

LEGISLATIVE COUNCIL

Thursday, 1 May 2025

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Parliament of South Australia: Equal Opportunity Commission Fourth Progress Report—
Review of Harassment in South Australian Parliament Workplace

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

Minister Koutsantonis' Interstate Travel Report 8 February 2025 prepared pursuant to the
Public Sector Act 2009

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

SACE Board of South Australia, Report—2024
Government response to the recommendations of the Select Committee's report on Water
Supply Needs of the Eyre Peninsula

Ministerial Statement

MACHINERY OF GOVERNMENT CHANGES

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:18): I table a copy of a ministerial statement relating to machinery of government changes made earlier today in another place by my colleague the Minister for Energy and Mining.

Question Time

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of drought.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition has been contacted by farmers right across the state who are frustrated and concerned that the eligibility criteria for additional relief measures are too narrow, excluding many farmers in need. Tying the eligibility of the ESL and vehicle registration rebates to the Farm Household Allowance means that only approximately 825 farm households actually qualify out of the over 9,000 agribusinesses across the state. There are also calls for no and low concessional loans for much-needed cash flow during these times—a hand up, not a handout—and cite, quite reasonably, that the current federal government RIC loans are 5.18 per cent and variable, hardly low by any stretch of the imagination.

My question to the minister is: given the clear message from farming communities that this package has missed the mark and will fall significantly short of what they need, will the minister

commit to urgently reviewing the program, in consultation with farmers, to ensure that further assistance is delivered where it's genuinely needed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I thank the honourable member for her question. The additional \$55 million in drought support, the package that was announced by the Premier and myself several weeks ago, was developed in consultation with farmers and with peak industry bodies, and with regional councils and other regional stakeholders. We have had very positive feedback in regard to the package because it does address so many of the different and varied needs that were raised throughout the various consultation forums including, of course, the meeting with the Premier—the round table that we had with the Premier, with farmers and with peak bodies.

The particular things that have been referred to by the honourable member—ESL and a further reduction on commercial registration fees—can be accessed and used through, for example, the \$1,500 grant that people can access through Rural Business Support. Roughly 10 per cent, based on the numbers that the honourable member alluded to, will be eligible through the Farm Household Allowance because they are recipients of that and may well be eligible. But if farmers are not recipients of the Farm Household Allowance, they can apply through RBS for the \$1,500 grants, which of course could be used to pay ESL or for registration of commercial vehicles.

In addition to that, of course, there are many other strands that have been addressed through this drought support package. That includes extending the very successful Connecting Communities grants. I was pleased to see some of the coverage, just at the weekend, I think it was 'dancing in the dust', I am not sure if that is quite the right name but very similar to that, which was one of the activities that has been enabled through the regional Connecting Communities grants.

In addition to that, there are a number of other matters that I mentioned earlier in the week when I outlined the various aspects of this \$55 million extension to the drought program, bringing it to a total of \$73 million.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): Supplementary: can the minister outline to the chamber where, within the \$55 million package, is the money or funds coming from? Where is the allocation coming from for the \$1,500 grants through Rural Business Support?

The PRESIDENT: Minister, you talked about the 55—

The Hon. C.M. SCRIVEN: I still don't understand the question, sir.

The Hon. N.J. CENTOFANTI: Where is the money coming from? Where is it in that package?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): The money is coming from the \$55 million that was announced. The name is the Rural Support Grant.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Supplementary: is the \$1,500 grant money that the minister spoke about in her original answer new money?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): Yes.

The Hon. N.J. CENTOFANTI: So where is it coming from?

The Hon. C.M. SCRIVEN: The Rural Support Grant.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries on the topic of drought.

Leave granted.

The Hon. N.J. CENTOFANTI: In a recent article in the Naracoorte's *The News* it was noted that 'many farmers have dismissed the government's \$55 million relief package as woefully inadequate.' It then goes on to state that:

Burdened by the soaring costs of livestock feed, high-interest loans, dwindling hay availability and unpredictable weather conditions, a growing number of farmers are now questioning the sustainability of their future in agriculture.

Michael Schinkel, a Naracoorte local livestock farmer who has been farming for over 50 years, said in the article, 'We don't want handouts. I think we need low-interest loans—it's the only way to go if we are to survive'. My question to the minister is: does she agree with Naracoorte farmer Michael Schinkel, and will she consider providing no and low-interest loans akin to what the Queensland government's Rural and Industry Development Authority provides for its farmers affected by natural disasters, including drought?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I thank the honourable member for her question. In devising and developing the total of \$73 million in drought assistance packages, we listened, as I mentioned earlier, to farmers, to peak bodies, to rural groups. One of the things that we have done is have a financial institutions forum back at the end of last year and have considered a broad range of potential assistance measures. Given that there are—

Members interjecting:

The PRESIDENT: Order! I am on my feet—enough! I want to hear the answer to the question, and I want to hear it in silence.

The Hon. C.M. SCRIVEN: Thank you, Mr President. Given that the Leader of the Opposition said she did not want to hear the answer to the question, I was very inclined not to answer, but given, Mr President, that you would like to hear the answer to the question—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —I am of course more than willing to oblige. It is extremely disrespectful to the farmers for those opposite to ask a question and then yell, stamp their feet and bang the table instead of actually listening to the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Here we go! We have the tantrums opposite instead of a calm and constructive opportunity to ask a question that matters to regional South Australia and to listen to the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The development of the \$55 million, in addition to the \$18 million announced back in November last year, was devised to look at where there are gaps where other assistance is not available. The federal government has a subsidised loan program and that remains in place and farmers can seek to access it.

In terms of our assistance, we have looked at the various levels of need in all sorts of areas. We had very positive feedback from the on-farm drought infrastructure rebate. Some of the feedback was that it could be further improved by increasing the maximum amount, which has now been increased to \$20,000, and that was being particularly helpful in areas that needed to put more infrastructure in place but the \$5,000 didn't necessarily meet all of those needs.

We have the Connecting Communities events, \$500,000, and that is where groups can apply for up to \$5,000 to host community events that support wellbeing. There has been an additional investment for the donated fodder transport scheme, bringing that to a total of \$6 million. There are the rural support grants that I mentioned earlier in this question time. There is \$2 million for the Active

Club Program, because making sure that people have a central place to go, such as a sports club, that they are able to maintain some of their wellbeing through involvement in sports, was recognised as another important part of supporting regional communities.

As we have mentioned, those who are eligible for or are receiving the Farm Household Allowance can get a full ESL rebate as well as a rebate on commercial vehicle registration. We also provided additional funds for rural financial counselling support, as well as emergency bulk water collection points in the Adelaide Hills and Fleurieu, and this week have announced:

- the opening of the Bundaleer Reservoir bulk water collection point;
- an extra \$2.5 million for the mental health strategy;
- \$3.1 million for pest culling and pest management;
- \$4.5 million towards the next stage of implementation of sheep and farmed goat eID;
- a grant fund for upgrading regional water standpipes;
- a regional event fund, \$400,000;
- assistance through the Department for Education for financial support for students in drought-affected areas, for camps and excursions; and
- another \$17.4 million as a commitment for the Future Drought Fund.

All of this has been developed in close discussion and engagement with farmers, with peak bodies, with regional councils and with other stakeholders in regional areas, and that is why I am sure we have had a lot of very positive feedback.

Of course, drought is continuing. Drought is incredibly stressful and difficult for regional communities and for farmers. One can't help but really wonder—well, I think we are all hoping for rain; I think that is probably a little bit of stating the obvious. Without rain there are so many pressures on our farming communities and on individual farmers, which is why we have put together this \$73 million package to help to relieve some of those pressures.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): Supplementary: within that \$55 million support package, will the minister inform the chamber where the \$1,500 grants for farmers through the Rural Business Support funds are coming from?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): It's coming from within the package, which is government funds. I am not quite sure what the opposition is trying to get to. I answered this question earlier: it's part of the package.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The package comes from the Department of Treasury and Finance. It's very unclear what on earth the Leader of the Opposition is going on about.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Further supplementary. I can clarify my question, Mr President.

The PRESIDENT: Well, you had better. Further supplementary question, the honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: Are the \$1,500 grants that are being rolled out through RBS coming from within that \$55 million package?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): For the third and hopefully final time: yes, it is.

The Hon. N.J. Centofanti: Okay, good. Thank you.

The Hon. C.M. SCRIVEN: I did say that the first time.

The Hon. K.J. Maher: And the second time.

The Hon. C.M. SCRIVEN: And the second time and the third.

Members interjecting:

The PRESIDENT: Stop laughing.

Members interjecting:

The PRESIDENT: Stop it.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries on the topic of drought.

The Hon. I.K. Hunter interjecting:

The Hon. N.J. CENTOFANTI: I know. I feel the same way, Ian.

Leave granted.

The Hon. N.J. CENTOFANTI: The government's failure to act and provide timely support to hay charities has resulted in desperately needed hay ending up in Queensland and New South Wales, rather than on the properties of our hardworking and, frankly, quite fed up farmers.

The opposition are now hearing from farmers on the ground, from areas right across the state, that future feed supply is becoming an issue. Had the government taken up the opposition's suggestion to introduce a water for fodder program for River Murray irrigated areas, we could be seeing fodder grown here in South Australia to support South Australian farmers.

Given that the Premier announced the bulk of the government's drought-support package at the start of April in Peterborough, my questions to the minister are:

1. Why are charities only now, at the end of April, being briefed on how to access the new hay run funding announced by the Premier at the so-called 'Pete party'?
2. Why are farmers getting text messages from Aussie Hay Runners, a charity who have in the past delivered thousands of bales of hay to South Australian farmers, saying that they won't be coming back to South Australia at this stage?
3. When can these charities expect to receive the much-needed funding—actually receive the funding—for freight so that donated hay deliveries can continue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): I thank the honourable member for her question. Under the extension to the drought-support package announced last month—the extended \$73 million—the Donated Fodder Transport Drought Assistance Scheme was extended from the existing \$2 million, which had not been fully expended at that time, to a \$6 million package.

The Hon. N.J. Centofanti: But there is none left in there.

The Hon. C.M. SCRIVEN: There is money left in there. I would have thought that's what 'not fully expended' means.

Members interjecting:

The PRESIDENT: Order! This isn't a conversation. The minister will give her answer.

The Hon. C.M. SCRIVEN: The scheme provides transport subsidies to assist charitable organisations with the cost of transporting donated hay to producers in need. Hay runs were already, of course, being conducted by charities across the state prior to the government support. The

purpose of the scheme is to make it easier for the charities to continue the fantastic work that they were already doing.

Earlier this week, PIRSA met with five participating charities where the charity has agreed to amendments to the guidelines to ensure that the runs are more targeted, that fodder delivered is of good quality and there is an agreed reimbursement rate per kilometre. Those charities have received their varied contracts and they will be imminently providing PIRSA with their proposals in respect of future hay runs.

In the meantime, hay runs have been continuing with the previous funding tranche, with Farmers Relief Agency and Rural Aid conducting smaller targeted hay runs over the last few months. The Rapid Relief Team also has a large hay run already scheduled for early June. There are five well-resourced skilled charities participating in the scheme that will be working with government to ensure that hay is getting to farmers, particularly those most in need.

I think the honourable member referred to Aussie Hay Runners. They received \$800,000 in the initial round of funding in the scheme and we are very much appreciative of the work that they have done. They, like several other charities, of course, are based interstate and they have also heeded the call to assist flood-affected farmers in New South Wales and in Queensland. I would certainly hope that those opposite are not begrudging flood-affected farmers, albeit in other parts of the country, from having assistance as well.

In March, there was some misinformation claiming that hay was blocked at the border of South Australia by the government. On 19 March, Aussie Hay Runners sent out a media release to clarify what they referred to as, quote:

...recent misquoted statements regarding our operations and the support we provide to primary producers in South Australia.

They continued:

Contrary to some reports, Aussie Hay Runners do not have trucks loaded and held at the border.

They went on to say that they have advocated for additional transportation subsidy to be shared among all charity hay runners. They also said:

Furthermore, we acknowledge and appreciate the many other charities and organisations working tirelessly in this space supporting South Australian primary producers. Collaboration, not division, is key to ensuring the best outcomes for our rural communities.

We are very pleased that we had a meeting of charities with PIRSA earlier in the week where they were very keen to collaborate and to cooperate. It is important that, obviously, when we are using taxpayer funds, we get the best outcomes not only for those taxpayer funds but also and very importantly for our farmers here in South Australia.

The revised guidelines mean that there will be more coordination. We won't have runs going necessarily to the same areas and missing out other areas. We will also have a roughly agreed amount for the cost of subsidy for those hay runs.

The Hon. H.M. Girolamo: When? It's taking forever.

The Hon. C.M. SCRIVEN: We have calls from the opposition saying 'When?' Well, they are already in place; the guidelines have been finalised. They set out how much it will be: \$4.50 per loaded kilometre for a single trailer, \$7.50 per loaded kilometre for a B-double, and \$9 for a road train per kilometre.

There has been some, perhaps, perception that the amount that's being subsidised is merely the cost of the fuel. That is not the case. Obviously, diesel, I think is, I am not sure, roughly around about \$1.90 a litre at the moment. The subsidy covers the cost of fuel, a contribution towards fair wear and tear, and also covers the commercial rates of drivers.

We are very pleased that so many charities are keen to be involved, that they were keen also to address some of the feedback that we had from farmers and from the various organisations themselves about how the guidelines could be improved. Those guidelines are now in place and I look forward to South Australian farmers continuing to receive assistance through donated hay runs.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: did Aussie Hay Runners attend the recent meeting, and why aren't they coming back to South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): Aussie Hay Runners was invited to attend the meeting. As I understand it, they didn't attend. When they were followed up, the person who was due to attend said that they had sat in the online waiting room and hadn't been able to access the forum for some reason, and she mentioned, I believe, that she has some connectivity issues—

The Hon. N.J. Centofanti: She was in the waiting room?

The Hon. C.M. SCRIVEN: Well, that is what she—

The Hon. H.M. Girolamo: Maybe someone locked it.

The Hon. C.M. SCRIVEN: Now we have just ridiculous interjections from those opposite.

The PRESIDENT: Interjections are out of order.

The Hon. C.M. SCRIVEN: Indeed they are.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: In many ways it would be beneficial if those opposite abided by standing orders, because they really do embarrass themselves when they make those sorts of interjections.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: My office has been in contact with Aussie Hay Runners. They have discussed the other work that they are doing, particularly the work in the flood-affected areas. We still have five charities that are participating, and I look forward to that work being rolled out.

