LEGISLATIVE COUNCIL

Thursday, 15 May 2025

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

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

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

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

Travel Report from 8 February 2025 prepared pursuant to the Public Sector Act 2009
Travel Report from 24 March to 26 March 2025 prepared pursuant to the Public Sector Act 2009
Travel Report from 25 March to 26 March 2025 prepared pursuant to the Public Sector Act 2009

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

Department for Education, Report—2024

Question Time

SA DROUGHT HUB

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of drought support.

Leave granted.

The Hon. N.J. CENTOFANTI: The *Stock Journal* is reporting that the South Australian drought hubs that are funded out of the Future Drought Fund, which is a collaboration of state and federal funding, are undergoing a 'structural shake-up' and consequently the government is retiring all of its regional node coordinator positions by 30 June. It is the opposition's understanding that some of these closures started prior to April. The change follows recommendations from an independent review. Numerous stakeholders have voiced their concern that the move could reduce local engagement; however, the SA Drought Hub director, Stephen Lee, said that it was 'based on clear feedback and recommendations that came through the independent external review'. My questions to the minister are:

1. Who was consulted and provided feedback through that independent external review?

2. Why is the government getting rid of all of their SA Drought Hub node coordinators who are tasked with on-the-ground drought activities, particularly in vulnerable drought-stricken communities such as Orroroo and Minnipa?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. The South Australian Drought Hub, according to my advice, is one of eight established across the nation through the Australian government's Future Drought Fund. Led by the University of Adelaide in partnership with the state government's Department of Primary Industries and Regions (PIRSA) the drought hub comprises the hub's headquarters at Roseworthy and five regional nodes. They are at Minnipa on Eyre Peninsula, Port Augusta, Orroroo, Loxton and Struan in the South-East.

The location of these nodes ensures that we have pretty close to statewide coverage of pastoral, low, medium and high rainfall agricultural production zones and the drought hub focuses on the adoption of a number of tools to assist farmers become more drought and climate resilient, as well as to deal with a lot of the pressures they are currently under given the historically low levels of rainfall that our state has been experiencing. Of course, we have spoken on many occasions about the difficulties the drought is causing.

As part of the $73 million drought support package that the Malinauskas state government has committed to for supporting drought-affected communities, $17.4 million of that is committed to the Future Drought Fund programs. PIRSA will continue to work with those partners that I mentioned before, the commonwealth government and the University of Adelaide. As to the people working in the drought hub, I have not been made aware of any forecast changes to staffing levels or locations but certainly I am happy to take that aspect on notice, make some further inquiries and bring back a response to the chamber.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): I seek leave to offer a brief explanation before asking a question of the Minister for Primary Industries on the topic of the tomato brown rugose virus.

Leave granted.

The Hon. N.J. CENTOFANTI: It is the opposition's understanding that, in addition to discovery of the tomato brown rugose virus in Victoria several months ago, there has now been another confirmed positive in New South Wales, meaning that the virus is confirmed as present in South Australia, Victoria and New South Wales. Importantly, it is understood that the latest incursion has come from a different batch of seed and is therefore likely not linked to the previous infections.

Moreover, we also understand that a collective of tomato and capsicum growers made representations late last year to state primary industry ministers, expressing concerns of 'lack of action and transparency from the South Australian government' and noting that 'Australia's response lags behind the world'. My questions to the minister are:

1. Can the minister confirm the recent detections in new locations, where those locations are and what impact this may have on the plans for the incursion from this point forward?

2. Given that this is not linked to the previous infections, how does this affect the likelihood of eradication being technically feasible?

3. Does the minister have any plans to transfer to management of the virus rather than continuing to pursue eradication?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for her question. According to my advice, on 11 May the virus was detected in seedlings provided to an already infected property in Victoria, if I remember correctly, by a commercial nursery in New South Wales. The latest detection was identified after the infected property in Victoria received seedlings from the New South Wales nursery.

As part of the national response plan requirements, the infected property is currently testing seedlings as they arrive. The New South Wales nursery is not known to have received any infected material from any of the infected businesses in South Australia or in Victoria. At this stage, the extent of host plant material movement from the New South Wales nursery is not fully known. A surveillance and tracing investigation on the New South Wales nursery is currently underway.

Following that detection, the Consultative Committee on Emergency Plant Pests (CCEPP) had their first meeting earlier this week to consider the information and the outcomes of the surveillance and tracing at the New South Wales production nursery. Members may recall that response to diseases such as the tomato brown rugose virus is a national response. The CCEPP makes recommendations to the National Management Group on whether they consider that it is technically feasible to eradicate.

So far, and certainly until this week, the view has been—and this is based on the technical advice that is provided through that committee—that it has been feasible to eradicate. At the meeting earlier this week, as I understand it, it was agreed that further information needed to be provided before they could make a fully informed recommendation. The tracing and surveillance, which is continuing, includes various testing, and that needs to be provided to the CCEPP before further recommendations can be made. In the meantime, South Australia will continue to follow the national response plan whilst those investigations are underway.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): Supplementary: does the minister know when the next meeting of the National Management Group is?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): Do you mean the National Management Group or the CCEPP?

The Hon. N.J. CENTOFANTI: No, the National Management Group.

The Hon. C.M. SCRIVEN: The last time I checked, which I think was yesterday, they had not arranged the actual time. My understanding is it is likely to be next week, probably towards the end of next week.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of the tomato brown rugose virus.

Leave granted.

The Hon. N.J. CENTOFANTI: According to a federal government website, there is a $5 million response plan for tomato brown rugose virus, which is to cover all aspects of the response. The plan, as the minister has pointed out, was endorsed through the national emergency plant pest response arrangements, and costs are shared by the Australian and state governments and affected industry parties. It is the national management group who decides, based on advice from the CCEPP, whether to pursue eradication and transition to management, based on the technical advice, feasibility, cost-benefit analysis, and stakeholder input.

Given the minister's previous answer in regard to the next meeting of the national management group, and given that the state ministers are briefed and ultimately responsible for endorsing the national response direction, has the minister sought a meeting with her interstate ministerial counterparts to discuss the ongoing national response to the tomato brown rugose virus?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. What I outlined in my previous answer is that there is still information that needs to come in to the CCEPP before a recommendation can be made. It would therefore be premature for any state ministers to be meeting about what a decision should or should not be until that information is available.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Supplementary: what additional information does the CCEPP require?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): My understanding is that it relates to the surveillance and

tracing of the potentially infected seedlings or plant material that I referred to earlier in this question time. Throughout the experience so far of the tomato brown rugose fruit virus, my focus always has been to support the maximum market access for South Australian growers.

We have roughly 230 tomato growers here in South Australia. As we saw last year, other states, other jurisdictions, made decisions to essentially close their borders to South Australia at various times, and then through a lot of work by both my department and also through the national arrangements, as well as direct conversations and communications with some of my interstate counterparts, we were able to get access to other states through proposing particular testing regimes that they ultimately accepted. There was certainly some toing and froing around that, and a lot of work by my department to be able to achieve some of those markets being opened. Whatever happens from here on in, that will continue to be my focus.

Perhaps it's worth understanding that if eradication is not considered to be technically feasible, we then move to what is called management. What the impacts of a management regime would be on South Australian growers, or indeed growers anywhere in the country, is yet to be worked through because that can take a number of different forms.

I think it's important to note that it would not necessarily mean that all of the borders are open for free trade without any kind of testing regime. Some of those decisions will be made by individual jurisdictions, as they did last year. Obviously, the preference is that there is a national approach that is agreed upon, and that is the approach we will certainly be advocating for here in South Australia to ensure the greatest market access for South Australian growers that is possible.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Final supplementary: has the minister sought advice as to when the CCEPP is likely to receive that additional tracing information?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): Yes, of course I have. The estimate was that it would be, I think if I recall correctly, within a week of the meeting that was held earlier this week.

CORRECTIONAL SERVICES OFFICERS

The Hon. J.E. HANSON (14:34): My question is to the Minister for Emergency Services and Correctional Services. Will the minister inform the council about the most recent group of correctional officers to graduate?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:34): I thank the honourable member for his question. I am very pleased to inform the council that recently we had a record intake of 32 correctional officers graduate in the first graduation of the year and the largest in our state's history. One of the most impressive aspects of the Department for Correctional Services, I have noticed since becoming minister, is the dedication and commitment which staff show towards making South Australia a safer place to live by improving community safety and reducing reoffending rates.

The recent group of graduates has a diverse range of experiences, with many making the choice to change career paths to work in DCS. Amongst the cohort is a former lawyer, customer services managers, a paralegal assistant, an Aboriginal liaison officer, and a storeperson. Graduates also came from careers in the Australian Defence Force, security, immigration detention, mental health and disability supports, and administration. I understand the oldest graduate is 58 and the youngest is 20. This demonstrates the broad appeal that a career in Corrections holds, no matter which point you are at in your life and career journey.

One of the graduates, Bruno, came a long way to be here. Bruno and his wife are from Brazil, where they were lawyers. Embarking on an adventure to explore the world, they landed in Melbourne where they did a variety of jobs, from cleaning the Melbourne Ferris wheel to working at the Crown Casino at night while studying English during the day. Bruno then trained as a chef and they moved to regional Victoria and opened an award-winning restaurant.

Luckily for us, Bruno and his wife then moved to Port Lincoln where he became a sheriff's officer—and the rest is history. Bruno is now a correctional officer at Port Lincoln Prison and has no regrets about his transition from courts to Corrections, enjoying the challenge that this new role brings and the opportunity to help prisoners rehabilitate and move back into their communities.

Correctional officers make a difference to the lives of our community by helping to make it safer. They make a difference to the lives of victims of crime by ensuring the safety and security of our prisons. Most importantly, on the very frontlines of the justice system, correctional officers make a difference to the lives of prisoners. They play a vital role in supporting prisoners' rehabilitation efforts to reduce the risk of reoffending on return to the community.

Correctional officers help prepare prisoners for their release to the community by providing them with the skills, confidence and desire to stay in the community. This government has set a target to reduce reoffending by 20 per cent by 2026, a goal which we set after achieving a reduction in the rate of reoffending by 10 per cent by the year 2020. We also have the lowest rate of reoffending in the country. Each of our recent graduates will contribute to this reduction in reoffending and, as a result, make South Australia a safer place to live.

