The pension is not payable, unless the Governor otherwise directs, if the commissioner is removed from office by the Governor.
- If a commissioner is later appointed as a judge, any pension payments from their appointment as commissioner cease upon the appointment as a judge. However, previous service as commissioner is to be counted as judicial service for the purposes of the judge's pension (and if a former commissioner is appointed to a judicial office with a salary less than that of a puisne judge of the Supreme Court, they will be entitled to the more generous pension at the salary of Supreme Court judge).

There is relevant precedent for applying the Judges' Pensions Act to other, non-judicial, statutory office holders, including with modifications:

- Pursuant to section 10 of the Solicitor-General Act 1972, the Judges' Pensions Act applies to the Solicitor-General as if they were a judge under that act and their service was judicial service.
- The Judges' Pensions Act may also be applied by the Governor to the Director of Public Prosecutions or the Judicial Conduct Commissioner by instrument in writing at the time of appointment, under the Director of Public Prosecutions Act 1991 or the Judicial Conduct Commissioner Act 2015 respectively. The relevant provisions in those acts allow conditions or modifications to the application of the Judges' Pensions Act as it applies to those officers.

While this is a relatively minor reform, the government considers it an important integrity measure that will safeguard the independence of the Independent Commissioner Against Corruption. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Independent Commission Against Corruption Act 2012*

3—Amendment of section 8—Commissioner

This clause inserts new subsection (1a) which entitles the Commissioner to salary and allowances at the rates applicable to a Puisne Judge of the General Division of the Supreme Court.

4—Insertion of section 9A

This clause inserts new section 9A as follows:

9A—Pension rights—Commissioner

This section applies the *Judges' Pensions Act 1971* to and in relation to the Commissioner as if the Commissioner were a Judge as defined in that Act and service as the Commissioner were judicial service as

defined in that Act. The section establishes that only a person who has completed 5 years of service as Commissioner is entitled to a pension under the *Judges' Pensions Act 1971* by virtue of this section and makes provisions in relation to the rate of the pension and when the pension becomes payable. The section also provides that application of the *Judges' Pensions Act 1971* to the Commissioner operates subject to modifications to that Act specified by the Governor by instrument in writing or necessary or convenient to give effect to section 9A.

5—Amendment of section 10—Pension rights

This clause makes consequential amendments.

Schedule 1—Transitional provision

1—Transitional provision

This clause sets out a transitional provision which provides that new section 9A only applies in relation to a person holding or acting in the office of Commissioner immediately prior to the commencement of that section or a person appointed to be the Commissioner on or after the commencement of that section. In the case of a person holding or acting in the office of Commissioner immediately before the commencement of section 9A, the section will be taken to have applied from the day on which the person was appointed to be, or to act as, the Commissioner.

The Hon. D.G.E. HOOD (17:00): I rise briefly to speak on behalf of the opposition to indicate that we are in broad support of this proposed legislation. This bill, as members would be fully aware, seeks to amend the Independent Commission Against Corruption Act 2012, to provide for the entitlement of an Independent Commissioner Against Corruption to a pension that closely aligns with a judge's pension entitlements under the Judges Pension Act 1971, and to fix the salary of the ICAC commissioner to that of a sitting judge of the Supreme Court.

The impetus for the introduction of this bill is of course the appointment by Her Excellency the Governor in Executive Council of Ms Emma Townsend as the Independent Commissioner Against Corruption on 12 December last year. Ms Townsend, who previously served as the Director of Public Prosecutions and as a prosecutor in the Office for Public Integrity, is the first person in our state to fulfil the role of ICAC commissioner who is not a former judge of the Supreme Court of South Australia.

I note that half the equivalent roles to that of the ICAC commissioner in other jurisdictions are held by former judges, with the remaining positions being occupied by those from other backgrounds; that is, that they were not judges in the past. The provisions in this bill will therefore essentially bring South Australia into line with the rest of the nation. It is sensible; not every one of the people appointed to be the ICAC commissioner will be a former judge. Hence, there needs to be some sort of adjustment in this regard.