DROUGHT ASSISTANCE

The Hon. D.G.E. HOOD (14:40): Supplementary: minister, are you 100 per cent satisfied with the timeliness and the progress of the government's intervention in this matter?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): As I have mentioned, I am very pleased that hay runs have continued across the state. There has been a lot of feedback about how much they are appreciated. Obviously, it is a top-up. No-one is expecting that all of their hay needs would come from such a scheme, but the feedback that we have had is that there were opportunities to further improve the scheme.

Having an agreed figure for the different types of trucks was important because I would hate for any charities to be wrongly accused of charging more than is the appropriate amount, given that they are doing charitable works, and I think it is very important that the reputation of the charities is well maintained. I certainly hope that those opposite don't try to play political games with the good work that some of these charities have been doing.

AUTISM WORKS EMPLOYMENT SUMMIT

The Hon. R.P. WORTLEY (14:42): My question is to the Minister for Autism. Will the minister inform the council about the state's first Autism Works Employment Summit?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:42): I thank the honourable member for this question. It was a proud moment for me and for the government yesterday to host South Australia's first Autism Works Employment Summit at the Adelaide Convention Centre. The Malinauskas Labor government brought together business sectors for the first time in our state's

history to share knowledge and experiences, build awareness and explore how workplaces can be more inclusive for the autistic community. It was an emotional day not only for those 500 people in the room but also as a time to reflect on how far we have come as a government and a state on our autism inclusion journey.

Through becoming the first Assistant Minister for Autism and now the Minister for Autism, we have been able to listen to what matters to the community, and we have therefore been able to establish the Office for Autism within the Department of the Premier and Cabinet, so autistic voices can be at the heart of decision-making across government sectors.

Just over a year ago, on World Autism Day, we launched the state's first autism charter. This charter was a bold commitment to becoming a global leader in autism inclusion, and to improving life outcomes for autistic individuals and communities across our state. As most members of this place would be aware, South Australia's first autism charter outlines four guiding principles: knowledge and understanding; wellbeing; connection and belonging; and employment and opportunity. The charter champions autism inclusion and is still yet to be signed by the Liberal opposition.

This government takes the autistic and autism communities' feedback seriously, and we have shown that time and time again through our nation-leading initiatives, from developing and delivering the state's first autism strategy, co-designed by the autistic and autism communities, through to many community forums and conversations.

Through the strategy consultation process seven focus areas were identified: pathways to diagnosis, positive educational experiences, thriving in the workplace, access to supports and services, participating in the community, access to health and mental health services, and interactions with the justice system. We have established the Autism Assessment and Diagnosis Advisory Group so practitioners and the wider autism community can have more certainty about what an autism diagnosis looks like in South Australia and we have invested \$28.8 million to fund access to an autism inclusion teacher in every public primary school.

This is the largest network of autism inclusion teachers in the nation, and we are now rolling out a pilot into our secondary schools. We have also brought all the universities that offer a teaching degree to one table to update their university degrees so that pre-service teachers have access to autism inclusion learnings before they enter the classroom. It is not lost on me that none of this achievement could be possible without the autistic and autism communities working alongside the Malinauskas Labor government.

At yesterday's employment summit, we heard from the Premier about how unlocking the autistic workforce will lead to better outcomes for us all. We also heard from Professor Colin Stirling from Flinders University; Sir Nick Hine, chief executive of Badcock International and AUKUS; and Sam Weaver from Sam's Popcorn. There was a panel facilitated by Bruce Djite from the Property Council, along with Nick Addison from Adelaide Oval, Jessica Gadsby from Leaders IT, and Anna Moeller from the Australian Hotels Association about what autism inclusion means to them.

The Office for Autism also delivered their own very popular Autism Awareness and Understanding Training. Presented by an autistic facilitator, this training aims to provide an introduction to autism in the workplace. It explains what autism is, how autism may present and ways to work inclusively and provide support to autistic people. The training has been developed through extensive consultation with the autistic and autism communities and is based on the current research and information.

Leaders will now take this practical knowledge back to their organisations, and to assist them in implementing any changes or to expand on their knowledge they can now apply for the Autism Works grant that is available to them. This grant program aims to support organisations to promote genuine autism inclusion in South Australia for activities that increase knowledge, understanding and belonging for autistic people and autism communities.

Yesterday, we delivered on a promise, bringing together industry leaders to explore practical strategies for greater workplace inclusion. Thank you to everyone in the autistic and autism communities who has shared their stories with me and our government. It is because of you and those stories that SA continues to lead the way.

AUTISM WORKS GRANT

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:47): Supplementary: of the organisations that received funding, what was the basis for them receiving funding? Were any organisations denied grant funding and, if so, what was the basis of them being denied?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:47): I have really no idea in regard to what grant funding—are you talking about the Autism Works grant?

The Hon. H.M. Girolamo: The grants that you just spoke about.

The PRESIDENT: Order!

The Hon. E.S. BOURKE: Yes. The Autism Works grant that I spoke about has just been opened. It is open at the moment, so people can apply for the Autism Works grant if they have an idea about how to make more inclusive workplaces, build more knowledge, understanding and belonging in their workplace. Yesterday was a really significant step, one that I understand the opposition did not decide to join in. There were over 500 people there, from business leaders, Property Council, Nick Addison from—

The Hon. H.M. Girolamo interjecting:

The Hon. E.S. BOURKE: You did, actually. The Leader of the Opposition did receive an invitation but did not attend. That is what I have been advised and seen.

The Hon. N.J. Centofanti interjecting:

The Hon. E.S. BOURKE: No. You might want to go back and check that. Maybe he also wants to sign a charter, when you are checking it. Yesterday was a significant achievement, when 500 people came together in one room to find out how we can change a really alarming statistic in our state. That statistic is: if you are autistic, you are three times more likely to be unemployed than someone else with another disability. That needs to change. We cannot change that until we start building knowledge.

If we don't build knowledge by bringing the community together to have this discussion, to provide training led by an autistic person, training that has now been provided to 500 leaders in our state so that they can go back as employers and work with their communities to start building more knowledge in their workplaces, we will not be able to change employment initiatives—what an interview process looks like, what an ad in a newspaper looks like, or online—we will not be able to change that statistic.

Yesterday was an incredible achievement, one the opposition was certainly not a part of and one that you are still not a part of in signing a charter that recognises why we should be supporting employment initiatives.

NORTH ADELAIDE GOLF COURSE

The Hon. R.A. SIMMS (14:49): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Recreation, Sport and Racing on the topic of the North Adelaide Golf Club.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, in parliament, the government and some members of the crossbench voted in unison to block the release of any business case associated with the redevelopment of the North Adelaide Golf Course. During the debate it was unclear whether a business case even exists. It is also unclear how much taxpayer money will be spent on the project and any potential implications for the City of Adelaide. My question to the Minister for Recreation, Sport and Racing therefore is:

1. Is the minister aware of any business case associated with the redevelopment of the North Adelaide Golf Course?
2. Has she seen it?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:50): I thank the member for his question. As we have stated before, there is a lot to achieve in this space. We need to make sure that LIV Golf has the opportunity to become an incredible event, one that we know is very popular already in South Australia and one that has the opportunity to continue to grow, and to not only provide support to the many people that are now falling in love with golf and seeing it as a sport that they want to participate in but also to support local businesses. There is a long way to go. It is very early on in the discussions and one that we look forward to continuing.

NORTH ADELAIDE GOLF COURSE

The Hon. R.A. SIMMS (14:51): Supplementary: as part of these discussions has the minister or anyone in the government entertained the idea of foreign investment?

The PRESIDENT: Minister, you talked about the discussions. I guess I can allow that.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:51): As I said, there are discussions continuing, and I am sure many people will continue to have the right discussions and be able to provide more information when it is available.

NORTH ADELAIDE GOLF COURSE

The Hon. R.A. SIMMS (14:52): Supplementary: I ask:

1. Can I deduce from the minister's response to the original question that she has not seen the business case?
2. If she hasn't seen it, why hasn't she?
3. Isn't she the minister with responsibility for this project?
4. Why has the government committed so much money when they haven't even seen a business case?

The PRESIDENT: The Hon. Mr Simms, what the minister did not mention was 'business case' at all.

JENKINS, MRS A.

The Hon. F. PANGALLO (14:52): I seek leave to make a brief explanation before asking the Attorney-General a question about victims of crime compensation.

Leave granted.

The Hon. F. PANGALLO: The tenacious family of murdered Adelaide grandmother Anna Jenkins had a significant win in the Penang High Court this week, giving them hope that justice might one day be served on those responsible for her tragic death in Penang in 2017. Anna's son Greg has told me that while Judge Rofiah Mohamad upheld the open verdicts finding by the original Coroner's Court she also ruled that there was no proper police investigation into his mother's death. She further ruled the coroner responsible for conducting an inquest into Anna's death had 'a premeditated decision that lacked any basis of evidence'.

Critically for Anna's family, who has single-handedly been fighting for justice since she disappeared without a trace due to a total lack of support from an apathetic federal and state government, the High Court judge stated she could not rule out a homicide. She also said the deputy public prosecutor has the discretion under the Criminal Procedure Code to issue further instructions on how the investigation should proceed, particularly in the area where some of Anna's remains were found, ironically by Mr Jenkins due to the appalling Keystone Cops-esque police investigation into the disappearance, and to determine where the origin of the crime scene existed.

Anna's family has written to the deputy public prosecutor requesting those instructions be given in the hope that a fresh search will provide them with answers they have been seeking for more than seven years: who killed Anna and why? Since that time, Greg and his sister, Jen, have initiated their own investigation, with Greg travelling to the country more than 30 times, spending more than

\$900,000 of their own money, with another \$250,000 in outstanding legal bills to be paid. My questions to the Attorney are:

1. Why will this government not give any financial assistance to the Jenkins family given Anna was a South Australian citizen murdered in a neighbouring country?
2. Why has your office sat on a victims of crime compensation claim lodged by Greg and Jen since January last year when we know of other families that have received compensation for loved ones murdered overseas?
3. Given this week's stinging criticism in the Penang High Court of the initial police investigation into Anna's death, will you now request the South Australian Coroner conduct his own inquiry into Anna's death, which he is able to do under existing legislation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:55): I thank the honourable member for his question and his advocacy in this area, and I know that this is a matter that is very close to the honourable member. The Hon. Frank Pangallo, I think, has in fact travelled overseas in support of the Jenkins' pursuit of justice in this matter. I have had the privilege of meeting Greg and Jen Jenkins in relation to this matter and their fight for justice for Anna Jenkins.

I just want to correct something the honourable member asked in his question. He said that a Victims of Crime Fund application has been sitting with my office. That is not the case. An application is made to the Crown. The Crown assesses it and then in due course recommendations are made to my office. I will double-check, but I am pretty sure my office has not received that as of yet. I understand that an application has been made. It does not fall strictly within the bounds of a regular victims of crime application and, as I remember, it would require an ex gratia payment to be made. As I said, I do not believe that has come to my office yet, but I am happy to follow that up. It is certainly an important matter, and it is very, very hard not to have a great deal of sympathy for the Jenkins family.

JENKINS, MRS A.

The Hon. F. PANGALLO (14:57): Supplementary: a precedent was actually set in the 1990s that compensation was actually paid to a victim of a crime in Brunei.

The PRESIDENT: The Hon. Mr Pangallo, with a supplementary question, you must just ask it; there is no explanation.

The Hon. F. PANGALLO: Well, I will. Is the minister aware that victims of crime compensation was paid to families of a victim of a murder in Brunei nearly 30 years ago? The other part of my question was: will he now ask the Coroner to reconsider a decision to conduct an inquest into Mrs Jenkins' death, as he can do?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58): I thank the honourable member for his supplementary questions. In relation to his second supplementary question, I will certainly ensure that the issues that have been raised today and the comments that have been made in the overseas jurisdiction are forwarded to the Coroner's Office.

In relation to victims of crime payments, certainly there is a wide range of areas when something does not fall into when, under the statutory operations of the Victims of Crime Fund, ex gratia payments can be made. There will be different reasons why they are made in different circumstances, but, as I have said, I am aware that an application has been made and I am sure that in the not too distant future recommendations will be made to my office.

ASSAULTS ON POLICE

The Hon. D.G.E. HOOD (14:59): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding assaults on police.

Leave granted.

The Hon. D.G.E. HOOD: Members would be aware that, unfortunately, recent crime statistics reveal that there has been an almost 50 per cent increase in assaults on police over the last few years, since 2021. Following a spate of violent attacks against police, particularly in more recent times, the Police Association of South Australia has called on the state government to toughen bail provisions for alleged offenders who assault on duty police officers and to prevent convicted offenders from receiving suspended sentences.

I understand that these matters are under consultation, and the Attorney might enlighten us on that in his answer. A government spokesman, in fact, has informed the media that the Attorney-General was considering these proposals as well. My questions to the Attorney are:

1. Is the Attorney concerned that we have seen a 50 per cent increase in assaults on police in just a few years?
2. Does the Attorney agree with the Police Association of South Australia that legislative changes are urgently required and, if so, what is the progress of those proposed changes?
3. Finally, the Attorney is no doubt aware of the Liberal Party's commitment to introduce legislation to prevent suspended sentences where police have been assaulted. What is the Attorney's view of that legislation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:00): Any crimes committed, particularly crimes committed against those who put themselves in harm's way to keep the rest of us safe, are unacceptable. Certainly, there have been suggestions put forward by the Police Association on a number of fronts—not just the one that the honourable member mentioned but a number of fronts in relation to both deterring and making sure that there are consequences for some of the things that we have seen. I don't have a timeframe, but that is under active consideration. Work is being done on that by this government.

The other part of the question was in relation to, I think, a private member's bill that has been introduced in the other place. I will go back and check, but I think there are elements of that that in an interview the police commissioner has come out and said why they don't support the particular ways that the opposition has proposed to deal with those. But I will have to go back and have a look, and I am happy to bring back a further answer in relation to that.

ASSAULTS ON POLICE

The Hon. D.G.E. HOOD (15:01): Supplementary: I thank the Attorney for his answer. Are those matters under consultation, or are they simply in the planning stages, if you like?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:01): I thank the honourable member for his supplementary question. I will have to go and check. I know that work is being done within government. What else I do know is that certainly within government consultation the police are heavily involved in looking at how we address this matter.

PREMIER'S EXCELLENCE AWARDS

The Hon. M. EL DANNAWI (15:02): My question is to the Attorney-General. Will the Attorney-General inform the council about the winners of the Leadership in Diversity, Equity and Inclusion—Team category in the recent Premier's Excellence Awards?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:02): I thank the honourable member for her question. I would be most pleased to do so. Each year, the Premier's Excellence Awards highlight and pay tribute to the phenomenal work of our Public Service, with categories for 17 individual and 15 teams recognising outstanding work done right across the South Australian public sector.