I am very proud that this group also graduate with a new knowledge in autism. I had the privilege of attending a session of autism awareness training these officers received. We know that autistic people continue to be over-represented in the criminal justice system, whether that be experiences with police, the courts or in the correctional services. The training these officers receive aims to increase knowledge of what autism is and give insight into why prisoners might be reacting to their surroundings in a particular way.

This training was provided by the Office for Autism and the training also delivers on the department's correctional services commitment to the state's first Autism Inclusion Charter and making South Australia an inclusive state.

I wish all graduates the very best in their new career and wish them well for their first National Corrections Day, which is tomorrow, Friday 16 May. I look forward to meeting our next intake, which I am advised is even bigger, with 35 officers due to graduate in July this year.

CORRECTIONAL SERVICES OFFICERS

The Hon. D.G.E. HOOD (14:38): Supplementary: minister, what arrangements are in place to protect corrections officers in places where there is a major prison—as you mentioned, in Port Lincoln, for example—within their own communities?

The PRESIDENT: Minister, you can answer that. I can't get a tie to your original answer, but you are on your feet. You mentioned correctional services; it's a bit of a long bow.

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge in the gallery the Hon. Ian Gilfillan, long-serving member of the Legislative Council.

Question Time

CONSUMER AND BUSINESS SERVICES REVIEW REPORT

The Hon. F. PANGALLO (14:39): I seek leave to make a brief explanation before asking a question of the Attorney-General and the minister responsible for Consumer and Business Services, the Hon. Andrea Michaels, about the Consumer and Business Services Review Report.

Leave granted.

The Hon. F. PANGALLO: The report by an independent human resources consultant, Rosslyn Cox from Managing for Performance, who is frequently employed by various government agencies as a troubleshooter, opens with a sugar-coated acknowledgement followed by 35 pages of mostly motherhood drivel about workloads, without ever going into specifics of the toxic, incompetent and dysfunctional culture under the now departed commissioner, Dini Soulio, whose name does not appear in it at all.

As some form of consolation and concession of guilt, Minister Michaels says the government will implement all the 26 recommendations made by Ms Cox—cue applause. In reading them, they are little more than what the agency should have done and needs to do to improve its poor service delivery and manage its unhappy and overworked staff, a third of whom do not want to be there—a disturbing fact which isn't explored in detail. There is nothing about the egregious behaviour complaints made by staff about Mr Soulio and others, nor the agency's significant failures like not detecting serious criminal activity at SkyCity Casino, only exiguous references about favouritism, bias and the lack of rigour in the promotions of staff.

An accompanying newspaper article quotes Mr Soulio as being cleared of any wrongdoing. There is nothing resembling that statement in the Cox report. Furious past and present employees of CBS contacted me to say the report is a sanitised 'vanilla-soaked whitewash' cover-up, and that their grave complaints about Mr Soulio, and claims about interference from the minister's office have all ended up on the cutting room floor. Employees, including those describing themselves as victims, and who were courageous enough to come forward, tell me they are now dubious and dejected by the process. My questions to the ministers are:

1. Just who cleared Mr Soulio of inappropriate conduct, and on what grounds?

2. Can the minister explain why there is no reference to Mr Soulio's behaviour and management style, nor complaints made to Ms Cox by staff about ministerial interference?

3. Have victims who complained of Mr Soulio's alleged poor behaviour been notified of these findings?

4. Was the Cox report vetted by the Attorney-General's Department chief executive, Caroline Mealor, and Minister Michaels before being published, given that Ms Cox gushingly acknowledges their invaluable assistance throughout the process to ensure direction, integrity and rigour?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:42): I thank the honourable member for his question. I was going to take issue with some of the descriptions that the honourable member used, but I think I can reasonably say that nearly all of the descriptions the honourable member used I don't think are particularly accurate in relation to how I would describe the report or how the report was put together. I think the honourable member may have answered it partly in his question. This was a review into workplace culture. This wasn't an investigation into particular formal complaints. It's that simple.

CONSUMER AND BUSINESS SERVICES REVIEW REPORT

The Hon. F. PANGALLO (14:43): Supplementary question as a result of that: has the Attorney-General read the report?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:43): I can respond to the honourable member, as I responded earlier this week to a question from I think the Deputy Leader of the Opposition. The answer to that is yes.

PUBLIC SECTOR ENTITLEMENTS

The Hon. T.A. FRANKS (14:43): 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 entitlements.

Leave granted.

Yesterday in this place, in answer to questions about the MFS travel allowances, the minister informed this council that he had:

> …requested that the decision of the SAET be drawn to leaders in public sector agencies, and that they are reminded of the importance of complying with their legal obligations in relation to all workers' entitlements.

My question to the minister is: has this been actioned?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:44): I thank the honourable member for her question. As I set out earlier this week, I have discussed this matter with the Commissioner for Public Sector Employment and also the declared employer for the SA public sector, who have said they will be drawing it to the attention of public sector chief executives.

I am advised that correspondence has gone out that draws the attention of all other chief executives to the recent SAET decisions in the matter of the United Firefighters Union of SA v the Chief Executive. The correspondence draws attention to the obligation for leaders in the public sector to do everything they can to make sure entitlements and wages are paid in full and on time. I am advised that the correspondence has also drawn attention not just to the need to do that but also the need to do that in a timely manner.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:45): I seek leave to make a brief explanation before asking questions of the Minister for Primary Industries and Regional Development regarding tomato brown rugose fruit virus.

Leave granted.

The Hon. H.M. GIROLAMO: Tomato brown rugose fruit virus is extremely contagious. Every major tomato-growing nation has deemed that the virus is not technically feasible to eradicate, and has transitioned to a management approach. This involves using rugose-resistant varieties of tomatoes and strict hygiene measures.

Our industry in South Australia, indeed in this country, is reliant on using imported seed. Testing at the border is a destructive process, so it is impossible to test every single seed coming into the country. In addition to this, the previous level of viral detection for seed has had a less stringent threshold compared to the level determined as a positive result for growers here in South Australia.

The result is that seed which tests negative and is allowed into the country may end up producing seedlings that test positive. The resulting quarantine has been economically devastating to affected companies. This is important to tomato producers who are currently not protected by owner reimbursement costs. My questions to the minister are:

1. Is the minister concerned about the very real and continued risk of virus entering the country through seed from countries in which tomato brown rugose virus is endemic?

2. Does the minister concede that there is growing concern within the horticultural industry that the treatment—namely, the current eradication and containment approach—may, in fact, be more damaging than the disease itself, especially when international best practice has shifted towards management rather than eradication?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I thank the honourable member for her question, which I think speaks to a number of items. The first is that there is various evidence from around the world in regard to the tomato brown rugose virus. Obviously, that then needs to be applied within the context of Australia, an island.

In terms of the testing regime, which is a federal government responsibility, I did contact my federal counterpart last year or earlier this year—I cannot recall the exact date—emphasising the need for robust testing. That is obviously important to all our growers, not just here in South Australia but across the country as well.

Another thing that is incredibly important to emphasise is that while there is a national approach of eradication, while it has been deemed possible to eradicate, South Australia needed to look at how we could maintain as much market access for as many of our growers as possible. Early in the detection of the disease there was a very real risk that every state would close their borders to South Australian tomatoes; every state could potentially have closed their borders to South Australian tomatoes, to all South Australian tomatoes, and not just those on the infected or even trace properties. It was important that we were able to protect the majority of growers. We were able

to do that first of all by adhering to the national response plan and, secondly, by continuing to advocate for the ways that that plan should be implemented or amended as necessary.

Members may recall that the disease is considered to potentially cause up to 70 per cent reduction in yield, which potentially has a huge economic impact on our growers. But with all of this, we need to be led by those who actually have the scientific qualifications, expertise and knowledge to be able to provide the recommendations that can then be acted upon.

My understanding is that in South Australia—this is the information I have been provided, and obviously I can't verify its accuracy—we don't have the virus-resistant varieties. They haven't been grown, either not at all or certainly not on a large scale in South Australia, or indeed in Australia. If that has changed in the last six months, perhaps I will be able to bring back an update on that.

We need to be looking at not a reactive response; we need to be looking at what is informed by the science and the best information that is available. Any decision to move to management of the virus as opposed to eradication is made in conjunction with all the other states and territories and the commonwealth, and it is based on the technical advice that is provided by the CCEPP.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:51): Supplementary: why hasn't the minister been in more frequent contact with her federal counterparts, given the seriousness of this disease?

Members interjecting:

The PRESIDENT: Sit down. When I am on my feet, everyone will be silent, okay? The rule doesn't change. Minister, provide your answer.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I have to ask in return: more frequent than what? What she is referring to is one specific letter in regard to testing regimes. Of course I am in frequent contact with my federal counterparts on many issues, including this one.

SOUTHERN COMMUNITY JUSTICE CENTRE

The Hon. R.P. WORTLEY (14:52): My question is to the Attorney-General. Will the Attorney-General inform the council about the opening of the new office of the Southern Community Justice Centre?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:52): I thank the honourable member for his question and I would be more than happy to. Very recently, I was honoured to help officially open the new premises of the Southern Community Justice Centre in the Colonnades Shopping Centre at Noarlunga.

Southern Community Justice is just one of the three branches of Community Justice Services SA, a community legal service which also offers legal services to the Limestone Coast area from the head office of Mount Gambier and to the Riverland district from their office in Berri. Originally established in 1982 as the Noarlunga Community Legal Service, this organisation now provides critical legal services in family, criminal, employment and civil law to the southern, rural and regional parts of South Australia.

I cannot overstate the importance they have in helping the people of particularly country South Australia have access to the help they need. The Southern Community Justice Centre performs services face to face not only from the offices mentioned but via outreach programs on Kangaroo Island, Marion, Murray Bridge, Victor Harbor, Strathalbyn and Yankalilla. I have been very fortunate to have visited all of their main offices, and I know the office in Berri provided much-needed critical services during the flood event just a couple of years ago.

The new Southern Community Justice Centre is co-located with a number of other community services, including specialised domestic, family and sexual violence assistance. I want to thank all involved for their dedication in providing these legal services and the opening of the new

purpose fit-out offices, especially Dr Ross Savvas, chair of the board, and Ms Katherine Davies, the principal solicitor and interim CEO.