The opposition agrees with the state government that it is fitting for those who are appointed to this important role and yet are not recipients of a judge's pension entitlement—usually because they have not been a judge—to be in receipt of a comparable benefit as an integrity measure to reflect and safeguard the independence of the commissioner. The opposition takes this opportunity to wish Ms Townsend all the best in her tenure as the ICAC commissioner as she endeavours to uphold transparency and accountability in our state. We support the bill.

The Hon. F. PANGALLO (17:01): I rise to speak about this bill, the Independent Commission Against Corruption (Conditions of Appointment—Integrity Measures) Amendment Bill 2025. It relates solely to the judicial pension conditions of the ICAC commissioner:

1. There is current provision in the act that allows the ICAC commissioner to receive an optional judicial pension at the behest of the government in negotiations.
2. This new bill will make it mandatory that all ICAC commissioners receive the judicial pension.
3. It puts into law that they will receive the judicial pension on the following conditions:
   (a) five years' service, equivalent to 50 per cent of salary as judicial pension over 60;
   (b) every six months after that to a maximum of 10 years' total service, equivalent to 1 per cent extra. Essentially, at 10 years of services as ICAC you receive 60 per cent of the salary as a judicial pension;

(c) under five years equals nothing; and

(d) these are better conditions than judges, who only get 40 per cent at five years' service.

4. This means that the new commissioner, Emma Townsend, will receive at minimum 50 per cent of her salary in perpetuity from 60 years old, even if she does not get a second term as commissioner.

5. The government argues this brings the commissioner into line with the unique aspects of the role that are similar to being on the bench.

6. They say other jurisdictions offer this.

7. When questioned by my adviser Hugh Salter, a criminal lawyer, they said that:

(a) they have not consulted the judiciary or the Law Society, or anyone for that matter;

(b) this did not come around because of negotiations with Ms Townsend, they just decided to give it willy-nilly;

(c) they are giving it out because of the unique scenario that a statutory officer like the ICAC commissioner is put in—essentially to investigate those who put her there. As such, at the end of her tenure she may be unable to find employment due to the nature of her investigations as ICAC;

(d) I am unclear whether any other members in this place have had a close look at this or have consulted with the legal fraternity about its implications.

I know that many in the legal fraternity who I know have expressed their bewilderment about this. I do not know Ms Townsend personally, nor do I know much about her legal professional background, unlike her predecessors who had distinguished careers on the bench before their appointment. Obviously, the Attorney-General's Department believes that she can capably carry out the duties, and I will be interested to see what changes she brings to the role.

However, it is bewildering that a career government candidate who does not have anywhere near the experience or competency of former judges Vanstone and Lander, and who went from being a manager at DPP into OPI, should suddenly receive a substantial salary package that includes a generous judicial pension after just one term of service, when she is then free to go back to working anywhere of her choice.

The reason the former ICACs had the judicial pension is because they received it, deservedly or not, from their previous employment as a judge, as it was a type of integrity and anti-corruption measure. If the ICAC is not a former judge, why should they receive payments in perpetuity like a judge? Perhaps that is a question for the Attorney-General in the committee stage.

I do hope Ms Townsend does a much better job of administering such a complex and challenging integrity agency than her predecessors. Under Mr Lander, former inspector of ICAC Philip Strickland SC made an adverse finding against the agency for systemic maladministration, that it was a basket case where unacceptable errors were made, particularly the investigation into former Renewal SA boss John Hanlon, and another executive, Georgina Vasilevski.

The conduct was mirrored in several other cases of failed prosecutions which I have spoken about so many times in this place, and I will not need to mention them again. There was also the final report of the Select Committee on Damage, Harm or Adverse Outcomes resulting from ICAC Investigations, which I had chaired.

Under previous regimes at ICAC there was also an unexplained high turnover of staff, the ratio believed to be among the highest in the South Australian public sector. Does this reflect on management and workplace practices and culture, and does it need to be fixed? Should there be an independent review undertaken, as there was with the very troubled Office of the DPP? It is going to be a challenge for Ms Townsend to turn around the public's perception of the agency, and I do wish

her every success. It might be refreshing not having a judge with a brilliant legal mind but with no people management skills in the chair, as had happened previously.

