LEGISLATIVE COUNCIL

Thursday, 3 April 2025

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Independent Commission Against Corruption: Evaluation of the South Australian Fire and Emergency Services Commission and the Country Fire Service, Metropolitan Fire Services and State Emergency Service on the management of conflicts of interests [Ordered to be published]

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

Interstate Travel Report from 20 February 2025 to 21 February 2025 prepared pursuant to the Public Sector Act 2009
Interstate Travel Report from 27 January 2025 prepared pursuant to the Public Sector Act 2009
Interstate Travel Report from 27 January 2025 prepared pursuant to the Public Sector Act 2009
Travel Report from 22 January to 2 February 2025 prepared pursuant to the Public Sector Act 2009

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

Report by the Electoral Commission of South Australia on the 2022 Council Election

Ministerial Statement

ELECTORAL COMMISSION'S 2022 COUNCIL ELECTIONS REPORT

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I table a ministerial statement from the Minister for Local Government made earlier today in another place.

Question Time

DROUGHT ROUND TABLE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): My question is to the Minister for Primary Industries on the topic of drought. From the drought round table held with the Premier and industry peak bodies yesterday, what suggestions were provided to the government in terms of drought assistance and when will further support be announced and implemented by the Premier?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I thank the honourable member for her question. It was a very productive roundtable meeting yesterday. It follows, of course, many round tables we have had across the state, as well as my regular and frequent meetings with peak bodies. Yesterday, their meeting was with the Premier, the Treasurer and myself, as well as senior government officials, with

peak bodies and farmers from a diverse geographical spread, as well as a diverse sector spread, so it included dairy, livestock, grains, wine, fruit and produce. It was a very useful meeting, as all of the meetings to date have been.

It was helpful to be able to reflect on the package announced back in November—the $18 million package. A lot of the feedback around that was that it was very welcome—I think they were the particular words used—and that the other supports, such as for mental health and wellbeing, the community events, the on-farm infrastructure, the assistance for hay runs, all in many ways were hitting the mark. That is not to say that there weren't further suggestions and further work to do, and that is something our government has been talking about.

Even when we announced the package we said, either then or very soon afterwards, that we would continue to monitor the situation, because it is changing and developing all the time. We look forward to continuing to work closely with industry, as we have done to date. We look forward to being able to make some additional announcements in the near future.

DROUGHT ROUND TABLE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: what does the minister say to thousands of farmers across the state who do not believe that her government will provide necessary support, because its response so far has been, to quote many of them, 'stagnant and woefully inadequate'?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I would encourage those opposite to actually provide information about the assistance available. I have spoken on numerous occasions not only about the drought support package but also about the federal assistance that is available. This is something that we have continued to talk about at every opportunity, and yet some of the feedback continues to be that people are calling for assistance which is already available. In fact, I think we have seen that some of the suggestions made by those opposite are things that they should know are already available.

It is an emerging situation, an ongoing changing situation. As I have said before in this place, different parts of the state are affected to different degrees. Every part is in drought, but they are affected in different ways and to different degrees. That's why it is important that we continue to listen and that our actions will reflect what we have heard.

DROUGHT ROUND TABLE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:25): Supplementary: how many of the drought round tables that the minister mentioned in her answer has she actually attended?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): As I have said before, when asked about this particular issue in this place, the importance of the round tables was for industry to be able to speak freely, to make whatever criticisms they may wish to make, as well as give additional feedback. All of those have been taken on board and come back through the various fora and opportunities available.

In addition to that, of course, I am meeting every week—often multiple times a week—either with farmers or with peak bodies, and at times with both. I think that is a really important part of the engagement. It needs to be one on one as well as with peak bodies, and that is certainly what I have been able to do and remain committed to doing.

EMERGENCY SERVICES LEVY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): My question is to the Minister for Emergency Services regarding the emergency services levy. As the minister responsible for the administration of the emergency services levy, has the minister approached the Treasurer or the Minister for Primary Industries to advocate for the removal of the levy on farmers and regional communities affected by the drought as a measure to help assist with much-needed cashflow for farmers?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:26): I thank the honourable member for her question. I think the emergency services levy plays an important role in making sure funds are going back into protecting not only our farmers but many people in the community across a range of emergency services. It is an important way of ensuring that we have the appliances that are needed, ensuring we have access to the equipment that is required and the support of personnel that is required as well when we are making sure that we can fight fires and get people to car accidents to provide the support that so many in our community rely on. I don't think anyone would think that the emergency services levy being used in the way it is is a bad investment. It is a vital investment in keeping our community safe.

EMERGENCY SERVICES LEVY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: does she believe that farmers should have ESL levy relief, given their dire situation?

The PRESIDENT: No, it is not a supplementary question, because none of that was contained in the minister's answer. The honourable Leader of the Opposition, your third question.

SARDI FISH DEATHS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about the fish deaths at SARDI West Beach facility.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition has repeatedly asked questions about the potential causes of these fish deaths at SARDI West Beach facility, and the minister has on multiple occasions replied that her department, SARDI, was conducting an investigation. My questions to the minister are:

1. Has SARDI completed this investigation?

2. If so, when will the minister release the report?

3. Has the minister disregarded the vote carried in this place and decided against completing an independent investigation into these fish and oyster deaths?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): I thank the honourable member for her question. Mortalities of snapper larvae—it is important to be specific about the mortalities that occurred—oyster spat and barramundi broodstock occurred from mid October to early November 2024. As we have mentioned before, there has been some impact on the government snapper restocking program, but that is now underway to be able to, if you like, catch up with that program, and also the state's oyster industry-funded Pacific Oyster Mortality Syndrome resistant family line program. Both of those are located at PIRSA's SARDI research facilities at West Beach. There is also, of course, a private barramundi nursery and hatchery that is co-located.

SARDI and Robarra have recommenced aquaculture activities and are closely monitoring the incoming water via thrice daily water testing and filtration monitoring. Additional lines of investigation have been undertaken so that we can get as much information as possible about these matters.

SARDI FISH DEATHS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Supplementary: has SARDI completed these further investigations; if so, does the minister have a report on the investigations? If she does, will she be making it public?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): We are keen to explore as many different options as possible in terms of what may have contributed to this event. It is clearly in the interests of SARDI as well as anyone else who relies either on SARDI's research or who is co-located that we get as much

information as possible. Once all that has been completed and reviewed I will be able to make some further comments.

SARDI FISH DEATHS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): Supplementary: is the minister suggesting that the investigation has not been completed?

An honourable member interjecting:

The PRESIDENT: Order! I didn't hear you talking about the completion date, minister. You can answer the question if you wish, otherwise we will move on.

SARDI FISH DEATHS

The Hon. T.A. FRANKS (14:31): Supplementary: has the investigation been completed, and when will the report be released?

The Hon. C.M. Scriven: That's the same thing, isn't it?

The PRESIDENT: Minister, okay. The Hon. Mr Wortley, ask your question, please.

SOUTH AUSTRALIAN SPORTS INSTITUTE

The Hon. R.P. WORTLEY (14:31): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the council about the recent official opening of the South Australian Sports Institute?

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 his question and his interest in the brand new SA Sports Institute, or SASI as most of us would know it best. Sunday was the official community open day for SASI, and members of the community were invited to come along themselves, with their families, or with team mates or friends, not only to see but to engage and participate in activities at the SASI building and be inspired by what is possible.

The community open day highlighted that it is a partnership in sport, that this is what makes sport elite, not only from a grassroots level but right through to being able to become an elite athlete. If you ask any elite athlete about their journey they will talk about their partnerships and about how they started with their first club, their first coach—and, of course, their biggest supporters, their parents.

Elite athletes like Rebecca Thomas, a country kid from Loxton, started out doing cartwheels in the living room and, thanks to the belief of her parents and the support of the local gymnastics club, she found her way to becoming a high-performance trampolinist. Fast-forward to today and Rebecca has won countless national titles, claimed gold and silver medals on the world stage and now has her sights set on gold at the Olympics.

Rebecca's journey from grassroots athletics to world champion embodies what SASI is all about. It's a place where talent meets opportunity, where beliefs are turned into achievements, and where our future sporting greats train alongside today's champions. She walks through the doors that Olympians walk through, that Thunderbirds walk through, and that 36ers walk through, athletes at the top of their game—as she is.

This institute creates an environment where success breeds success. While grassroots clubs provide the foundations, SASI makes the dream possible and, as a government, we are investing in this lifelong sporting partnership. From sports vouchers to infrastructure investments, from the new netball hub to be built just across the road from SASI to the largest investments in girls' and women's sport, our commitment to sport is unwavering

At SASI that inspiration is turned into excellence through a new partnership with Adelaide University. It is where sports meets science, where athletes gain the confidence, support and the cutting edge knowledge to take their sport to the highest level and represent not only our state but our country. I can't wait to see the incredible athletes who emerge from this wonderful new facility.

DROUGHT ASSISTANCE

The Hon. T.A. FRANKS (14:34): I seek leave to make a brief explanation before addressing a question on the topic of mental health assistance to drought-affected communities to the minister representing the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: With South Australia in the midst of a drought, some places in the Mid North and the Yorke Peninsula have recorded the lowest yearly rainfalls on record. Farmers are struggling to feed their stock, and grain growers are having lower yields. UniSA research shows that droughts are becoming longer and more severe in our state of South Australia. There have been multiple studies done showing the impacts that droughts can have on the mental health of people in regional and rural communities, including increasing suicide.

Grain Producers SA recently held a round table to identify existing services, current gaps and further mental health and wellbeing needs of affected communities. Feedback suggested that existing programs are working, but more needs to be done. My questions to the minister, therefore, are:

1. Will the government ensure that there is funding to continue existing farmer-led support and early intervention, mental health and wellbeing services?

2. Will the government continue to work with Grain Producers SA, other primary producer groups and communities to establish farmer-led support and early intervention services?

3. Can the government assure South Australians that any programs or services established during the drought will not be abandoned once the current drought conditions are over?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:35): I thank the honourable member for her questions. I certainly will pass them on to the Minister for Health and Wellbeing in another place and bring back a reply for the honourable member.

REGIONAL EMPLOYMENT

The Hon. J.S. LEE (14:36): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development about regional jobs in Port Pirie.

Leave granted.

The Hon. J.S. LEE: As reported by the ABC News on 28 March, significant community concerns have been raised in Port Pirie following the announcement by Trafigura, owner of the smelter operator Nyrstar Australia, that it is reviewing its Australian operations. Its chief executive described the current operations as uneconomical, placing approximately 800 jobs and 200 contractor positions at risk in Port Pirie. Local residents and businesses fear devastating economic and social impacts, with many expressing concerns that Port Pirie could become a ghost town should the smelter close. My questions to the minister are:

1. What actions will the South Australian government undertake in response to the review of Nyrstar's operation to safeguard local and regional jobs and protect the economic future of Port Pirie?

2. What specific support would the government offer to mitigate the risk of Port Pirie becoming economically and socially disadvantaged should the smelter operation significantly reduce or close?

3. Given the strategic importance of maintaining sovereign manufacturing capabilities in South Australia, what broader measures would the government implement to strengthen the sustainability and resilience of the critical industries and regional communities of Port Pirie as well as across the state?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question. As outlined in her question, at this stage what has been announced is a review of operations. I think it's

fair to say that the Malinauskas Labor government has certainly shown its credentials in terms of supporting South Australian businesses. The Premier has referred frequently to a number of independent measures that have indicated South Australia's strength in this area. When it comes to opportunities to either strengthen industries or support them in other ways, we of course will look at those opportunities as they arise.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:38): I seek leave to make a brief explanation prior to addressing questions to the Minister for Aboriginal Affairs regarding the future of the Tarrkarri Centre for First Nations Cultures.

Leave granted.

The Hon. H.M. GIROLAMO: Construction of Tarrkarri began in 2021 with a budget of $200 million but was put on hold in 2022 pending a review. A government-appointed panel later recommended an investment of $400 million to $600 million to deliver the project as originally intended. Despite this, no funding commitment has been made as part of the government's 10-year cultural plan, as announced on Monday. Instead, a mere $2.3 million has been allocated for First Nations arts and culture as part of that 10-year, $80 million arts and culture plan. That's 1.15 per cent of the promised Marshall government's 2021 investment. Concerns have been raised by Aboriginal elders about the lack of communication regarding the future of Tarrkarri. My questions to the minister are:

1. Has the government made a decision on the future of Tarrkarri and, if not, when will it?

2. Has the Minister for Aboriginal Affairs consulted with the Voice on the decision about Tarrkarri?

3. Why has the full report by the panel, including recommendations, not been publicly released?

4. Given no further funding has been allocated, what is the government's alternative plan for preserving and showcasing Aboriginal cultural heritage?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:40): I thank the honourable member for her question. I have answered questions about Tarrkarri a number of times over recent months in the Legislative Council. The position remains the same. The money is still there in the budget.

However, as I have said before in the Legislative Council, the advice to the government was that the $200 million between the state and the federal government initially allocated to the funding would build something that would be of state interest, of significance—maybe some national interest—but that certainly wasn't enough to have it of international significance. The government is still pursuing further funding options, whether they be from the federal government or from the private or philanthropic sector, and that remains the case.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:41): Supplementary: given the original funding is still there, why was Tarrkarri not mentioned as part of the 10-year cultural plan that was announced on Monday?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:41): The funding remains in place for Tarrkarri, as I have said.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. M. EL DANNAWI (14:41): My question is to the Attorney-General. Will the Attorney-General inform the council about the 10th anniversary of the South Australian Civil and Administrative Tribunal?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:41): I thank the honourable member for her question. The South Australian Civil and Administrative Tribunal, more commonly known as SACAT, first opened its doors to the public 10 years ago last week, I think on 30 March 2015 in fact. With the South Australian Civil and Administrative Tribunal Act 2013 having come into operation on 14 November 2013, SACAT has long been assisting South Australians in resolving legal issues either via agreement in conference, conciliation or mediation, or through a decision of the tribunal at a formal hearing.

In 2014, the founding president, Justice Greg Parker, and the founding principal registrar, Clare Byrt, worked with a team from the Attorney-General's Department to create the foundations of what over the last 10 years has been known as SACAT. Several years later, in 2017, the Hon. Justice Judy Hughes was appointed as a judge of the Supreme Court and president of SACAT, and continues to lead SACAT in this role to the day, along with an exceptional and hardworking SACAT team.

Having issued, I am informed, some 307,070 orders over the past 10 years, the tribunal plays a significant role in the lives of many South Australians, including protecting some of the most vulnerable members of our community. If you think about the volume of work that SACAT does—over 307,000 orders over 10 years—if you look at 10 years of sitting, it's approximately 1.2 million minutes. What that means is SACAT is making an order on average once in about every 3.9 minutes, an order in under every four minutes since it has been in operation. I want to particularly thank Elle from SACAT, who spent a little bit of time looking to see just how much work SACAT has done over the 10 years.

SACAT is involved in decision-making in relation to over 100 different pieces of legislation affecting many aspects of South Australians' everyday lives, such as renting a home, engaging a tradesperson, obtaining a guardianship order, seeking compensation for discrimination, registering a change of name, and much more. Just last year I had the privilege of attending the ninth anniversary of SACAT to coincide with the launch of LexisNexis annotated SACAT legislation. That was a wonderful event celebrating how far SACAT had come in just nine years. Now in their 10th year, SACAT are looking stronger than ever in their delivery of accessible and high-quality justice for South Australians.

I would like to take this opportunity to acknowledge the dedicated people who work at SACAT, each and every member of the team, for the high-quality service they provide to our community. I am looking forward to seeing the tribunal continue to operate and flourish over the next 10 years.

RESIDENTIAL TENANCIES ACT

The Hon. J.M.A. LENSINK (14:44): Supplementary question arising out of the answer: what does quarterly data—and the minister might need to take this on notice—show about the impact and any increased demand from changes to the Residential Tenancies Act?

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 am happy to take that on notice. I am not sure that there will be any data available for recent changes. I assume the honourable member means the number of applications that come before SACAT in residential—

The Hon. J.M.A. Lensink: Any data would be useful.