MOUNT GAMBIER PRISON

The Hon. J.S. LEE (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Correctional Services about Mount Gambier Prison.

Leave granted.

The Hon. J.S. LEE: In an article in *The Advertiser* dated 10 April 2025, it was reported that raw sewage has flooded parts of Mount Gambier Prison after a blanket was reportedly stuffed down a drain. In an anonymous post shared to a Facebook group, an individual claims:

> All the carpets have to be pulled up, all the library books, etc. have to be thrown out, all the tables in education have to be thrown out as all are contaminated.

My questions to the minister are:

1. What was the overall damage reported at the Mount Gambier Prison and how many Correctional Services officers were involved in the clean-up and restoration of the prison following the flooding?

2. Was an external contractor used for the clean-up and what was the cost to help with the clean-up of the prison and to restore the contaminated furniture and items?

3. What actions will the minister take to ensure health and safety issues such as this will not occur in the future for Mount Gambier Prison or any other prisons across our state?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:55): I thank the member for her question. I am advised that this is a privately run prison in South Australia. It is one of our two privately run prisons, the other being the ARC (Adelaide Remand Centre). I am aware of the situation that you have highlighted. It is an unfortunate incident and if there is any further information than what you have provided already, I am happy to look into that.

MOUNT GAMBIER PRISON

The Hon. R.A. SIMMS (14:56): Supplementary: which government privatised the prisons and why?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:56): I believe that would be those opposite us.

Members interjecting:

The PRESIDENT: Order!

MOUNT GAMBIER PRISON

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:56): Supplementary: is the minister aware of whether the incident was reported to any external oversight bodies such as SafeWork SA?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:56): I am happy to look into that further.

DROUGHT ASSISTANCE

The Hon. B.R. HOOD (14:56): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding drought assistance.

Leave granted.

The Hon. B.R. HOOD: The opposition has been informed by numerous stakeholders that there is a concerning lack of coordination within PIRSA regarding the rollout of announced drought assistance measures. Hay run charities, instead of operating through a centralised register, are being forced to liaise individually with hundreds of farmers across the state. Furthermore, the recently announced fuel rebate for livestock feed deliveries has been set at $4.50 per kilometre for a semitrailer load, a figure that transport operators have advised is entirely unviable, leaving volunteer drivers and charitable organisations financially exposed. My questions to the minister are as follows:

1. How did the minister, in conjunction with the Treasurer and Premier, arrive at the reimbursement rate that industry operators are saying is unworkable and which risks leaving volunteer drivers and charities significantly out of pocket?

2. Will the minister commit to urgently reviewing and adjusting the per kilometre rebate to ensure it reflects actual transport costs, thereby enabling critical hay deliveries to continue without imposing an unfair financial burden on volunteer drivers or the charitable organisations coordinating this vital support?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): I thank the honourable member for his question; however, the way he has phrased it is not reflective of the situation. First of all, the charities—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Perhaps, if those opposite don't want to hear an answer to a question, they shouldn't ask it. First of all, the Donated Fodder Transport Drought Assistance Scheme was extended from $2 million to $6 million in the recently announced extension, to a total of $73 million for the drought package. To date, the scheme has supported more than 458 primary producers, with 4,433 tonnes of fodder across five regions of the state. They were the figures as of couple of weeks ago.

During the first phase of the drought assistance package, we received various feedback from farmers, from the charities themselves and from industry in regard to how we could make that transport subsidy scheme deliver more and better. On 29 April, PIRSA met with participating charities to discuss amendments to the guidelines so that support could be more targeted, that there could be a higher assurance that fodder delivered is of good quality and to review the reimbursement rate per kilometre. As result of these discussions, five organisations said at that time they would participate in the scheme. I am advised that charities received their varied contracts on 1 May.

My advice is that the reimbursement rate was proposed by the charities themselves, not proposed by government. The rates proposed were $4.50 per kilometre for a single trailer, $7.50 per kilometre for a B-double and $9 per kilometre for a road train. Remember that this is not simply the cost of diesel. People think about the cost of diesel—it would be far less than that. Of course, it is providing a subsidy far more than the diesel costs. A number of charities do not have volunteer drivers. They pay their drivers, and all of that was put into the discussions around what the rates should be. Government has been working closely with the charities on this.

The existing agreements have simply been varied to cover the upcoming runs under the amended guidelines, and coordination, I think, is always going to be appropriate. We don't want to have, for example, three runs to one area and other areas, therefore, missing out. The charities have in the past always operated, as according to my advice and discussions I have had with the charities, by farmers contacting them directly. To my knowledge, none of them have asked that that should change. They work on the sorts of models that they always have. Charities that have said that they are participating have indicated that their figures here are appropriate, which is presumably why they proposed them.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:01): Supplementary: if the scheme was working, why have some charities pulled out of South Australia?

The PRESIDENT: I don't think we have talked about charities, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I am not sure that I can speak on behalf of particular charities, but what I can say is that most of the charities are based interstate. They have many calls upon them. We know there have been floods in Queensland and northern New South Wales, and I would hope that those opposite are not saying that those charities are somehow doing the wrong thing by assisting flood-affected farmers as well as by assisting drought-affected farmers here.

We have a number of charities who are continuing, and have been continuing, to provide hay runs. We have a number of charities who are planning their current runs as we speak, and I look forward to perhaps some constructive support from those opposite for our farmers by actually letting them know how they can apply for this assistance, instead of what we hear from those opposite constantly, particularly the Leader of the Opposition in this place, which is misinformation or the distortion of information, which is causing more stress and angst in the farming communities.

AGRIFUTURES RURAL WOMEN'S AWARD

The Hon. M. EL DANNAWI (15:03): My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber about the winner of the AgriFutures Rural Women's Award?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I thank the honourable member for her question and her ongoing interest in the wonderful things that women are doing in our regional communities. I am very pleased to inform the chamber about some of those inspiring South Australian women who were announced as the finalists and winners in the AgriFutures Rural Women's Award last month.

The chamber may remember that in February I spoke about the four women who were announced finalists: Marie Ellul from Adelaide, Emma Gilbert from Clarendon, Annabelle Homer from the Clare Valley, and Kelly Johnson from the Murraylands. It was a great privilege to attend the awards night in April and to hear firsthand from Marie, Emma, Annabelle and Kelly about the fantastic work that they are doing in regional areas.

To recap about the four finalists, Marie is a reproductive scientist and a leader in livestock reproduction technology. Her business, ART Lab Solutions, offers world-leading reproductive technology for cattle breeding, which accelerates the improvement of livestock quality for breeders.

Emma developed an app, IncubatePro, which monitors and tracks poultry hatches, enabling farmers to analyse egg fertility and monitor performance of poultry in both productivity and fertility. The app can also consider variables, including temperature and humidity, so farmers can analyse their impacts on hatch rates. Emma is also looking to expand the use of the app in educational settings to help students learn in a hands-on way about farming and sustainability.

Annabelle is a former journalist who now works as a professional voice coach, using her business, Voice It, to help young people and adults in regional areas develop and enhance their communication skills. This type of place-based training is vital for regional areas. Voice It develops effective communicators in region, enabling people in regional areas to take up opportunities on podcasts and radio, or public speaking roles at industry events, to name a few.

Kelly founded SPhiker, a business that uses high-quality, plant-based seconds produce to create lightweight, shelf staple meals for hiking, cycling and sailing. The use of seconds produce purchased directly from farms reduces food waste and supports responsible use of resources. I am advised the meals are great value for money, costing about $6 per main meal. They simply require water to be added and under 15 minutes of cooking before being ready for consumption.

All four women were very inspiring and worthy finalists, and I congratulate each of them on their innovation and dedication to bringing about positive change in our state's regional communities. The South Australian winner, who will go on to represent the state at the national AgriFutures Rural Women's Awards gala dinner, is Kelly Johnson and her business SPhiker. For over two decades, the AgriFutures Rural Women's Award has provided more than 400 women with valuable professional development and networking opportunities, enabling them to further elevate their profile and amplify their impact and influence. I am proud that the South Australian government has a long

and close association with the AgriFutures Rural Women's Award through PIRSA's role as the supporting state agency.

Among the awards alumni are pioneers and leaders who continue to contribute to the growth, development and prosperity of regional and rural communities and industries. The breadth of skills and expertise in the alumni group reflect the broader talent we are fortunate to have in our state's regions. Congratulations to the finalists, Marie, Emma and Annabelle, who have all made meaningful change in their respective industries and communities. I look forward to what the coming months and years bring following the recognition they have had as finalists of the award.

To Kelly, the state winner, this award is a fantastic springboard and I know that many opportunities will be opening up. I wish her the best of luck at the national awards in Canberra later this year, and I cannot wait to see how she uses this wonderful opportunity. As an aside, at the Women of Influence lunch last week, I was the fortunate winner of a bid on the SPhiker hamper, so I will have the opportunity to sample some of Kelly's produce, and if anyone in this chamber would also like to do so, they are welcome to contact my office.

An honourable member interjecting:

The PRESIDENT: I don't think she won it, I think she bought it, but anyhow.

ADELAIDE CITY COUNCIL

The Hon. S.L. GAME (15:08): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, the Hon. Clare Scriven, representing the Minister for Local Government, regarding the Adelaide City Council.

Leave granted.

The Hon. S.L. GAME: On 11 May, a *Sunday Mail* report carried warnings from Hutt Street business owners of a possible mass exodus of traders should on-street car parking be reduced as part of a $12 million Adelaide City Council revitalization project. As reported, the council has previously announced plans to revamp several main streets across the CBD and North Adelaide, including O'Connell, Hutt, Gouger and Hindley streets, plus Light Square.

The *Sunday Mail* said these projects are focused on making the CBD more pedestrian and bike friendly, but reduce the number of on-street car parks and restrict traffic flow, negatively impacting local businesses. Decisions on these projects will be made by the council's elected members, who gained their position as a result of the less than 9,000 votes received in the council's 2022 elections. My questions to the Minister for Primary Industries, representing the Minister for Local Government, are:

1. Given that less than 9,000 people voted in the 2022 Adelaide City Council election, what is the government's plan to ensure better representation among the thousands of people who frequent the CBD daily but do not and cannot vote in the election?