Last year's awards, with winners announced just last month, saw more than 140 nominations across 30 government agencies. These numbers are a testament to the passion and commitment of our public servants, who deliver critical services for our community every day. One of the team award

categories was for inclusion, which was awarded to the Public Service team whose project or initiative most contributed to building a public sector where everyone belongs and their uniqueness is valued.

I am very proud to share that the winner of that inclusion team award was the Attorney-General's Department's Equal Opportunity SA for their We're Equal initiative. The small but mighty Equal Opportunity SA team, comprising project manager, Veronica Maughan, former assistant commissioner, Colin Marsh, and commissioner, Jodeen Carney, created the initiative in 2023. Through We're Equal, Equal Opportunity SA helps public sector organisations and private businesses to create and sustain respectful and inclusive environments, providing customers and workers with a way to identify businesses committed to anti-discrimination.

We're Equal also has a dedicated web portal that utilises content and language with a business focus to enable organisations and businesses to explore anti-discrimination legislation, up-to-date information, resources and training, and helping businesses develop the policies necessary to support their commitment to inclusion in the workplace.

I wish to acknowledge and pay tribute to the significant work of the team led by Ms Maughan in bringing this initiative to life and for the great success that the ever-growing project continues to have, with the significant uptake across both government agencies and the private sector, particularly in the hospitality sector.

I encourage members of this chamber to keep an eye out for the We're Equal sticker at local cafes, or other places that members frequent, in recognition of the important display that signals that the workplace is committed to championing and celebrating diversity and not having any tolerance for discrimination. Again, congratulations to the team on a well-deserved award for this fantastic project.

PUBLIC SECTOR JOBS

The Hon. T.A. FRANKS (15:04): I seek leave to make a brief explanation before addressing a question to the Minister for Industrial Relations and Public Sector on the topic of public sector jobs and services cuts.

Leave granted.

The Hon. T.A. FRANKS: The Dutton federal opposition has stated that if they get into government 4,100 public sector federal jobs are for the chop over the next five years. The departments have not been identified but could include, and probably would include, health and aged care, and the National Disability Insurance Scheme, social services, agriculture, fisheries, forestry, and Services Australia would all likely see significant cuts under the Dutton plan. My question to the minister is: how will this impact on services and jobs in the public sector here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:05): I thank the honourable member for her question. In a single word, devastating. To cut so deeply and so quickly so many jobs would be devastating on a couple of fronts: firstly, as the honourable member has identified, on those critical services that so many people come to rely upon. You don't need to look very far to understand what effect that would have on us as a country and as a society when you see the cuts that are being made in the US. There are cuts to things like cancer research, cuts to things that desperately affect the wellbeing of people in the US every day.

With such significant cuts in Australia you would see that repeated here in this country. It would have a very significant impact on many, many people's lives. But, importantly as well, with such a big cut to the workforce it would have a very significant impact on those individuals, those families and economies in Canberra but right around Australia where there are thousands and thousands of public sector workers employed.

You don't need to look very far either in this country to see how the Liberals value jobs and job creation in Australia. It would have a devastating impact, cutting that deep into the public sector. As we talked about earlier this week, it is a proposal that we know the state Liberal Party supports. It was let out of the bag when Isobel Redmond was the opposition leader, but if you need to see a

demonstration, not just in the public sector but in the economy more broadly, we cast our minds back to 2013 when Joe Hockey, as Treasurer, dared Holden to leave the country.

I think there were six words, 'Either you're here or you're not,' he said in parliament in 2013. The very next day Holden announced that they were leaving. They were shutting up shop in Australia. I think at the time it was just under 2,000 direct jobs and many multiples of those numbers of jobs here in Adelaide that were lost because of the actions of the then federal Liberal government cutting jobs here in Adelaide. We saw the effect that had on South Australia, the massive efforts the then Weatherill Labor government invested to make sure those jobs were able to be transformed. It is—

Members interjecting:

The Hon. T.A. FRANKS: Point of order, Mr President: I can't hear the answer. If I can't hear it, I am sure you can't hear it.

The PRESIDENT: Actually, I am a bit closer than you but—

The Hon. T.A. FRANKS: It was my question and I would like an answer in question time.

The PRESIDENT: The minister will be heard in silence. Come on, minister. We have had nine questions so far. Hurry up.

The Hon. K.J. MAHER: It is testament to the work of Labor governments cleaning up the mess that Liberal governments have created. I think something like 80 per cent of those workers for Holden in the supply chain found jobs after the closure of Holden. We don't want to have to see Labor governments clean up Liberal governments' messes again with these massive, massive job cuts to the federal public sector. We know it's in their DNA and we know what will happen if ever South Australians are unfortunate enough that they get on the treasury benches again.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (15:08): I seek leave to make a brief explanation before asking the Minister for Primary Industries a question regarding the management, or lack thereof, of giant pine scale outbreaks.

Leave granted.

The Hon. J.M.A. LENSINK: In 2023, giant pine scale was detected at the Hope Valley Reservoir Reserve resulting in the loss of approximately 120 trees. Despite assurances that containment efforts were underway, subsequent detections occurred at Silverlake Reserve and the Highbury Aqueduct Reserve leading to the felling of hundreds of additional trees.

The minister has previously advised that a multilevel agency working group was established in response to the outbreak. However, the advice that the Liberal opposition has received is that confusion persists in the community regarding which agency is responsible for leading the efforts to manage the infestation and what proactive surveillance measures were in place prior to these outbreaks.

Residents have also expressed concerns regarding the lack of a coordinated recovery plan to restore the environmental damage caused by the large-scale loss of mature trees. My questions for the minister are:

1. What are the immediate containment actions that were taken following the initial detection to specifically prevent spread into other parts, including into Highbury?
2. Is it her agency or, if not her agency, which agency is responsible for the coordination of management of outbreaks in public reserves?
3. What outcomes have been achieved by the giant pine scale working group so far?
4. What surveillance activities were undertaken by PIRSA or associated agencies prior to the detection at Silverlake Reserve? I note the trees have now been felled next to the kindergarten.
5. Will the government commit to funding, replanting and environmental restoration for all areas affected by giant pine scale outbreaks in this vicinity?

6. At what other sites has the pest been detected and what is the plan to address these issues?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11): I thank the honourable member for her question. Giant pine scale is native to the Eastern Mediterranean region and causes branch dieback, gradual desiccation and tree death. It does feed exclusively on plants from the pine family, such as pines, firs and spruces. Giant pine scale presents a threat to softwood forestry and wood processing industries in South Australia, with the sector directly and indirectly producing more than \$1.46 billion of economic activity annually.

Giant pine scale was first detected in Victoria and South Australia back in 2014. At that time it was affecting what we call amenity trees, so not commercial plantations but amenity trees in streets, parks and gardens. In 2017, it was determined nationally that it was not possible to eradicate giant pine scale from Australia, in part because it is a difficult pest to detect in the early stages of infestation because it does manifest in the tops of trees and because chemical control treatments were shown to be ineffective at that time. I remember that, prior to that 2017 decision, when I was working in the forest industry, it was of course a big part of discussions across the nation because it obviously has a significant impact on softwood trees of the pine variety, and clearly an eradication would have been beneficial but was not considered to be possible.

At that time a one-year transition to management program was enacted to assist industry to manage giant pine scale in Australia broadly. Due to that now endemic status of giant pine scale in Australia, management of the pest rests with land managers, landowners and industry where it is in a commercial plantation. In South Australia, people are obliged to report infestations to PIRSA, as doing so allows affected stakeholders to assess new detections and to act.

In Victoria, there is an active containment program underway. Here in South Australia, we are aiming to eliminate all known detections of the pest. However, I would note that, where trees are in private gardens, for example, there is no legislated way that we can force the removal of those trees. In 2023, detections were made in pine trees within SA Water's Hope Valley Reservoir Reserve, which was an area not accessible to the public. It was also in nearby Elliston Reserve and in the Highbury Aqueduct Reserve. Tree removals for all detection sites, I am advised, are now complete.

The interagency GPS response team was formed following that 2023 detection. Members include representatives from PIRSA, from SA Water, ForestrySA, City of Tea Tree Gully, Australian Forest Products Association, University of South Australia, National Parks and Wildlife Service SA, and an independent expert from ArborCarbon. PIRSA's role in the response included: providing technical support; convening response team meetings; responding to some public queries when they came through the Exotic Plant Pest Hotline; and coordinating communications.

As we know, there has also been a detection at Silverlake Reserve in Highbury as well. The priority of the response program is really twofold: it's to protect amenity tree plantings through the urgent removal of infested trees, as well as to protect, to the extent possible, our forest industries. The removal includes the infested trees but also the adjacent trees to create a buffer, because the pest can move through the adjoining crowns of the trees.

Removal of the affected trees remains the best known option for eliminating giant pine scale and is regarded as the quickest and most effective eradication method against the pest. Tree removal also assists in preventing the pest from spreading to other unaffected pines. As the opposition perhaps isn't aware, Minister Champion announced \$1 million in funding for revegetating the area around the Hope Valley Reservoir, which was affected by GPS.

On 6 June last year, PIRSA and AFPA hosted a GPS stakeholder workshop to continue building a shared understanding of the potential risks of GPS and to define the roles, responsibilities, key actions and resources required in the event of an outbreak. The key message to participants was that South Australia's biosecurity system relies on a partnership approach between government, industry and the community. I think we have talked about it here on a number of occasions, that biosecurity generally is everyone's responsibility. Whether you are a landowner, producer, manufacturer, transporter, tourist or indeed a member of the community, we all have a role to play.

The workshop was well attended, with participants from various local councils, Green Adelaide, industry and government agencies. An outcome of the workshop was the establishment of a wider GPS network for stakeholders to stay informed and the beginning of the collaboration of GPS surveillance with a local council.

Members interjecting:

The Hon. C.M. SCRIVEN: If you are not interested in the answer, you shouldn't have asked the question.

The PRESIDENT: I am sure the minister is almost ready to conclude.

The Hon. C.M. SCRIVEN: This is an opposition question; it's not a government question—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and yet we have complaints from the opposition because we are giving a fulsome answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: You would think they would want to hear a fulsome answer, but apparently not. So it comes back to, essentially, the issue that addressing giant pine scale is complex because it is dependent on the ownership of the land. In some of the areas that we have been talking about, it might be owned by one agency but under the care and control of council or of a different agency, and there is also of course the issue of private property.

So we continue to work through this. The eradication is something that is being worked through across, as I said, industry as well as councils and government agencies. If there is a further update that I can provide, I will be happy to do so in the future.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (15:17): Supplementary: can the minister confirm what I think she intimated, which is that, to the government's mind, the infection is contained and there are no additional areas that haven't already been eradicated? Which government agency is responsible for revegetation of the Elliston Reserve and the Silverlake Reserve?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for her supplementary question. In terms of the first part, I was referring to the outbreaks that I had outlined. One of the difficulties with giant pine scale, as I mentioned earlier on in the question, is being able to make early detection. So it's certainly the case that we can't say that there are no additional detections—there certainly may be.

In terms of the revegetation, I am happy to take advice on that. I must admit that I am not as familiar with the north-east part of our city and the names of the different reserves and the ownership arrangements that are in place as I am with our regional areas, but I am happy to come back with an answer to that aspect of the supplementary question.

Bills

SPICER COTTAGES TRUST (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:19): Obtained leave and introduced a bill for an act to amend the Spicer Cottages Trust Act 1978. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:20): I move:

That this bill be now read a second time.

I am pleased to introduce the Spicer Cottages Trust (Miscellaneous) Amendment Bill 2025. The Spicer Cottages Trust was established in 1897 by Edward Spicer to make provision for housing for widows of religious ministers and supernumerary ministers in the Methodist Church. The trust was initially established in connection with the Methodist Church in Australia, now the Uniting Church.

The Spicer Cottages Trust Act 1934 to 1938, which was enacted so that the trustees could become a body corporate, was later repealed and replaced by the Spicer Cottages Trust Act 1978 to remove obsolete provisions and consolidate the provisions of the trust into one declaration of trust. Until recently, the activities of the trust involved holding and maintaining a series of cottages and residential properties for the purposes of the trust. However, in 2021 the trust sold its properties to the Adelaide Benevolent Society, conditional on the existing trust tenants being entitled to remain as tenants in the current dwellings as long as they remain able to live independently.

The trust is therefore no longer a property owner or a landlord and has advised that there are no ministers or spouses requiring accommodation. As such, the trust now wishes to support the community in other ways and has an interest in affordable housing and other general requirements, such as education, health care and other family support. To do so, the trust has sought to amend the act to allow for additional operational flexibility for the management and distribution of the trust funds to benefit people in need.

Amendments will also be made to enhance the administration and effectiveness of the trust. This bill will expand the objects of the trust to include to provide assistance to persons in poor, needy or difficult circumstances through the provision or assistance in the provision of affordable housing, or the provision of assistance with obtaining educational training, health or allied health services, or other support services.

It inserts various provisions in the act to allow the trust more flexibility in receiving and managing its funds and other property or assets. It updates the trust's administrative processes by allowing for a notice of meeting of the trust to be sent via post or email, for meetings of the trust to be conducted by telephone or videoconference, and for resolutions to be made by the trust where notice of the proposed resolution has been given to all members and agreed by a majority of members by email.

It changes the membership requirement of the trust by allowing membership of up to eight members, at least two who must be members of the Uniting Church in Australia or any church formed by a union of the Uniting Church with another church, and to allow a member to be appointed by a resolution of the trust.

It inserts a provision to provide that where the trust consists of fewer than four members, the South Australian Synod of the Uniting Church in Australia may by resolution appoint a person as a member of the trust. It inserts a provision that the act is in addition to and does not take away from the Trustee Act 1936, and it makes other technical changes and updates the language of the trust. I commend the bill to the chamber and seek to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

*Explanation of Clauses**Part 1—Preliminary**1—Short title**2—Commencement*

These clauses are formal.

*Part 2—Amendment of Spicer Cottages Trust Act 1978**3—Amendment of section 4—The Trust*

This clause amends section 4 of the Act, such that the Trust will now consist of up to 8 members, of whom at least 2 must be members of the Uniting Church in Australia, or of any Church formed by a union of that church with another church.

4—Insertion of section 5

This clause inserts a new section 5 into the Act.

5—Interaction with other Acts

Proposed section 5 provides that the Act is in addition to, and does not derogate from, the *Trustee Act 1936*.