But there have been some concerning goings-on behind the scenes with staff movements which have not had the benefit of proper parliamentary scrutiny and whether the various pieces of legislation covering the agency, OPI, the inspector and their appointments have been followed judiciously. I have been given a copy of a submission by a retired barrister of some legal acumen, who has taken a particular interest in the operation of ICAC and the act which governs it.

There has been no noteworthy challenge to any of the legally framed criticisms Mr Michael Fuller has made in the past. In this submission titled 'The shambles that is ICAC/OPI under your management', Mr Fuller takes aim at the Premier, the Hon. Peter Malinauskas, and the Attorney-General, the Hon. Kyam Maher, who he refers to as 'M&M'. The submission is allegorical and contains some wit, yet it is serious enough, considering what he describes as shambolic dysfunction; the scrambling to fill vacancies arising from the mysterious departure of the former short-lived deputy ICAC Paul Alsbury, which has never been fully explained save for the obligatory 'personal reasons'. Like many previous submissions he has made, Mr Fuller says he fully expects not to get a satisfactory response from the Premier or the Attorney-General, if he gets one at all. Just to save some time, I seek leave to have Mr Fuller's submission inserted in *Hansard* without me reading it.

The PRESIDENT: The Hon. Mr Pangallo, you are tabling that submission, it is not being inserted into *Hansard* without you reading it apparently.

The Hon. F. PANGALLO: If it is not going to be inserted into *Hansard*, I will stand up and read it.

The PRESIDENT: You can table it, the Hon. Mr Pangallo, but you cannot insert it into *Hansard*.

The Hon. F. PANGALLO: I will read it then, Mr President. It states:

Submission to the Premier and the Attorney-General

(M&M)

Re: The shambles that is ICAC/OPI today under your mismanagement

The Story:

Once upon a time, a very long time ago 2012 in fact, the people had a Commissioner ICAC, a Deputy Commissioner ICAC, and a Director OPI and the people were content.

Then on 19 of March 2022 along came M & M.

A new Government was formed and most of the people were pleased.

Soon thereafter, 30 June 2023, the Deputy Commissioner ICAC, Paul Alsbury, disappeared without any public announcement by M & M then or since.

A mystery! Which then became the M & M secret.

The mystery was concealed by M & M announcing the appointment of an Acting Commissioner which seemed good and the people were pleased because The Commissioner, Ann Vanstone, was on leave and unable to attend to her duties.

The secret was kept from the people.

And they, the people, verily, believed all was true that M & M said, and nothing was hidden from them.

But they were deceived!

A little while later Commissioner Vanstone grew tired of M & M for not listening to her and she resigned effective 6 September 2024 leaving M & M much embarrassed, because now they had no Commissioner and no Deputy Commissioner.

She of course knew the secret and the potential embarrassment to M & M if she decided at a time of her choosing to reveal it. She likely calculated that by her resignation the secret might be revealed.

In the end the secret was kept from the people with the active cooperation of Commissioner Vanstone and was not revealed even upon her resignation, because then M & M appointed an Acting Commissioner again, and all appeared good to the people.

The secret had been actively suppressed by ICAC and its former Commissioner Vanstone since 1 July 2023 and even today by its newly appointed Commissioner Emma Townsend as I reveal later in this story.

In the manner of her going Commissioner Vanstone rendered the office of Commissioner ICAC a poisoned chalice from which no eminent person would likely drink.

So it came to pass and M & M were much discombobulated. No eminent person applied for appointment as Commissioner.

In extremis M & M offered the chalice, although poisoned, to the Director of OPI, Emma Townsend (who almost to the point of certainty knew the secret), who was much used to the workings of M & M and had some immunity to the poison of governance.

She was granted a judge's pension although never a judge and from who knows what starting date?

So like a dutiful and seasoned (20-plus years) public officer, a keeper of the secret, and much pleased with her Judges pension she drank from the chalice.

Now there was no Director of OPI and M & M in their haste to hide the secret from the people that there had not been a Deputy Commissioner ICAC since 1 July 2023 found themselves without a suitable candidate to appoint as a replacement Director OPI.