2. Does the government concede that effectively discouraging car parking in the CBD has a negative impact on business and subsequently makes South Australia a less attractive option for investment?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I thank the honourable member for her question. I am happy to refer that to the minister in the other place and bring back a reply.

DROUGHT ASSISTANCE

The Hon. D.G.E. HOOD (15:09): 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. D.G.E. HOOD: Members would probably be aware that the ABC News article titled 'SA farmer still waiting on drought relief payments months after applying', published on 16 April this year, outlined a story of South Australian farmer Michael Kowald from the Adelaide Hills and

shared his experience of waiting nearly three months without a response after applying for a fairly modest $5,000 drought infrastructure grant in January.

The delay has further stalled his project to restore a bore for a livestock water facility, exacerbating challenges during severe drought conditions that of course initiated his application in the first place. The state government has acknowledged that processing delays have occurred and pledged to resolve all applications within 30 days from that time. That 30 days has now elapsed.

My question to the minister is: can the minister now confirm that the government has honoured its commitment, that being that all applications from January through to March at the very least have been assessed and applicants informed about whether or not they have been deemed eligible or not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11): I thank the honourable member for his question. The short answer is that, according to my advice, yes I can. All of the backlog has been worked through and I am advised that the 30-day commitment that the Premier made on the day that we announced this $73 million package for drought support is being met. The only caveat I would put on that is, of course, that is if all of the information has been provided. If the department is still waiting on further information then obviously the 30 days cannot commence until that extra information is available.

But PIRSA has been able to streamline the application process. Members will recall that we opened up a second tier of drought assistance funding in terms of infrastructure grants so that those who wished to invest in larger projects could apply for projects up to $20,000. Those who had already applied for the $5,000 grant were, according to my advice, communicated with to see if they would like to change that to an application for the higher grant or whether they would like to continue with the original grant amount that they had requested.

Further, PIRSA was able to I think more than quadruple the size of the processing team compared to when it was first established and, due to that, the backlog has been cleared, according to my advice.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:12): Supplementary: can the minister please give assurances to the chamber that PIRSA is efficient in their request for further information from farmers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12): As I understand it, when the applications come in, there are obviously a number of different aspects of the process. The first is to look over the application and obviously, as soon as it can be identified that there might be additional information needed, according to my advice that is requested.

MOUNT GAMBIER FIREFIGHTERS

The Hon. T.T. NGO (15:13): My question is to the Minister for Emergency Services and Correctional Services. I am told the minister recently visited the South-East. Can the minister share the trip with the council?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:13): I thank the honourable member for his question. It was an honour to recently meet with Mount Gambier firefighters firsthand to see how proud they are to have a 24/7 service for their community. Being there, though, you could feel how frustrated they were at the lack of acknowledgement from some regarding their 24/7 service.

As has been said in this place before, staffing at the Mount Gambier station is a combination of full-time day-working firefighters who work between 8am and 6pm and retained firefighters who provide the primary response from 6pm to 8am and provide a backup response to full-time crews at other times.

Often those in the community are unaware that retained firefighters can and will still be called during the daytime for full-time working hours depending on their response needs for an accident or

an incident. They may be called into the station while the full-timers are out at an incident in case another call comes through. Together, they provide an effective and efficient service to the Mount Gambier community.

After visiting the station to hear directly from the brigade, I met with the Mount Gambier council mayor, Lynette Martin, and the chief executive officer, Sarah Philpott, to discuss their concerns. This was a productive and thorough conversation about how frustrated the firefighters at the station were with the misunderstandings spread amongst the local community. Misunderstandings spread during the hottest week in February on record since quite some time to strike fear into the community.

To use the MFS in Mount Gambier as a political football is not the intention of this government, while those opposite have no issue about striking fear into their local community, to suggest a community does not have a 24/7 service when in fact they do. It is incredibly frustrating for those who are protecting and serving their local community.

The MFS-retained firefighters are a diverse group of people who balance other work, study and family commitments while responding to community calls for assistance. Like their full-time counterparts, I understand they provide a high standard of responses to fire and emergency situations. It was a pleasure to sit down with retained firefighters, locals Darren and Duncan, and hear firsthand about what matters to them and about their part-time capacity. Darren and Duncan's combined service to the MFS totals almost 30 years. Together they shared how proud they are to serve their local community while balancing work and caring commitments.

It was also fantastic to be there when two updated appliances were delivered to the station, including the combination aerial appliance and the heavy urban pump rescue appliance, to enhance the capacity for the Mount Gambier crews. While in the South-East, it was a pleasure to stop by the Coomandook CFS station, the Naracoorte CFS station to meet firefighters and cadets, region 5 headquarters in Naracoorte, the Mount Gambier CFS station, the Mount Gambier SES unit, as well as the CFS air base in Mount Gambier where our nation-leading aerial support is housed.

The Mount Gambier community should be very proud of their local firefighters and their brave efforts to keep their community safe. As a 24/7 service, the Mount Gambier MFS brigade do an incredible job and it was a pleasure to meet with them in person.

MOUNT GAMBIER FIREFIGHTERS

The Hon. B.R. HOOD (15:17): Supplementary: did the minister meet with the Independent member Troy Bell to discuss his long-term support for full-time 24/7 MFS in Mount Gambier?

Members interjecting:

The PRESIDENT: Would it be okay if I actually called it? I didn't hear anything about the Independent member Troy Bell. Did I miss that? No.

SOUTH COAST ALGAL BLOOM

The Hon. C. BONAROS (15:18): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about the toxic algal bloom along the coast of South Australia and its effect on our state's seafood industry.

Leave granted.

The Hon. C. BONAROS: Described recently by the environment minister as not far off the size of Kangaroo Island, experts have linked the severe outbreak with troubling recent incidents occurring at SA beaches, including a great white shark beaching itself on the sand at Henley Beach and unusually aggressive behaviours from eagle rays along the Yorke Peninsula. So, too, have almost 50 sick and dying kangaroos had to be euthanised after eating apparently toxic algal blooms.

A recent survey led by marine biologist Dr Mike Bossley found thousands of dead and dying fish attributable to the bloom, and described the finding as 'the most severe situation I have ever seen'. Meanwhile, amid the cancellation of fishing charter services over concerns for customers' health and welfare, over 10 million oysters across six Stansbury oyster farms will be quarantined as operations are forced to close.

There are fears for the $100 million oyster industry and it being brought to its knees as a result. An article appearing in *The Advertiser* last week quoted Pacific Estate Oysters owner Steve Bowley's concerns, and I quote, 'I certainly couldn't survive 12 to 18 months without a sale, I do not think any of the…growers could.'

Mr Bowley says the hardest part is not knowing, and businesses have no option but to stay positive and hope for the best at this time. While closures like this aren't uncommon, typically lasting a couple of weeks, the culprit behind these closures has said to have never been seen in Australian waters before, and that is the reason for all the angst in industry. So my questions to the minister are:

1. Can the minister inform the chamber the steps the government is taking to address the concerns raised by our state's crucial seafood industry, amongst others?

2. What specific measures, if any, have been implemented for the oyster farms impacted?

3 What advice has the minister been given about the likely length of the closures?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for her question. There were a number of different aspects in there and I will attempt to address them all.

The first one—the honourable member referred to the kangaroo deaths. I will remind the chamber of an answer I think I gave the previous sitting week, which was that the disease investigation by PIRSA in regard to reports of a number of kangaroo deaths concluded that the neurological symptoms experienced by the kangaroos were likely caused by phalaris grass toxicity. The dry conditions, lack of palatable food and high densities of kangaroos may have contributed to the poor condition of the animals.

National Parks and Wildlife Service rangers visited the site the week of 14 April 2025 and advised the situation had improved and the kangaroos remaining at the site looked healthy. So, first of all, I wanted to clarify that, given that would not appear to be linked to algal bloom based on that information.

In terms of the various steps the government has been taking, as I said in answer to a question yesterday about algal bloom and on Tuesday about algal bloom, the reality is that this is something that is outside the control of government. This is a reminder that nature is bigger than any of us.

The algal bloom will dissipate when the weather conditions change, and obviously we do not have the ability to change those weather conditions. According to my advice, there has been a marine heatwave, with temperatures on average 2½° hotter than usual. That has a number of implications. When the winds change and the seas change and the temperatures change, that is when we can expect the algal bloom to dissipate.

Earlier today, the Deputy Premier, in her capacity as Minister for Environment, and I co-hosted an update for regional mayors in coastal areas, as well as local members whose electorates are in those areas, at which we had the Department for Health, PIRSA, DEW and the Bureau of Meteorology all give updates—and my apologies if I have missed anyone out of that group—on where the algal bloom is at.

The Bureau of Meteorology obviously is working on the best information they have, which indicated that we might expect more rain and lower temperatures in June. Obviously, on the drought front, we more than hope that will be sooner. But the answer to how long the algal bloom may continue is not one that can be answered at this stage because of what it will mean for those changes.

In terms of the oysters, it's important to note that that is a temporary closure only. It has been done as a precautionary measure and, as there always is, there is ongoing testing because that is a requirement for market access to ensure that our world-renowned seafood is always free from any kind of disease or adverse impact, and I am glad to say we have continued to maintain that world-renowned reputation. Hopefully, it will be a short closure but, again, the testing that needs to occur to ensure that there are no implications is continuing.

Bills

STATE DEVELOPMENT COORDINATION AND FACILITATION BILL

Final Stages

Consideration in committee of message No. 237 from the House of Assembly.

The Hon. C.M. SCRIVEN: I move:

That the council does not insist on its amendment No. 4 and agrees to the alternative amendment made by the House of Assembly in lieu thereof.

Clause 38 in this bill is a standard provision authorising the Coordinator-General's office to temporarily enter onto land to perform its functions under this bill. Examples include surveying, assessing the presence of native vegetation, or testing soil conditions. Similar provisions are common in other acts such as the Planning Act, Urban Renewal Act, Highways Act and others. I understand the amendment to clause 38 of the bill, as was made in this place, sought to better support landowners in navigating the existing compensation scheme for situations where temporary access to their land has caused any loss or damages.