5—Repeal of First Schedule

This clause repeals the First Schedule, consequential to the amendment to section 4 of the Act.

6—Amendment of Second Schedule—Declaration of Trust

This clause makes various changes to the Second Schedule, including expanding the objects of the Trust, expanding the ways in which the Trust may manage and apply its funds, providing for communication by email as well as by post, allowing for telephone or electronic conferences to be considered meetings of the Trust, providing for mechanisms for the appointment of members to the Trust, and modernising some of the language used throughout the Schedule.

Schedule 1—Transitional provision

1—Trust membership

This clause ensures continuity for the current membership of the Trust despite the changes made to section 4 of the Act.

Debate adjourned on motion of Hon. J.M.A. Lensink.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (ENVIRONMENT AND FOOD PRODUCTION AREAS) AMENDMENT BILL

Second Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:24): I move:

That this bill be now read a second time.

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

Leave granted.

A key initiative of the Government's Housing Roadmap and the Greater Adelaide Regional Plan (GARP) is to ensure there is an appropriate supply of serviced land to meet both current and emerging housing demand.

The GARP identifies sufficient land over the long term to accommodate for this growth. There are limited options for where the greenfield growth can occur and much of the land identified for medium to long term growth is within the EFPA. Based on GARP investigations, there are likely to be approximately 61,000 dwellings developed on land that is currently within the EFPAs.

When the *Planning, Development and Infrastructure Act 2016* was first drafted in 2015-16, Government policy strongly supported urban consolidation, with a target set for 85% of all growth to occur through infill development. On this basis, the Act is currently drafted to ensure that new greenfield land is released from the EFPA, only where urban consolidation opportunities have been exhausted.

This is no longer consistent with Government policy, with the GARP identifying ample greenfield and infill land over the next 30 years. On this basis, there is a disconnect between the EFPA provisions and its preference towards urban consolidation/infill and the GARP.

To overcome the disconnect, on 24 February 2025 Cabinet approved the drafting of a Bill to amend the Planning, Development and Infrastructure Act 2016 to vary the Environment and Food Production Areas (EFPAs) and provide a mechanism to ensure that the EFPAs remain consistent with the Greater Adelaide Regional Plan (GARP) for new growth areas over the next 30 years.

The Government has now drafted the Planning, Development and Infrastructure (Environment and Food Production Areas) Amendment Bill 2025 which achieves the following:

- Amends section 7 of the Act to designate a revised GRO Plan setting out new EFPA boundaries based on the GARP;
- Confirms that any land that is removed from the EFPA on commencement of the Bill has the Limited Land Division Overlay applied through the Planning and Design Code to prevent unorderly fragmentation of the land (which would make it harder to develop for a residential purpose at a later date);
- Removes the current urban consolidation test for future variations to the EFPA boundaries (which essentially prevents amendments to EFPA boundaries unless Greater Adelaide is unable to support infill development);
- Ensures that future variations to the EFPA are consistent with the GARP and ensure a 30 year land supply (rather than 15 years); and
- Inserts new provisions in section 64 of the Act requiring the GARP to consider population growth and to identify land to be developed in the short-term.

The areas being removed from the EFPA will still need to be rezoned before they are used primarily for residential development, and this will occur in a staged manner over the next 30 years to ensure orderly development. Rezoning would occur based on current demand and specifically take account of infrastructure provision and costs.

The revision of the EFPA still ensures that the key agricultural lands surrounding Greater Adelaide are protected. The changes to the EFPAs, that were based on a comprehensive analysis, represent a loss of less than 1% of key agricultural lands in the GARP area. This, together with the current Character Preservation Districts and Hills Face Zone, ensure we retain a strong urban growth boundary.

Important changes are being progressed through the Planning, Development and Infrastructure (Environment and Food Production Areas) Amendment Bill 2025 and without them, South Australia's growth will be stifled and there will be confusion within the community because the EFPA will prevent urban growth as outlined in the GARP.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

3—Amendment of section 3—Interpretation

The amendment to the definition of *statutory instrument* is related to the amendments to section 7.

4—Amendment of section 7—Environment and food production areas—Greater Adelaide

Section 7 currently establishes environment and food production areas. The amendments substitute the current plan of environment and food production areas with a new plan.

Section 7(3)(a) is amended so that subparagraph (i) of the power to vary environment and food production areas provides that the variation is consistent with any relevant provisions of the regional plan for Greater Adelaide under section 64 and subparagraph (ii) refers to 30 years.

Other amendments are technical or consequential.

5—Amendment of section 64—Regional plans

Section 64 is amended to insert considerations applying to the preparation of the regional plan for Greater Adelaide.

Other amendments are consequential.

6—Amendment of section 125—Time within which decision must be made

Section 125 is amended to provide that the section does not apply to development that involves a division of land that would create 1 or more additional allotments in an environment and food production area or character preservation area.

Schedule 1—Transitional provisions

Schedule 1 provides for transitional provisions for the purposes of the measure.

Debate adjourned on motion of Hon. N.J. Centofanti.

SUMMARY OFFENCES (PROHIBITION OF PUBLICATION OF CERTAIN MATERIAL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 February 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:25): I rise today to speak in support of the Summary Offences (Prohibition of Publication of Certain Material) Amendment Bill 2025, otherwise known as the 'posting and boasting' bill. This bill is aimed squarely at addressing a troubling trend in our society—the publication of material that encourages, glorifies and promotes criminal actions.

We have all seen the impact of social media on the way information is shared. Unfortunately, this has extended to the glorification of unlawful activities where offenders not only commit crimes but also proudly broadcast them to the public. There is justifiable concerns that this encourages copycat behaviour and other crimes to be committed. This bill seeks to ensure that individuals who engage in such reckless and harmful behaviour are held accountable.

The legislation is similar in intent to a bill previously proposed by the Hon. Frank Pangallo, and I acknowledge his contribution to this debate by bringing up this matter previously. The version before us today, as I understand it, focuses specifically on the offence itself. Under this bill, offenders who publicise criminal acts will face a maximum penalty of two years' imprisonment, but it should be noted that the sentence imposed under this law cannot exceed the sentence for the criminal act that is being publicised.

It is also important to note that under this proposed legislation a person may still be charged for this offence, even if they have not been charged with the underlying criminal act. This ensures that those who deliberately seek to glorify or promote crime without necessarily committing it themselves are not allowed to escape justice.

The bill provides explicit examples of the types of offences that fall under its scope. These include the publicising of criminal activities such as dangerous driving, violence, the use of weapons, damage or destruction of property, theft and criminal trespass, among others. Other jurisdictions, such as Queensland and the Northern Territory, have already introduced similar legislation to make the posting and publication of crimes an offence. This move follows international concern about the role of social media in amplifying crime and promoting a society where a criminal activity is rewarded with attention and notoriety.

I acknowledge that the Law Society has raised some concerns regarding the breadth of this offence, and the federal Coalition has proposed to make this nationally consistent if re-elected on Saturday. In particular, they note that an individual can be charged under this law for posting and publicising criminal activity without having personally committed the crime in question. I note also there is concern about the potential for disproportionate impact on young people who may not fully understand the consequences of their actions. Criminalisation alone is not always the best solution. We must also address the underlying causes of youth crime.

To ensure fairness, the question of guilt under this bill would hinge on whether the person's intent was to glorify, publicise or encourage the crime. There are provisions for legitimate defences, such as where the material was published for educational purposes or to inform the public. I understand the Hon. Mr Simms has a set of amendments, which I indicate we will not be supporting.

The Liberal Party believes this bill is designed to tackle the dangerous post and boast culture where the young offenders commit serious crimes and then glorify their actions online. We feel the honourable member's amendments would undermine the bill by exempting key offenders, creating potential loopholes for the glorification of crime and possibly allowing harmful material to spread privately. We therefore oppose the amendments to preserve the integrity and effectiveness of the bill.

The opposition, whilst it supports the bill, will raise some questions, and some of these questions are around whether charges could be retrospectively applied to historical crimes that were

publicised years in the past and, indeed, whether it would be an offence to share footage of criminal activity via text message or through private messaging platforms such as WhatsApp. I may have one or two other questions during the committee stage, and I anticipate the Attorney will address these issues then. While the opposition is indeed firm in our stance against the glorification of crime, we, as legislators, must also ensure that the bill is practical, enforceable and just.

In conclusion, the posting and boasting bill represents an important step in curbing the reckless promotion of criminal activity, by ensuring that those who spread a criminal act are held accountable. We as a society will send a clear message that such behaviour will not be tolerated and have a firm deterrent against further crime. Again, as I reiterated, I will seek a few clarifications at the committee stage, but certainly we, the opposition, urge all members to support this bill while continuing to work together to address those final few concerns raised.

The Hon. R.A. SIMMS (15:30): I rise to speak on the Summary Offences (Prohibition of Publication of Certain Material) Amendment Bill on behalf of the Greens. We know that this bill is the government's response to a bill brought to this place by yourself, Mr Acting President, known as 'post and boast' laws. The Greens indicated that we would not be supportive of that bill at that time, and indeed, Mr Acting President, I think I have had a few conversations with you about why we were not supportive of the bill.

Both bills aim to address the issue of people who post videos of crimes on their social media. The Greens believe that the bill that was presented to parliament last year could have some unintended consequences. At that time, I warned the parliament about the risks associated with punitive laws that were targeting young people and the need for young people to have access to services and diversionary programs.

I note that the government has been doing a consultation paper around diversion programs and raising the age of criminal responsibility but seems to have lost their nerve in terms of taking any action on that reform. I think that is very poor, very weak. The Greens will continue to advocate for the government to show some backbone, to stand up against the stupid populist law and order campaigning of the opposition, which is devoid of fact and which actually, by the Attorney-General's own admission, fails to recognise the fact that youth crime is going down in South Australia.

Anyway, I am concerned that this bill will actually compound some of the already punitive policies that we are seeing in South Australia that target young people. We believe that the court should consider the publishing of material as part of the sentencing process and that more early intervention programs should be established to prevent young people in particular from offending in the first place.

The bill the government has brought to us has raised even more concerns than the bill that was put forward by yourself, Mr Acting President. The proposed legislation will capture a number of circumstances that could have wide-reaching implications for our democracy. For example, I understand that this bill captures direct messaging. Imagine a situation where a young person witnesses a crime and sends a picture of it to their friend in a private message, perhaps with a fire emoji or the like, with a description.

The bill creates an offence where someone publishes the material with the intention of encouraging or promoting the conduct. It is difficult for a young person, often, to draw the line. Would the use of an emoji in that context represent glorifying criminal conduct? How will they know whether the fire emoji could be considered promotion? How will they understand whether or not they have committed an offence?

Indeed, the Malinauskas government has argued that if you are under 16 you are not old enough to even be on social media or to understand the risks associated with social media, so how can they apply this offence to that group? Such an example, of course, I should say is probably not the kind of conduct that the government is seeking to target. The problem, of course, is the broad and wide-ranging nature of the laws that the government is proposing for parliament's support.

The definition of 'published' in the bill includes sharing material via the internet. Again, this is very broad and we believe that there is a huge difference between sharing a message with a friend

and publishing something on a public Instagram profile. I indicate here that the Greens will move an amendment to remove direct messaging so that it is not captured by the bill.

Another element that is potentially captured here but we believe should not be is the promotion of protest actions. We know, of course, that the Malinauskas government has form when it comes to trying to curtail the right to protest here in our state. Back in 2023, the Malinauskas government launched an extraordinary attack on the right to protest by introducing draconian anti-protest laws. Indeed, all of us on the crossbench did what we could to try to resist those draconian laws. Indeed, you, Mr Acting President, I think delivered a very interesting speech, which went for five hours or more, covering a wide range of topics, including Meghan Markle and a range of other matters that were of great interest to myself and other members.

We are concerned that this bill is once again part of the government's broader approach to crack down on protest here in our parliament. We know the bill has significant implications for someone who is engaging in protest action. We know that some of the most important changes that have taken place in history have been as a result of civil disobedience. Take the suffragette movement. We have a piece of history here in the grille that Muriel Matters chained herself to. As a result of that movement, of course, we have a more inclusive parliament and more representation in our democracy. But if Muriel Matters had Instagram, would we criticise her for sharing the image of her chained to a grille? That would offend these laws.

The new penalties for the offence of obstruction that passed here two years ago have the potential to impact protest actions that are aimed at social change, but this bill introduces a compounding offence, saying you cannot even share images of those engaging with these protest actions on social media. Of course, we are not just talking about Extinction Rebellion protesters who might well obstruct traffic to make a point. There is a range of other protest actions that could be captured by this legislation, and that is why the Greens will be moving to amend the bill to ensure that there are protections for people who are caught up in the Malinauskas government's anti-protest laws, by expressly carving out political communication and lawful assembly.

I urge members to consider that amendment in conjunction with amendment No. 3 [Simms-1]. This is where we provide guidance to ensure that our exemption does not apply to conduct that is designed to incite violence or hate speech against groups that are protected under the Racial Vilification Act or the Equal Opportunity Act. We note expressly through our amendment that, without limiting the grounds on which a court may find material was not published for a legitimate public purpose, material published for the purpose of political communication will not be published for a legitimate public purpose if the material was also published for the purpose of inciting violence or for promoting any form of unlawful vilification or discrimination.

My amendment makes clear what we are contemplating here—for example, racial vilification under the Racial Vilification Act 1996 or any form of discrimination that is unlawful under the Equal Opportunity Act. For instance, my amendment would not provide an exemption for people who choose to broadcast Nazi propaganda or Nazi protest actions.

We will also move an amendment to ensure this legislation does not apply to anyone under the age of 16. The Malinauskas government claims that people under the age of 16 should not be allowed on social media, as I indicated earlier, yet it is creating an offence for them to share material on social media sites. It is inconsistent, so our amendment will clear that up.

I would also like to highlight that this bill includes a provision that captures posting about offences in other jurisdictions. I think it is important to note that surely if an offence is not an offence in the state of South Australia, a reasonable person cannot be expected to know the offences of other jurisdictions when they are posting a photo or sharing a video or content from something that may have occurred in another jurisdiction.

So we have serious concerns with the wideranging nature of the bill. We do believe that our amendments ameliorate the risk somewhat and we encourage members to support those amendments and we reserve our right to make a decision on the bill at the third reading.

I should say, of course, that the Greens do not support people promoting criminality. Of course, that is an issue that is a concern for all members of the community. However, we are really

concerned about the disproportionate effect this will have on young people, the disproportionate chilling effect this could have on protest actions in our state and the unintended consequences these laws might well have because they are so broad in their remit.