The Hon. K.J. MAHER: If there is a category of statistics kept, I am happy to see if they have that readily available.

GENDER EQUALITY

The Hon. C. BONAROS (14:45): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Women and the Prevention of Domestic, Family and Sexual Violence, a question about gender equality.

Leave granted.

The Hon. C. BONAROS: Members may recall that in 2021 I introduced a bill into this place which then had the support of the Labor Party whilst in opposition, and that the same bill was subsequently introduced in May 2022, with the Malinauskas Labor government not supporting the proposal for a gender equality bill.

At the time, the government said that it was working on its own version of a gender equality bill. Indeed, there has been a process that I understand has taken place since then, including budget paper funding, where the government says that it has committed to introducing the equality bill to encourage public and private sector organisations to improve gender equality across their workplaces as well as through their policies, programs and services, and that that would be released for community consultation. My questions to the minister are:

1. Can she please provide an update on when the government will be introducing this bill into parliament?

2. Can she please provide an update as to that community and public consultation process?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I am happy to refer that to the minister in the other place and bring back a response.

GENDER EQUALITY

The Hon. C. BONAROS (14:47): Supplementary: in referring that matter to the minister, can she also ensure that it includes a response to whether the minister will be introducing a gender equality bill or an equality bill before parliament?

The PRESIDENT: That is not a supplementary question; however, the minister might like to refer that also.

The Hon. C.M. Scriven: No.

The PRESIDENT: She doesn't want to refer that.

CFMEU

The Hon. J.M.A. LENSINK (14:47): I seek leave to make a brief explanation before asking a question of the Attorney-General, as the Minister for Industrial Relations, regarding the CFMEU.

Leave granted.

The Hon. J.M.A. LENSINK: The administrator's report into the CFMEU, issued on 21 February 2025, reveals that a senior official at the South Australian branch of the CFMEU had links with outlaw motorcycle gangs and organised crime figures, in particular with the New Boys gang. Additionally, there was recorded advocacy for a Finks gang member to become a union delegate. My question for the Attorney is: will he request a review of the advice received from the police commissioner regarding the CFMEU in South Australia, if he has not done so already?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:48): I thank the honourable member for her question. In relation to the recent report that was the subject of questions earlier this week—I think from the Hon. Frank Pangallo—my recollection of the report (I can double-check this) is that it made recommendations for it to be referred to the regulator in relation to some of the allegations that were made. But I will double-check that, and if it is not correct I will bring back an answer to the chamber.

THRIVING COMMUNITIES PROGRAM

The Hon. T.T. NGO (14:49): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the chamber on projects that will be funded as part of the third round of the Thriving Communities Program grants?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I thank the honourable member for his question and his

ongoing interest in regional matters. I am delighted to announce that, through the Thriving Regions Fund/Thriving Communities Program, additional projects will receive funding to help grow our regional communities. Almost half a million people live in our regions, and regional businesses and industries contribute $36.74 billion to our state's economy. The Thriving Communities Program, in assisting small, targeted projects, helps to maintain vibrant, resilient communities in which people want to live and participate as we see our regions thrive.

On Saturday, I had the opportunity to visit the Port Broughton Combined Sporting Club, to engage with the region about the considerable benefits that the project will bring to their club. On game days, the sporting club is a place that brings the community together, which is so common in rural and regional townships; we all know that sporting clubs are often the heartbeat of regional communities.

The Port Broughton Combined Sporting Club is also a popular venue for engagements, weddings, birthdays and, indeed, funerals, providing a central location for functions within Port Broughton. This project, that has been funded, will provide for the installation of three bifold doors to its viewing deck, allowing for those with wheelchairs or walking frames, or other accessibility challenges, easier access to the popular spectator area.

I really appreciated the opportunity to meet with Belinda Dolling from the club, as she talked about the project, and I also met with other club members. Indeed, about 45 participants were there as well. It was great to have a very quick chat with them and also to see their enthusiasm for their club. Belinda Dolling said:

> As the body overseeing four sporting groups at our facilities—football, netball, cricket and tennis—it is a massive undertaking to keep our facilities to the standard required.
>
> By enhancing access and the visual appeal of our clubrooms through the installation of the bifold doors, this will ensure more comfortable use of our facilities for everyone.

I also visited the Port Broughton Bowling Club. The bowling club received funding, again through the Thriving Communities Program, to upgrade its clubrooms and facilities to enable more visitors and members to take part in activities at the venue. Sandra Mauger was kind enough to take time out of her Saturday afternoon to talk about the club and show me through. She was also very passionate about what the club does, not just in terms of the actual activities—the bowling and so on—but what it means for the local community. She said:

> The focus of our club is to promote inclusion, independence and shared decision-making for all in our community.
>
> With our clubroom serving as a community engagement hub not just through bowls but also through other initiatives including social events, Friday night volunteer-run teas and intergenerational mentoring, improving accessibility by installing the ramp and automatic door emphasises that we are here for all community members.

When we were discussing those Friday night volunteer-run teas, she also mentioned the support that's received from the fishing industry, and particularly the Barnes family in their participation in those fundraisers.

The Port Broughton projects are two of 38 projects across South Australian regions, which have so far been given a jumpstart through the Thriving Communities Program. The Thriving Regions Fund is a $15 million commitment per annum to support projects that enable regional communities to grow jobs and strengthen regional communities. The Malinauskas Labor government cares deeply about our regions and the people in our regions, and we will continue to support them as we see them grow into the future.

EDUCATIONAL OUTCOMES FOR BOYS

The Hon. S.L. GAME (14:53): I seek leave to make a brief explanation before directing a question to the Minister for Emergency Services and Correctional Services, representing the Minister for Education, Training and Skills, regarding educational support and related outcomes for boys.

Leave granted.

The Hon. S.L. GAME: SA-centric data featured in the latest Australian Early Development Census shows that boys are considered at least twice as vulnerable as girls in all of the following

categories: physical health and wellbeing, social competence, language and cognitive skills, communication and general skills, and emotional maturity.

A presentation compiled by the University of South Australia's Professor Leonie Segal summarising the AEDC data plus other published studies and Australian policy documents shows substantial inequities in workforce gender mix, particularly in health and social domains. For example, less than 5 per cent of the early childhood workforce are male, just 28 per cent of primary school teachers are male, only 13 per cent of social workers are male and only 19 per cent of registered psychologists are male.

My questions to the Minister for Emergency Services and Correctional Services, representing the Minister for Education, Training and Skills, are:

1. In view of the far higher levels of developmental vulnerability in boys at school start than girls and recognising the critical role of early childhood education and care for school preparedness, what is the government doing specifically to support our young boys?

2. Does the government, in fact, agree that it needs to target young boys in particular with funding and resourcing?

3. In addition, what is the government doing to bridge the gender imbalance in the early childhood education and care workforce in order to better nurture boys and would the government accept such an imbalance in favour of males in the same occupations?

4. Does the government concede that low male representation in these caring workforce roles is directly related to poorer outcomes for boys, including the worrying over-representation of those considered vulnerable?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:55): I thank the honourable member for her questions. I know the Hon. Mr Boyer has been doing an incredible amount of work in this space regarding the ages of three right through to training and tech skills as well, so I will raise this with him and see if there is anything further that he can bring back.

RED IMPORTED FIRE ANTS

The Hon. B.R. HOOD (14:56): I seek leave to make a brief explanation prior to addressing questions to the Minister for Primary Industries regarding fire ants.

Leave granted.

The Hon. B.R. HOOD: The insidious red imported fire ant is highly aggressive and has devastating effects on both humans and animals due to its painful sting, swarming behaviour and ability to damage entire ecosystems and built environments. In the US, 14 million people are estimated to be attacked each year, with over 25,000 needing hospitalisation. The stings are extremely painful, often described as a severe burning sensation and developing itchy pustules. As with many venom stings, anaphylaxis is a danger.

From a livestock perspective, fire ants often target newborns, particularly calves, lambs, and poultry chicks. They swarm into the eyes, nostrils, and mouths of newborns, sometimes causing blindness or even death. In the same way, wild ground nesting birds, small animals, marsupials, small reptiles and amphibians are vulnerable. Even our domestic pets can suffer these same attacks. My questions to the Minister for Primary Industries are:

1. How frequently is PIRSA conducting live surveillance for fire ants, particularly in high-risk areas such as transport hubs, nurseries and ag regions?

2. Has South Australia conducted fire ant incursion simulations or emergency response drills to test its readiness?

3. What specific restrictions are in place to prevent fire ant contaminated material such as soil, mulch, turf and ag products from entering South Australia?

4. What is the level of public awareness regarding fire ants in South Australia and is there a targeted educational campaign for farmers, gardeners and transport operators?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for his questions. It is quite true that fire ants are a terrible pest, and the sorts of impacts that they can have on humans, on livestock and indeed on a number of other areas are very significant.

I visited the Queensland fire ant centre, I think early last year or it may have been the year before, to see firsthand the work that is happening there. Fire ants have not been detected in South Australia, but they are present in Queensland and in New South Wales and they are part of a nationally cost-shared eradication program.

The vectors for fire ants potentially getting into South Australia include things like machinery and other equipment, soil, hay, mulch, manure, quarry products, turf, potting materials and potted plants. That is why we, of course, have such strict biosecurity requirements in South Australia.

In July last year, there was a national agricultural ministers' meeting endorsement of a national response plan and also a work plan, and that also noted the national budget implication of $593 million for the new response plan. That is the full cost of the National Fire Ant Eradication Program and it illustrates, I think, both the commitment of governments to eradicate fire ants but also the scale of the challenge. It is a significant one. We have seen the area that has been experiencing fire ants expanding in Queensland and into northern New South Wales and that, of course, is a significant concern. Last year, I wrote to the federal minister and the Queensland minister confirming the South Australian contribution.

In terms of the arrangements, governance arrangements have transitioned from the independent steering committee to arrangements that are more closely aligned with those for a response under the National Environmental Biosecurity Response Agreement. That includes the establishment of a national management group, a formation of a National Biosecurity Management Consultative Committee, and that comprises both the previous steering committee and also national exotic, invasive and scientific advisory group members. There was a revised risk management and assurance committee and formation of a program board. That board's membership includes a representative from the national cost-share partners.

Key highlights from the most recent report on that include the launch of a news and events section on the fire ants website, and an industry council meeting was held talking about the expenditure for the financial year to date being within budget, and the implementation of a compliance and enforcement strategy. That is based on an intelligence-led and risk-based model, focusing on enhancing capabilities of the compliance unit to target potential high-risk noncompliance.

There are a number of other measures that are being taken. I certainly remember, I think it was at the nursery association event that I attended, I think it was last year, discussions around how we can further get the message out into the nursery industry. Other biosecurity measures, of course, are continually reviewed to ensure that they are doing the best possible to stop this pervasive pest from making its way into South. Australia.

RED IMPORTED FIRE ANTS

The Hon. B.R. HOOD (15:01): Supplementary: what are the strict biosecurity requirements in this state?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:01): We have pretty extensive biosecurity requirements. I think we could probably be here for the next three weeks if I was to outline all of them. I suggest that the honourable member has a look on the various websites that will provide those.

RED IMPORTED FIRE ANTS

The Hon. B.R. HOOD (15:01): Supplementary: I will rephrase it for the minister's benefit. What are the strict biosecurity requirements in South Australia for fire ants?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): The honourable member seems to misunderstand the nature of the issue. Fire ants can move in machinery; therefore, there are requirements around—

Members interjecting:

The PRESIDENT: Order!

An honourable member: I can't hear, sir.

The PRESIDENT: Neither can I.

The Hon. C.M. SCRIVEN: As I mentioned, the vectors for fire ants entering South Australia can include a number of different ways—machinery, for example—and, therefore, there are requirements about bringing machinery across the border. It can be in soil or hay or mulch. It can be in manure, it can be in quarry products, turf or potting materials and potted plants, so there are various biosecurity requirements depending on the vector.

Members interjecting:

The PRESIDENT: Order!

WORK READY, RELEASE READY

The Hon. J.E. HANSON (15:03): My question is to the Minister for Emergency Services and Correctional Services. Will the minister inform the council about the Department for Correctional Services' Work Ready, Release Ready program?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:03): I thank the honourable member for his question. Last week, I had the privilege of attending the Workskil Australia annual leadership lunch, which is held in conjunction with the Adelaide Crows. Workskil's objective is to help Australians who are in difficulty, disadvantage or with a disability find and keep a decent job. The event's purpose was to highlight the benefits of women exiting the correction system.

The Department for Correctional Services proudly partnered with Workskil to deliver the government's Work Ready, Release Ready program, a program which truly changes lives. This initiative was first championed by the now Premier when he was the Minister for Correctional Services as part of the successful 10by20 plan, which we now know as the 20by26 plan. This has played a crucial role in South Australia achieving the lowest reoffending rate in our nation, but this program is about so much more than statistics; it is, at its very core, about people. I know that, when the Premier helped to bring the 10by20 reoffending strategy to life, it became one of his proudest early policy achievements, not because of the numbers and achieving the lowest or the highest, but because it was about changing lives.

Last Thursday, I was able to speak with Ellei-Rae and Tina, who completed the program and now have meaningful employment. Their stories are a testament to what is possible when we give people a second chance and the tools to succeed. The program wouldn't be possible without the businesses who were there at this event, who helped open the door and offered opportunities and believed in creating pathways for women who have been involved in the criminal justice system. Their willingness to participate, to listen and to invest in people is what makes the real difference. We all know that the job interview is never easy. For many the hardest part is taking that first step, in writing a CV, preparing for the interview or facing the uncertainty of what comes next with change.

On the day, Tina spoke about the biggest challenge being not having suitable clothing or even clothes that fit her when she was released from prison. That is why this program, Work Ready, Release Ready, is so important: they provide the skills, support and confidence so people can walk into an interview room with confidence and take that first step. Like the Premier, I believe a job is more than just a pay cheque. It is about being part of something bigger than yourself, it gives you a reason to leave your front door, to show up, and to contribute. It is about being part of a team, a community and having a sense of purpose and belonging.

On 4 March, I had the privilege of helping launch the Department for Correctional Services' Women's Framework and Action Plan for 2025-30. This plan gives us the knowledge and the directions we need to build on the success of programs like Work Ready, Release Ready. We know that when it comes to reducing reoffending, access to stable and meaningful employment is one of the most significant factors in breaking the cycle of crime in South Australia and reoffending.

Employment provides dignity, it provides purpose and it provides belonging. On this day, we were able to thank the many women who took that first step to make these changes and were able to thank the many businesses that give them that chance.

PRISON RELEASE, WOMEN

The Hon. R.A. SIMMS (15:06): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Emergency Services and Correctional Services on the topic of housing for women leaving prison.

Leave granted.

The Hon. R.A. SIMMS: This morning the ABC reported that advocates are calling for more gender specific support to help women who have been incarcerated in their transition back into the community. According to Linda Fisk, the co-founder of a support service for women leaving prison, the main challenge is finding long-term housing, with many struggling with homelessness after leaving the system. Without references, it is very difficult to obtain private rentals and these women can often end up waiting for a long time for public housing.

Women's Justice Network chief, Gloria Larman, told the ABC, 'They get put into what is often referred to as temporary accommodation, which quite often is a dodgy hotel that's quite often not safe for women.' My question, therefore, to the Minister for Emergency Services and Correctional Services is: what is the minister doing proactively to reduce the risk of homelessness for women who exit the prison system?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:08): I thank the honourable member for his question and interest in this space. Following on from the program that I was just mentioning—obviously that was not about housing but about giving people opportunities for employment, which starts whilst they are in the correctional system and follows them out of the system as well—I know there are many opportunities available. It is about DCS working with a number of private organisations, but also organisations that can provide that appropriate housing, like SA Housing Trust.

I am meeting with many organisations about this—Seeds is one of them—and I look forward to hearing what they can provide in this space. Programs available that women can go to would be Catherine House placement for women on bail who require support housing. This can be either on bail or prerelease.

Also, there is the Integrated Housing Exits Program, a partnership between DCS, OARS and another couple of organisations, whereby they can provide appropriate housing for up to 12 months. I believe there are about 60 properties that are scattered throughout regional and metropolitan South Australia. I am happy to try to find more details for you about the particular details of each of those programs, if that is of help.