While that was a worthy cause, as we will recall the amendment was put to this place at very short notice and, accordingly, several members stated that they would agree to the amendment with the understandable caveat that it be considered between the houses in case of any unintended and unforeseen consequences.

After the amendment was agreed to in this place, some such unintended consequences were identified. Specifically, the amendment inadvertently gave rise to legal risk and uncertainty about how the onus of proof would be applied and what that would mean for the rights, liabilities and legal position of all parties involved, to the extent that the provision might not be able to be used effectively. This would make it challenging for the Coordinator-General to perform its statutory functions.

The amendment that has been proposed by the other place proposes an alternative way to achieve a similar outcome to what we understand the original amendment intended. It does so by better supporting landowners' access to the compensation regime by providing them with an entitlement to have reasonable costs reimbursed by the state for the purposes of seeking an assessment of any loss or damages by a qualified valuer, or obtaining legal advice for the purposes of making a claim for compensation under this section.

This approach would provide greater supports to landowners but without creating additional legal risk and uncertainty. We believe this represents a balanced and pragmatic solution within the context of the bill, and I commend it to the council.

The Hon. H.M. GIROLAMO: The opposition will not be opposing this amendment. Whilst we did prefer the amendment that passed in this place last sitting week, we do understand the reasons that the government has made these further changes and accept that this will form part of the final adjustment to this bill.

Motion carried.

CRIMINAL LAW CONSOLIDATION (DEFENCES—INTOXICATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 February 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:31): I rise to speak on the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill 2025. The bill was introduced following the death of Ms Synamin Bell, who was killed by her partner, Mr Cody Edwards, in Millicent in 2022. Edwards had voluntarily taken an illicit hallucinogenic drug and claimed to believe he was acting in self-defence. That belief was the result of drug-induced psychosis. He was charged with murder but ultimately convicted of manslaughter and sentenced to just 11 years.

That outcome shocked the community, and rightly so. It is unacceptable that a person can reduce a murder charge to manslaughter because of a mental state they brought on by taking drugs or alcohol. This bill responds to that gap. It amends sections 15 and 15A of the Criminal Law Consolidation Act 1935 which deal with the defences of self-defence and defence of property.

Clause 3 inserts a new subsection (2a) into section 15. It prevents a defendant from relying on excessive self-defence if their belief that the conduct was necessary or reasonable was substantially affected by the voluntary, non-therapeutic use of a drug. Clause 4 makes the same change to section 15A concerning defence of property. The definition of drug includes alcohol and any substance that affects mental functioning. Use is considered non-therapeutic unless it is prescribed and taken as directed, or used according to instructions in the case of over-the-counter medication.

This bill does not abolish the defence of excessive self-defence. It limits its use. If the defendant's judgement was seriously impaired by drugs or alcohol they took of their own accord, that defence cannot apply. There is an important safeguard: this bill does not block the operation of section 15B, which allows courts to consider evidence of family violence. If a belief stems from a pattern of abuse, not from intoxication, the defence may still be available. The law should not excuse lethal violence caused by intoxication.

The community expects the law to hold individuals accountable for actions taken under the influence of substances they choose to consume. This bill meets that expectation. It upholds the principle of personal responsibility and helps restore public confidence in the justice system. The opposition supports the bill and I commend it to the chamber.

The Hon. C. BONAROS (15:33): I also rise to speak in support of the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill 2025. As has just been outlined, this bill is, as we know, in response to the tragic case of Millicent woman Ms Synamin Bell, whose partner, Cody James Edwards, took hallucinogenic drugs before killing her in 2022.

It is a story that made headline news, and one that outraged communities across the state—and beyond, I am sure. It is one of those situations where I think community expectations, the outrage, the sympathy for Ms Bell's family and friends, probably outweighs the concerns of legal commentators in this space who may have some issues with what the bill is attempting to achieve. But such was the outrage and backlash from the community and also from the YourSAy website—as it should be—that the government undertook that, I think it is fair to say, the community expectation is that these laws are passed.

I do note that the Law Society has written previously, I think it was late last year, to the Attorney in relation to this bill. There will always be issues that the Law Society point to—and I am the first one to look at them—and there may be challenges as this bill progresses which we may potentially have to revisit in the future, but I think that has to be weighed against the very strong and firm and right views of the community when we are talking about excessive self-defence and how that operates as a partial defence.

In this particular case, as we have just heard, we had a situation where there was a very highly publicised sentencing. The defendant had experience of paranoia psychosis after consuming those psychedelic or hallucinogenic or psychoactive drugs and initially sought to rely on the defence of excessive self-defence. As we know also, partway through that trial the Office of the DPP indicated it would accept a plea to the lesser charge of manslaughter, and the defendant was subsequently rearraigned and sentenced.

In respect of the charge of murder, as we know, the defence of excessive self-defence operates as a partial defence, reducing the offence to manslaughter. That is in effect what these laws are seeking to address, so that defendants charged with similar offending to that which has been described in this very tragic case are prevented from invoking the defence.

I think we are all on the same page when it comes to the public sentiment and certainly the sentiment in this place about why this is necessary. I accept also that there may be some technical

concerns from the legal fraternity about how it works in practice, if and when those arise, and I am sure we will no doubt be back here to deal with them. But in principle, I think we are doing the right thing by passing this bill and I think that the community expects us to step up in this way and deal with this sort of issue.

We may not be able to prevent another tragic case like the one involving Synamin Bell, but you certainly want to do all you can to prevent the use of those defences in the way that it transpired in that case. It is with those words that I indicate my support for this bill.

The Hon. J.S. LEE (15:37): I rise today to speak in support of the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill. The background of why this law is being introduced is a tragic story. As we know, Ms Synamin Bell was horrifically killed by her partner on 12 March 2022 while he was high on hallucinogenic drugs. The grief and shock of her family, friends and the community of Millicent were compounded when her killer was able to plead to a lesser charge of manslaughter on the basis that he had acted in excessive self-defence due to a drug-induced delusion.

I remember reading the news of this awful case and I, like so many others in the community, was shocked and dismayed that although Synamin's killer had been charged with murder he was able to use a loophole to downgrade the charge to manslaughter, even though it was his own illicit drug use that caused the hallucinations that he claimed forced him to act in self-defence. The public outcry that followed the trial and the strong advocacy of Synamin Bell's family have brought us to this point today to consider a bill which will close that loophole.

Currently in South Australia, there is a partial defence of 'excessive self-defence' when the defendant has proved that they genuinely believed they acted in self-defence but did not act in reasonable proportion, using excessive force. This partial defence reduces a murder charge to manslaughter, which implies a different level of criminal responsibility and has a much lighter sentence. The bill would outlaw the defence of 'excessive force' used in self-defence in instances when the genuine belief that a person had to defend themselves was impacted by voluntarily taking a drug that substantially impaired mental functioning.

It is clear from the community outpouring following Synamin Bell's death and from the community consultation undertaken on the draft bill that someone who has voluntarily taken illicit drugs should not have access to the same defence as someone who is sober. I understand that the partial defence is used very infrequently and that intoxication very rarely factors into the equation; however, I am encouraged to see that the government has taken this issue seriously to ensure that it cannot be used in the future to allow drugged-up killers to get away with a lighter sentence.

I note that the bill defines a 'drug' as alcohol or any other substance that is capable of influencing mental functioning, and it specifies that the consumption is deemed to be non-therapeutic if it was not prescribed and/or consumed according to a medical practitioner or manufacturer's instructions. This means that if someone were to have an unexpected reaction to a prescribed medication they had taken correctly, they would not be excluded from this defence.

Further, it is important to note that this bill provides some guidance on the application of these new provisions, to ensure that the court can take into account other factors, such as evidence of family violence, when determining if the defendant's belief was genuine or was substantially affected by the consumption of a drug. Likewise, if the defendant's actions were considered reasonable for a sober person, the complete defence of self-defence would still be available, even if they were intoxicated at the time of the offence.

While it is anticipated and hoped that this law will rarely be called upon, I am pleased that it is being updated to reflect community sentiment and expectations of family members who have been impacted by the loss of their loved ones. No-one should be able to argue that they acted in self-defence when they had deliberately consumed illicit mind-altering drugs and then killed someone in psychosis. I am pleased to see the loophole is being closed. I commend the bill to the chamber.

The Hon. S.L. GAME (15:42): I rise briefly to speak in support of the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill. This bill is designed to exclude the

availability of excessive self-defence from those who commit an act of murder while under the drug-induced delusion that such conduct was necessary to defend themselves.

It comes in response to the horrific killing of Ms Synamin Bell by her partner, who was originally charged with murder but later pleaded guilty to the lesser charge of manslaughter on the basis that he was experiencing a drug-induced psychosis and claimed to have genuinely believed that his life was under threat and that he was acting in self-defence.

According to law, a person cannot be found guilty of murder if they genuinely believe their conduct was necessary and reasonable and proportionate to the threat they believed to exist. Consequently, this partial defence was open to Ms Bell's killer and he was ultimately sentenced for manslaughter and not murder, even though his paranoid delusion that led to the killing of Ms Bell was caused by self-induced intoxication.

Ms Bell's family, friends and community were justifiably outraged at the final sentencing, which reflected a conviction for manslaughter and not murder. It is hoped that this amendment will provide some satisfaction for the community, knowing that any future offender who voluntarily consumes a non-therapeutic drug will not be able to rely on this self-defence to receive a reduced sentence for their violent acts.

I also note that this proposal does not prevent the operation of section 15B of the Criminal Law Consolidation Act, which addresses offences committed in circumstances of family violence. This allows for evidence of family violence to be considered in determining whether this background of violence has substantially informed or affected the belief that a violent response was a necessary and reasonable defence under the circumstances. With that, I commend the bill.

The Hon. M. EL DANNAWI (15:44): I rise to speak in support of the Criminal Law Consolidation (Defences—Intoxication) Amendment Bill, also known as Synamin's law. As the Attorney-General told the chamber in his second reading explanation, Synamin Bell was killed on 12 March 2022 by her partner. Her death was shocking and horrifying and left three young children without their mother.

Although initially charged with Synamin's murder, her partner had his plea downgraded to manslaughter. He relied on an argument of excessive self-defence to do so. In matters where there is a charge of murder, a partial defence of excessive self-defence is available where the defendant genuinely believed their actions were necessary and reasonable to defend themselves, but the conduct was not reasonably proportionate to the threat that existed. If they can satisfy the test for this defence, they will be found guilty of manslaughter rather than murder.