The Hon. J.S. LEE (15:40): I rise to speak on the Summary Offences (Prohibition of Publication of Certain Material) Amendment Bill 2025. Social media is changing rapidly and in some instances some of those changes are negatively impacting on the public safety and wellbeing of our community. This bill seeks to address and prohibit a growing trend of people posting material on social media to brag about their involvement in crime, commonly known as the posting and boasting bill.

I also want to take this opportunity to acknowledge the Hon. Frank Pangallo for his strong advocacy of this measure. I believe most honourable members would have seen or heard of instances of hoon drivers or their admirers posting videos of dangerous and illegal driving online and heard of people trying to one-up each other by undertaking more and more dangerous activities to post the videos online for their followers. Not only does this trend risk exposing community members to offensive material but it has also raised concerns across the community about the harm of promoting crime and encouraging and glorifying those who commit prescribed offences.

The bill proposes to create a new standalone offence for publishing material depicting an offence, with the maximum penalty of two years' imprisonment. Prescribed offences include offences that involve driving a vehicle or vessel, violence, weapons, damage or destruction of property, theft and criminal trespass. This offence would apply to anyone who publishes material online that appears to depict conduct constituting a prescribed offence and has the intention of encouraging, glorifying or promoting that conduct.

Material posted, uploaded or shared via the internet on a social media platform or other electronic platform will be captured by this legislation, even if, for example, posted to a group chat or a closed Facebook group. Additionally, a person who reposts or re-shares material originally published by someone else would also be captured by this legislation. Under this legislation, a person could be charged with this posting and boasting offence even if they were not involved in the prescribed offence that is depicted in the material. Equally, a person could be charged with this offence whether or not they, or another person, have been, or will be, charged with the related prescribed offence.

Of course, there are exemptions for publishing material for a legitimate public purpose, such as educating or informing the public, publishing a fair and accurate report of any event or matter of public interest or a work of artistic merit. Further, the prosecution must prove that the publication was intended to encourage, glorify or promote the conduct or to increase a person's involvement in the conduct depicted.

I note that concerns have been raised by the Law Society that young people may be disproportionately impacted by this legislation and I understand that one of the amendments that will be proposed by the Hon. Robert Simms would seek to exempt children under the age of 16 from this offence. From my briefing with the government, I understand that there is a strong intention for the Department for Education to deliver a significant education campaign. This will be crucial to ensure that young people understand the consequences of filming, posting and sharing material that depicts an offence.

I also appreciate that this legislation is intended to address a concerning trend that is prevalent among young people, with many vehicle offences that become viral videos being committed by the 20 to 30-year-old age group. Too often we see terrible footage of school bullying and violent assaults circulating on social media, and we must do something to prevent the additional harm that these viral videos can have on the victims.

We certainly must do everything to stop copycats potentially amplifying antisocial behaviours. Such conduct is both extremely harmful and dangerous. In the interests of protecting community safety, I indicate that I will be supporting the bill and will consider the Hon. Robert Simms' amendments, because he makes some very interesting points. I hope the minister might be able to provide some clarification to address the issues and concerns that have been raised by the Hon. Robert Simms in his speech. With those remarks, I commend the bill.

The Hon. F. PANGALLO (15:45): I thank the Attorney-General for his acknowledgement of my interest in this legislation. Just to set the record straight, and as members in this place have already recalled in their speeches today, I introduced this bill in May last year and it was passed. It lay dormant in the House of Assembly, but I am glad it has made its way back here.

The Attorney-General did give me the courtesy of a briefing earlier this year on his intentions with the government's bill, and I am happy with what he has done in that regard. Nonetheless, I am pleased that the government decided to support it then and have now decided to do it themselves, effectively giving themselves another notch on their belt about being tough on crime, especially juvenile crime, where offenders break the law and then brag about it on social media platforms, which in themselves have changed the nature of post-crime behaviour of a particular cohort or generation of young criminals in our midst. They have utter disregard for the law and a disgusting lack of any decency or respect for their victims.

My bill sought changes to the Bail Act to restrict the presumption of bail for youth offenders for prescribed offences like stealing cars, criminal trespass and home invasions. That was opposed by more progressive moderates in the legal profession as perhaps going too far. However, I see that it is now gaining some strong support in other jurisdictions like the Northern Territory and Queensland, where they are having to battle the relentless wave of recidivist youth crime and bail breaches going unpunished in their communities.

How often do we hear vicious crimes against persons being committed, only to learn these ratbags have already been bailed for similar crimes? Our court system is far too soft on youth crime. The dilemma is, though, what do you do with them? Where do you put them when our jails are full and there are record numbers of offenders put on home detention?

Shocking figures were released recently through freedom of information sought by the opposition showing the true extent of repeated bail breaches. SAPOL tell us it is usually the same small group of the usual suspects who commit the crimes, then emerge from the revolving door of the Youth Court or other courts. So what? I still believe there should be no statutory presumption of bail for them.

As I stated, the dilemma for the government is: where do we hold them? Certainly not in adult prisons and remand centres. Regional police I spoke to earlier this year expressed their alarm at the youth crime rate. I was told of one youth offender in Port Augusta who was arrested on more than 50 occasions and blatantly breached their conditions of release.

The police I spoke to were very supportive of having a dedicated centre for these offenders where they could be put through meaningful rehabilitation programs. Youth offending can lead to a lifestyle of youth recidivism, adult offending, escalating serious offending, substance abuse, mental illness and even homelessness. That may be food for thought for our new corrections minister, the Hon. Emily Bourke.

There is also evidence that criminals recruit vulnerable children on social media to commit crimes. Being remanded in custody puts the brakes on this. From a safety perspective, it protects these kids from themselves and the dangers inherent in reoffending—but that is for another day. If offenders are stupid and brazen enough to post and boast about their crimes, encouraging others to follow their infamy, they should face stiff penalties.

Queensland has had success in rounding up hundreds of young offenders under its post and boast laws introduced last March. New South Wales quickly followed and there was a private members' bill that has stagnated in the federal parliament since March last year, and then I had my legislation drafted and introduced to follow other like-minded jurisdictions. I applaud the Attorney-General for supporting my initiative and I would also hope that once it is in place the government can allocate resources and funding to provide pathways out of the justice system for these offenders.

There is still a way to go, however, in getting violent and extremist material removed from online sites. In saying this, I acknowledge the comments made by the Hon. Rob Simms and also his amendments. I think he made a compelling argument regarding the unintended consequences when

it comes to political protests, and I will seriously give that consideration for supporting it. However, I will not be supporting the amendment regarding children under 16. I commend the bill.

The Hon. R.P. WORTLEY (15:51): There have been instances across Australia, including locally, of people posting material on social media platforms to brag about their involvement in crime—e.g. posting and boasting. This sort of conduct is fuelled by the recognition and notoriety that people receive for criminal conduct. It also further harms victims of offending who not only have to deal with the loss, injuries and other harm they suffer directly but the public humiliation dealt out by those who publish criminal material.

Other jurisdictions have taken steps to criminalise posting and boasting, including New South Wales, Queensland and the commonwealth. The draft bill creates a new posting and boasting offence in the Summary Offences Act.

People who publish photos, videos or audio of a prescribed offence with the intention to encourage, glorify or promote the conduct it portrays, whether or not they were involved in the offending themselves, will face a penalty of up to two years' imprisonment so long as the penalty imposed does not exceed the maximum penalty that may be imposed for the relevant prescribed offence. This ensures that somebody who commits a post and boast offence is not held to stricter account than the person who commits the crime. A prescribed offence includes:

- an offence involving driving or operating a vehicle or vessel, which we have seen in high-speed joyriding and theft of vehicles;
- an offence involving the use of or the threat of using violence, which captures fights and coward attacks;
- an offence involving a weapon;
- an offence involving interference, with damage to or destruction of property;
- theft or an offence of which theft is an element, such as a robbery; and
- criminal trespass or an offence of which trespass is an element.

The new offence applies to a person who has posted material depicting a prescribed offence as long as it is proved that they published the material for a prohibited purpose, to encourage, glorify or promote the conduct. The offence will not cover the publication of offending material if the publication was for a legitimate public purpose including:

- whether the publication was for the purpose of educating or informing the public;
- whether the publication was for the purpose of making or publishing a fair and accurate report of any event or matter of public interest;
- whether the publication was for the purpose of a work of artistic merit;
- whether the publication was for a purpose connected to law enforcement or public safety; or
- whether the publication was for a medical, legal or scientific purpose.

These caveats are to ensure that the legitimate use of photos, videos and audio of criminal activity by law enforcement or journalists is not curtailed. Although these laws will apply to everyone equally, we are determined to work with the Department for Education to ensure our youngest South Australians understand the risks involving filming and publishing offences. This comes on the back of the ban on phones during school hours and the ban on social media for people under 16. It is imperative that, now that every young person is essentially walking around with a film production studio in their pocket, they understand and appreciate what is and what is not acceptable. I support the bill.

The Hon. C. BONAROS (15:55): I rise to make some brief remarks and observations and, in so doing, echo many of the sentiments that have been expressed by my colleague the Hon. Rob Simms with respect to the breadth of the proposed offences and scope of this bill, and note queries that have been raised, particularly by the Law Society, as to the evidence to suggest the causal link

between young people posting online, the commission of the classes of offences covered at an increasing rate, as well as the increased rates of crime more generally to justify the changes.

Of course, that is against the backdrop of the Attorney often telling us in this place, particularly in question time, that crime rates are actually on the decrease. We have heard that time and time over, particularly in response to questions from the opposition on this very issue. We canvassed that very well during our knife law reforms very recently. We are actually looking at a decrease in crime rates and, more specifically, a particular cohort of offenders committing the majority of crimes that we are seeing reported. I do find that rather curious, given that has been one of the justifications for the legislation.

I support the Hon. Rob Simms' sentiments with respect to the age, the social media bans and the scope of this bill. In saying all this, none of us support—in fact, I am sure we all condemn—the glorification and spreading of violence online, and there needs to be a way to address this behaviour. It does take me back to a conversation we often have in this place about maintaining the status quo and expecting things to change. Simply introducing more penalties, in the absence of all the things that those individuals who are committing these crimes need, we know does not work because that is why we are here debating all these different rafts of laws so often.

It is not that I am opposed to the idea of posting and boasting laws, but I am certainly concerned about the scope of those laws as they have been proposed here. I am concerned that we have a situation where we do not know the answer to what would happen in relation to where something has been filmed internationally and then reposted here, and we do not know what the responses are—in fact, there is a presumption of innocence that would not apply to conduct not prosecuted or charged. There are concerns around shifting the onus to the young person to prove the conduct did not constitute a prescribed offence. You would have thought that, as an absolute minimum, the prosecution should have to at least prove the published material depicted was a criminal offence.

They are issues that have been the subject of consultation and discussion, not only by the Law Society but also by the Guardian for Children and Young People and Training Centre Visitor submissions, which raised a number of concerns with respect to this bill. The elephant in the room is our protest laws and the amendments that the Hon. Rob Simms has moved and I indicate now that I will be supporting all of the Hon. Rob Simms' amendments for the very reasons that he has highlighted.

It was not that far back when the government made an absolute mess in this jurisdiction of our protest laws. It certainly did not expect the backlash it received from its own rank and file in respect to how far they were willing to take those protest laws. Those who were around will recall that there was a lot of backtracking after a lot of pressure, particularly from the union movement—or actually from the union movement—with respect to those laws.

So I am very hopeful that the Attorney is considering with an open mind the amendments that the Hon. Rob Simms is moving, because these laws are intended to be limited to the posting and boasting of violent criminal offending online, for want of better words—I am paraphrasing now. No-one would expect or anticipate that they could possibly or conceivably apply to innocent protests: to protests that occur for very democratic reasons on our streets each and every day of the week. I am sure that if the government does not support those amendments they will be subject to the same sort of criticism that they were subject to when they passed those laws in the first place.

I just genuinely hope that between now and the committee stage they can actually think back to—I know things are good for the government, but the backlash was great. The majority of that backlash, I think it is fair to say, came from Labor Party supporters, rank and file union members, and here we are again, in a position where we could possibly be curtailing, prohibiting and criminalising certain elements of protest laws. That is not something I am willing to accept, and I do not think it should be acceptable to any of us in this place if that is the position we took when we dealt with those laws. Of course, that was not the position the government took when we debated those laws; they took a rather peculiar decision, as a government, at the time.

Notwithstanding that, I think that overall we cannot overlook some of the very genuine concerns that have been raised in respect of these laws. That is not to say, again, that we support

this sort of behaviour, and it is not to say that that behaviour should be glorified in any sort of way, and it is also not to say that the spreading of violence online does not need a response. I think what the commentators on this bill have said is that they are just not sure that we have nailed it with this particular piece of legislation. It is against that backdrop that I make these comments.

I did look at Queensland with some interest when these laws were first passed, and I note the sort of commentary that has been made since then, particularly around social experimentation. I think that was quoted in the comments of the Guardian for Children and Young People and in the comments of others. Really, what it comes down to, I think, is that whilst these laws may work in some way, shape or form, their breadth and scope are concerning to many of the stakeholders who are watching and paying attention to this debate.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:03): I thank all honourable members who have contributed to this debate. I know that there were some points raised and some questions asked by a number of the people who contributed, and I will be happy to answer those and, I suspect, other questions at clause 1.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Given the government has stated that it wants to ban young people under the age of 16 from using social media, why is this legislation applying to young people under the age of 16? Why not simply carve that out, consistent with the government's views?

The Hon. K.J. MAHER: I am advised that if the only possible way anyone could ever publish something was social media, that would be a very good point, but of course there are many other ways that things can be published that are outside social media.

While I am on my feet, it might be useful to answer a question that I think the Hon. Robert Simms raised during his second reading contribution. It was certainly touched upon by the Hon. Connie Bonaros as well in relation to offences that are published here in South Australia but do not occur in South Australia. My advice is that the bill applies to the prescribed offences which this bill covers in South Australia.

So if something occurred somewhere else and it was published here, yes, it could be covered, but it would have to be an offence here. My advice is it does not apply to something, for instance, that occurred somewhere else and may be some sort of offence in another jurisdiction or another country, but is not a prescribed offence here in South Australia. So in regard to the idea that in publishing these someone would have to be understanding of every offence everywhere around the world, it has to be a prescribed offence covered by this bill in South Australia for it to apply.