PRISON RELEASE, WOMEN

The Hon. R.A. SIMMS (15:09): Supplementary: is the minister concerned about reports of women being housed in temporary accommodation, such as dodgy hotels, that may not be able to appropriately ensure their safety? The minister referenced the range of housing solutions. I am interested to know whether she is concerned about the adequacy of accommodation currently available through the hotel system.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:10): I thank the member for his question. I am happy to look into those specifics if you have further details as well. As I said, I am always happy to discuss these matters and provide further details about the existing housing opportunities that are available.

The PRESIDENT: I am about to call the Hon. Mrs Henderson, who is about to ask her last question for a little while. On behalf of the chamber, I am sure that we all wish you well for your growing family. The Hon. Mrs Henderson.

VICARIOUS LIABILITY

The Hon. L.A. HENDERSON (15:10): Thank you, Mr President. My questions are to the Attorney-General:

1. Can you please provide an update on the Standing Council of Attorneys-General meeting held in February of this year regarding vicarious liability, stemming from the Bird v DP High Court decision?

2. Could you please advise if the government is drafting any legislation in light of these discussions?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:11): I thank the honourable member for her question. There was a discussion at the last Standing Council of Attorneys-General meeting about the matter that is known as Bird and the implications it has, particularly for the employment-like relationships and therefore the liability of various institutions. A number of jurisdictions, including South Australia, have made changes to their law, to have those employment-like relationships come in under, so there is that liability for institutions that have people in employment-like relationships

All of the jurisdictions that have made changes have made it prospective, not retrospective, which it would need to be to influence things like what happened in the case of Bird. The royal commission into institutional sexual abuse made recommendations that jurisdictions should introduce such laws to make that law change. It also was very clear that it ought not be retrospective, but that is something that was discussed and further work is to be done and reported back at further meetings of the Standing Council of Attorneys-General.

VICARIOUS LIABILITY

The Hon. L.A. HENDERSON (15:12): Supplementary: can the minister please advise if, depending on outcomes from further work being done, the government will be legislating to look at retrospective vicarious liability legislation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:12): I thank the honourable member for her question. It is too early to say that. Certainly, I have had a number of meetings and representations with people and groups who have very different views on this issue. From memory, I think Victoria is the jurisdiction that is leading the further work for the Standing Council of Attorneys-General. We will wait for that work to be completed before we say anything about whether there will be law change, but it certainly remains on the agenda.

NATIONAL ADVANCE CARE PLANNING WEEK

The Hon. R.P. WORTLEY (15:13): My question is to the Attorney-General. Will the Attorney-General inform the council about this year's National Advance Care Planning Week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:13): I thank the honourable member for his question about National Advance Care Planning Week. It is a very good question and a very important area. National Advance Care Planning Week is marked from 17 to 23 March and is a perfect time for all South Australians to have a conversation with their loved ones and health providers to make sure people round them know what matters to them most.

National advance care planning covers many important decisions and documents that South Australians can have in place to ensure that their wishes are recorded in relation to their medical treatment and what they wish to occur, particularly following their death. In January 2025, wills and estates law in South Australia changed, with the introduction of the new Succession Act. A will is an important document for South Australians to have in place to determine what will occur with their property and many other important issues.

Most people have heard it all before, but it is important to increase awareness of two very important documents in particular: advance care directives and enduring powers of attorney. An

advance care directive is a legal document through which you can record your wishes and instructions for your future health care, end of life, preferred living arrangements, and other personal matters. It can also be used to appoint a person or people to make decisions for you if you are unable to make those decisions for yourself.

An enduring power of attorney is a legal document that allows you to appoint a person or people you trust to manage some or all of your legal and financial affairs during your lifetime. This can include paying bills, buying or selling property (including real estate), managing investments, and authorising legal proceedings.

I encourage all South Australians to speak to their loved ones and take steps to make sure that these important documents are prepared. Generally, we often do not like to think of the tough decisions that will need to be made if we suddenly become incapacitated, but not knowing our wishes and preferences makes the work of those around us even more difficult. To assist this process, I encourage South Australians to contact one of the many legal practitioners who can prepare these documents, or the free Legal Helpline run by the Legal Services Commission for more information and resources.

CORONER'S OFFICE

The Hon. F. PANGALLO (15:15): I seek leave to make a brief explanation before asking the Attorney-General a question about the Coroner's Office.

Leave granted.

The Hon. F. PANGALLO: The devastated family of Steven Maple is seeking a comprehensive independent review investigation into his death amid accusations of egregious and incompetent conduct by Coroner's Office staff. The failures of police, the Coroner's Office and Forensics SA, together with allegations that Coroner's Office staff have lied to Steven Maple's family, have compounded their grief and must be investigated as a matter of extreme urgency.

Earlier this year, I spoke about Steven's botched case, but just to recap: he died on 16 November 2023 and it took more than nine months for his next of kin, his father, to be notified of his passing even though the authorities knew his identity all along. His family was first told by police that his remains had been buried, then they were told that the remains were in a morgue—17 months on they are still there. They were told they could not view the body because decomposition was so bad that the remains were mouldy and unidentifiable. They were told there were no photographs of Steven taken at the external examination.

This is an utter disgrace and an indictment of a department that is under the watch of the Attorney-General. Goodness knows how many other cases are affected or are being delayed by the dysfunction in there. The family has lost all trust in the Coroner's Office and the Public Trustee. They are demanding no less than an independent review of Steven's entire case, including a forensic examination, from the day his body was found to where his remains may or may not be today. My questions to the Attorney are:

1. Will you now order an independent review of Steven's entire case to enable closure for his family?

2. Why is the Coroner's Office withholding information from the family?

3. Will you order full disclosure of the Coroner's Office documentation related to Steven Maple to be made to the family?

4. Are there any investigations being undertaken into the conduct of SAPOL staff assigned to the Coroner's Office?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:18): I thank the honourable member for his question. I am happy to refer much of what the honourable member has said to the Coroner so that the Coroner can have a look at the information the honourable member has provided in this chamber.

I do know that the work the Coroner and the Coroner's Office does is often very difficult, and a lot of the people who come into contact with the Coroner's Office are doing so at some of the most difficult and distressing times of their lives, having lost a loved one. We have provided further resources to the Coroner's Office in recent budgetary rounds, appointing a further ongoing Deputy Coroner to get onto the work of the Coroner's Office.

In relation to the Public Trustee, whom the honourable member mentioned as well, again, much of the work the Public Trustee does is difficult work, dealing with people and particularly clients who have either lost capacity or, if people have passed away, dealing with loved ones in very distressing circumstances. However, I will refer the comments that have been made today to the Coroner.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries on the topic of compliance enforcement of sheep and goat eID regulations.

Leave granted.

The Hon. N.J. CENTOFANTI: Regulations have been tabled in parliament which have raised concerns with industry around fines for producers and saleyard operators around missing eID tags. This uncertainty has escalated given that the minister and the government have failed to provide any supporting compliance plan with the tabling of these regulations. It is well known within the industry that a percentage of tags are often lost in transit and are beyond the control of producers. It is the opposition's understanding that industry was consulted on these regulations back in October of last year, so the minister and her department have had six months to produce the compliance plan, yet nothing has been published to date. So my questions to the minister are:

1. Why hasn't the supporting compliance plan been drafted and released prior to the tabling of the regulations?

2. Will the minister ensure that compliance and enforcement under the government's mandated program is going to be fair and equitable for farmers?

3. Can she commit to the chamber that farmers will not be given an on-the-spot expiation fee of $315 for tag losses that are beyond their control?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:21): I thank the honourable member for her question. In terms of the implementation of eID, which is a nationally agreed system to improve traceability in livestock for Australia and for South Australia, we of course established a sheep and goat eID implementation advisory committee. That was an important thing to do because it really did take in the interests from across the sector.

It included representatives from Livestock SA sheep section, Livestock SA regarding goats, Livestock SA regarding wool, the Australian Livestock and Property Agents Association, Saleyards Australia, the Australian Meat Industry Council, the Livestock and Rural Transporters Association of SA and the Integrity Systems Company (ISC). There was also the Naracoorte Regional Livestock Exchange and the Mount Gambier and District Saleyards.

I think it is fair to say that given that the purpose of eID is to improve traceability and therefore protect our livestock producers from disease or from the worst impacts of disease should those diseases enter Australia or South Australia, clearly education is going to be a key focus. I think it is fair to say that any kind of compliance measures that involve the sorts of things that have been raised by the opposition are only ever intended to be used as a last resort. We want everyone to be on the same page as far as that is possible—to be working together to protect South Australian industry from exotic diseases.

Bills

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

Second Reading

Adjourned debate on second reading.

(Continued from1 April 2025.)

The Hon. J.M.A. LENSINK (15:23): I rise to speak in support of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025, which amends the Retail and Commercial Leases Act 1995 and the Tobacco and E-Cigarette Products Act 1997 to address deficiencies in the enforcement of illicit tobacco and e-cigarette sales.

Following the introduction of stricter regulations in December 2025, SAPOL identified gaps that hindered their ability to act against unlicensed premises engaged in the illegal tobacco trade. This bill seeks to close those gaps by strengthening enforcement mechanisms, increasing penalties and introducing new offences related to property owners who knowingly facilitate illicit sales.

One of the most significant changes in this bill is the increase in penalties. Maximum fines for large-scale violations will increase to $4.5 million for commercial offences and $6.6 million for large commercial quantities of illicit tobacco and e-cigarette products. These penalties send a strong message that the illegal sale of these products will not be tolerated.

The bill also creates a new offence for landlords who knowingly permit illicit trade on their premises. This is a critical step in ensuring that those who enable this illegal activity are held accountable. However, it is important that these provisions are implemented with caution to ensure that legitimate property owners are not unfairly penalised.

Furthermore, the bill grants authorities the power to issue immediate closure orders on businesses involved in illegal sales, which is an essential enforcement tool to allow SAPOL to act swiftly against offenders. Landlords will have the ability to apply to the courts to amend or revoke long-term closure orders, ensuring that premises are not permanently affected by the actions of a rogue tenant.

The bill further expands police powers to conduct searches and investigations into illicit tobacco and e-cigarette sales modelled on the Tattooing Industry Control Act 2005. The enhanced enforcement capabilities will allow SAPOL to take decisive action against organised operations involved in this illicit trade.

Another key feature of the bill is the improvement of information sharing and transparency measures. SAPOL will be permitted to share information with enforcement agencies, and details of closure orders will be made publicly available. This ensures that agencies can work together effectively to combat the problem and that the public is aware of businesses that have been found in breach of the law.

While these amendments strengthen enforcement, it is critical that legitimate business owners and property owners are not unfairly penalised. The opposition supports measures to combat illicit trade, but will closely scrutinise the implementation of these new powers to ensure they are used appropriately.

This bill represents an important step in addressing the illicit tobacco trade, but it must be implemented carefully to ensure that it does not create undue burden for legitimate businesses and property owners. The opposition will support strong enforcement measures while continuing to scrutinise this government's approach, to ensure clarity, fairness and effectiveness. With those comments, I indicate support for the bill and look forward to the committee stage.

The Hon. R.A. SIMMS (15:26): I rise to speak very briefly today on this bill. When the tobacco and e-cigarette reforms were debated in this place last year, the Greens were very supportive of the measures that were aimed at minimising the harm caused by the tobacco industry and, of course, vaping. Those reforms included closure orders that could be put in place to limit the sale of illegal tobacco and e-cigarettes. At the time, the Hon. Ben Hood moved some amendments

regarding the rights of the lessor in relation to a closure order. At that time, we indicated we were not in a position to support those amendments because we had not had enough time to consider them.

The bill seeks to address some of the complications with respect to implementing the closure orders now that the legislation has been in place for some months. We are supportive of the general provisions of this bill, which will provide certainty around responsibilities and rights of lessors where closure orders are put in place in their premises. We know that the Hon. Frank Pangallo and the Hon. Connie Bonaros have filed a number of amendments that would introduce additional types of closure orders, namely, a short-term order.

Similar to last time, we have not had a great amount of time to consider the amendments or to consult with stakeholders. Therefore, in terms of considering the amendments, we will be guided by the advice that the government provides during the committee stage. I am certainly open to the amendments, but I am keen to understand how they might work in practise, and obviously the government has access to that level of information via the department so I will watch the debate closely. We are supportive of the substantive bill and certainly are open to the amendments should they be considered workable by the government.

The Hon. C. BONAROS (15:28): I rise to speak in support of this bill, which, as other honourable members have said, comes from the need for additional changes around enforcement to target illicit activity, illegal tobacco activity, including arson linked to the illicit tobacco trade and organised crime; new offences for owners who permit premises to be used for the trade of illicit tobacco; additional search powers; changes to retail and commercial leases to allow leases to be terminated where premises have been used for trading in illicit tobacco; sharing of information between agencies; and, of course, I suppose the centrepiece of this legislation, which is even tougher penalties for those offending.

I am not going to lose the opportunity to say, as I have said before, 'I told you so.' When I introduced these bills in 2021 it was a problem then and it is a problem now. Sadly, had we paid a little more attention in 2021, the horse would not have bolted as far as it has now. The reality is that we are very much playing catch-up with organised criminal activity involved in the trade of illicit tobacco.

That brings me to the crux of what I would like to discuss today, because I think what is missing in all this discussion is a much bigger discussion we need to have that we have not quite arrived at. When I introduced that bill, illicit tobacco and vapes on the black market were already trading at best at about $5 billion in lost excise and at worst at about $3.5 billion. That is what we were losing as a country to illicit tobacco in 2021. Lost tobacco excise has been a growing problem that we have known about, and those figures are indicative of the extent of that problem.

I think one of the problems that we have had is that we have failed to look at this issue holistically. Tobacco use has increased by something like 282 per cent in Australia since 2013. When you buy a legitimate packet of cigarettes today and you pay $50 for them, about $35 of that $50 is going to the government in taxes. There is not a huge profit margin being made by those retailers who sell legal tobacco, and of course it is that group of retailers who are subject to very stringent laws around the ability to sell tobacco in the first place.

We know that excise for tobacco is trending downwards. From a government perspective, those are scary figures. I note that the *Financial Review* has recently published data on just how far downwards that trend has gone. Of course, we need to respond to that, and the government has responded by taking the laws that I introduced in 2021 and making them tougher, and this week making them tougher again—and that is an absolutely good thing—but we are scrambling to shut down an activity, and a real problem is always going to be border control and enforcement.

We have a gang war between states now breaking out. It is a lucrative business for competing organised criminal activity members. The penalties have not yet kicked in, so they have been fighting. There have been fire bombings. We have seen that starting in Victoria and creeping its way over the border into South Australia. In fact, what that points to is a turf war between those people who are running this organised criminal activity. The reason it is resulting in the fire bombings and the arson is short: it is worth a motza. It is absolutely worth a fortune, something like $6 billion a year in illicit tobacco trade.

The penalties are obviously going to make a dent, but we cannot look at the penalties in isolation because, mark my words—and I know I have stood up in here and said that a lot on this issue and others—a penalty of even $4.5 million or $6.6 million, up from $1.5 million, is a drop in the ocean compared to the $6 billion net worth of this industry. So it may deter an individual retailer from selling these products.

We know therein lies another issue, because we have seen investigations done into the underhandedness of this organised criminal activity when it comes to standover tactics of individuals trading—standover tactics in terms of walking into a place and saying, 'You will sell this and I will be here once a month to collect my takings from it,' standover tactics like, 'You will be out of this store and we will be taking over control of this store by tomorrow at 5 o'clock.' Those things have all been reported as happening because it is an industry that is worth $6-odd billion.

An amount of $6.6 million may sound like a great deterrent for the little operator or the convenience store or the shisha store selling things they should not be selling, but there are two factors we are ignoring: firstly, the standover tactics; and, secondly, how that compares to the money to be made in this trade. That is precisely the reason why we are seeing the sorts of gang wars that we are seeing at the moment in this area.