Synamin's partner had consumed psychoactive drugs on the night that he killed her. According to his case, he was experiencing a full-blown paranoia psychosis that led him to believe that Synamin intended to kill him. Synamin's sister, Shenta, spoke to the media outside the courtroom during sentencing submissions, and she said, and I quote, 'She wasn't acknowledged as a person, what happened to her, it was all the drugs.'

The result of this case, while legally sound, was totally out of step with community expectation, and if you read details of the case, it is not hard to see why. That someone can rely on their self-induced intoxication to reduce their murder charge to manslaughter does not fit many people's understanding of justice. Synamin's law will provide that excessive self-defence is unavailable if a defendant's genuine belief of threat was 'substantially affected by the voluntary and non-therapeutic consumption of a drug'.

We note there was concern raised about the possible negative effects of removing the partial defence of excessive self-defence for people who kill their abusive partner in order to protect themselves. In these cases, even if the defendant is intoxicated, it is possible that their genuine belief in the threat to them is informed not by intoxication but by a history of violence and abuse. The bill contains a note which will help guide the application of the new provision.

As the Attorney-General said in his second reading explanation, the purpose of the note is to ensure that, in determining the availability of the partial defence of excessive self-defence where a person kills a family member, the court can take into account any evidence of family violence in determining whether the defendant's belief was genuine or substantially affected by intoxication.

The pain of losing a loved one stays with you forever. I want to thank Synamin's family, her sister, Shenta, and her friends for speaking out and seeking this amendment to the law to ensure that what happened in this court case does not happen again. I commend the bill to the chamber.

The Hon. B.R. HOOD (15:47): I rise briefly in support of this bill and thank the government for bringing it to this place. To be in the courtroom when the sentencing was handed down and to hear the distress and the anguish in the voices of Synamin Bell's family and friends was heartbreaking. It quite simply just should not have happened in the first place, but for her family then to have to go through that pain again of seeing Mr Cody Edwards receive such a reduced sentence after taking the life of a young mum in Synamin is a terrible thing. I am glad that this change to the Criminal Law Consolidation Act will hopefully in the future prevent other families from having such pain. I am glad that it has come to this place and that it will be law in this state.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:48): I thank members who have contributed on this important bill and recognise the good that this bill will do. Of course, nothing can bring back Synamin Bell, who was tragically killed, but we can make it better for the future.

I particularly want to echo what a number of members have said and pay tribute to Synamin Bell's friends and families who have advocated for this change. I have mentioned before, but it is a rare privilege that, as Attorney-General, I get to meet some incredible people, particularly in the area of law change, people who have gone through horrific situations that change the rest of their lives and then advocate, for no benefit to themselves, so that other families do not have to go through what they have gone through.

Having spoken to members of Synamin Bell's family, I wish to place on record my tribute to what they are doing now, again with no benefit to themselves but to lessen the pain for other families in the future. With that, I look forward to the committee stage, hopefully this bill passing the lower house as soon as possible, and to have Synamin's law come into effect.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: My first question to the Attorney is: the original bill, as we have heard, was subject to the YourSAy consultation period. I note also there were a number of commentators in relation to this bill. The Law Society made a submission in October of last year. Can the Attorney outline the differences between this bill and the original exposure draft bill, and how many of those changes were taken into account that were raised by the Law Society?

The Hon. K.J. MAHER: I thank the honourable member for her question and, yes, it is the case that when legislation goes out for consultation there are occasionally things that we did not foresee and often legislation is better for the input that we get. I am advised that there are three main areas as a result of the consultation in which there are changes in relation to the legislation that is now before us.

Firstly, the exclusion of the availability of self-defence for defence of property as well as a person. The bill that was consulted on excluded the availability of excessive self-defence to the defence of a person only. It has been amended to exclude the availability of excessive self-defence for both defence of persons and property to show there is a consistent application of the partial defence.

In relation to the clarification of circumstances where there is domestic violence, something that I have mentioned here is that one thing we did not want is an unintended consequence for someone who has particularly been a long-term victim survivor of domestic or family violence, in that this bill might inadvertently affect the defences they have under the law. Section 15B of the Criminal Law Consolidation Act provides that a defendant's genuine belief that their conduct was necessary and reasonable for a defensive purpose is to be determined having regard to admitted evidence of family violence.

The bill contains a note that clarifies that a defendant's genuine belief may be considered not to have been substantially affected by self-induced intoxication if there is evidence of other factors which may have substantially informed the defendant's belief, such as where there is evidence of family or domestic violence. This provides some guidance in the application of the new provision and confirms that it does not prevent the operation of section 15B where a person has killed against a background of family violence, addressing stakeholders' concerns that the bill could criminalise domestic or family violence victims who kill their abusive partner in order to protect themselves.

Finally, the other main area of change was changing the test for when excessive self-defence is unavailable. The consultation bill provided that excessive self-defence was unavailable if a defendant's genuine belief was substantially affected by self-induced intoxication. However, stakeholders raised concerns about possible unjust outcomes for people with mental health illnesses who consume recreational drugs together with their therapeutic medication, given that self-induced intoxication includes where intoxication was a result of the therapeutic consumption of the drug and the recreational use of the same drug, even though the intoxication is in part attributed to therapeutic consumption.

The reference to voluntary and non-therapeutic consumption of a drug instead makes plain that it is only the non-therapeutic consumption that might operate to preclude the availability of the partial defence. For example, where the defendant has consumed recreational drugs together with their prescribed medication, assuming the prescribed medication was consumed in accordance with the medical practitioner's instructions.

In determining whether a defendant's genuine belief was substantially affected by the voluntary and non-therapeutic consumption of the drug, only the effect of the non-therapeutic—that is, recreational drug—on the defendant's genuine belief will be taken into account.

The Hon. C. BONAROS: Further to that answer that the Attorney has provided, the committee also made some comment about the term 'affected by' and the potential for legal complexities in relation to that. How do we intend to deal with those complexities under this bill?

The Hon. K.J. MAHER: I am advised that the term 'affected by' will be a matter for the court to take into account, from the facts presented to the court, to decide on the evidence that is presented to the court. One of the reasons the language is used in the way it is used is to be consistent within our legislation. Section 15C—Requirement of reasonable proportionality not to apply in case of an innocent defence against home invasion, uses the same language. It is for the court to determine, based on the facts as presented, and also for consistency where we have used similar provisions in other parts of the same piece of legislation.

The Hon. C. BONAROS: I note that in this instance, respectfully, aside from the very tragic circumstances around Ms Bell's killing, that public outcry was magnified, if you like, as a result of the fact that the sentence that the perpetrator ultimately received was less than what was anticipated. For the sake of clarity and for the record, can the Attorney confirm that the maximum penalty for manslaughter is indeed the same as for murder, life imprisonment, and that the only difference between the two is the mandatory 20-year non-parole period that applies?

I think that is an important matter for the community's sake so that we understand the sentence is still the same, it is the mandatory component of that sentence that may differ, but we are not touching the sentencing in relation to manslaughter or murder or those non-parole periods.

The Hon. K.J. MAHER: My advice is, yes, that is correct. We are not touching the sentences for those two, but what we are doing is making sure that the availability for a defence—in effect, as we have traversed before—that makes it easy to plead to one rather than the other is curtailed.

The Hon. C. BONAROS: Can the Attorney also touch on the concerns that were raised with respect to the meaning of intoxication, as raised by the Law Society?

The Hon. K.J. MAHER: I thank the honourable member for her question. I think the answer is, I am advised, very similar to the answer about the meaning of 'affected by': it will be up to the court to decide on intoxication. That is not defined in the bill. That is up for a court to determine on the facts presented to it and, again, it is in keeping with the language that is used in other sections of the very same act, particularly in section 15C.

The Hon. C. BONAROS: Just to be clear when we talk about intoxication for the purposes of this bill and the current legislation we are talking about a drug or alcohol or any other substance—whether it is used alone or in combination with another substance—is capable of influencing one's mental functioning. That remains the same?

The Hon. K.J. MAHER: I can confirm to the honourable member that that is correct.

The Hon. C. BONAROS: Can the Attorney outline what, if any, issues were raised with respect to the issue of comorbidity? That is where somebody is taking—for want of a better term—recreational drugs and medication at the same time, and the impact and the effects that that can have, both with respect to the defence and the meaning of intoxication.

The Hon. K.J. MAHER: I touched on this previously, but the reference is to voluntary and non-therapeutic consumption of a drug, and that was one of the changes to make it plain that it is only the non-therapeutic consumption that might operate to preclude the availability of the partial self-defence. When a defendant consumed non-therapeutic illegal or recreational illegal drugs together with their prescribed medication, if the prescribed medication was taken in accordance with the medical practitioner's instructions, then in determining whether the defendant's genuine belief was substantially affected by the voluntary and non-therapeutic consumption of a drug, only the effects of those illegal recreational drugs on the defendant's general belief will be taken into account, not the effects of the therapeutic drug that is taken in accordance with the medical practitioner's instructions.

The Hon. C. BONAROS: I am glad the Attorney took me back to that first point because at the outset I asked about 'affected by'. Would these be matters that the court would have to take into consideration? Of course, you may be prescribed some drugs that do actually have an effect on your mental functioning, and they can be magnified by those illicit substances. In those instances, it is rather complex. Will that be for the court to determine how or whether indeed an individual's legal drug-taking can be separated from any illegal drug-taking?

The Hon. K.J. MAHER: My advice is that that is correct. It is a matter for the court and the court, based on all the evidence presented, will have to determine whether the taking of that non-therapeutic drug substantially affected the defendant's belief.

The Hon. C. BONAROS: Can the Attorney, as a matter of the record, outline generally whether any other concerns were raised throughout that YourSAy consultation phase and summarise those for the purposes of the committee?

The Hon. K.J. MAHER: I am advised that many of the responses to the YourSAy website and most of the general members of the public's contributions were very supportive of the legislation. Particularly from legal stakeholders, most of the concerns raised were along the lines of what the Law Society has set out and in particular the matters that I have addressed before: how to define 'substantially affected by', and also the concern that we have just traversed about the interaction of polysubstance use—the illegal and the non-legal application. So a lot of it was very much in line from legal stakeholders with what was raised by the Law Society.