The Hon. R.A. SIMMS: I understand the government will be rolling out national-first curriculum dealing with social media awareness in schools. As part of this education program, given the broad nature of the laws the government is proposing, will they be providing advice to children in a school environment on what might constitute an offence under these laws? In particular, I am thinking about group chats and direct messages on social media. I referenced in my second reading contribution whether emojis could be used and seen to be glorification of violent crime. Can the minister elaborate on how he foresees those things being interpreted?

The Hon. K.J. MAHER: As with these sorts of matters of criminal law, it is not something I am going to go in and say, 'This is how a court would interpret something,' in a particular circumstance. My advice is it would have to be a matter for the court that there was the intention for that promotion or glorification of that act.

In relation to the honourable member's questions about curriculum being rolled out, I will certainly pass that on to the Minister for Education, who has responsibility for these matters in South Australia. But certainly the intention for these sorts of pieces of legislation partly is that

educative and deterrence piece. We have talked about it a lot in the things that we have passed. I know the Hon. Connie Bonaros and I have talked about it significantly in some of the things that we have talked about in terms of respectful and consensual behaviours. Part of what we do here is send that message about what sort of behaviour is acceptable or not. I certainly will pass on what the honourable member has raised in terms of inclusion in curriculum.

The Hon. R.A. SIMMS: Am I to understand from the minister's reply, if you are simply going to pass on the question, that this is not an issue that has been canvassed before the legislation has been brought to this place? Given the legislation is dealing with children, in particular people under the age of 16, that the government has already said are not able to understand social media or be potentially culpable for their actions because they should not be on social media, why has the government not already worked out a plan to integrate this into the education system?

The Hon. K.J. MAHER: I thank the honourable member for his question and I appreciate being 'verbalised'—as the opposition leader would say—by the honourable member in relation to these sorts of things.

The Hon. N.J. Centofanti interjecting:

The Hon. K.J. MAHER: Yes, I knew that was coming. Of course, this legislation has not passed. These offences are not in operation yet, but in terms of what is acceptable behaviour, I will certainly pass that on. I am not aware of what is planned in curriculum in terms of any changes or making younger people aware of what the exact details are through the education system, of what is in the curriculum, but I am very happy to pass that on to the member. Certainly, once things pass and there are new laws and new legislation, many areas of society, including the education system, adapt to those.

The Hon. R.A. SIMMS: Legislate first and plan later by the sounds of it. It does not fill one with much confidence when we are dealing with these matters. I am keen to understand the implications for protest action, and I touched on this in my second reading contribution, as did the Hon. Connie Bonaros. How can the government assure us that those who are engaging in protest actions, who are sharing protest material—by its very nature protest material is often designed to be shared. It is meant to capture public attention. How can the government assure us that this is not going to curtail protests? Surely the amendments that I have suggested, in terms of providing some clarity around that, would provide some additional level of protection?

The Hon. K.J. MAHER: I am advised that if it is not a criminal offence, this is not going to cover it. If it is not one of the prescribed offences, these laws have no work to do. With the regular lawful protests that we see occurring frequently in Adelaide, as they should, if nothing is breaking the law or committing a prescribed offence under this act, it is not going to be covered by the sharing of these sorts of acts or the publication. It has to be a criminal act that is covered, a prescribed offence under these laws.

It does get difficult when you talk about wanting to extricate something that is very broadly for the purpose of political communication. Of course, that is a wide spectrum that can be interpreted very widely. I am sure some would argue that some of the actions that we have seen that do constitute criminal offences, in terms of far right wing extremism and the Nazi symbol bills we have here, were political communication. We think the balance is right. If you are not doing anything that is a prescribed offence under this act, then there is nothing to fear from it.

The Hon. R.A. SIMMS: What about the scenario that I detailed my second reading speech: the suffragettes who chain themselves to public property? Sure, they are committing an offence. If these activists were to engage in that conduct these days, they would be potentially committing an offence. If someone is going to share that on social media, they are then potentially committing an offence under the government's new laws. Is that not a troubling impediment on the right to protest in our state, particularly when you take it in conjunction with the anti-protest laws?

The Hon. K.J. MAHER: I know that there were all sorts of scenarios thrown up when the Summary Offences Act was changed and we were here to almost 7am a couple of years ago—for instance, that having a picnic in a park was going to land you in jail. I would be keen to know if the

honourable member has instances of any effect that has had on people who have protested in South Australia. I am certainly not aware of it.

The Hon. C. BONAROS: Just following on from that, you may very well have some members of the Greens who chain themselves to a tree, potentially. That could potentially involve offences involving interference with, damage to or destruction of a tree. I know you would not intentionally damage or destroy a tree, but certainly interference could fit in with that. I am thinking of examples where we blockade roads with trucks or vehicles or motorbikes, or drive them onto the pathways outside Parliament House to make a point, all as part of an authorised and approved protest.

Surely the Attorney can see how they would fit within—I can see how they would fit within a prescribed offence, an offence involving driving or operating a vehicle or vessel. If you are blockading the road using five or six trucks, then you may very well be committing an offence, so that may very well be covered by these provisions. If I am standing there filming these truckies doing that and then posting it online to say, 'Go you!' how could that not be captured by these provisions?

The Hon. K.J. MAHER: I thank the honourable member for her invitation to act as a trier of fact and a judge in deciding a specific example, but as per usual I will not take her up on that. These things are not always easy. As I have said, far right-wing extremist groups could think it was political communication to destroy an Aboriginal statue. These are not fanciful sorts of things. Yes, that would be a criminal offence, but I would hate to see someone argue it is for political communication.

The Hon. R.A. SIMMS: Yes, but the amendments that I am putting forward make it expressly clear that the scenario that the Attorney has raised would not constitute genuine political communication. I reference breaches of the Racial Vilification Act, or indeed any form of discrimination that is unlawful under the Equal Opportunity Act. So that is kind of a red herring, because my amendment would deal with that scenario.

I think the issue here, too, just to carry on from the point made by the Hon. Connie Bonaros, is the potential chilling effect that this might have as well. The Attorney-General invited us to provide examples of people who may not participate in protest because of the anti-protest laws. I have heard of lots of people in our community who have been concerned about participating in protest actions because they have been scared about the scope of the Malinauskas government's draconian anti-protest laws.

I am concerned that this is going to just further compound that potential. In particular, the effect that this could have on activist groups is really significant, where people may well obstruct traffic, may well chain themselves to buildings and the like and as part of the promotion strategy have that streamed online as a way of trying to capture public attention. Surely the minister can see the potential chilling effect this could have on democratic rights in our state and protest.

The Hon. K.J. MAHER: Again, I appreciate the honourable member's rhetoric. My advice is that it is not the promotion of a particular cause that is captured; it is the promotion of the criminal offence that is captured. Whilst I appreciate the member's views, they are certainly not ones that the government agrees with.

The Hon. C. BONAROS: Just to be clear, though, in relation to that chilling effect that the member speaks of, it is the individual who is actually posting and boasting who is subject to the offences in this bill, regardless of whether there are any offences laid against the person who potentially could be committing an offence by driving the vehicle or potentially could be committing an offence by interfering with, damaging or destruction of property, or any of the other things listed.

Regardless of whether you lay charges to the driver of the truck who has blocked the road, the person who has filmed that and is posting and boasting about it is the one who is, regardless of charges over here, subject to charges irrespective, so we are very clear.

The Hon. K.J. MAHER: So we are very clear, my advice is if you are doing the posting or boasting or the glorifying of the criminal offence, yes, that is the exact intent of the law.

The Hon. C. BONAROS: In the absence of criminal offences potentially being laid against the person who is actually undertaking the prescribed criminal offending.

The Hon. K.J. MAHER: Sure, and let me give another example which I think would be important. If someone had filmed a fight occurring in a school with 30 people beating up another student—and these are not fanciful situations—and people's faces are maybe somewhat blurred in the video, if someone glorifies that sort of offending you do not need to have someone convicted of an offence for doing that for this to apply. It is the glorification of that act that applies.

The Hon. C. BONAROS: I appreciate that clarification very much because that I think is the intent of what all of us thought this bill would cover as opposed to the potential impacts and ramifications it can have on our protest laws. Do we understand that there is a difference here between the scenario that has just been pointed out where there is a bunch of kids who are beating on and there are others egging them on and they are filming and they are putting that online, and we are saying, 'Well, that is an offence,' as opposed to our protest laws and how these may apply to our protest laws?

The Hon. K.J. MAHER: I am happy to repeat again: if you are doing the glorification of the criminal offence—not of the vibe of a view such as a political view; if it is the glorification of that criminal offence—then yes, it will apply, if it is a prescribed offence under this act.

The Hon. R.A. SIMMS: I think we are understanding, but the frustrating thing is that the government is not conceding the effect that this could have on protest in our state. So to be really clear—and I will use the Hon. Connie Bonaros as an example, if she does not mind—let us say the Hon. Connie Bonaros is chaining herself to the steps of Parliament House to protest an issue that is going on here in the parliament. She is potentially committing an offence. Let us say she is not charged with an offence, but I come along and I think, 'Wow, the Hon. Connie Bonaros is doing a great job on this.' I share it on my social media: 'Power to you, Connie. We are all with you,' and then I get charged with an offence. Is this not an absurd situation we find ourselves in in the state of South Australia?

The Hon. K.J. MAHER: I think we can agree to disagree with the Hon. Rob Simms. It has the shades of the debate that we had a couple of years ago. We just do not agree with the Hon. Robert Simms' proposition. Similarly, if there were far right-wing extremists using Nazi symbols, if that is a prescribed offence under here that would be covered. I understand the Hon. Robert Simms' view. It is just that we do not agree with the Hon. Robert Simms.

The Hon. C. BONAROS: Just for a matter of the record, though, the government may not agree but the Hon. Rob Simms is right: if I am potentially committing that offence and he is filming me potentially committing a criminal offence under the prescribed offences, and regardless of whether I get charged or not if he is going, 'More power to Connie,' and he posts that online, he can be charged under this bill.

The Hon. K.J. MAHER: I will give the other example: if someone has been filming that kid being attacked in the schoolyard, regardless of someone being convicted of that offence, this can still apply, yes.

The Hon. N.J. CENTOFANTI: Can the Attorney advise whether or not charges can be retrospectively applied to historical crimes that were, say, perhaps publicised years in the past?

The Hon. K.J. MAHER: My advice is the offence—the posting and boasting—is not retrospective; that is, if it has been published previously, no, but it can still apply to criminal offences that have occurred in the past that you post and boast about in the future, if that makes sense.

The Hon. N.J. CENTOFANTI: Can the Attorney advise whether it would be an offence to share footage of criminal activity via text message or through private messaging platforms—things like, you know, WhatsApp or Signal?

The Hon. K.J. MAHER: Yes, and I think this is something the Hon. Robert Simms raised as well and where I think he has an amendment to this effect, if I am correct. It does include sharing through an electronic means. This is something we did consider when drafting the bill about what the extent of 'publishing' should mean. The reason it is like this in the bill is to keep it consistent with what 'publishing' means across other pieces of legislation; for example, child exploitation material has a definition of publishing and it is 'sharing by electronic means'. The reason we have chosen this

particular definition of publishing is to keep it consistent with how it works in other legislation where publishing can constitute an offence.

The Hon. N.J. CENTOFANTI: My final question to the Attorney is: how feasible does he believe enforcement will be given that obtaining evidence from social media companies can be challenging as highlighted by the Criminal Lawyers Association of the Northern Territory?

The Hon. K.J. MAHER: I thank the honourable member for her question. Certainly, obtaining evidence in a whole range of areas can be challenging, but it is something I know the South Australian police work very hard on and, as we are doing here and as we did yesterday with one of the Hon. Connie Bonaros' bills, we need to make sure we are doing what we can to make sure our legislation is keeping track with changes in technology and changes in the way people communicate and that is what the police do as well.

The Hon. R.A. SIMMS: Today is May Day, a day that honours the struggles of the union movement and, in particular, protest actions. Has the minister sought the views of anyone in the union movement about these changes and the effect they might have on protest in our state?

The Hon. K.J. MAHER: I thank the honourable member for his question. As I have said, the advice is that it is not the publication of a particular political point of view that is the subject of this bill; it is criminal activity that is prescribed criminal activity.

The Hon. R.A. SIMMS: Has the minister's department done any modelling on the disproportionate impact this law might have on high-risk groups? In particular, I am thinking of high-risk groups of young people who may be more likely to engage in this conduct.

The Hon. K.J. MAHER: This legislation is intended to apply to anyone who wants to glorify the prescribed offences and criminal activity that it covers.

The Hon. C. BONAROS: Referring back to the bill again in relation to prescribed offences, I do note there is a regulation-making power to enable additional classes of offences to be prescribed by regulation. Has the Attorney any idea what we are anticipating might be included that is not already included here?

The Hon. K.J. MAHER: I thank the member for her question. I can advise that we do not have any that are intended to be included through that regulation-making power. It is there so that, if there are offences that are changed in other areas of the criminal law over time, they can be added if necessary through the regulation-making power, subject to the disallowance by this parliament of those regulations.

The Hon. C. BONAROS: Are these measures that require additional resourcing for police, for instance? Have they been budgeted in any context?

The Hon. K.J. MAHER: I am not aware that there is specific budgeting for the introduction of these particular new laws. Similarly, as with the laws we passed yesterday, there is not a specific budget line for changing laws to cover wholly artificially created deep fakes, although that is a growing area. Overall, when police make submissions about more resources about a whole range of things, they are considered by the government in responses to budgets.

The Hon. C. BONAROS: Finally—and I may have missed this, it may have been canvassed already—is the application of this to various platforms. Is it clear that it will not apply to, for instance, private messaging groups like WhatsApp or it will apply to private messaging groups like text message or WhatsApp?

The Hon. K.J. MAHER: I am happy to reiterate. We canvassed this a little while ago. It will apply to publishing by electronic means and, as I explained previously, this was something we considered in the drafting of how it should apply and decided to go with what 'publication' means in a range of various other statutes, such as child exploitation material, to keep this consistent.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Simms-1]—

Page 2, line 12 [clause 3, inserted section 21AA(1)]—After 'A person' insert 'of or over the age of 16'

I explained my rationale in the second reading stage.

The Hon. K.J. MAHER: We have traversed this quite extensively when we were discussing matters generally at clause 1, but the government opposes these amendments. The bill does not prevent the sharing of political protest or communication unless the shared material depicts certain criminal offending and it is shared with the intention to glorify or promote that criminal conduct.

Amendment negated.

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

Amendment No 2 [Simms-1]—

Page 3, after line 20 [clause 3, inserted section 21AA(5)]—After paragraph (e) insert:

- (ea) whether the publication was for the purpose of publicising a lawful assembly;
- (eb) subject to subsection (5a)—whether the publication was for the purpose of political communication;

I talked a little bit about the rationale for this amendment in my second reading contribution. In effect, what this does is makes it clear that if you are sharing material that is publicising a lawful assembly or sharing material that is promoting legitimate political communication then you will not face prosecution or you will not be committing an offence.