As I said, the horse has already well and truly bolted, and we are now playing catch-up. If we do not actually get serious about how this stuff is getting into the country, then we are going to continue to play catch-up. I was asked this on radio the other day on the ABC. They said, 'What if we make the fine $50 million?' Well, $50 million is going to make a huger dent to $6 billion than $6.6 million, but it is still a drop in the ocean compared to the money to be made in this trade. I will speak to the federal element in a moment.

I guess the point I am getting at is that given the attention—and we are leading the nation now in terms of these reforms—on this trade at the moment, it is also naive of us to think that those in charge of a trade that is bringing in some $6 billion worth of revenue to their pockets are not going to be creative in the way that they (a) overcome any state laws, and (b) change their practices in terms of getting their products into Australia in the first instance, and that is where our Border Force control measures kick in. Minister Butler, late last year—I cannot remember the precise date—came out and announced $166 million over three years. One of the aims of that $166 million was to toughen up border control—but again, what we know is it is not enough.

We are dealing with the tail end of a problem that the federal government has been on notice about now for a very long time, and we are effectively trying to mop up with penalties. That is not to detract from the fact that we need them, but it is certainly reflective of the lack of cohesion between the state and federal governments when it comes to this issue, the very creative tools that those organised criminal syndicates have used to overcome these laws and the need for us to focus more heavily and intently on those products coming into the country.

We have seen recently—I cannot remember what the haul was worth—an intercepted haul of illicit tobacco by the AFP where it was diverted back to its country of origin, and it was worth millions and millions of dollars, but the bottom line is we need to be doing more in that space. Unless and until we do that, penalties alone will not address the underlying root cause of this issue. It will address to a degree the gang wars that are going on in Adelaide at the moment, and Victoria, but it will not address the root cause of the issue.

I have also spoken about the fact that, of course, there are two elements to this debate: one is the public health debate and the other one is the trade in organised criminal activity. My concern around cigarettes has not only been trading in cigarettes that are duty-free and so fail to comply with our laws when it comes to labelling requirements. I think it was just yesterday that the federal minister announced new laws in relation to cigarettes. We have heard lots about now being able to walk into a store and buy a cigarette per stick for about a dollar, if you cannot afford a packet for about $17 or $20, compared to the $50 that you would be paying at Coles, Woolworths, X Convenience or On the Run, and the banning of menthol cigarettes from a public health perspective.

As of yesterday, every stick of cigarette now has to have a special type of code encrypted on it so you know it is a legitimate product being sold and we are banning menthol flavoured

cigarettes. I think retailers have something like a three or six-month grace period to ensure compliance with those laws before they start issuing penalties.

I can tell you that a smoker does not care if there is a print on a cigarette that shows it is a legitimate cigarette or not. They do not really care if there is a little mark on a cigarette that shows this is a legitimate cigarette versus one that is sold on the black market that is going to cost them a quarter of the price. They want a cigarette and obviously that 282 per cent increase in taxes has diverted them to this black market and that is where we have failed to act in a timely manner and, as I said before, we are now playing catch-up.

But from a health perspective—and I have raised this with the health minister's department, and I understand that we do wastewater treatment testing and I understand that we collate and collect lots of data on smoking rates in Australia—I am concerned about two things. First is that many of the products that are coming in are not actually legitimate cigarettes, so we do not know where they are made and what conditions they are made under and what they actually contain. So somebody buying one of those cigarettes because of the 282 per cent tax increase on the legitimate packet has no idea what they are actually ingesting.

They do not know if it is a Marlboro or a rip-off of a Marlboro cigarette. They do not know if it is a Dunhill packet of cigarettes or a knock-off of a packet of Dunhill cigarettes. They simply have no way of knowing because so sophisticated is this market that it is actually really difficult to tell a counterfeit cigarette from a legitimate cigarette. Some would say that it comes down to taste and you can tell pretty quickly from the burn on the back of your throat that it is a dodgy cigarette and not actually a legitimately made cigarette that would otherwise be sold as duty-free, but the reality is people are still smoking them.

That is the first issue with the public health element that I think we need to be focusing on. The second one is that we know the effect this is having on our health system and people's health outcomes overall. We know we are spending hundreds of millions of dollars on tobacco-related cancers each and every year and that the death toll is unacceptably high and cancer rates are unacceptably high.

But when I hear we are doing really well on this, I think we need to actually back that up with data because if there is a $6 billion blackhole in your excise and we are using that to say smoking rates are trending downwards there is a problem because we are not necessarily taking that into account. I think we need to test the veracity of the argument that wastewater treatment shows us that rates are still trending downwards. That is my view. It is something I have raised with the health department and something that I will continue to discuss with the health department.

I want to remind honourable members that obviously we have moved a long way since I spoke when I first introduced the bill in 2021. I know we had a bit of a giggle about it at the time, but the penalties that we applied then when the opportunity was before us for smuggling a packet of cigarettes into Yatala or Cavan or the women's prison was a maximum of about five years in jail, compared to the $500 expiation or $10,000 maximum penalty that could be applied. Contraband cigarettes in jail, in detention, had that sort of penalty attached to them when we were trying to deal with this issue back then.

We cannot underestimate the value of those trading in this black market, and when we look at that, then we need to be looking at all the things that we need to be doing to ensure enforcement. There are amendments around cross-agency sharing of information. We have an announcement from last year, which I mentioned before, from the Minister for Health, or the relevant minister—who was it? Butler—for a $166 million extra injection of cash to deal with all elements of illicit tobacco, but not necessarily Border Force control, and that is an area we absolutely need to be looking at in further detail.

The states and the feds need to be working hand-in-hand if we are actually going to seriously deal with this issue because unless and until we do that, we will continue to play catch-up, we will continue to penalise people who are further down the pecking order of the people who are sitting at the top making these billions of dollars in the black market trade of cigarettes. Clearly, we need to get serious about this because they are conversations that make us uncomfortable.

I referenced this the other day, but one of the first announcements I heard just before the federal election was called was a freeze on beer in the lead-up to the next federal election. I think we can all understand that. It is a pretty popular election policy to go into an election with, but we appear to be too scared to have the same sort of debate and to ask the hard questions when it comes to illicit tobacco and legal tobacco. I do not think we can shy away from those difficult conversations any longer.

I am not suggesting we lower the excise. That is not my claim here today. I am saying let's go back and look at this holistically and what role everybody plays in this from the federal level down, because that is the only way we are going to tackle this issue overall. That, for me, has been the elephant in the room. That, for me, has been the one area where we have kind of not got this right and failed a little bit. Again, we need to be having serious conversations about that in terms of stamping out this illicit tobacco trade, breaking down the organised criminal activity and the public health impacts of smoking on smokers.

I think I have canvassed that enough but I would encourage honourable members to read some statistics from a report that was published very recently in relation to how we lost control of illicit tobacco in this nation, because it is a very good backdrop to now how we are trying to play catch-up with laws around illicit tobacco in this state. I will speak, though, very briefly now in relation to the amendments that are being moved. There has been lots of discussion about the fact that the Small Business Commissioner's group of authorised officers go into a shop one day, tobacco is removed, and the next day they are open, trading again.

What I have attempted to do through the amendments I have moved is to close a very big loophole that none of us anticipated when we first sought to amend those laws of 2021. Based on discussions that I have had with the minister and people who work in this area, it is not that simple to just go in and stop somebody from trading and slapping on a closure order. The bar we have set for the compliance officers to be able to do that in the legislation is too high.

I will speak to it further when we get to the amendments, but it is a critical element of making sure we are maximising the provisions we have before us in this legislation. It is imperative that we have those provisions when it comes to enforceability, it is imperative we have those when it comes to dealing with breaches of orders and it is absolutely imperative when we start talking about prosecuting individuals for continuing to trade in illicit tobacco.

I will save further comments and explanations for when I get to the amendments themselves, but my very strong view is that, in the absence of procedural fairness buffers for the minister and, more importantly, in the absence of the ability for the minister (I mean those who are responsible for enforcement) to go in under any circumstances and slap one of these stores with a closure order and then being able to prosecute an individual for breaching that order, is key to ensuring that we deal with trade in this state more appropriately than we have been. I will explain that further in the committee stage of the debate. With those words, I support the second reading of the bill.

The Hon. J.S. LEE (15:52): I rise to speak in support of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025. The bill before us today follows on from legislation that passed the parliament last year and came into effect on 13 December 2024, introducing new enforcement powers and penalties to tackle the sale of illicit tobacco and vapes.

The government reported that these new measures have already been used by both Consumer and Business Services and South Australia Police to seize illicit products across the state. It was reported that, as of 13 February this year, approximately $12.5 million worth of illicit products have been seized by SA enforcement teams. This includes more than 10 million cigarettes, more than four tonnes of tobacco, more than 400 kilograms of shisha and more than 55,000 vapes.

These seizures occurred between July 2024 and February 2025—less than an eight-month period. My understanding is that, since the law started on 13 December 2024, the Minister for Consumer and Business Affairs has issued six interim closure orders and applied for one long-term closure order, which is currently progressing through the courts.

The government reported that this new bill comes at the request of the SA Police commissioner and from close consultation with Preventive Health SA, Consumer and Business

Services, the Small Business Commissioner and the Crown Solicitor's Office. I have been advised that SAPOL has identified a number of deficiencies in the current legislation and has requested additional powers to enable them to more effectively crack down on the illicit tobacco trade in South Australia.

This bill creates greater penalties for the possession or supply of illicit tobacco and e-cigarette products, with the introduction of a new penalty tier for commercial and large commercial quantities. Fines will now increase to up to $6.6 million for large-scale violations. A new offence will also be created for the property owner or landlord who knowingly permits their premises to be used for illegal activities. It will also enable owners to make an application to the court to amend or revoke a long-term closure order to allow the premises to be leased to a new tenant.

Furthermore, a new provision will allow a landlord to terminate a retail shop lease if a long-term closure order is made. The bill will also provide additional powers to police to undertake expanded searches of suspected premises to search for other illicit items, such as weapons, explosives and drugs, and will allow for greater information sharing between enforcement agencies.

With intelligence from law enforcement agencies showing that up to 75 per cent of the illicit tobacco and e-cigarette trade in Australia is being controlled by organised crime, it is vital that our police and enforcement agencies have the powers they need to stamp out this trade. I indicate my support for this bill. I understand the Hon. Frank Pangallo and the Hon. Connie Bonaros have filed a number of amendments to the bill, and I will consider those amendments during the course of the committee stage.

The Hon. F. PANGALLO (15:55): I rise to speak on the Statutes Amendment (Tobacco and E-Cigarettes Products—Closure Orders and Offences) Bill 2025. This bill represents an overdue but welcome response by the Malinauskas government to what has been evident to most of us for years, and that is the flourishing illegal tobacco trade. This trade, which is hiding in plain sight, so much so that you cannot even call it a black market, has a wide range of negative consequences for all South Australians.

It is robbing our federal government of excise payable on legal cigarettes and undoing the excellent work we have done to discourage smoking through a range of multifaceted approaches, including increasing excise, mandatory health warnings on packages and individual cigarettes, strict limits on advertising, and public health education initiatives.

Research shows the availability of cheap illegal tobacco facilitates the recruitment of more smokers at a young age and ensures that addicted smokers are more easily able to fund and maintain their smoking addiction. Illegal tobacco is not only substantially cheaper than legal tobacco, it is easier to obtain without proof of age and more affordable for lower socio-economic groups, who are more likely to be smokers and to suffer the ill-health effects of smoking than their wealthier and better educated fellow citizens.

The illegal tobacco industry has shown it operates under its own code of lawlessness and that penalties and punishments for any infringements against the illegal operators are likely to result in having your premises burnt down or your life threatened. There is very strong evidence from the AFP and SAPOL of criminal gangs controlling and profiting from the industry in South Australia, and we have seen a huge increase in arson attacks here and interstate.

Our current illegal tobacco and vaping device laws and enforcement are ineffective and need a comprehensive overhaul, including, in my view, the need to move them out of the CBS portfolio. However, in the meantime I want to make sure this bill addresses at least some of the enforcement issues that have become patently obvious and brazen.

The illegal tobacco and vape industry has shown a complete disregard and disdain for government enforcement efforts. Despite more frequent and serious crackdowns in recent times through the establishment of SAPOL's Operation Eclipse task force, these operators still think, and indeed show, that they can operate with complete impunity and disregard for the law.

There are more than 200 shops selling illegal tobacco products in South Australia. I do not have the latest figures, but back in December there were just 15 shops raided, with 105 residential, business and storage premises being searched and vehicles stopped on transit routes into South

Australia. These operators are exploiting a desire by those smokers under cost-of-living financial pressures to seek out the cheaper non-excised products, essentially encouraging and supporting law breaking—which is unfortunate.

As I have already flagged, I hold grave concerns about the ability of the Consumer and Business Services portfolio to police and enforce these laws, including the current bill. I have recently been informed that these outlets know that CBS officials do not work after 5pm or on weekends. They also know that the raids or visits are conducted by relatively junior CBS officers without any of the powers SAPOL has. They also get tip-offs about where and when CBS staff are active, and take steps to avoid detection. They are outsmarting them.

If, like I have, you have tried to get CBS onto an issue or a case as a matter of urgency you will often get the response, as shocking as it is, that they do not have sufficient resources to deal with the problem. They will thank you for raising the issue and commit to getting onto it when resources allow, or, 'Why don't you contact Crime Stoppers?' Well, good luck with that. What is the point of encouraging the public to contact CBS or Crime Stoppers to report illegal activity when nothing is done to put a finality to it?

What about the regions where this is happening on a big scale? CBS does not have a presence there, and it is left to local police to crack down. Whether it is this activity or other consumer protection complaints against dodgy builders, plumbers, electricians or backyard car dealers, I currently have numerous active files where consumers have been badly failed by CBS—but that is largely for another day.

I am sorry to keep saying this but, as I have pointed out so many times in the past, they are toothless watchdogs, and I would welcome the day this government frames legislation that gives them stronger enforcement powers, additional staffing resources and dramatically lifts its consumer protection role. It would be a vote winner. Minister Michaels and her new CBS Commissioner Humphrey may take umbrage at my criticism, but it is justified.

Here is one example of their incompetence. Two years ago, almost to the day, I was contacted by a licensed retailer in a servo in Kadina informing me of the illegal stores operating at Frances Terrace and Digby Street. At the time, he reported he was losing up to $100,000 a month in sales. That has now doubled: his profit is down $300,000 a year. He says that what was a good business that took him 20 years to build up is now in danger of closing.

I spoke with him today and he told me it is soul destroying to see those two illegal outlets still being able to trade while he suffers a downturn. What is even worse is that for months he kept reporting them to CBS, but nobody responded to the messages he left on their message bank; that is, until he finally heard back from the minister's office only a few days ago. It is simply not good enough. He now warns that the ban on menthol cigarette sales, which came into effect on 1 April, is going to drive even more business to these illegal operators.

Just stop and think about the roll-on effect this illicit trade is having on legitimate and licensed small businesses. When people do not go into their stores, sales not only drop off for cigarettes but also for other products they sell. In the meantime, the more than 200 clandestine shops selling the illegal products make huge profits. As I have repeatedly reported in this place, my office—and even myself, with something of a profile—have been able to easily purchase and witness the sale of illegal tobacco and vapes openly throughout the Adelaide CBD and in the suburbs and regions.

Illegal tobacco crime syndicates are thumbing their noses at the law and making police and consumer affairs officers look impotent by continuing to sell unlawful products hours after being raided and shut down. Nearly $7 billion in unpaid excise will be wiped from the federal budget over the next four years. These criminals are recklessly destroying law-abiding small businesses across the nation. They have to be stopped.

I have named four convenience stores in the city blatantly selling illegal tobacco and vaping products in parliament a month ago. I produced packets purchased there by one of my staff. Unit 19, 136 North Terrace, trading as Ultimate Convenience—just across the road. These same tenants operate The Ultimate Convenience store at 210 Rundle Street, which was recently closed for 72 hours. Rundle City Convenience, at 282 Rundle Street, was closed for 72 hours on 13 March—

so what? The day after the order expired they resumed trading, and no immediate further enforcement action has been taken against them. Another running the gauntlet is 240 Rundle Street.