M & M not discouraged, resorted to trickery and announced that 'OPI assistant Director, Vanessa Burrows, will act as the Director of the OPI while a recruitment process is undertaken for the role.'

M & M did not tell the people that there was no statutory office under the ICAC Act of OPI Assistant Director or Acting Director and that OPI was without a Director in office and thereby rendered legally functionless until such time as an appointment of a Director was made by them.

All appeared good to the people because they had a commissioner of ICAC again. The people still did not know the secret that had impelled M&M to resort to deceive the people into believing once again that all was well with ICAC OPI.

Little did the people know that M & M had by their machinations also rendered the new Commissioner ICAC unable to function because although as Director OPI she had been able to mix with the people and hear their complaints, as the newly appointed Commissioner ICAC, she was no longer able to mix with the people and hear their complaints.

She was on high at ICAC and only able to listen to the Director of OPI of which there was no one.

Much mischief to the people was wrought by M & M thereby.

The people were still happy because they thought all was still good in the land. The appearance of regularity at ICAC/OPI that M & M had conjured by trickery fooled the people.

They still do not know the secret that M & M and Commissioner Townsend are even now keeping from them.

This tale may with public airing expose M & M, Commissioner Townsend, and before her Commissioner Vanstone for deceiving the people.

All is not well at ICAC/OPI.

The story is not yet finished, as I the teller of this tale of public woe am personally impacted.

I have in recent days caused to be delivered to OPI a complaint of corruption in public administration concerning officers of the regulatory services and the CEO of Norwood, Payneham and St. Peters Council.

I have addressed my complaint to Vanessa Burrows whom M & M have in their deceitful way described as 'assistant Director' and 'acting as Director'.

I recite my introductory assertions to Vanessa Burrows exposing the deceit:

'For the reasons advanced below however, neither you nor any assessor at OPI is competent at this time to assess and/or refer this complaint pursuant to Sects. 18E and 18F ICAC Act.

REASONS:

1. There is presently no Government appointment of a Director to replace the vacancy caused by the recent elevation on 12 December 2024 of Emma Townsend to Commissioner of ICAC.

2. The title of 'acting as Director' apparently conferred on you by the Government in the same announcement of Emma Townsend's elevation to Commissioner ICAC has no statutory force or effect under ICAC Act.

3. Part 3 Divisions 1 to 4 of ICAC Act do not create any statutory office in OPI other than the Director.

4. Sect 17(2) of the ICAC Act establishes OPI as comprising the Director and Public Service employees assigned to it (underlining again for emphasis).

5. Sect 18F(3) ICAC Act makes it perfectly clear that the making of an assessment and/or referral is 'at the absolute discretion of the Director of OPI'.

So it is near, but not quite, the end of this sorry tale of deception of the people by M & M with the continuing cooperation of Commissioner Townsend, and of much discomfort to me who knows the secret, but is unable to inform the people (except by this tale told on my behalf by the Hon. Frank Pangallo MLC) because the Press is cowed into silence by, and much in awe of, M & M.

I requested the Hon. Frank Pangallo to deliver my complaint to the office of OPI with his personal endorsement of it. This he did on 13 February 2025.

Following delivery of my complaint the Hon. Frank Pangallo received an unauthored acknowledgement and advice of intended action on OPI letterhead dated 13 February 2025.

This unauthored communication was forwarded to me by e/mail on 17 February 2025 on OPI letterhead (again unauthored) following an e/mail from me to OPI addressed for the attention of Vanessa Burrows 16 February 2025 to which I attached an office copy of my complaint (without annexures).

I responded personally to the unauthored communication from the office of OPI to the Hon. Frank Pangallo 13 February 2025 and to me of 17 February 2025 by two e/mails of 17 February 2025 marked for the attention once again of Vanessa Burrows.

My point about the inadequacy of process at OPI upon receipt of a complaint is expressed in my two emails on 17 February 2025 marked for the attention of Vanessa Burrows. To her credit Vanessa Burrows did respond personally to me on 18 February 2025 and acknowledged receipt of my complaint and my subsequent emails. I replied to her the same day pointing out to her the precarious position she was in if she continued to direct the processes of OPI without power. I suggested she should seek a specific direction from the Attorney-General to absolve herself of personal liability. Of note is that she signs off her letter, 'Acting Director'.