This amendment should be taken into consideration in conjunction with my subsequent amendment, amendment No. 3 [Simms-1], which makes it clear that, without limiting the grounds on which a court may find the material was not published for a legitimate public purpose, material published for the purpose of political communication will not be taken to be material for a legitimate public purpose if the material is published for the purpose of inciting violence or promoting any form of unlawful vilification or discrimination.

The CHAIR: Move that one as well.

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

Amendment No 3 [Simms-1]—

Page 3, after line 21 [clause 3, inserted section 21AA]—After subsection (5) insert:

- (5a) Without limiting the grounds on which a court may find that material was not published for a legitimate public purpose, material published for the purpose of political communication will not be taken to be published for a legitimate public purpose if the material was also published for the purpose of inciting violence or promoting any form of unlawful vilification or discrimination.

Note—

For example, racial vilification under the *Racial Vilification Act 1996* or any form of discrimination that is unlawful under the *Equal Opportunity Act 1984*.

It is important to highlight that because the Attorney has repeatedly referenced potential conduct that would fall foul of those definitions, so I am certainly not intending for political communication that is vilifying people or inciting violence to be given a get-out-of-jail card, but legitimate protest actions I think are worthy of protection.

This is an important amendment, particularly given the fact that the Labor government is pursuing this on May Day, a day that celebrates the struggle and activism of workers, many of whom have engaged in conduct in the past that might well be captured by Labor's draconian anti-protest laws and their latest efforts to try to stamp out protest in our state. So I encourage the Labor Party to support this amendment. I indicate that I will be calling a division so that their views will be put on the public record.

The Hon. K.J. MAHER: For the reasons we previously stated, the government will be opposing the amendment. I understand the purpose of the honourable member moving these amendments, and I think the example that has been given here was if someone was causing property damage as part of a lawful public assembly and that was shared. As I have said previously, it is not intending to cover the sharing of political protest or communication unless it depicts criminal offending and it is shared with the intention to glorify or promote the depicted criminal conduct.

I guess there is a difficult range under that scenario, where it is a lawful public assembly and someone is actually interfering and damaging property. I think the example that the Hon. Robert Simms has given was that it ought not be covered. If the lawful public assembly resulted in scuffles and there was serious violence and clashes with police, and 20 protesters beat up a police officer, I do not think you would want to promote that as part of it. If the destruction of property during a lawful public assembly ought to be protected, where does one then draw the line about an assault occurring during that?

Whilst I understand the intention of the honourable member, I think there would be practical difficulties if you are saying you can glorify any criminal conduct that occurs during that lawful protest. I think that becomes problematic. As I said, it is our view that if it is a lawful assembly, as the Hon. Robert Simms proposes in amendment No. 1 [Simms-2], and you are not promoting or glorifying criminal conduct as part of the lawful assembly, this should have no work to do.

The Hon. R.A. SIMMS: I just want to clarify that the amendment actually makes it clear that the question is whether the publication was for the purpose of publicising a lawful assembly. It is not going to cover the situation where somebody is publicising a punch-up happening at an assembly and saying, 'This is great,' but if they are publicising the actual lawful assembly action, that is a different proposition.

The Hon. K.J. MAHER: I understand and accept that, but I think the example that was given was where property damage was occurring and that ought to then not fall foul of this. It is a difficult continuum where you would draw the criminal offending that you allow during the public assembly and the criminal offending you do not allow to be glorified during the public assembly.

The Hon. C. BONAROS: I just note that it is not necessarily property offending, but we may have interference with property and we may have trespass with property, so it may not actually be damage to. I do not think any of us support the sorts of examples that the Attorney has given. None of us would support or condone glorifying the ripping down of any structure. The Attorney used the example of an Indigenous statue or monument. These are not things that any of us in this place would support, and we certainly would not support the glorification of that.

In the spirit of standing up for everything that the suffragettes stood for and the examples that we have relied on, on this side of the chamber in this debate, I indicate that I will be supporting these amendments because there are plenty of examples where, during a peaceful protest—and it is during a peaceful protest that would otherwise not be captured—there is some element of behaviour in there, whether it is a blockade or whether it is chaining myself to a tree.

I have no intention of chaining myself to anything, but whether it is chaining myself to the outside of Parliament House or whatever it may be, just as people have done before in protests, that could, under these definitions, constitute criminal offending. The criminal offending itself is not subject to any charges, but the Hon. Rob Simms who films me doing that and posts that in support of what I am doing, albeit at a very peaceful protest, could be charged with offending as a result. It is that element that I am certainly not supportive of and, for that reason, I will be supporting the member's amendments.

The Hon. F. PANGALLO: I might say that I do support the Hon. Robert Simms, but something that this debate has not actually quite touched upon is, firstly, it is the type of offender that is being targeted, and it is usually the person who is filming themselves or has somebody filming them committing the offence and then them posting it on there and boasting about what they had done. They are the targets of this.

Something that we have not touched upon—and I would like clarification from the Attorney, and I imagine it will come through the regulations—is if a person uses footage, vision that has been

shot, for instance, by a television news crew of a particular event or a particular violent event, and then uses that footage to put it online and make some particular commentary about that, I imagine there would be exemptions in that regard, particularly when the material was taken from another source.

The Hon. K.J. MAHER: In the bill, clause 3(5)(a) to (f) include a whole range of areas that essentially provide exemptions—whether the material was for the purpose of educating or informing the public, whether it was for the purpose of making fair and accurate reporting of any event or matter of the public interest, a work of artistic merit, or a purpose connected to law enforcement or public safety. My advice is that the purpose of these laws relates to promoting or glorifying criminal conduct, not the fair and accurate reporting of something.

The Hon. C. BONAROS: For the sake of further clarity, following on from that question, can the Attorney confirm that, in all of those instances, the onus is on the defendant to prove—effectively, we have a defendant having to prove—that the conduct did not constitute a prescribed offence as opposed to the prosecutors or police having to prove that it did constitute that sort of offending?

The Hon. K.J. MAHER: The honourable member is not talking about the application of the exceptions, the available defences. I think the honourable member is asking whether the onus is on the prosecution to prove that what has occurred is a prescribed offence; is that the question?

The Hon. C. BONAROS: In the relevant section 21AA that the Attorney refers to, subsection (5) is followed by subsection (6), which provides:

It is a defence to a charge of an offence against subsection (1) for the defendant to prove that the conduct depicted did not constitute a prescribed offence.

In the explanation of clauses it states:

An exemption is provided where the publication of the material was for a legitimate public purpose. The clause also provides a defence against a charge of an offence against this clause for the defendant to prove that the conduct the material depicted did not constitute a prescribed offence.

Who has that onus?

The Hon. K.J. MAHER: My advice is that the onus is on the prosecution to prove, firstly, that it was a prescribed offence being depicted and, also, that it was the intention to promote or glorify that prescribed offence. My advice is that that section is a fail-safe, so that it is available to a defendant to use. It does not mean, on my advice, that the onus has now been reversed at first instance on the defence to prove it was a prescribed offence—that still remains with the prosecution.

The committee divided on the amendments:

Ayes4
Noes.....14
Majority10

AYES

Bonaros, C.
Simms, R.A. (teller)

Franks, T.A.

Pangallo, F.

NOES

Bourke, E.S.
Girolamo, H.M.
Hood, D.G.E.
Lensink, J.M.A.
Scriven, C.M.

Centofanti, N.J.
Hanson, J.E.
Hunter, I.K.
Maher, K.J. (teller)
Wortley, R.P.

El Dannawi, M.
Hood, B.R.
Lee, J.S.
Ngo, T.T.

Amendments thus negatived.

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

Amendment No 5 [Simms–1]—

Page 4, line 13 [clause 3, inserted section 21AA(7), definition of *publish*]—After 'electronic platform' insert:

(but does not include any communication to a particular person, or a particular group of people, by email, text message, private message or direct message)

I talked a little bit about this in the second reading stage. This is based on some concerns expressed by, my recollection is, the Law Society and a few other groups that were concerned about the broad scope of direct messaging being captured. I do understand, of course, with respect to certain offences, that that is already captured.

For instance, the Attorney referenced the sharing of child sex material through direct messages and the like; that is already a criminal offence. But we were concerned that the sharing, just to an individual, of material that is supposedly glorifying criminal conduct in circumstances that are not already an offence could be a fairly broad interpretation. In particular, it could have a disproportionate effect on young people, and I talked a bit about that earlier.

The Hon. K.J. MAHER: I thank the honourable member. We understand the intention behind the honourable member moving this amendment. I might also add, too, that part of the things that need to be considered when a prosecution takes place is whether part of what is considered by the DPP or SAPOL in their prosecutorial discretion is public interest. One person texting something to another person may well fall outside of being in the public interest to prosecute.

Despite understanding the honourable member's intention, one of the other difficulties of what the honourable member has put in the amendment but does not include is that it might be a group of messages where there are 3,000 people in the group—it could be 10, it could be 100, it could be 3,000—and a lot of people might think that that is actually glorifying criminal conduct. The sort of abhorrent behaviour where there are 30 people setting upon someone and beating them up and then sending that out to a group of a thousand people is something I think we would all want to see captured by this.

Under what the honourable member has put forward, and again I understand the intention, that sort of one-to-one messaging may well not be in the public interest in the prosecutorial discretion, but sending it to thousands of people is probably something we would want to see captured.

The Hon. F. PANGALLO: I rise to say I will not be supporting the amendment of the Hon. Robert Simms.

Amendment negated; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:50): I move:

That this bill be now read a third time.

The council divided on the motion:

Ayes15
Noes.....3
Majority12

AYES

Bourke, E.S.
Girolamo, H.M.
Hood, D.G.E.
Lensink, J.M.A.
Pangallo, F.

Centofanti, N.J.
Hanson, J.E.
Hunter, I.K.
Maher, K.J. (teller)
Scriven, C.M.

El Dannawi, M.
Hood, B.R.
Lee, J.S.
Ngo, T.T.
Wortley, R.P.

NOES

Bonaros, C.

Franks, T.A.

Simms, R.A. (teller)

Third reading thus carried; bill passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 6 March 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (16:54): I rise today to speak in support of the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill 2024. We all know how essential educators are to the fabric of our society. They help shape the minds of the next generation of South Australians. They are often taken for granted and their unseen efforts are underappreciated.

As we have seen recently, the incidents of abuse and aggression towards some educators, that they face on a day-to-day basis, can no longer be ignored. This bill addresses a pressing issue: the increasing aggression and violence towards teachers from a very small selection of parents. It results in excessive emails, text messages or online posts that no reasonable person would consider acceptable. These behaviours are unfortunately becoming all too common.

Teachers and educators in South Australian schools and preschools have expressed concern about the way in which their personal and professional wellbeing is being undermined. They are feeling helpless in these situations and feel that there is little they can do when a parent or member of the school community engages in inappropriate and aggressive behaviour towards them.

It is important to note that this bill comes in direct response to concerns raised during the 2023 enterprise bargaining process, where the Australian Education Union (SA Branch) made it clear that teachers and staff needed better protection. The bill will give schools the necessary tools to protect themselves, their students and the educational environment, something that schools and parents work hard to foster.

The maximum penalty for engaging in such disruptive behaviours has increased from \$2,500 to \$7,500, reflecting the seriousness with which this issue is to be taken. It is also sending a message that educators must be able to perform their roles free from harassment and intimidation. The extension of the barring notice period from three months to six months, and the increase of range within which a person can be barred from, provides schools with more time and area to ensure that disruptive or violent individuals no longer become disruptive within the school grounds.

I want to also add the importance that the appeal process remains unchanged. This allows for transparency and accountability, ensuring that there are still avenues for review and that the intention of the bill is still upheld and not to be misused by teachers or educational staff. Parents will still have the right to appeal their barring notice to the minister.

This bill is an important step towards improving the wellbeing of our teachers and education staff and safeguarding the learning environment itself. It sends a strong message that we will not tolerate aggression, violence or harassment in our schools, and we stand firmly behind the teachers and educators who help shape the future of this state.

The Hon. F. PANGALLO (16:57): I rise to say that I am in support of this bill, but I do have amendments. I have not yet heard from the opposition about what they intend to do about those. I understand that the government is opposed to them, but I will go through my concerns about that opposition later on.

I fully understand and appreciate the intent of this bill. It is unfortunate that it has reached this point where the government needs to act on the unpleasant and sometimes threatening

behaviour of individuals, parents and even students aimed at our teachers and principals, who seem to experience this more than others in their school.

It has been disturbing to read the alarming statistics of the number of assaults in schools and the staggering number of times police need to be called to quell situations. I have friends who are teachers, who have also been principals in our public schools and are now retired, who recounted their experiences with aggressive students and equally aggressive parents. It is no surprise then that so many teachers, particularly males, are leaving the system, and I see the Albanese government is also looking at trying to recruit more experienced principals into our schools.

Society is certainly a lot different from what it was when I attended school in the fifties, sixties and seventies. I have seen a deterioration in discipline in schools and a lack of respect by unruly youth, particularly the generation brought up on the internet and social media platforms. I have been provided with figures showing that barring notices and warnings have actually surged by more than 50 per cent under this government.

It was a good move to ban mobile phones in schools, but I still remember how much hard work it was in this place trying to convince ministers, when they were in opposition, and the opposition of the merits of it. Fortunately, they saw the light, and it is pleasing that the incidence of posting and boasting about schoolyard fights has dropped significantly.

I do have sensible amendments to this legislation, which in essence seek to address something vitally missing here: due process and proper governance for those who are issued with these orders. Back in February, I received a letter from a person who has been issued similar orders. He is a quite well respected and distinguished member of his community and the veterans community. Dr Richard Matthews is a systems engineer, forensic scientist and former officer in the Royal Australian Air Force. His work spans defence, veterans affairs, forensic science, cybersecurity and education, focusing on strengthening procedural fairness, transparency and institutional accountability across public institutions.

As a former member of the University of Adelaide council and a father of two children with ADHD, Dr Matthews brings both professional expertise and lived experience to his advocacy for systemic reform. He has previously exposed serious systemic failures within Defence, including his role in bringing the Skynet scandal at the Australian Defence Force Academy to public attention, leading to significant cultural reforms.

His advocacy for fairness and integrity was formally recognised in this place by the Hon. Justin Hanson in 2019, and he continues to work for practical, principled reforms across governance, education and public policy, but he got on the wrong side of the education department bureaucrats for strongly advocating and seeking proper support for his own children, who do have challenges.