I am also advised, and it was mentioned earlier in the committee, regarding some of the issues to do with making sure we did not inadvertently cut off avenues of the defence for victim survivors of family domestic violence, which is why the note is part of this, it was not on the original bill, to make that abundantly clear.

The Hon. C. BONAROS: Can the Attorney also advise whether there were any specific concerns raised by those who did respond? It goes to the question of intoxication, again, and the 'affected by', and that previous line of questioning, but where there are underlying mental health issues that are indeed potentially responsible for influencing a belief or a reaction from a person and how they will be dealt with in this context.

The Hon. K.J. MAHER: I am advised that in the circumstances where there are multiple things that might be at play—issues to do with mental health as well as substance use that may have affected the defendant's belief—that is the reason the 'substantially affected by' language is used. So it can be a matter, from the evidence presented to the court, for the court to give weighting to the

relevant factors and to decide if that non-therapeutic use of the drugs substantially affected the defendant's belief.

It will be a matter of fact for the court to weigh up the various factors that contributed to the defendant's state of mind and whether that non-therapeutic use of drugs substantially affected the genuine belief of the defendant.

The Hon. C. BONAROS: That goes to my next question for the Attorney, which comes with respect to the notes that have been included in both provisions. Could we place on the record the purpose of those notes when it comes to both provisions in relation to self-defence and then defence of property?

The Hon. K.J. MAHER: I am advised that the notes are intended to make sure that where there are multiple factors, the court needs to take those into account. Particularly, as I said, that was in response to stakeholder feedback to make sure that we were not cutting off that avenue for people, particularly women who have been long-term victims of family or domestic violence. This does not inadvertently affect their ability to have their experiences raised in a defence in particular cases where a woman has been a victim for decades and decades and then takes action that results in the death of the perpetrator. That still can and should be taken into account.

The Hon. C. BONAROS: I will just go back, and I apologise for going back and forth. We touched earlier on the definition that will apply to drugs and then non-therapeutic drugs. Can the Attorney just also confirm, as a matter of clarification: if there is a therapeutic drug that is being used in the absence of a prescription for an individual, how will that be deemed? If I get my hands on a box of something, and I use those, how will they be treated with respect to whether they are a therapeutic drug, non-therapeutic drug, illicit drug and so forth?

The Hon. K.J. MAHER: It is a good question because you can, of course, have prescription drugs that are prescribed but are either not taken in accordance with the prescription or taken by someone to whom they were not prescribed. In the legislation, the term 'non-therapeutic' is defined. The non-therapeutic consumption of a drug is to be considered non-therapeutic unless the drug is prescribed by and consumed in accordance with the directions of a medical practitioner.

So if you are taking drugs for purposes other than how it was designed to be prescribed or you are taking prescription drugs that are not your drugs, then you will likely fall foul of being able to claim that it was for therapeutic use, because it needs to be consumed in accordance with the directions of a medical practitioner.

The Hon. C. BONAROS: By extension that would also cover ensuring that drugs are consumed as recommended by either a medical practitioner or, indeed, the manufacturer of those drugs. If they are used outside of those scopes then that is where they will come into effect as a drug other than for therapeutic purposes.

The Hon. K.J. MAHER: Yes. I can give some further advice in relation to that. It goes on to where the definitions talk about non-therapeutic, and the drug is considered to be non-therapeutic unless, as I said, the drug is prescribed by and consumed in accordance with the directions of a medical practitioner or it is a drug of a kind available without prescription from a registered pharmacist and it is consumed for the purposes recommended by the manufacturer in accordance with the manufacturer's instructions.

As the honourable member has outlined, there may be drugs over the counter essentially that you can get without a prescription, but you need to consume them in accordance with the manufacturer's instructions if you want to claim that they are essentially therapeutic.

The Hon. C. BONAROS: Finally, can the minister clarify what the timeframe for implementation is likely to be with respect to this bill? I note that it will come into operation on a day to be fixed by proclamation. What do we need to do before we fix that date? Are there any regulations that are still the subject of consultation, and when do we anticipate that these new laws will come into effect?

The Hon. K.J. MAHER: That is a good question. There are some laws in the criminal law field that we pass that do require a significant lead-in time. Law enforcement has to be educated,

courts have to have processes or procedures in place, and even forms for new ways of charging things. Laws that are currently before this chamber in relation to coercive control are examples of those where advocates in the sector advocate for a long lead-in time, I think up to a couple of years, to make sure that not just those who have to administer the laws have everything needed to be in place but also for an education program to be run.

We sometimes also see with work health and safety laws—where there are criminal offences—a reasonably long lead-in time to make sure people can have that education part. However, my advice is that these laws are intended to come in reasonably quickly. It does not create a new offence, it just varies how this defence works.

I can advise that it is the government's intention that once these laws pass—and if everything goes as smoothly as it can they may even pass the lower house before the winter break—that they come into place as soon as possible.

The Hon. N.J. CENTOFANTI: Can the Attorney explain whether this legislation is based on examples from any other interstate jurisdictions?

The Hon. K.J. MAHER: In relation to this particular law, we did look at how other states' laws of self-defence operate, and I think I can summarise it easily by saying that it varies wildly. We have not taken this from another state because the way these laws operate are very different across different jurisdictions. There is probably nothing exactly comparable.

What we were able to do, though, as I mentioned in relation to another part that was asked, is look to the laws to do with excessive force for home invasion and how they operate, and use some of that language. We were able to look at how legislation is written in other parts of this act, but in terms of other states there was nothing that was directly comparable.

The Hon. N.J. CENTOFANTI: I think the Attorney has answered my next question in terms of whether there were any examples of similar legislation in other states successfully dismissing the self-defence claim in cases similar to the case of Mr Cody Edwards.

The Hon. K.J. MAHER: My advice is that the use of excessive force as part of self-defence is very different in different states. We did have a look to see whether there was something directly comparable, but we relied on the language used in other parts of this legislation rather than anything in another jurisdiction because of those differences.

The Hon. N.J. CENTOFANTI: Just noting the Law Society's submission and their obviously careful concern that this amendment bill was a reaction to, in their words, 'a highly publicised case', while the case against Mr Edwards was, as we are all aware, very understandably shocking for the community of Millicent—and I think to South Australia more broadly—does the Attorney have any figures or estimates on how often this type of defence currently gets utilised by defendants?

The Hon. K.J. MAHER: I can remember that we looked at this at the time and, asserting the partial defence where intoxication was involved, we could not find another example of that being used. I take on board what the honourable member has said. You can easily understand the disappointment of family and friends, particularly, but also the community in a case where someone was killed in such tragic circumstances and the law was applied as parliaments in the past had written the law. However, I do not think the outcome, through no fault of the judges applying the law, met community expectations.

A kneejerk reaction to one case does not always provide the best solutions, but sometimes one case does highlight a gap that we had not potentially considered. As I say, in looking, officers from the Attorney-General's Department could not find another case where intoxication was a factor in these sorts of circumstances, so it was something that we had not turned our mind to because we were not aware of a case where it has happened before.

But because this one case highlighted it, that does not mean it is not a good idea to change the law. In this case, and from the comments that have been made by members here, I think we are all in pretty fierce agreement that this one case, unlike any other that we had seen before, highlighted a gap that needed changing.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Committee Stage

In committee.

Clause 1.

The Hon. H.M. GIROLAMO: In answering questions in the other house, the minister highlighted the fact that there has been a significant increase in the number of barring notices issued: 59 in 2020, 46 in 2021, 137 in 2023 and 108 in 2024. There has also been a steep increase in formal warnings and respectful communication reminders issued. Are you able to provide an explanation behind the sharp increase and what factors or circumstances have contributed to the higher number of barring notices issued in both 2023 and 2024?

The Hon. E.S. BOURKE: I am advised that obviously this is something that is not just isolated to South Australia; this is something we are seeing across the nation and also in the fact that the department is now being far more proactive in supporting schools in this reporting process. It is one of those things that is providing extra support so people can provide those concerns to people and those reports, but it is also a concerning trend that we are seeing across the nation, which highlights again why this bill is so important because we need to be modernising this bill so it does suit the needs of the year 2025 and beyond.

We are seeing significant changes in what you could class as intrusion of personal space through social media and that concern of the continuous intrusion on a person's workplace does not just stop at the boundary of the school gate anymore. It is going beyond the school gate and for many people it is going into their homes and they are unable to escape what they feel are at times can be relentless comments and personal attacks that are being put towards our workforce.

The Hon. H.M. GIROLAMO: Which stakeholders and groups were consulted during the development of this legislation and did it include educational staff as well as parents and other organisations and what was the timeframe allocated for public consultation?

The Hon. E.S. BOURKE: I feel the minister and his department have put a fair bit of work into this space so thank you for asking this question because I think it is an important one. The amendments proposed in the bill were developed in consultation with the AEU, the South Australian Secondary Principals' Association, the South Australian Primary Principals Association and the South Australian Association of School Parent Communities.

An exposure draft of the bill was released for public consultation through the YourSAy website for four weeks, from 16 September to 15 October 2024. I understand the minister directly contacted 25 external stakeholder groups to announce the release of the draft bill and invited them to take part in the consultation.

The offer to meet was extended to all stakeholders and meetings were held with the Australian Education Union, the South Australian Primary Principals Association, the South Australian Secondary Principals' Association, the Association of Independent Schools of South Australia and the South Australian Association of School Parent Communities. A total of 10 written submissions were received from stakeholders and a survey included on the YourSAy website seeking feedback on the key changes had about 47 respondents.

The Hon. H.M. GIROLAMO: How does this bill ensure a balance between protecting children and the rights of teachers and upholding the rights of individuals who are subjected to barring notices?

The Hon. E.S. BOURKE: My understanding is a barring notice is not usually the first port of call to go to. There are a few steps that are in place prior to getting to that point. I think everyone involved in this circumstance does not want to get to that point. There are a few incidences when the situation is at a level where it does go straight to that level, and it should be for the safety of everyone involved. There are abilities for people to appeal or, as I understand, seek further clarification. One could be through the minister, I am advised, and the other could be through the designated person.