Eliminated from the organisational structure depiction of ICAC is the statutory office of Deputy Commissioner as though such a position was not a statutory office mandated by ICAC Act to be maintained at all times in its organisational structure. This depiction now includes immediately below the Commissioner a CEO, not a statutory officer capable of acting as Commissioner when and if Emma Townsend is unable to discharge her official duties.

I refer to section 9(1) ICAC Act, which requires that 'there is to be a Deputy Commissioner responsible for assisting the Commissioner as directed by the Commissioner.' The importance that there be a Deputy Commissioner is reinforced by section 9(6) ICAC Act, which provides that the Deputy Commissioner may act as Commissioner when there is no person for the time being appointed as Commissioner, or the Commissioner is absent from, or unable to discharge official duties. The same website contains a schematic representation of 'Our Values'. The representation includes segments notated as 'Integrity', 'Independence'.

I seek leave now to table the ICAC website announcement referred to above.

Leave granted.

The Hon. F. PANGALLO: To continue:

I say to the people, how is it that this ICAC and its newly appointed Commissioner can publicly profess such values and at the same time in this publication practice deceptive and misleading conduct (conduct in this case meaning by deliberate omission)? Answer—not possible consistent with honesty and integrity.

So has the maintenance of the secret by M & M and act of political suasion upon the appointees to office in ICAC from time to time by M & M caused the malignancy of corruption in public administration to infect ICAC itself.

M & M, in order I say, for you to suppress the fact that no eminent person had applied for appointment as ICAC, announced in the media release of 12/12/24 of Emma Townsend appointment as ICAC. 'This appointment now sees a majority of anticorruption commissions across the country being led by individuals who are not former judges.

So it is now that you M & M:

1. Have elevated to office as Commissioner ICAC Emma Townsend, formerly Director of OPI, a career public administration lawyer (mostly at DPP) of no particular accomplishment.

2. In doing so left vacant the statutory office of Director OPI.

3. Appointed from within ICAC Ben Broyd for a fixed time as Acting Commissioner of ICAC (another career public administration lawyer including at DPP), again of no particular accomplishment.

4. Now have passed over him for permanent appointment as Commissioner ICAC in favour of Emma Townsend.

5. Having failed to appoint a Director of OPI as a replacement for Emma Townsend, announced instead the appointment of Vanessa Burrows (described in the organisational structure on OPI website as Assistant Director OPI) as 'acting as Director' in place of Emma Townsend.

6. Vanessa Burrows is yet another career public administration lawyer (mostly at DPP), again of no particular accomplishment.

It goes on:

- There was no public announcement of the fact of Paul Alsbury's resignation at all by you M & M coincident with and in explanation of your announced appointment of an 'Acting Commissioner'.
- Paul Alsbury had been involved immediately prior to his resignation as a key witness to matters concerning complaints about ICAC misconduct at the time subject to review by then ICAC Inspector Strickland SC (see Strickland SC report on the reference of the 'Hanlon matter'),
- None of the usual explanations for early resignation 'personal reasons' etc. were offered.

20. A combination of incompetence and egregious deceit is the label most fitting to you M & M and all of the dramatis personae I have critiqued in this my story.

21. My intuitive reasoning for what has happened overtime is that you M & M hid the truth from the people at the time when truth was paramount and for political reasons only.

22. Political reasons because you well knew that to have stirred public controversy during the conduct of reviews of ICAC referrals to the ICAC Inspector would have brought undone the processes of review then underway and caused great embarrassment to your government.

23. A sorry tale, but not yet the final chapter I hope, if the Press would set aside its awe of you M & M and seek answers from you about the circumstances of Paul Alsbury's resignation.

24. The secret you have so long maintained in denial of the right of the people to know the truth.

25. The secret having been kept by you M & M in denial of the people's right to know, if now exposed to the light of day, so powerful in its impact as to potentially unravel your government.