Parents of these children do get emotional when they perceive unfair treatment or that they are not being heard by the school hierarchy, and it seems Dr Matthews falls into that camp, along with his wife. He wrote that for the past five years he and his wife have been tireless advocates for their inclusion in obtaining an education free from the barriers of discrimination. He says he has been met with barriers every step of the way and it is a common experience for many parents in similar situations.

I can relate to that, because my wife and I experienced that ourselves at one point in our younger son's schooling. We were told that our son's erratic behaviour was due to bad parenting. When we sought professional advice, we and the school were able to recognise what the problem really was: he was neurodiverse, something they had little experience with at the time. Thankfully, the school changed its policies. Our son then flourished and went on to achieve an ATAR of 99.8 and become dux of the school, although a former deputy principal had told him he would never finish or do anything with his life. So I can understand when parents like Dr Matthews and his wife become upset. However, the Malinauskas government to their enormous credit have moved very swiftly to address that by creating a special ministry for neurodiverse children and young people and also allocating specialised staff in our schools to deal with these problems.

But back to Dr Matthews, who has expressed his concerns about perceived conflicts of interest by the minister and the department and the lack of independent reviews of decisions which are made—in essence what my amendments are trying to do, which is to seek due process and at the same time provide fairness to parents who may be subjected to these barring orders so they have an opportunity to perhaps go to a place and be able to defend themselves rather than be issued with these blank barring notices and then have no recourse. I fail to understand why nobody in this place seems to think that is a fair thing to do in what I must say is pretty strong legislation like this.

Let me read from the letter I received from Dr Richard Matthews on 25 February 2025 where he writes about perceived ministerial conflict of interest:

The Honourable Member for Wright is currently the subject of several active complaints before the Australian Human Rights Commission regarding the administration of barring notices under Section 94 of the Education and Children's Services Act 2019. The earliest of these complaints was filed on 1 July 2024 and alleges disability discrimination in the Ministerial review process.

The Minister has acknowledged awareness of these complaints through direct correspondence with the AHRC on 25 November 2024, 3 days prior to introducing the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill in the House of Assembly. Despite this, there is no record in Hansard of the Minister disclosing the existence of these complaints to the House of Assembly, nor has any notification been made to the Legislative Council during the introduction, reading, or debate on the Bill. Given that this Bill proposes amendments that directly affect the Minister's discretionary powers in the review of barring notices, this omission raises concerns regarding transparency and proper disclosure.

The complaint before the AHRC alleges that the Minister failed to provide reasonable adjustments in the barring notice review process, in breach of the Disability Discrimination Act 1992 (Cth). The proposed legislative amendments expand the Minister's authority to determine review procedures through guidelines. Nothing prevents the Minister from issuing such guidelines which shift decision-making responsibility from the Minister to the Department. This would fundamentally alter the minister's role in reviewing barring notices while an unresolved complaint challenges the fairness and accessibility of that very process.

The Bill also introduces no requirement for independent oversight of these guidelines, allowing the Minister to define their own procedural obligations without external scrutiny. Additionally, the amendments may codify written-only, or 'on the papers', review processes, the key issue raised in the AHRC complaint. If passed, the Bill would enable the Minister to retroactively change the legislative framework governing their conduct, effectively removing the legal basis for the complaint and preventing similar claims in the future. This presents a direct conflict of interest as the Minister stands to benefit from legislative changes that would insulate them from scrutiny while discrimination allegations against them remain unresolved.

Under Westminster principles, Ministers are expected to recuse themselves from legislating on matters where an active conflict of interest exists, particularly in cases involving human rights and discrimination complaints. The lack of disclosure to Parliament regarding the AHRC complaint, combined with the Bill's potential to influence the Minister's own legal position, raises serious governance concerns.

I will just pause from the letter and ask whether the minister has raised these complaints as part of the Ministerial Code of Conduct that applies? I will go back to the letter:

There is precedent in South Australia for Ministerial resignations and formal inquiries when conflicts of interest have compromised the integrity of decision-making. In 2022, Vickie Chapman faced a parliamentary inquiry following concerns over conflicts of interest in planning decisions, leading to her resignation. In 2017, Leesa Vlahos came under scrutiny for governance failures in managing aged care complaints, resulting in her resignation. In both cases, concerns over conflicts of interest and accountability led to formal action and scrutiny on a bipartisan basis. The circumstances surrounding the current Bill warrant similar scrutiny.

I will pause and ask whether the opposition and the crossbenchers have actually had a really good look at this and considered this? Going back to the letter:

Given the direct relevance of the Minister's personal legal exposure to the legislative amendments under consideration, I humbly request that this matter be referred to the Ethics and Privileges Committee for formal review based on well established precedents and traditions.

Further, I humbly submit that debate on the Bill should be deferred and adjourned until the matters before the AHRC have been addressed to ensure that legislative changes are not used to circumvent accountability.

I have humbly submitted the above to the President of the Legislative Council for their consideration but understand and respect the independence of the Council. I therefore provide the above should it be of assistance.

Under the heading 'Reviews under S94 of the Education and Children Services Act', Dr Matthews writes:

Acknowledging that the above does not assist in the current legislative agenda put forth I take this opportunity to propose suitable amendments which might act as safeguards within the current Bill.

Currently, barring notice decisions, which can restrict parental and carer access to school premises for up to 3 months, are reviewable solely by the Minister under s94 of the Act. This mechanism is meant to provide independent oversight and afford natural justice. In contrast, other administrative decisions, such as child protection orders and tenancy disputes, incorporate independent review mechanisms via the South Australian Civil and Administrative Tribunal (SACAT). At present, SACAT has no jurisdiction over administrative decisions made under the Education and Children's Services Act.

Documents released to me under FOI have shown that the Minister is not independently conducting these reviews and is instead merely 'rubber-stamping' decisions made by the Department for Education's legal department. This means there is no independent review conducted. In order to challenge such a decision, affected persons must apply for a judicial review to the South Australian Supreme Court, a costly undertaking.

Therefore, I humbly offer the following modifications to correct this oversight for your consideration:

I will not go through these amendments, but I seek leave to table the letter sent to me by Dr Richard Matthews.

Leave granted.

The Hon. F. PANGALLO: In doing so, I will just briefly go through the amendments that I have filed to this. Amendment No. 1 proposes that a barring notice may only be issued by a designated person who was not directly involved in the incident or incidents that form part of the ground or grounds on which the notice is proposed to be issued. Basically, it is saying that you get independent decision-making in issuing barring notices, and the person looking at the facts is not part of the facts. At the moment, the principal can be in the dispute or incident and then issue the order. How is that fair?

Amendment No. 2 proposes that if you are barred you can apply to SACAT for an independent review. At the moment, it is the minister, but really it is the department reviewing itself—we know that. Again, this has been put in because there would be very few parents in our community who could possibly afford to seek an independent judicial review through the Supreme Court. They just would never be able to afford that.

Amendment No. 3 is similar to the amendment I have just outlined. Amendment No. 4 is similar and gives a right of review to SACAT. This clause makes this right, and the timing quite clear. With that, I commend the bill.

The Hon. J.S. LEE (17:17): I rise today to speak in support of the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill 2025. We expect schools and educational settings to provide a safe and conducive environment to encourage children and students to learn and develop their full potential. This bill aims to introduce safety measures to address antisocial behaviours and protect students and staff from harm and disorderly incidents.

It is concerning to hear that there has been a significant increase in the frequency of barring notices being issued in educational settings, despite the power to prohibit or bar individuals from entering premises having been given to educational leaders for over 20 years. This increase of up to 200 per cent of barring notices, along with circumstances where the current legislation does not adequately meet the needs of our education environments, shows that it is time to address the sector's concerns and make these amendments.

However, we should be mindful and keep in perspective how few of these notices are issued each year. In 2024, there were only 108 issued, with the peak in 2023 of 134, which was a significant increase on the 58 in 2020. It is common sense to ensure that physical altercations that occur just outside school premises but are visible to children, or incidents that happen during excursions, are addressed by legislation, which is not currently the case.

Additionally, the rise of online communications, social media and misinformation have also created new challenges that our current legislation does not cover. This bill seeks to expand the existing powers of the current act to support our frontline educational workers. Where a site leader reasonably believes that a person poses a risk to someone else, disrupts the learning environment or engages in vexatious communications with staff, such as bombarding them with contact even after being asked to stop, they can issue a barring notice. The maximum period of these notices will be

increased from three months to six months, providing more scope and flexibility to address those challenging issues.

It is reassuring to note that any staff member can ask someone to leave the premises if they are behaving inappropriately. Currently, such individuals cannot return for 48 hours, but this will be amended to read 'two business days'. This change ensures that incidents occurring on a Friday do not allow the individual to return on Monday, giving more time for school leaders to address the situation or seek a barring notice.

The bill also allows for responses to threats made over the phone before any actual incident occurs. The maximum penalties for these offences will be increased and conditions can now be placed on barring notices, such as maintaining a distance of 25 metres from the premises. This is crucial for situations where individuals hang around the gates or yell at people during drop-off and pick-up times. This amendment aligns South Australia's legislation with that of Victoria, Western Australia and Queensland, which have similar provisions. Importantly, there will still be allowances for parents to safely drop off and pick up their children and communicate with a specified staff member.

Data from The Australian Principal Occupational Health, Safety and Wellbeing Survey in March 2024 highlighted concerning trends regarding sources of bullying and harassment within schools. Parents and carers figured prominently in reports involving bullying (57.9 per cent), cyberbullying (88.5 per cent), gossip and slander (65.1 per cent) and sexual harassment (39 per cent). They are very concerning statistics.

This legislation is designed not only to empower school leaders but also to serve as a significant deterrent against future abuses. By enhancing the scope of protective measures for educational professionals, we seek to foster a safer and more respectful environment conducive to learning and teaching. It is encouraging to hear the overwhelming support from the sector for this change and the department's commitment to supporting school leaders with other measures before issuing barring notices.

It is not in the school's interest to bar parents prematurely because they are important and long-term members of the community. Restorative actions are necessary to reintegrate them. Since 2019, there has been a 250 per cent increase in operational options, such as formal warning letters, restorative meetings and communications. These measures, along with additional flexibility for school leaders, should help decrease the number of barring notices issued. Barring notices are highly modifiable, depending on the situation, location, safety and best interests of the student. They are not intended to be purely punitive but often provide a reset or a breather to help repair the relationship with the school.

The Hon. Frank Pangallo has indicated that he will be moving amendments, which I will consider at the committee stage. This bill seeks to provide a safer and more supportive environment for our education workforce, and also provides them with the necessary tools to protect themselves and their students. With those remarks, I support the bill.

The Hon. M. EL DANNAWI (17:23): I rise to speak in support of the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill. If passed, the bill will fulfill the government's commitment to improve protections for staff and students at schools and preschools made during the recent enterprise bargaining agreements.

There can be no place in our schools, preschools or education and care services for violent, abusive or threatening behaviour. It is not acceptable towards students and it is not acceptable towards staff. Unfortunately, there has been a disturbing increase in threatening behaviour directed towards staff in schools.

There has been a 200 per cent increase in the number of barring notices issued by government schools, and a more than 250 per cent increase in other responses, such as formal warning letters and reminders about expectations of respectful behaviour. The Australian Education Union has found that, on average, 35.9 per cent of educators feel unsafe at work. At the end of March, the Australian Catholic University Annual Principal Wellbeing Survey was published. The survey found that instances of physical violence have increased by 82 per cent since they first started

recording in 2011. This year, just under 50 per cent of principals have reported experiencing physical violence, and almost 55 per cent had been threatened.

The behaviour of some parents and caregivers is a major contributor to the stresses that are faced by teachers and school leaders. Feedback from the sector has been clear for some time now, and this most recent survey confirms that the issue is getting worse and that we need to take action to ensure that schools and preschools remain safe and supportive environments. All working environments deserve to be free from violence, threats or abuse. An unsafe working environment makes it incredibly difficult for people to do their jobs, and the jobs of educators are vitally important. We cannot properly take care of our children if we do not take care of our educators too.

This bill seeks to address the current problem by building on and improving the protections in part 8 of the Education and Children Services Act. The bill will expand the type of harmful behaviour that is captured by this act and increase the penalties for all offences under part 8.

New types of behaviour to be captured by the act will include, for example, offensive behaviour targeted at students when involved in an education activity away from the premises of the relevant school, preschool or service, or offensive behaviour that occurs just outside the boundary of the premises, such as yelling abuse from outside the school gate.

The bill will add a 25-metre area around the school where any notice applies. This is to curb behaviour where banned parents stand on the edge of school grounds to interact with or intimidate staff or parents and students.

The measures in this bill, as with the current provisions in part 8, would not prevent parents, caregivers and other community members from raising reasonable complaints or advocating for their child's needs. They seek to promote positive interactions with the staff of schools, preschools and other services by improving safeguards against the worst kinds of behaviour. There is also a thorough review process available to any person who receives a notice whereby the minister of the day can overturn or amend a notice.

There are many work, health and safety challenges for teachers, both physical and psychological. This year, the AEU is launching a dedicated campaign focused on building a culture of safety for educators. In the January 2025 edition of their journal they wrote some words that resonated with me, as a former educator, that I would like to share:

Being an educator is more than a job—it's a commitment to nurturing and inspiring the next generation. But for too many of us, this commitment comes at a cost. For years, educators have carried the emotional and physical toll of workplace violence and aggression, often believing it to be an unavoidable part of the profession. This has to change.

I believe the measures contained in this bill will move us forward in helping to make that change. I commend the bill to the chamber.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (17:28): I would like to thank the Hon. Heidi Girolamo, the Hon. Frank Pangallo, the Hon. Jing Lee and the Hon. Mira El Dannawi for their contributions today on this very important bill, which seeks to create a safer environment not only for students but, most importantly in this circumstance, for people who work in our schools as educators and as staff, to make sure this is a safe environment for all involved.

I think we have heard alarming reports about some of the behaviours that teachers and educators have been experiencing, from teachers being spat on, stalked, harassed, pursued and having their personal space encroached upon regularly, including parents standing outside school grounds yelling and swearing.

This bill is an important step forward in modernising legislation to make sure that teachers and educators feel safe when they rock up to work and can provide that support to our students so that we can have incredible leaders in our community in the future. Thank you to everyone who participated.

Bill read a second time.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Ms Thompson to the committee in place of Ms Wortley (resigned).

At 17:30 the council adjourned until Tuesday 13 May 2025 at 14:15.