In early March, I reported another illegal operation on Marble Terrace at Stonyfell to the health minister and the Minister for Consumer and Business Affairs' office that was also selling individual cigarettes for $1 each. As far as I am aware, they were not shut down and continue to break the law as I speak. As for those other city fag speak-easies I mentioned earlier, while I have been talking I have received images—I will just check my phone; here we go—of packets bought at 210 and 282 Rundle Street. Just coming through now is a picture of Manchester cigarettes that were purchased a moment ago at the Bank Street Ultimate Convenience. This is the ultimate two-finger salute to authority.

I have been contacted by exasperated and legitimate licensed tobacco retailers and worried property owners complaining that their calls dobbing in these rogues are not being acted upon as a priority—not by the enforcement officers, not by their property's owners, not by their property's managers, who could and should be able to terminate their leases on the spot.

Let me cite an example of the apathetic attitude. The same frustrated retailer who contacts me daily and has just sent me those images had notified the owners of the unit 19, 136 North Terrace property on 4 February about the law breaking and that they could face hefty fines for knowingly allowing a tenant to operate illegally from their unit. On Monday this week at 4.06pm—and remember he contacted them on 4 February—he emailed the property manager responsible, a Corinna Hall, a director and specialist in commercial property management at Key Rentals, informing them they were selling illegal products at the weekend, including a photograph of what he had purchased.

He passed on reliable intel that the tenant, The Ultimate Convenience, would now only sell to regular customers between 9am and 5pm during the week and to anyone else outside of normal business hours because CBS officers do not work after 5pm. Here is Ms Hall's disingenuous response, which she had also sent to another property management company, Whittles. I quote:

> If the alleged activity is occurring on the property and the Lessee is formally charged with an offence prohibited by law, we will seek legal advice and pursue any remedies available under the lease at that time.
>
> This matter falls within the jurisdiction of the relevant authorities, and the accuser should consider referring their concerns to the appropriate agencies in the first instance.
>
> While we acknowledge and have noted the notification of the alleged activity, we are not in a position to adjudicate matters beyond our authority.

Here is my interpretation of Ms Hall's take on that: if this illegal activity you are claiming is happening—and it is plainly obvious, actually—we will take it up with our lawyer because it is not up to us to make the call, and we have no interest to act, so why do you not go and take your concern to someone else who might listen to you? My advice to Ms Hall is she needs to open her eyes and pay her client's tenants a visit to see for herself and inspect the premises. Is that not what property managers are obliged to do?

Tim Pozza, a property manager for McGees, has played dumb too, after being made aware of the criminal activity going on at 240 Rundle Street by the East End Coordination Group in early December 2024, and then again by Steve Maras, the group managing director and CEO of the Maras Group. On 25 March, Mr Maras asked whether Mr Pozza had been in touch with the building's owner, as the whole East End community was aware of the issue and were up in arms. Here is Mr Pozza's detached response. Again, I quote:

> Yes, I have spoken with the lessor on this. The discussion has been that if they are selling illegal products then they should be shut down. There is no room to [sic] illegal activity in any retail sense with this sector.

And this is underlined:

> The convenience store has been warned and have advised they are not selling illegal products. I believe they are in the process of obtaining their tobacco license.

I have just been given more examples of these stores still selling these products, and there you have the property manager, Mr Pozza, who is just basically doing a Pontius Pilate and washing his hands of the whole thing while this illegal activity is going on. So what is going on here? They are lying to Mr Pozza, who seems to be taking no notice of Mr Maras's warnings—and he is the one person you

would believe. And they say they are getting a tobacco licence? Seriously? So they have been selling legal and illegal products without a licence all this time?

Why are McGees or Key Rentals not doing their job, just as any other responsible property manager or landlord would do when there are real risks? Why are they blind to what every man and his dog, cat and budgerigar can see openly? You would think the authorities would be there in a flash, given they had been there only hours before.

Giving a paltry $5,000 fine to the hapless individual behind the counter—and unfortunately often it is a person on a visa and not the actual owners—is not going to deter them when they can make 10 times that amount in a few days. Fortunately, that penalty increases significantly with this bill, but let's see if they continue chancing their luck.

If you are serious about cracking down on this multibillion-dollar criminal enterprise that continues to grow and is as big as the illegal drug trade, you would be straight back and hitting them up with even tougher penalties to teach them all a lesson, shutting them down for a considerable period so it hurts their bottom line, which is what my amendments will do. There are also grave concerns about safety and security, as we have seen here and interstate where tobacco stores have been firebombed as part of an escalating turf war between rival gangs. There have been fatal shootings.

In a letter dated 10 March to the owner of the property at 282 Rundle Street, which was raided twice, the East End Coordination Group's Frank Hannon-Tan expresses fears the building could be at risk, along with the welfare of traders nearby and the safety of the general public.

I fully endorse the tougher financial penalties in this bill, which range from $1 million to $4.4 million, and $6.6 million for large commercial quantities. Those caught dealing and selling these products are on notice, as are the property owners who knowingly continue to allow this activity to flourish. Property owners and their property managers need to take action against these rogue tenants and terminate their leases, which they can do.

However, I believe the legislation does need to go further. My amendments will strengthen the bill with even tougher penalties to include short-term rolling closure orders of 28 days and much longer—12 months, should the operators reoffend. There is also an amendment that relates to the seizing, storage and destruction of illegal products and making convicted persons liable for associated costs in testing, transporting, storing, dismantling and destroying or disposing of property, along with prosecution costs.

This is very similar to legislation that was passed only last year, relating to drug paraphernalia that had been stored by South Australia Police across many locations in the metropolitan area, to the point where they were running out of room. The police wanted to be able to destroy these materials very quickly. There is concern in SAPOL that this could also happen in relation to the seizure of these illegal products—they cannot just store them indefinitely, and something needs to happen. My amendment will give authority for those products to be destroyed.

While SAPOL's Operation Eclipse has carried out several raids and has seized large quantities of illegal products worth millions of dollars, it still does not seem to have deterred these operators from continuing their business. It has become the modern-day equivalent of the prohibition era of the Roaring Twenties—that is, the 1920s. Commonwealth and state governments must wear the blame for allowing this huge black market racket to thrive after having been warned constantly that it was going to explode. I hope it is not too late to bring these racketeers under control.

In closing, I again urge the Premier and the health minister to support and move quickly through the other place my bill to ban young people, born from 2007 onwards, from being able to legally buy tobacco products once they turn 18. If you are serious, and if the Premier says that social media is as bad an addiction as tobacco, you must support this legislation. I commend the bill.

The Hon. T.T. NGO (16:18): I rise to speak on the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025. Tobacco remains the leading cause of disease and death in Australia, with there being approximately 260,000 current adult smokers. In fact, smoking is estimated to cost our state health system in excess of $2 billion each year. An article

in *The Advertiser* on Saturday, titled 'Illegal tobacco shops raking it in', highlights the issue the Labor Malinauskas government is confronting head-on.

In Labor's most recent budget, we committed $16 million over the next four years to tackle the growing trade in illicit tobacco and to take more action against the illegal sale of tobacco and e-cigarette products. Other steps this government has taken to make this illicit trade less profitable and less accessible include:

- banning the supply of vapes to any person under 18 years old, even by prescription;
- increasing penalties to $1.5 million; and
- banning vending machines selling tobacco products in public areas.

We have introduced a new authority to ban novel products which are marketed as an alternative to vapes, and used this measure to ban nicotine pouches. The government has also created a smoke-free and vape-free buffer zone for enclosed public transport areas and allowed the issuing of a closure order on a property. This allows authorised officers and the courts to immediately close down unlawful activity relating to illicit tobacco.

Importantly, we have also updated our licensing and enforcement provisions to increase capacity to enforce breaches of the law. From 1 July 2024, Consumer and Business Services assumed responsibility for the licensing and enforcement functions related to the illegal sales of e-cigarettes and illicit tobacco. They are now responsible for assessing new licence applications, ensuring existing licensees are complying with the law, and investigating and prosecuting offenders.

Since the new laws started, the Minister for Consumer and Business Affairs has issued nine interim closure orders and successfully applied to the courts for one long-term closure order. This occurred between 13 December 2024 and 6 March 2025. With the help of new measures, enforcement teams have seized products worth approximately $12.5 million between July 2024 and February 2025.

This Labor government has supported schools by providing resources, education campaigns and staff training aimed at preventing children from taking up vaping, and working with those who want to quit. Hard-hitting media campaigns on radio and digital platforms about vaping—including Instagram, TikTok and YouTube—have also been running.

The South Australian Health and Medical Research Institute has had a significant role in informing policy. Its most recent findings showed that vaping rates among 15-29 year olds in 2024 reduced by around a third, dropping to 10.8 per cent compared to 15.1 per cent in 2023. It was also heartening to hear that the Minister for Education has reported that suspensions related to vaping at South Australian schools have dropped by a staggering 50 per cent. In term 1 of 2023, there were 388 suspensions compared to 186 in term 1 of 2024.

It is not surprising to learn that enforcement agency intelligence has identified that up to 75 per cent of illicit trade tobacco and e-cigarette products are controlled by organised crime groups. In response to this finding, the Commissioner for Police has requested additional powers to tackle this issue in South Australia. This government is willing to act and is prepared to provide our enforcement agencies with the tools they need to disrupt and end illicit tobacco trade in this state.

The new amendments in the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025 seek to amend both the Tobacco and E-Cigarette Products Act 1997 and the Retail and Commercial Leases Act 1995, with this bill including:

- harsher penalties and fines, with fines up to $6.6 million for those caught supplying or possessing large amounts of illicit tobacco and vapes;
- new offences for property owners who allow their premises to be used for illegal sales of these products; and
- better information sharing to help law enforcement agencies work more effectively with business owners, landlords and the public.

In addition to this, South Australian police will be authorised to conduct random drug, weapon and explosive searches using detection dogs and metal detectors in places suspected of selling illegal tobacco or other banned products.

These amendments will give South Australia the harshest fines of any state or territory in the nation for supplying or possessing 'commercial' and 'large commercial' quantities of prohibited products. By implementing a combination of legislative measures, this government is continuing to work hard to tackle the illicit trade of tobacco and e-cigarettes. I therefore commend this bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:25): I thank all members for their contributions on this bill. The government has a strong commitment to tackling illicit tobacco and e-cigarette sales in South Australia, which is demonstrated by the action that has been taken to date and further supported by this bill supporting South Australian police and CBS enforcement officers to ensure they are equipped with the tools they need to disrupt and end the illicit tobacco trade in the state.

I particularly want to acknowledge both the Hon. Frank Pangallo and the Hon. Connie Bonaros and the amendments they have put forward to this bill. I note that both members share the government's passion and determination to stamp out the illicit tobacco trade. Both members have supported the government's efforts to crack down on the illicit trade in the state, including supporting legislation that was passed last year.

I acknowledge the Hon. Connie Bonaros's dedicated work over a long period of time. Her efforts, particularly through her amendment bill in 2023 to increase penalties, are an important step in strengthening enforcement measures. I note the government supported that bill and is again supporting amendments put forward today, recognising the impact this will have in combating the illicit tobacco trade. The government is happy to work with members to strengthen our tobacco laws to ensure police and CBS are appropriately equipped to deal with this issue. With that, I look forward to the committee stage. I know there are a number of amendments to work through.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 8 passed.

Clause 9.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–3]—

Page 7, after line 9—Insert:

(1) Section 69(1)—delete 'If' and substitute:

Subject to this section, if

This is an administrative procedure, basically deleting a word and substituting the addition of clause 9, page 7, which I will go into next.

The Hon. K.J. MAHER: Similarly, I might take the opportunity to speak to this amendment, which is consequential on the Hon. Frank Pangallo's amendment No. 2. I might speak to both of them now as we prepare for those. The measures proposed regarding the destruction of seized products in the amendments, I am advised, are currently included and adequately prescribed in the Tobacco and E-Cigarette Products Regulations 2019, so the government's view is the addition of the amendment would not add any further benefit to the existing regulation.

I am advised that, as proposed, the amendment would remove some of the features which are currently present in the regulations and would reduce the flexibility built into the current forfeiture and disposal legislative regime to its inclusion regulations. It is the government's view that this flexibility is important as we are dealing with an industry which is constantly adapting. In addition, the

current regulation includes a broader definition for tobacco products that is not limited to just prescribed tobacco products.

This allows CBS to seize legitimate products that have been sold unlawfully but it is not included in the amendment. For example, if CBS inspected an unlicensed store and seized packaged cigarettes which meet the plain packaging requirements, as well as packaged cigarettes without the plain packaging, the amendment would only apply to the packet of cigarettes without plain packaging. This would result in the regulations needing to be made to address the seizure, forfeiture and destruction of correctly packaged cigarettes which were seized from the unlicensed store.

It is the government's view that the current regulation also includes a provision that allows for property to be destroyed if considered too dangerous to be stored, and a provision to allow for other properties such as business records to be returned, whereas the amendment does not expressly address these important aspects of the current legislation.

I thank the Hon. Frank Pangallo for his consideration of the measure. The government completely understands why he has put forward these amendments but it is the government's view that there is already the provision with greater flexibility in the regulations to allow this, so although the government will be supporting quite a number of amendments, it will not be supporting this particular amendment.

The CHAIR: The Hon. Mr Pangallo, I might get you to move your next amendment, which really explains the thrust of what you are doing, and then we will put them at the same time.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–3]—

Page 7, after line 11—Insert:

(3) Section 69—after subsection (2) insert:

(3) If a prescribed product is seized under this Part, the following provisions apply:

(a) the Minister may direct that the prescribed product be destroyed, whether or not a person has been, or is to be, charged with an offence in relation to it;

(b) the prescribed product referred to in paragraph (a) may be destroyed at the place at which it was seized or at any other suitable place;

(c) if a charge is laid, or is to be laid, for an offence in relation to the prescribed product, a representative sample of the product must be taken in accordance with the regulations and kept for evidentiary purposes;

(d) if a person is convicted of an offence in relation to a prescribed product destroyed in accordance with paragraph (b), the court may order the convicted person to pay the reasonable costs of storage and destruction of the product to the Minister (including, without limitation, the costs of the Minister, or a person acting at the direction of the Minister, collecting, transporting and dismantling the product as may reasonably be required for the purposes of destroying the product).

(4) If the Magistrates Court on application by the Minister, or any court hearing proceedings under this Act, finds that a record or thing seized under this Part (the *seized property*)—

(a) was the subject of an offence against this Act; or

(b) consists of material or a thing used or intended for use for, or in connection with, an offence against this Act,

the court may make 1 or both of the following orders:

(c) an order forfeiting the seized property to the Crown;

(d) an order requiring the person from whom the property was seized to pay the reasonable costs incurred by the Minister as a result of the offence including (without limitation)—

(i) the cost of testing, transporting, storing, dismantling, destroying or disposing of the property; and

(ii) the reasonable costs of investigating the offence; and

(iii) the reasonable costs of preparing for the prosecution of the offence.

(5) The Minister may, if seized property is the subject of an order for forfeiture under subsection (4), sell, destroy or otherwise dispose of the property as the Minister thinks fit.

(6) No right of compensation arises out of any action taken by the Minister or an authorised officer under this section or the regulations made under this section.

(7) In this section—

prescribed product means—

(a) an e-cigarette product; or

(b) a prescribed tobacco product within the meaning of section 33(2); or

(c) a prohibited product.

Basically, this amendment mirrors what has been passed in Queensland only in recent days. I am surprised at the attitude of the government on this, but perhaps it may need more consideration as it may well be early days. Essentially, if a prescribed product is seized under this part, the provisions that will apply are:

(a) the Minister may direct that the prescribed product be destroyed, whether or not a person has been, or is to be, charged with an offence in relation to it;

(b) the prescribed product referred to in paragraph (a) may be destroyed at the place at which it was seized or at any other suitable place;

(c) if a charge is laid, or is to be laid, for an offence in relation to the prescribed product, a representative sample of the product must be taken in accordance with the regulations and kept for evidentiary purposes;

(d) if a person is convicted of an offence in relation to a prescribed product destroyed in accordance with paragraph (b), the court may order the convicted person to pay the reasonable costs of storage and destruction of the product to the Minister (including, without limitation, the costs of the Minister, or a person acting at the direction of the Minister, collecting, transporting and dismantling the product as may reasonably be required for the purposes of destroying the product).