[signed] Michael Fuller—teller of the story this 28 day of February 2025 and one of the people.

There is a postscript to the submission:

I start with a question.

What do you call integrity bodies constituted by many lawyers including their leaders each of which publishes information to the public and complainants contrary to their respective statutory charters?

Answer: ICAC/OPI SA.

Let me explain.

As part of the communication to the Hon Frank Pangallo 13 February 2025 from OPI (unauthored) was an information advice comprising 4 pages. This communication has been tabled.

The text includes the following heading which I now recite and underline some words for emphasis of the point I am about to make:

> 'Am I allowed to talk about my complaint or report?
>
> No. It is against the law to disclose or publish certain information about a complaint or report to the OPI.
>
> Breaching this obligation is a criminal offence under the Independent Commission Against Corruption Act 2012.
>
> You must not publish, including on social media, that you have made or intend to make a complaint or report to the OPI or the IIS.'

The Hon. R.A. SIMMS: Point of order: on the basis of relevance. The bill before us relates to the conditions of appointment, and I urge the honourable member to refer to that.

The PRESIDENT: I am sure the Hon. Mr Pangallo is pulling it back to that.

The Hon. F. PANGALLO: I continue:

This cautionary advice is 'in terrorem', an advice calculated to scare the pants off any average person and render them afraid to talk to any confidant or friend even.

When the actual provisions relating to confidentiality as expressed in Sect 54 [of the] ICAC Act are considered this advice is a scandalous demonstration of ineptitude in action by the combined intelligence gathered together in ICAC/OPI.

The provisions of Sect 54 [of the] ICAC Act only apply to operatives in ICAC/OPI or third persons to whom information may have been disclosed by operatives of ICAC/OPI.

A legislated assurance to any complainant that confidentiality in relation to a complaint or report will be maintained by the Commissioner [of] ICAC and Director [of] OPI and their respective operatives.

In context, in case it might be thought that Sect 50 [of the] ICAC Act is somewhat problematic in its application, the obligation imposed there is of general application i.e. to all persons at large to keep secret the identity of an 'informant'.

That being so, it has no impact by way of reading down the specific obligations on operatives etc. of ICAC/OPI imposed by Sect 54 [of the] ICAC Act.

Then there is Sect 6 [of the] ICAC Act preserving Parliamentary privilege!! What is a communication to or by The Hon. Frank Pangallo if [it is] not subject to Parliamentary privilege?

The result of incompetence in action by the massed minds (having legal qualification) at ICAC/OPI is that what is expressed in clear terms in Sect 54 [of the] ICAC Act as a constraint upon the Commissioner [of] ICAC, the Director [of] OPI, and their respective operatives by way of assurance to a complainant that disclosure will not be made by them (without consent of complainant) is perverted and weaponised to put fear into a complainant.

The publication which includes the quotation above is clearly a standard format issued as a matter of course to each and every complainant.

Woe to the people who have complained to OPI upon receipt of this publication!!

Instead of receiving a warm and comforting assurance there is a gag on free speech and even the threat of imprisonment!!

Really!!!

Emma Townsend, Ben Broyd, and Vanessa Burrows are identifiable as having oversight of ICAC/OPI with legal qualification and experience in the practice of the law and therefore responsible for this fiasco of incompetence writ large.

Such power these people wield to impose on the liberty of the individual! Coupled as this power is with the gross incompetence on display in its writings, the duopoly of ICAC/OPI as presently constituted, presents as a clear and present danger to the life, liberty, and wellbeing of the people.

So much harm to the people you have wrought M&M by incompetence in political oversight. If all was revealed to the members of both Houses of Parliament, a Motion of No Confidence in your Government would be likely, and only be defeated by the self-interested support of the members of your Government.

If each of them, the lawyers at ICAC/OPI was a lightbulb, they would be of such low wattage, that if I was in a darkened room with them and switched all of them on, I would not be able to read the daily paper. I repeat, what a shambles M&M you have made of ICAC/OPI

A judicial enquiry into the workings of ICAC/OPI under your stewardship is the only solution to safeguard the people from harm.

[signed] Michael Fuller 28 day of February 2025.

I conclude.