In essence, what this amendment does, without going through it in detail, is it actually provides a layer for enforcement officers to be able to dispose expeditiously the seized products rather than have them piled up in some storage shed controlled by SAPOL. We have seen something like $12 million worth of product that has been seized in only recent months. It is a considerable amount and it amounts to tonnes of this product.

If this legislation goes through and there are constant crackdowns on this illegal activity, whether they get them from shops—and, as I pointed out, there are something like 200 shops out there, maybe even more—you will have truckloads coming in, probably in shipping containers. Where are you going to store all this stuff before the matter finally winds its way into court? I am pretty sure that police would support what this move intends to do, and that is to relieve them of having to store large quantities of illegal products on sites until the matter is dealt with.

We did this only last year, when police had about eight locations around the metropolitan area where seized drug paraphernalia and equipment were stored to the rafters, and they wanted them removed. It was costing the taxpayers a lot of money for the storage costs. At the same time, this amendment will also ensure that the taxpayer is not burdened with any ongoing costs in relation to not only storing this equipment and destroying it but also investigating the offence and the prosecution of the offence. It is a measure designed to be a real deterrent to these people, because at this point they will continue their operations and will flout the law. It is intended to make it tough.

The Hon. J.M.A. LENSINK: For the ease of the committee, we will not support this particular amendment, but we will support a number of the crossbench amendments and will indicate as we proceed.

The Hon. R.A. SIMMS: To assist the committee stage of the bill, I indicate that the Greens will support the amendments from the Hon. Frank Pangallo.

Amendments negatived; clause passed.

New clauses 9A, 9B and 9C.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–3]—

Page 7, after line 11—Insert:

9A—Amendment of section 69CB—Interim closure order

Section 69CB(4)—delete subsection (4) and substitute:

(4) The interim closure order has effect from the time specified in the order until 72 hours after the time specified in the order (but nothing prevents the making of a subsequent interim closure order in respect of the same premises).

The amendment provides that a closure order has effect—and this is the closure order that the Hon. Frank Pangallo is moving—from the time specified in the order until 72 hours after the time specified, but there is nothing preventing the minister from making a subsequent interim closure order in respect of the same premises. It is making it explicit that, when we make those 72-hour closure orders, the minister has the ability—for whatever reason, and there may be very legitimate reasons and we suspect that this is a power the minister has already, it is just not explicit in the bill—if required, to make a subsequent interim closure order in respect of the same premises in question. That is the gist of the amendment and it works in parallel with the other amendment being proposed with respect to the same interim closure orders.

The Hon. F. PANGALLO: I move:

Amendment No 3 [Pangallo–3]—

Page 7, after line 11—Insert:

9A—Amendment of section 69CA—Interpretation

(1) Section 69CA, definition of *closure order*—after paragraph (a) insert:

(ab) a short term closure order; or

(2) Section 69CA—after the definition of *prescribed product* insert:

short term closure order—see section 69CBA.

9B—Amendment of section 69CB—Interim closure order

Section 69CB—after subsection (5) insert:

(6) For the purposes of this section, the Minister is not required to act in accordance with the principles of procedural fairness.

9C—Insertion of section 69CBA

After section 69CB insert:

69CBA—Short term closure order

(1) The Minister may, by notice in writing, order that specified premises be closed (a *short term closure order*) if the Minister reasonably suspects that—

(a) prescribed products are being, or are likely to be, sold or supplied at the premises as part of a business being carried on at the premises; or

(b) tobacco products or e-cigarette products are being, or are likely to be, unlawfully sold or supplied at the premises as part of a business being carried on at the premises.

(2) A short term closure order has effect for a period of 28 days from the day specified in the order (but nothing prevents the making of a subsequent short term closure order in respect of the same premises).

(3) The Minister may, by notice in writing, vary or revoke a short term closure order.

(4) A notice under this section must be—

(a) given to the person apparently in charge of the premises; or

(b) given to the owner of the premises; or

(c) posted in a conspicuous place—

(i) in the case of premises other than mobile premises—at the entrance to the premises; or

(ii) in the case of mobile premises—

(A) on the mobile premises; or

(B) at the entrance to premises that are connected to the business carried on from the mobile premises.

(5) A short term closure order may be made regardless of whether an interim closure order is, or has been, in effect in relation to the premises.

(6) For the purposes of this section, the Minister is not required to act in accordance with the principles of procedural fairness.

As I mentioned in my second reading speech, and as I have actually demonstrated even here today, it does not matter what you do; you can issue an interim closing order and within 72 hours they are back selling it. Across the road, down in Rundle Street right now as we are speaking, they are still selling these products, and they do so without thinking there may be any consequences to them.

What I initially wanted with this amendment was that the minister be able to impose not a 28-day closing order, but that as well as having the ability to impose an interim order of 72 hours the minister also can, regardless of whether there is one in place or not, impose a 60-day order when these operators are caught in the act, and caught red-handed—to teach them a lesson. That is what it is all about: ensuring that they get the message that they need to stop this practice.

It is quite clear from the raids that have been conducted on these stores—and we are talking not about just one isolated one; there have been several—that they just come back and keep selling them. It is beyond me why you should not support a longer closure of these stores, to actually stop them from trading, not just stop them from selling tobacco products or illegal ones. You stop them from trading: 'That is the risk you are going to take if you are going to break the law. We are going to shut you down for 60 days.'

That is what I wanted initially, but I had consultations with the minister and we came to a compromise that it would be 28 days, that these could be rolled out continuously over a period of time, and also that the minister would be able to make the short-term closure regardless of whether there was an interim order in place or not. That, in effect, is what my amendment is about now. I have agreed to the 28 days, after consultation with the minister.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting both the amendments that are put forward. I will address the one that was most recently put forward by the Hon. Frank Pangallo. The government will be supporting the amendment that will allow the minister to make a short-term closure order for a period of 28 days, providing that tier in between interim and long-term closure orders. We thank the member for bringing the amendment. The government will be supporting it.

We will also be supporting the Hon. Connie Bonaros's amendment, which in effect allows for the interim closure orders of 72 hours to be made multiple times if necessary. These are both sensible amendments that the government is pleased to support.

The CHAIR: What I am going to put is, firstly, that 9A as inserted by the Hon. Mr Pangallo, section 69CA, be agreed to.

New clause 9A inserted.

The CHAIR: Now we are going to go to the Hon. Ms Bonaros's amendment.

Amendment carried.

The CHAIR: The Hon. Mr Pangallo, you have moved 9B and 9C, so I am going to put those questions.

New clauses 9B and 9C inserted.

Clause 10.

The Hon. F. PANGALLO: I move:

Amendment No 4 [Pangallo–3]—

Page 7, after line 14—Insert:

(1a) Section 69CC(1)—delete '6 months' and substitute '12 months'

Essentially, what this does is it deletes the six months' closure order that a minister can make and substitutes it with a 12-month closure order.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting these two amendments.

The Hon. F. PANGALLO: I move:

Amendment No 5 [Pangallo–3]—

Page 7, after line 16—Insert:

(2a) Section 69CC(2)—after 'interim closure order' insert:

or a short term closure order

(2b) Section 69CC(2)—delete 'under section 69CB'

Amendments carried; clause as amended passed.

New clause 10A.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–3]—

Page 7, after line 24—Insert:

10A—Amendment of section 69CD—Tobacco of e-cigarette products not to be sold or supplied at closed premises

(1) Section 69CD, heading—delete 'Tobacco or e-cigarette products not to be sold or supplied at' and substitute:

Offences relating to

(2) Section 69CD—after its present contents (now to be designated as subsection (1)) insert:

(2) Subject to subsection (3), a person who is present on premises in relation to which a closure order is in effect is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$500,000;

(b) in the case of an individual—$250,000.

Expiation fee:

(a) in the case of a body corporate—$10,000;

(b) in the case of an individual—$2,500.

(3) The Minister may, by notice in writing (an *exemption notice*), exempt a person from the operation of subsection (2) in relation to specified premises on terms and conditions specified in the notice.

(4) An exemption notice must—

(a) be given to the person to whom the exemption applies; and

(b) specify the closed premises in relation to which the exemption applies; and

(c) set out the details of the condition of the exemption specified in subsection (5).

(5) It is a condition of an exemption under subsection (3) that the person to whom the exemption applies must not carry on a business, or cause or permit another to carry on a business, on the closed premises specified in the exemption notice.

Section 69CD of the legislation currently provides that a person must not, while a closure order is in place, sell or supply or carry on a business of selling or supplying tobacco or prohibited products at the premises. The onus, of course, is on the authorities to prove that tobacco—and we are talking about illicit tobacco and vapes—is actually being sold. I note that the Hon. Mr Simms said he will listen to this carefully, in terms of their support for this, so I will outline a good argument for the Hon. Mr Simms but certainly one I think is necessary for this piece of legislation.

We can sit and pontificate about how effective these increases will be, but the bottom line remains that what those responsible for enforcement lack—and this was an oversight by this parliament when we first introduced these measures—is the ability to go onto premises and actually prosecute for breach of an order, because we set the bar too high. It is extremely difficult to prove that a convenience store is reopening and that they are only selling milk, water, chewies and soft drinks unless, of course, they are caught in the act, and that in and of itself is difficult because of the vast number of outlets taking part in this conversation.

However, whichever way you spin it the bottom line is that it is a barrier we simply do not need and cannot overcome under the current legislation. Now we know, with the amendments I am proposing, that if a person is present on premises subject to a closure order that in and of itself will be an offence. The only qualifier to that is if somebody has sought an exemption and approval from the minister, then they may be able to be on the premises for reasons other than selling anything.

That is an important qualifier, because there may well be very legitimate reasons for being on premises subject to closure orders. It might be that the landlord has sent in a cleaner, it might be that the owner of the building needs access to remove fixtures from the premises. There are a whole host of reasons why somebody may need to access the premises but not for the purpose of trading in anything. This is not envisaged in this. Simply by virtue of being on the premises you will be guilty of an offence unless you have applied for an exemption for legitimate reasons and been granted approval for that entry onto premises.

It may not be the actual person carrying on the illicit trade. That is a very important point to make. It may be the landlord themselves, or it may be an electrician. There are other reasons for entering premises. The important part is that unless they have sought an exemption to go on there and that has been approved, there is no other legal reason to be on those premises because they are the subject of a closure order.

The amendment has been drafted in this way because it puts the onus on the person seeking access, rather than the enforcer and their enforcement officers, to establish that they have a genuine reason to be on the premises. It is easier than having to prove, as we do now, that a person was on the premises to sell illegitimate cigarettes, tobacco or vapes or any other prohibited product.

It is a measured approach and, importantly, one that will apply regardless of the length of the order in place; that is to say, whether it is an interim order, a short-term order, or a long-term closure order. We have just heard about the East End convenience store in particular, and I am pleased to say that Mr Maras Jr and Mr Maras Sr, who I have discussed this with at length, have expressed their gratitude for these amendments, because they do not want to see this sort of conduct taking place down in the East End.

The order that was slapped on the convenience store during the Fringe—that is a significant period during which to slap a closure order, interim or not, on a convenience store. It is aimed at repeated trading in properties that leave a bad stain on areas like the East End and absolutely everywhere in between in allowing continuous trade because people know how easy it is to overcome, not because of the penalties but because the bar is too high for prosecutions. That is the bottom line.

It is a good example of why we need this amendment, though, because, in short, the penalties themselves, I maintain, will not overcome the core issue that the bar is too high. If you want

said convenience store at the East End or anywhere else to stop reopening and continuing to sell you need to give the authorities the ability to do that. They do not have it today. It is critical they do, and in the absence of this amendment we will keep going round and round the same merry-go-round, and all the harsh penalties in the world will not make a dent.

We have gone round and round about what the appropriate length of an order is. Frankly, it does not matter what the length of an order is. We need the ability to prosecute, and we simply do not have that now. It is for that reason that I am moving this amendment. It is too difficult to prove that a person is trading in illicit tobacco, which means that individuals are bypassing those provisions in the act.

It is important to remember that this provision will apply to all closure orders—interim, short-term and long-term closure orders—and it will give the authorities the ability to go in and say, 'You're not supposed to be there. We don't have to prove you're selling illicit tobacco to be there. We can prosecute you for being on the premises.'

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting this amendment. This amendment proposes a tighter approach to ensuring premises cannot continue operating when a closure order is in place, and we will be pleased to support it.

New clause inserted.

Remaining clauses (11 to 15) and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:53): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (CLAIM FARMING) BILL

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.M.A. LENSINK: I move:

Amendment No 1 [Lensink–1]—

Page 2, line 11 [clause 3(1), inserted paragraph (ca)]—Delete 'or 42B'

I will speak to all of my amendments at the same time. In relation to the removal of section 42B, this bill seeks to address the unethical practice of claim farming; however, as currently drafted—and if I go back a couple of steps, a number of our amendments have been informed by the Law Society, so we thank them for that consideration. As the bill was drafted, certain provisions, particularly section 42B, create unnecessary regulatory overreach and introduce unintended consequences for legitimate legal practice. These amendments before us refine the bill to ensure it achieves its intent without imposing excessive burdens on the legal profession.

As I stated, the Law Society of South Australia has raised valid concerns regarding the breadth of section 42B as currently drafted, which seeks to prohibit approaching or contacting individuals to solicit or induce a claim. While the objective of deterring claim farming is commendable, the provision as written is overly broad. The society has pointed out that this section could unfairly impact legal practitioners responding to inquiries or engaging in ethical outreach to potential claimants who may otherwise be unaware of their rights.

The Liberal Party's amendment removes section 42B from the bill in its entirety. This ensures the legislation remains focused on the core issue, which is banning the sale and purchase of claim

referrals, without unnecessarily restricting legitimate communications between legal professionals and potential claimants. Furthermore, the amendments remove references to section 42B throughout the bill, so are consequential.

In addition, the Law Society, in their submission to parliamentary members, has questioned the lack of sufficient data to justify the existing 42B. In their view, there is limited evidence that South Australia faces an industry-wide problem requiring such a broad provision. Concerns have been raised by the Legal Profession Conduct Commissioner (LPCC) about investigating non-lawyers under this bill. Our amendments propose to clarify that the LPCC's role should remain focused on regulating legal practitioners rather than expanding into areas beyond its scope, and these amendments still uphold the intent of the bill, which is to prevent exploitation and uphold ethical legal practice, while ensuring that legitimate legal outreach and client engagement are not unintentionally penalised.

The Hon. K.J. MAHER: Speaking to this amendment, I will speak, I think, to all nine amendments the Hon. Michelle Lensink is moving. I think the operative one is amendment No. 7 [Lensink-1] and the remaining eight are consequential on that one amendment. Speaking to these as a lot, I will explain why the government will not be supporting the amendments put forward. The government does agree with some of the things the Law Society has put forward. In fact, they have been reflected in the development of this bill, in consultation with the Law Society, and further amendments that we will come to traverse later on that the government has put forward are directly in relation to issues the Law Society has put forward.

Speaking to this lot of nine amendments, there are two offences proposed in this bill, each covering a different aspect of the claim farming behaviour. Proposed section 42A of the Summary Offences Act would criminalise providing a benefit in exchange for a claim referral. This covers a primary way in which a middle-person claim farmer makes a profit through the collection and sale of details of potential claimants. Proposed section 42B would criminalise the making of unsolicited approaches towards persons or soliciting or inducing them to make a personal injury claim in the expectation of receiving a benefit from that approach. This targets the predatory tactics that are engaged in to solicit business from injured persons.

The amendments put forward by the Liberal opposition would delete the second part of that—that is, section 42B—meaning unsolicited approaches would no longer be criminalised and only the sale of claim referrals would be criminalised. The government does not support the amendments. We believe that both amendments are important to properly stamp out the practice of claim farming.