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

STATUTES AMENDMENT (TOBACCO AND E-CIGARETTE PRODUCTS—CLOSURE ORDERS AND OFFENCES) BILL

Introduction and First Reading

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

At 17:34 the council adjourned until Tuesday 18 March 2025 at 14:15.

Answers to Questions

SA SCHOOL AND SERVICES FOR VISION IMPAIRED

424 The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (6 February 2025).

1. How many students are enrolled at SA School and Services for Vision Impaired (SASSVI) as of term 1 2025?

2. What is the student enrolment projection for SASSVI over a seven-year period?

3. How many full-time equivalent teaching staff are hired at SASSVI as of term 1, 2025?

4. Are there any concerns about the decrease in student enrolments?

5. Are there are strategies in place to increase student enrolments?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing): The Minister for Education, Training and Skills has advised:

In term 1 of 2025, 20 students were enrolled at the SA School and Services for Vision Impaired (SASSVI).

The Department for Education does not currently generate enrolment projections for SASSVI.

As of term 1, 2025, there are 29 FTE teaching staff.

SASSVI includes a visiting teacher service to all schools and preschools that may have vision impaired children enrolled—that is, above and beyond enrolments at SASSVI.

In addition, there is a high school outreach at Charles Campbell College (CCC) where SASSVI provide services.

Student numbers increased in 2024 and 2023 compared to 2022.

As a specialised education option, students must meet the criteria and the suitability to be offered a place.

The number of eligible students in the community can fluctuate over time. In addition, families and children may choose to remain at their local school with ongoing support from the statewide support service offered from SASSVI.

OFFICE FOR AUTISM

425 The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (6 February 2025).

1. What is the budget and FTE for the Office for Autism, show increase from financial year 2024-25 budget.

2. Which ministers does the Office for Autism report to?

3. How many schools are without an autism inclusion teacher, term 1 2025? Names of schools and location.

4. Which minister is responsible for the autism strategy?

5. What actions has the minister taken in response to the NDIS review response by Hon E.S Bourke MLC:

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing): I have been advised:

1. The 2024-25 operating budget of the Office for Autism (OFA) is $1.77 million.

The FTE for the OFA is 4.5 FTE.

Note the OFA also oversees the implementation of the Inklings Pilot Program. In the 2024-25 budget the commonwealth contributes $4.4 million to this program. There are 3 FTE in the Office for Autism for the Inklings Pilot Program.

2. The OFA sits operationally within the Department of the Premier and Cabinet, and reports to the Minister for Autism.

3. The autism inclusion teacher (AIT) program is managed by the Department for Education (Inclusive Teaching and Learning).

4. Minister Cook is responsible for the SA autism strategy. The Office for Autism will continue to work on a range of initiatives in response to key focus areas within the strategy.

5. I will continue to work with the responsible minister, Minister Cook, on this body of work.

DISABILITY MOTOR DRIVER TRAINING

In reply to **the Hon. B.R. HOOD** (26 September 2024).

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing): The Minister for Infrastructure and Transport has advised:

The Department for Infrastructure and Transport (the department) is aware of the challenges that can be faced by neurodivergent individuals when learning to drive and undertaking a driving test. The department advises there will be a focus on developing a training and assessment program that ensures that all drivers, including autistic individuals and people with disability or other medical conditions, have access to the opportunity to obtain a driver's licence.

The department advises that feedback from driving instructors on neurodivergent learner drivers will be taken into consideration when developing the training and assessment framework under these important reforms.

Since the passage of the bill, the department has formed a consultation committee including the Office for Autism about the proposed changes to driver training and impacts for autistic people. The department and the Office for Autism will identify measures that ensure the new government testing service is accessible and inclusive for autistic people.

CADELL DAIRY

In reply to **the Hon. T.A. FRANKS** (5 February 2025).

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing): I have been advised:

Work opportunities in prison are important to prisoners' rehabilitation to assist in their reintegration into the community and to reduce their chances of reoffending. The government's rehabilitation initiatives have contributed to South Australia having the lowest recidivism rate in the nation. Revenue is accounted for and reinvested back into the prison system.