Receiving unsolicited contact about a personal injury claim has the potential to be invasive and does not respect the autonomy of the injured person. Receiving an unsolicited call, email or letter about a potential claim could in some cases be traumatising, particularly in cases, for example, of the wrongful death of a family member, child sexual abuse or sexual assault or harassment. Further, unsolicited conduct is a key strategy of claim farming operations. Having a specific offence for this conduct will allow early investigation of potential claim farmers if evidence of suspicious, unsolicited claims comes to the attention of authorities, even if there is not yet evidence of those claim referrals being sold.

I am advised that the Queensland laws on claim farming have an offence specifically targeting unsolicited approaches, as does a bill to outlaw claim farming that was recently introduced in the New South Wales parliament.

The section 42B offence in the bill that is the subject of removal from these amendments contains measured exceptions to allow lawyers specifically to approach potential personal injury claimants in appropriate circumstances, including:

- if the approach or contact was requested by the potential claimant, or the lawyer reasonably believes that the approach or contact is at the request of the potential claimant;
- if the person approached is a current or former client of the lawyer; and
- if the lawyer has been asked to contact the person by a community legal centre or an industrial organisation, or in relation to a class action for which the law firm is responsible.

Given these exceptions are already contained in section 42B, we think it is reasonable to not support the amendments put forward.

The Hon. R.A. SIMMS: The Greens are persuaded by the arguments that the government has put forward in relation to these amendments. In light of that, we will not be supporting the Liberal amendments.

Amendment negatived; clause passed.

Clause 4 passed.

Clause 5.

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

Amendment No 1 [AG–1]—

Page 3, line 17 [inserted section 42, definition of *claim*]—After 'injury' insert:

, and includes a claim for redress under the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*

Farming of child sexual abuse claims is of particular concern. Under the bill as introduced, a claim means any claim for compensation or personal injury. This would include claims of physical or psychological injury caused by child sexual abuse, such as common law negligence claims.

It has been brought to the government's attention that there is an argument that there could be some ambiguity as to whether a claim under the National Redress Scheme would be classed as a claim for personal injury for the purpose of this bill. Whilst a redress payment under the scheme can certainly assist to compensate for physical and psychological injuries that may have arisen, proof of injury is not required to access the scheme. This amendment will put it beyond doubt that claims under the National Redress Scheme are covered by the prohibition on claim farming that this bill seeks to address.

The Hon. J.M.A. LENSINK: Just for the ease of the committee, the Liberal Party is supporting all of the amendments in set 1 in the government's name.

Amendment carried.

Amendment No 2 [AG–1]—

Page 3, after line 30 [inserted section 42]—After the definition of *community legal centre* insert:

industrial organisation means—

(a) an association, society or body formed to represent, protect or further the interests of employers or employees; or

(b) an organisation, or a branch of an organisation, registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth;

This amendment makes it clear in clause 5 that, after the definition of community legal centre, 'industrial organisation' is included for the reasons I outlined in talking to the honourable member's amendment.

Amendment carried.

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

Amendment No 3 [AG–1]—

Page 3, after line 34 [inserted section 42]—After the definition of *legal practitioner* insert:

legal services has the same meaning as in the Legal Practitioners Act 1981;

This is a clarification to insert after the definition of legal practitioner, to make it clear, that 'legal services has the same meaning as in the Legal Practitioners Act 1981'.

Amendment carried.

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

Amendment No 4 [AG–1]—

Page 5, line 29 [inserted section 42B(4)(d)(i)]—Delete 'or industrial organisation' and substitute:

, industrial organisation or organisation of a kind prescribed by the regulations

This related to amendment No. 2.

Amendment carried; clause as amended passed.

Titled passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (DISABILITY PARKING PERMIT SCHEME) 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) (17:07): I move:

That this bill be now read a second time.

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

Leave granted.

I rise to introduce the Motor Vehicles (Disability Parking Permit Scheme) Amendment Bill 2024 (the Bill). The Bill amends the *Motor Vehicles Act 1959* (the Act) to make changes to the parking permits scheme for persons with a disability in the Act. In future, the eligibility criteria for a permit will be prescribed by the regulations. It is intended to broaden the availability of the scheme to make it available to those, for example, with neurological conditions in situations where the condition impacts a person's ability to mobilise safely.

Part 3D of the Act enables the Registrar of Motor Vehicles to effectively regulate the issuing of a Disabled persons' parking permits to assist with a temporary or permanent disability and to organisations which provide services to people with a disability.

Part 3D of the Act has not been significantly amended for some time and changes to the scheme's eligibility criteria are needed to ensure the coverage of the scheme is appropriate.

The Bill updates terms, with 'disabled person' being amended to become a 'person with a disability' and a 'disabled person's parking permit' becoming a 'disability parking permit' (DPP) throughout Part 3D of the Act. The new terms are more inclusive and reflect modern practice and language.

The Bill amends section 98X of the Act, which deals with the mobility impairment criteria that a person with a 'temporary or permanent physical impairment' needs to satisfy for a DPP. Currently, the requirements are to show that a person's speed of movement is severely restricted by the impairment, and that their ability to use public transport is significantly impeded by the impairment.

No other Australian jurisdiction requires a person to be impeded in using public transport in order to be issued with a DPP. The Bill amends the section to remove this requirement. This will improve accessibility to the scheme and bring South Australia into line with other jurisdictions.

The Bill also updates section 98X of the Act so that the definition of a person with a disability, for the purposes of Part 3D of the Act, means a person who meets the eligibility criteria prescribed by the regulations. Moving the criteria to the Regulations will enable the eligibility criteria to be more readily adaptable as time goes on. This will ensure that the legislation reflects a contemporary understanding of disability and access needs for designated parking areas for people with disabilities.

It will still be necessary for applicants who have a temporary or permanent disability or impairment to satisfy criteria concerning restricted mobility. Rather than being contained in the Act, however, the criteria will instead be located in the Regulations, after consequential changes are made.

The Bill also amends section 98S of the Act to delete the reference to 'physical' in referring to a temporary impairment. This change makes clear that non-physical temporary impairments such as significant cognitive, behavioural, or neurological impairments, can be specifically included in the scheme, as well as physical impairments.

The Regulations are intended to be amended to expand the eligibility criteria for a DPP so that applicants with significant cognitive, behavioural, or neurological impairments may be eligible for a DPP where the impairment prevents the person from being able to independently mobilise safely without the continuous support of another person. Depending on the particular circumstances, this could potentially include conditions such as autism.

It is also anticipated that the Regulations will specifically address legally blind applicants, including temporary vision loss. Both Queensland and Western Australia have stand-alone provisions for legal blindness in their disability parking permit schemes.

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 *Motor Vehicles Act 1959*

3—Amendment of heading to Part 3D

This clause updates the heading to Part 3D of the Act and is consequential on other amendments proposed by this measure.

4—Amendment of section 98R—Application for permit

This clause changes references to disabled persons to people with disability and updates the name of the disabled person's parking permit to a disability parking permit.

5—Amendment of section 98S—Duration and renewal of permits

This clause relocates the definition of temporary impairment from section 98X of the Act and removes the requirement for a temporary impairment to be physical. It also changes a reference to a disabled person to a person with a disability and updates the name of the disabled person's parking permit to a disability parking permit.

6—Amendment of section 98T—Permit contents, conditions and entitlements

This clause changes a reference to a disabled person to a person with a disability and updates the name of the disabled person's parking permit to a disability parking permit.

7—Amendment of section 98U—Misuse of permit

This clause changes a reference to a disabled person to a person with a disability and updates the name of the disabled person's parking permit to a disability parking permit.

8—Amendment of section 98V—Cancellation of permit

This clause changes a reference to a disabled person to a person with a disability and updates the name of the disabled person's parking permit to a disability parking permit.

9—Amendment of section 98WA—Interstate permit holders have reciprocal entitlements

This clause updates the name of the disabled person's parking permit to a disability parking permit.

10—Amendment of section 98X—Interpretation

This clause changes a reference to a disabled person to a person with a disability. It also replaces the definition of disabled person with definition of person with a disability.

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

STATE DEVELOPMENT COORDINATION AND FACILITATION 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) (17:08): I move:

That this bill be now read a second time.

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

Leave granted.

South Australia continues to build on its global leadership position in clean energy, harnessing our state's rapid progress to a remarkable 70% renewables in its electricity mix—on track to 100% by 2027. This provides a solid platform, supported by successive governments, to not just decarbonise our grid and our economy—but also to shape the jobs of the future.

Whether it's for critical minerals processing, gigawatt-scale data centres powered by clean energy, or green manufacturing, iron and steel—South Australia has what the world needs. And importantly, this State has a chance to leverage this unique position to decarbonise its own economy and that of other jurisdictions—all while providing stable, well-paying jobs for South Australians.

At the same time, we're also building an unprecedented pipeline of housing projects to deliver more homes, more quickly for a growing number of South Australians, keeping the Australian dream of owning your own home alive for current and future generations.

And making sure we continue to provide this state's growing population with the unmatched quality of life that South Australia is known and envied for, means that we must complement this with all the infrastructure and services that growing populations need—from trunk transport or water infrastructure, health or education facilities through to social infrastructure and green space.

Responding effectively to the national housing crisis and transitioning our economy while growing it are both considerable challenges. But they are challenges we are confronting head on.

Both issues are giving rise to more, larger, more complex and more urgent developments—all of which need clarity on suitable sites and approvals. And this must occur at a faster pace than ever before, driven by the urgency of housing demand and by global investment and supply chains pivoting to where they can access the resources they need for the future—gigawatt-scale clean energy, critical minerals, skilled people, and so forth.

Through its recent inquiries into this state's regulatory framework and renewables competitiveness, the South Australian Productivity Commission noted that we must take bold action to seize the transformational opportunities ahead of us, and avoid falling behind in how we regulate large and complex projects.

The same undeniably also applies to how this State responds to the national housing crisis and seeks to seize the intergenerational economic opportunities ahead of it in other areas such as defence.

Concrete examples of the scale, complexity and urgency of anticipated development include:

- Large housing developments and new communities that trigger the need for new trunk and enabling infrastructure;
- Critical minerals processing facilities;
- Net zero industry hubs for green metals, manufacturing or fuels, connected to key inputs located elsewhere, such as clean energy and minerals, via multi-user infrastructure corridors:
- Gigawatt-scale data centres, powered by clean energy;
- Infrastructure and facilities critical to AUKUS and its supply chain.

This Bill seeks to address these challenges through a bold but responsible approach—an approach based on sensible systems reform to improve proactiveness, coordination and efficiency to enable a place-based approach, while preserving our regulatory standards and environmental protections.

This Bill also includes specific reforms announced as part of our Housing Roadmap, designed to help deliver more homes, more quickly.

This includes provisions to improve and streamline infrastructure schemes, bringing them in line with other Australian jurisdictions; to master plan and deliver new communities more quickly; and to facilitate public and private enabling and utilities infrastructure to bring those large housing developments to life—which as we have seen over the last years is a critical but often overlooked part of the broader solution to the ongoing national housing crisis.

Governments throughout Australia and right across the world are in similar positions and are equally looking to reform their planning and approvals systems in response.

In June 2024, New South Wales established a Coordinator-General function to coordinate the delivery of key priorities in renewables, housing, and the Western Sydney growth area.

Queensland continues to refine its long-standing Coordinator-General model—achieving successes in critical minerals, green manufacturing and infrastructure corridors—and governments in both the Northern Territory and Western Australia are understood to be preparing similar reforms.

The Australian Government is also preparing and consulting on a central regulatory coordination function for major transformational projects, a national 'front door' for transformational projects, which aligns with the reforms contained in this Bill.

And other jurisdictions right across Europe and the US are similarly introducing clean energy go-zones and regulatory efficiency measures.

It is no surprise, therefore, that industry and experts alike are asking governments to show leadership, do their bit, and pull out all stops to deliver well-paying jobs in future industries, to decarbonise our economy, and deliver affordable homes for South Australians to thrive in.

The message is clear, consistent, and compelling: government has a role to play in making it happen.

A role in providing earlier-stage certainty and predictability. In delivering improved coordination and efficiency right across the planning and regulatory system. And in de-risking development by taking a proactive role in identifying suitable areas for development, rather than a reactive role.

And those things are exactly what this Bill will help deliver. But it will do so the right way.

We are looking to provide certainty and efficiency, and put in place a proactive, place-based approach to planning and regulation; not one that speeds things up at the expense of our environment, perhaps our greatest asset and which makes South Australia such a wonderful place to invest, do business, and most importantly of all—to live.

Indeed, a range of industries expressed their needs on this very clearly: they are looking for proactive regulation that assists them in developing the right projects in the right places—reducing risk, uncertainty and therefore delays, while being sensitive to what our environment needs, and what our community expects.

And that's consistent with what independent experts recommend—including leading research institutions from across the nation and right here in South Australia as well.

In summary, this Bill will provide for:

- Improved coordination across our planning and regulatory system;
- The ability to proactively apply our existing planning and regulatory processes;
- Pathways to take a place-based approach to de-risking critical developments through 'state development areas'—environmentally and economically suitable 'go zones', proactively assessed by regulators, where such development can be facilitated at pace while meeting our existing planning and regulatory requirements;
- Streamlined provision of enabling infrastructure to get more large housing developments built more quickly;
- Increased capacity and efficiency; and
- Greater influence over development and environmental outcomes through conditions and other mechanisms.

Given the economy-wide nature of the challenges we are facing, particularly with decarbonisation, this Bill proposed a designation approach, based on economic, environmental and social considerations on a needs-basis, instead of a system of limited sectoral application. This will ensure a contemporary, fit-for-purpose and future-proofed framework.

Newly proposed mechanisms would be able to be applied to projects declared on the basis of a 'Primary principle', which requires consideration of anticipated social, environmental and economic outcomes and impacts on both the state and the local level.

This is akin to similar tests of 'state significance' already in use in the *Planning, Development and Infrastructure Act 2016*, with mandatory requirements to contemporaneously publish such decisions to ensure transparency.

This will result in balanced decision-making and careful consideration of not just the state interest, but local communities' interests as well. Importantly, this principle promotes balance, rather than prioritising one element over the others; it would operate alongside—not instead of—any substantive decision-making requirements flowing from other Acts; and it would also apply to other key functions provided for by this Bill.

To ensure independent decision-making and greater capacity for system-wide coordination, a new, dedicated authority is proposed to administer these newly proposed functions. This Coordinator-General's Office will be a more contemporary version of the models that exist in other Australian jurisdictions, adapted to a South Australian context and taking a more collaborative approach.

To ensure efficiency, a general duty to reasonably cooperate with this new authority is proposed to apply to existing state authorities, similar to what exists in relation to the Planning Commission.

And to achieve a suitable balance between board-based decision-making and efficient delivery, this new body would take the form of a four-person board with the ability to decide complex matters collectively while also providing it with the flexibility to set procedures for the delegation of less complex matters to individual members.

CGO's members—including its chair—will be strongly focused on the key challenges of boosting housing supply and decarbonisation, including the transformational growth opportunities it presents.

However, given the highly specialised expertise required for the timely delivery of AUKUS, this Bill also proposes that one member with relevant expertise and experience to AUKUS be appointed, to ensure CGO is required to ensure it has the capability to support the uniquely complex and important endeavour that is AUKUS in an well-informed, rigorous yet efficient manner.

Finally, to maintain the highest levels of transparency and accountability for a new entity with a comparatively broad remit, a strengthened disclosure of interests regime is proposed for CGO—one that goes above and beyond the requirements that apply to other statutory authorities.

Three types of project or area declarations would apply—coordinated projects, designated projects and State development areas.

The Coordinator-General's Office would declare coordinated projects based on the application of the aforementioned Primary principle. Upon declaration, the Office would be able to set, vary and align timeframes for statutory processes and decisions by other state authorities, subject to mandatory prior consultation with the relevant regulatory entity.

In addition to standardising and providing assurance to applicants, there are instances where this could also be used to streamline timeframes, where this is feasible.

Minimum timeframes of no less than one month are provided for, and the provision is deliberately designed to require prior consultation and stop short of imposing standardised, one-size-fits-all timeframes as are in place elsewhere, as we know this would give rise to unrealistic, high-risk or otherwise irresponsible outcomes.

The Minister responsible for this Bill would be able to declare designated projects, again based on the application of the Primary principle, but also on a test of 'state significance' akin to a similar test that already exists in the *Planning, Development and Infrastructure Act 2016*. This declaration would enable the Coordinator-General's Office to apply the aforementioned power to align, vary or set timeframes, as well as a suite of other functions.

This includes a call-in provision, a condition-making ability, a review function, the ability to perform certain assessment processes under the Planning Act, provisions to develop infrastructure, acquire easements or land, and also for the Minister to instruct CGO to take over responsibility for a development from another state agency.

Combined, these provisions are designed to improve system-wide coordination and efficiency, provide the ability to control and manage outcomes and impacts, and streamline the delivery of enabling infrastructure.

Each of these powers are deliberately drafted to require prior mandatory consultation with relevant entities and, critically, are designed to preserve the rightly rigorous standards and requirements that apply under existing legislation. This is explicitly provided for in the relevant sections.

The most significant new concept introduced by this Bill is that of State development areas. These would serve as de facto 'go zones' for certain types of development, based on appropriately rigorous regulatory assessment of the area and following mandatory public consultation.

This is a tried and tested concept supported by industry, regulators and environmental stakeholders—one that is already operating successfully interstate and overseas as a way to de-risk and streamline development responsibly, by focusing on identifying and pre-planning genuinely suitable areas.

Provisions governing the establishment of State development areas include a range of appropriate exclusions designed to ensure our protected areas such as National Parks remain protected.

Further provisions relating to State development areas provide for the creation of a State development area plan, governing issues such as zoning of land, land use, infrastructure siting, identification of environmental matters and ensuring cumulative impacts are considered and well-managed.

They would also set out the formulation of economic, environmental and social objectives for the area and guidance on how the various functions within this Bill would be used to achieve those objectives.

This Plan would require mandatory public consultation and subsequent publication in the Gazette to ensure upfront clarity among the community and proponents alike regarding the intended activities and arrangements within these areas, as well as the ability to influence them, as is appropriate.

Another key feature of State development areas would be the ability for the Coordinator-General's Office to work with regulators to carry out pre-assessments of proposed developments within them, which, once done, would enable more rapid approvals based on the rigorous regulatory process having been done upfront, thereby reducing uncertainty, risk and scope for delay.

This process would enable our statutory processes to be conducted proactively while maintaining existing statutory requirements, strengthening the role of existing regulators while delivering significant benefits to proponents.

Provisions relating to State development areas are designed to lend themselves well to the development of complex precincts and corridors, including those involving multiple proponents—for example net zero industry hubs connected to their key inputs such as renewables generation and minerals extraction.

It is important to note that no change is proposed in relation to land access pathways and multiple simultaneous land use under existing legislation and policy settings. Proponents will continue to seek this under existing legislation, with any relevant processes remaining unchanged.

This Bill furthermore applies existing functions to enter and acquire land and develop infrastructure to the newly proposed authority, primarily to assist with infrastructure provision. These provisions apply or mirror clauses that already exist in the Highways Act and Land Acquisition Act, and do not change the process, rights, entitlements or recourse currently available.

As with the large majority of planning and regulatory legislation, this Bill also includes mechanisms of last resort for one-off modifications or exemptions.

This is made subject to appropriate limitations and exclusions, but—in contrast to existing Acts—to mandatory consultation, to the requirement to prepare and furnish Parliament with relevant reports, and importantly—and again, in contrast to most existing Acts –also allows for modification instead of exemption, and will be subject at all times to full Parliamentary scrutiny, in the same way Regulations are.

This will deliver a standardised, better-informed approach than many existing such arrangements, which generally neither include scope limitations nor consultation or reporting requirements, and do not always offer the ability to take the more proportionate approach of modification or provide Parliament with the ability to exercise its scrutiny through disallowance.

While this Bill shows ambition, its focus is quite deliberately on getting our own house in order. We are acutely aware that there is a lot that can be done to improve coordination and proactiveness *within* government—but it is important to avoid putting pressure on our communities and Aboriginal communities in particular. In many instances, any such efforts would be ineffective or even counterproductive.

That's why we have not included the Aboriginal Heritage Act within the scope of this Bill, and why we have included provisions that require upfront consideration and comprehensive, genuine and early-stage consultation and collaboration, which will be of paramount importance to the Coordinator-General's Office.

Finally, this Bill proposes a number of consequential amendments.

Firstly to the Planning Act—logical amendments designed to bring South Australia's infrastructure schemes in line with the scope of their interstate counterparts, while making them less burdensome and time-consuming to establish.

Secondly the Urban Renewal Act, to ensure that Act's development and implementation frameworks can operate seamlessly alongside the newly-proposed mechanisms in this Bill, and particularly to ensure cross-reference to the newly proposed Coordinator-General's Office and State development areas.

Combined, the proposed provisions will improve our state's ability to apply its planning and regulatory processes in a more proactive, place-based and efficient manner, with improved system-wide coordination. Importantly, it will do so while continuing to adhere to the high standards and protections that South Australians rightly expect.

The government recognises that while these reforms are predominantly procedural, their scope is broad and their potential impact considerable.

Accordingly, the government conducted a rigorous multi-month consultation throughout the majority of last year, involving more than 55 stakeholder meetings and follow-up meetings, meetings with more than 30 organisations, industry groups, independent experts, civil society and interest groups and regulators. During the public consultation stage, engagement was broadened to include tens of thousands of members of the South Australian community via the YourSAy platform, with more than 1,200 people accessing the consultation directly.

The government received, listened and responded to a wide range of feedback. In fact, we took extra time after consultation to ensure we truly get the balance between fostering development while protecting our environment right. As a result of this comprehensive and collaborative approach, the large majority of recommendations made were able to be adopted in the Bill that is being introduced to Parliament here today.

I would like to thank each and every one of the individuals and organisations who took the time to help shape this important and necessary reform initiative.

This Bill represents a sensible next step towards facilitating development that delivers high-value investment and jobs in future industries. It will support timely and responsible decarbonisation in a way that grows the economy.

And this Bill represents a further acceleration of South Australia's response to the ongoing housing crisis. By helping to turn large land releases into living and breathing neighbourhoods as quickly as possible—particularly by ensuring the enabling infrastructure is delivered without delay—this Bill will help get more South Australians into their own homes sooner.

And finally, this Bill ensures we are on the front foot and ready to facilitate the infrastructure and developments we need to deliver on AUKUS—keeping Australia secure and local industries thriving.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

Definitions are inserted for the purposes of the measure.

4—Primary principle

This clause provides for the primary principle, namely, that if the Minister or CGO performs a prescribed function in relation to a project or a function under any other Act in connection with the performance of a prescribed function in relation to a project, the Minister or CGO must have regard to the economic, social and environmental outcomes of the project (for the State as a whole and in the locality of the project), in addition to any relevant objects or principles under the other Act.

Part 2—Coordinator General's Office

Division 1—Coordinator General's Office

5—Establishment of Coordinator General's Office

The Coordinator General's Office (CGO) is established as a body corporate.

6—Constitution of CGO etc

CGO consists of 4 members nominated by the Minister and appointed by the Governor. The member appointed to be the principal member may use the title 'Coordinator General'. One member must have knowledge, expertise or experience relating to AUKUS.

7—Removal from office

This clause provides for the removal of members from office.

8—Casual vacancies

This clause provides for vacancies in membership of CGO.

9—Ministerial direction

This clause provides for the Minister to give directions to CGO. Certain limitations and procedures relate to the giving of directions.

Division 2—Functions etc

10—Functions generally

The functions of CGO are provided for.

11—Cooperation by designated authorities

This clause provides that a designated authority must seek to cooperate with CGO in the performance of CGO's functions and in the performance the designated authority's functions (insofar as may be appropriate and relevant in the circumstances).

Division 3—Related matters

12—Procedures

This clause provides for the procedures of CGO's meetings.

13—Minister's representative may attend meetings

This clause provides for a representative of the Minister to attend meetings of CGO.

14—Vacancies or defects in appointment of members

This clause makes provision in relation to vacancies or defects in appointment of members of CGO.

15—Disclosure of relevant interests

Members of CGO must disclose their relevant interests.

16—Remuneration

Provision is made in relation to remuneration of members of CGO.

17—Staff

Provision is made in relation to the staff of CGO.

18—Delegation

A delegation power of CGO is included.

Part 3—Project coordination and facilitation

Division 1—Preliminary

19—Interpretation

Certain interpretative provisions are inserted for the purposes of the Part, including *designated Act*, *designated decision*, *designated function* and *disallowable notice*.

20—Effect of Part etc

This clause provides that (except as otherwise provided by or under the measure) the Part (including a notice or other instrument under the Part) has effect according to its terms and despite any other Act or law of the State.

Division 2—Project declarations and establishment of State development areas

21—Coordinated projects

CGO may declare that a project is a coordinated project.

22—Designated projects

The Minister may declare that a project is a designated project.

23—Establishment of State development areas

The Governor may establish a specified area of land as a State development area.

Division 3—Functions—projects generally

24—CGO may vary or specify time periods relating to certain functions

CGO is authorised to publish a notice to vary a period of time applying to the performance of a function (including the making of a decision) under a designated Act in relation to a relevant project or determine that such a function is to be performed within a specified period of time.

Certain limitations and procedures relating to a notice under the provision are provided for.

Division 4—Functions—declared projects

Subdivision 1—General

25—CGO may call in designated function

CGO is authorised to call in a designated function (which is defined) for CGO to perform in accordance with the provision. If CGO calls in a designated function, the function may be performed by CGO (in accordance with the provision) as if the function had been duly delegated to it by the original entity (which is defined). A notice calling in a designated function may modify or exclude the application of a designated Act (or a provision of a designated Act) to the extent that CGO considers necessary for the purposes of performing the designated function (having regard to the primary principle under the measure).

26—CGO may impose, amend etc conditions on certain decisions

CGO may give a decision maker for a designated decision (which is defined) a notice directing the decision maker to impose such conditions on the designated decision as CGO thinks fit.

A notice under the provision applies despite any provision under the designated Act regulating or limiting the conditions to which a designated decision may be subject or the process or manner in which such conditions may be imposed or amended.

Certain limitations and procedures relating to a notice under the provision are provided for.

27—CGO may review certain decisions

This clause provides for CGO to review a designated decision (by written notice given to a decision maker for the designated decision within 10 days after the making of the designated decision (or such longer time as is approved by the Minister)).

Certain limitations and procedures relating to a notice under the provision are provided for.

Subdivision 2—Particular functions relating to State development areas

28—State development areas—functions generally

This clause provides for CGO's functions generally in relation to a State development area.

29—State development areas—planning functions

This clause provides for CGO to publish a State development area plan setting out certain planning matters for the State development area.

Subdivision 3—Interaction with other Acts

30—Division of land etc in State development area

This clause provides that relevant authority (within the meaning of the *Planning, Development and Infrastructure Act 2016*) must accept that a proposed division of land in a State development area satisfies the conditions specified in section 102(1)(c) or (d) of that Act to the extent that such satisfaction is certified by CGO. It also provides that any requirement imposed by a relevant authority under Part 15 Division 2 of the *Planning, Development and Infrastructure Act 2016* must be consistent with any provision of a State development area plan under section 29(1)(c).

31—Impact assessed development

This clause provides for the Minister to declare that a declared project or development that is part of a declared project is deemed to be development that falls within the category of impact assessed development for the purposes of the *Planning, Development and Infrastructure Act 2016*. The clause also provides for other matters relating to such impact assessed development.

32—Assessment of essential infrastructure and State agency development

This clause provides for the Minister to make certain declarations relating to essential infrastructure and State agency development under the *Planning, Development and Infrastructure Act 2016*.

33—Applications for prescribed approvals under *Mining Act 1971* or certain designated Acts

This clause provides for the Minister to declare that an application for a prescribed approval (which is defined) in relation to a declared project may be made to CGO (instead of the person to whom the application would otherwise be required to be made under the *Mining Act 1971* or another relevant designated Act). Such a declaration has the effect of substituting references to the Minister under the *Mining Act 1971* or other relevant designated Act with references to CGO for the purposes of the application for the prescribed approval.

Subdivision 4—Expedited approval where regulatory requirements satisfied

34—Definitions

Certain definitions are set out for the purposes of the Subdivision.

35—Statement of regulatory requirements for facilitated projects

This clause authorises CGO to prepare and adopt a proposal for a project in a State development area for the purposes of promoting development in the State (defined as a *facilitated project*). CGO may direct a responsible entity (being the entity responsible for granting an approval under a designated Act in relation to a facilitated project) to prepare a statement of regulatory requirements in relation to the facilitated project. After complying with the procedures under the provision, the responsible entity must publish the statement and (if it considers that the facilitated project meets the requirements of the designated Act) issue a certificate (a *facilitation certificate*) to that effect and publish it in accordance with any requirements of CGO.

36—Expedited approvals where facilitation certificate issued

In connection with the preceding provision, this clause provides that, if a responsible entity has issued a facilitation certificate for a facilitated project, a person may apply to the prescribed authority (which is generally CGO, but in certain circumstances is the Minister responsible for the measure or another Minister designated by the Governor) for an approval under a designated Act in relation to the facilitated project in accordance with the section. Subject to certain requirements and procedures under the provision, the responsible entity is authorised to grant the applicant an approval under a designated Act in relation to the facilitated project.

Subdivision 5—Other functions

37—CGO may be authorised to undertake essential infrastructure works

This clause provides for the Minister to authorise CGO to undertake essential infrastructure works for the purposes of a declared project.

38—Entry onto land etc

This clause provides for a person authorised in writing by CGO to enter and occupy land for a designated purpose (which is defined).

39—Compulsory acquisition of land

This clause provides for CGO to acquire land (with the consent of the Minister) and applies the *Land Acquisition Act 1969* to the acquisition.

40—CGO may take over State projects

This clause provides for CGO to take over State projects (which are defined).

41—Revocation of community land classification for land acquired

This clause provides for community land under the *Local Government Act 1999* to be disposed of by a council, with the approval of CGO, in connection with the acquisition of the land for the purposes of a declared project.

Division 5—Other matters

42—Disallowable notices—protected areas and general environmental duty

Certain limitations are imposed on disallowable notices in relation to protected areas and in respect of the general environmental duty under section 25 of the *Environment Protection Act 1993*.

43—Disallowable notices—consultation and publication

Certain requirements are imposed in relation to consultation on, and publication of, disallowable notices.

44—Disallowable notices—Parliamentary scrutiny

This clause provides for Parliamentary scrutiny of disallowable notices.

Part 4—Miscellaneous

45—Limitation on time allowed for appeal or review of decisions

This clause provides for a limitation on the time allowed for an application for appeal against or review of a decision made in connection with the operation or administration of the measure.

46—Certain applicants to provide reports, information or material

The clause authorises CGO to require regulated applicants (who are defined) to provide reports, information or material.

47—Provision of information

The clause authorises CGO to require the provision of certain information by a designated authority.

48—Confidentiality

CGO is prohibited from disclosing certain information except in certain circumstances.

49—Amendment of notices etc

The clause provides for the amendment of a notice published in the Gazette under the measure.

50—Recovery of costs

The clause authorises CGO to recover, as a debt due from a proponent of a project, reasonable costs incurred by CGO in relation to the performance of a function for the purposes of the project. CGO must obtain the consent of the proponent to do so.

51—Annual report

This clause requires CGO to prepare an annual report.

52—Regulations and fee notices

A standard regulation-making power is provided for.

Schedule 1—Designated Acts

This Schedule sets out the list of designated Acts for the purposes of the measure.

Schedule 2—Disclosure of relevant interests

This Schedule provides for the disclosure of relevant interests by members of CGO.

Schedule 3—Related amendments

This Schedule makes related amendments to the *Planning, Development and Infrastructure Act 2016* and the *Urban Renewal Act 1995*.

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

At 17:09 the council adjourned until Tuesday 29 April 2025 at 14:15.