The Hon. S.L. GAME: I rise briefly to speak on the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill.

The ACTING CHAIR (The Hon. D.G.E. Hood): Well, you would like to make a contribution at clause 1.

The Hon. S.L. GAME: Yes, please. I would like make a contribution at clause 1—thank you, Mr Acting Chair. The measures proposed in this bill will grant powers to school leaders and the minister to respond more effectively to abusive behaviour towards school staff. The significant increase in violence and abuse directed towards principals, teachers and school staff is alarming and unfortunately the need for further protection is necessary for the safety of all who work in education, both currently and in the future.

It has been reported that many of these incidents occur during sporting or recreational activities away from school premises, which is something this bill intends to address. The disturbing increase in the use of online community forums to defame and harass specific schools and staff has also prompted these updates to the legislation.

Consequently, the bill seeks to extend the type of behaviour that will justify designated persons, such as principals and directors, issuing notices to bar persons from educational premises to include vexatious communications with or about staff and offensive behaviour targeted at students involved in an educational activity away from school premises.

The grounds upon which these barring notices can be issued has also been broadened to include where a designated person reasonably believes that a person poses a risk to the safety of others. Additionally, the bill will make it an offence to behave in a disorderly or intimidating manner on premises and increase all offences under part 8 of the act, from $2,500 to $7,500. These are all important measures to prevent abuse and violence in educational settings and to penalise those who engage in this abhorrent and unacceptable behaviour. I also just want to note that I will be supporting the amendments from the Hon. Frank Pangallo.

The Hon. C. BONAROS: It seems like there were a few of us who did not get into the second reading speeches. I rise to indicate that I will be supporting this particular bill and note the reasons for it. I appreciate the lengthy detail the minister has provided us in addition to the guidelines and so forth that accompany it. I note also, though, as I did in the previous bill, the issues that once again have been raised by the Law Society with respect to this and would ask the minister to confirm what, if any, changes were made to any draft bills based on the submissions that were provided by the Law Society or anybody else?

The Hon. E.S. BOURKE: Whilst in all consultation there will be varying views, I am advised that there was an overwhelming majority of support from stakeholders in regard to the measures in this bill. Some stakeholders suggested areas where the bill could be improved, and a small number of stakeholders expressed concerns about other aspects of the bill, which is very normal in regard to consultation.

We know that there were concerns from some that originally there was a boundary for people not to come within 10 metres of the relevant premises. We know that some people felt that it was too close or too far and a compromise was reached, I believe, after consultation looking at the Victorian legislation and what they did in regard to similar concerns where they have a 25-metre boundary regarding the relevant premises for people to be barred from. It was because of that feedback regarding trying to find a compromise distance that 25 metres was reached.

I also understand that, on 19 September 2024, the First Nations Voice to Parliament was invited to provide comment on the bill as part of the consultation. The Voice secretariat was also contacted by the department at the time by telephone and email, which included an invitation to meet that was not ultimately taken up. A written submission on the bill was received from the Voice on 17 October. While generally supportive of the measures in the bill, the Voice provided suggestions to ensure that the provisions operate in a culturally sensitive way, recognising the unique perspective and needs of First Nations people and not to impact First Nations people.

In response to that feedback received from the Voice, the bill was amended to include considerations of particular needs of Aboriginal students and children, their families and Aboriginal members of staff in relation to guidelines issued by the minister in relation to barring notices. The Department for Education has also considered how the operational concerns raised by the Voice may be addressed in revised policy and procedural documents.

The Hon. R.A. SIMMS: I rise briefly to indicate that I will be supporting this bill. I am conscious I have to leave fairly soon to attend an event so I may not be here for the duration of the debate, so I want to indicate that my voting intentions are the same as the government with respect to the bill but also regarding the amendment that the Hon. Frank Pangallo has moved: I will not be supporting that. I do understand the argument that the Hon. Frank Pangallo has made with respect to procedural fairness.

I did give his proposal some consideration during the week between sittings, but I have had quite clear feedback via the AEU that represents teachers that this is something that is really requested and will assist teachers, and I am concerned that the proposal of the Hon. Frank Pangallo, while I know it is not his intention, could unduly cause some more stress for those teachers and also potentially create an additional administrative burden for the tribunal to deal with. I note that there is an appeal provision within the bill and the opportunity to appeal to the minister. Certainly, my view would be that we continue to keep a watching brief on this and if there end up being significant issues, there may well be an opportunity to revisit that down the track.

The Hon. T.A. FRANKS: I just put on the record as well my support for the bill. I also note, regarding the Hon. Frank Pangallo's amendments, I will not be supporting the one in regard to those people who can issue the notice, but I will be supporting the SACAT amendment because I believe procedural fairness and proper review of decisions that are made that impact people's lives are incredibly important.

The Hon. J.S. LEE: I have already spoken about my support for this bill. I just want to indicate that I have also considered the Hon. Frank Pangallo's amendments. I will not be supporting his amendments, although I note that his intent is very good. I feel that when it comes to managing relationships within a school setting, the autonomy and the responsibility at the leadership level of the school need to be respected.

Also, it is often difficult situations where the relationships between parents and school leaders, as well as those who may be holding grudges, need to be managed at that level in a speedy manner to reunify those students and parents and the leadership team of the school. That is how I feel about it. I indicate I will support the bill but I will not be supporting the Hon. Frank Pangallo's amendments.

The Hon. H.M. GIROLAMO: Continuing on with questions, what process will be in place to ensure that designated persons are not misusing barring powers due to personal conflict or bias?

The Hon. E.S. BOURKE: I understand the bill provides for ministerial guidelines to be published in respect of barring notices that designated persons must comply with in issuing a barring notice. The guidelines will include guidance in respect of procedural fairness and the circumstances in which it is appropriate to issue a barring notice. I am also advised that a barring notice issued by a designated person can also be revoked at a point if they feel it is appropriate, so there are flexibilities within this process as well.

The Hon. H.M. GIROLAMO: Will there be training or guidelines provided for the designated person to ensure consistency and fairness in regard to barring notices being issued, and will schools receive any additional resources or guidelines relating to this change?

The Hon. E.S. BOURKE: In regard to providing support, the government schools, principals and other site leaders are required to liaise with the department in all cases when they are considering a barring notice, and advice will be provided to them about the most appropriate responses in the circumstances.

The Hon. H.M. GIROLAMO: Are incidents that result in barring notices recorded in detail, including the nature or circumstances leading to the required notice, and are these provided to the department? Will the new development or changes that we are discussing today increase the administrative workload for teachers and school staff?

The Hon. E.S. BOURKE: My understanding is that this will be following a current process that is already in place. Most people who would already be providing barring notices would have an understanding of this process and how it operates.

The Hon. F. PANGALLO: Does the minister independently review these barring notices? Is it the actual minister who does it or is it done by bureaucrats in the department?

The Hon. E.S. BOURKE: I understand that over the last three years there have been 15 reviews in total. It is my understanding that over the last three years the minister has amended one barring notice and revoked or overturned the decision of two barring notices. The process is, at the end of the day, that the review is undertaken at that final stage by the minister, as I am advised, but over the last three years there have been 15.

The Hon. F. PANGALLO: The question was: does the minister himself review the barring notice? In other words, do they look through the file? Do they conduct their own analysis or do they just rely upon the advice they get from their bureaucrats or their legal department before making a decision? How can you call it an independent review when it is actually the Minister for Education?

The Hon. E.S. BOURKE: My understanding is the minister will obtain information from the department and other services but will make the decision independent of the department. As I have highlighted in my previous response, over the past three years the minister has amended one barring notice and revoked or overturned decisions in two barring notices.

The Hon. F. PANGALLO: But simply being the Minister for Education and then calling it an independent review, there is a clear conflict of interest there, is there not?

The Hon. E.S. BOURKE: I am advised that the minister can take on advice from the department and other forms of information but at the end of the day it is an independent review of the minister under section 94.

The Hon. F. PANGALLO: That advice that the minister will take will virtually rubberstamp the original decision, will it not? How often has a minister, apart from one you mentioned, personally overturned one?

The Hon. E.S. BOURKE: As I have highlighted in the previous responses, there is an opportunity for the minister to overturn them but also to seek that information from those relevant resources.

The Hon. F. PANGALLO: When the barring notices are issued, are they also notifiable to SAPOL, for instance?

The Hon. E.S. BOURKE: I guess that would depend on the circumstance. At a guess, if SAPOL were involved at a criminal level—I am advised that they could be involved at that level, but at the level of a barring notice it really comes down to the discretion of the school community.

Clause passed.

Clauses 2 to 7 passed.

Clause 8.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 7, after line 19 [clause 8, inserted section 93]—After subsection (1) insert:

(1a) 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.

I thank the honourable member, the Hon. Sarah Game, for expressing support for this. Essentially, what this amendment seeks to do is that if there is a barring notice it can only be issued by a person who was not directly involved in the incident or incidents that form part of the grounds or grounds on which the notice is proposed. In other words, if it was the principal of the school who issued the notice, then the principal should recuse themselves and allow somebody at arm's length to oversee that situation.

The Hon. E.S. BOURKE: I thank the honourable member for the amendment he has put forward. The government will not be supporting the member's amendments that he has put forward. In regard to this particular amendment, it amends clause 8 to prevent a designated person from issuing a barring notice—as the member has just highlighted—if they were directly involved in the incident or incidents that formed the grounds on which the notice is proposed to be issued.

It would not be practical to prevent a designated person issuing a barring notice in relation to an incident in which they are directly involved. It is also not entirely clear from the amendment what would constitute direct involvement in an incident, and principals and other site leaders will be involved in some way in most incidents that occur at a school or on the site.

The government considers that principals and other site leaders who are designated persons at relevant premises following ministerial guidelines are best placed to make decisions as to whether they ought to issue a barring notice themselves or authorise another person to issue a barring notice.

If a principal or other site leader is subject to the offensive or threatening behaviour, it is entirely appropriate that they have direction to consider whether a barring notice should be given. It should not be the case that a barring notice could not be issued simply because the principal or other site leader was involved in the incident, whether that was because they were responding to the risk a person posed at the school or service or where subject to misbehaviour themselves.

The Hon. H.M. GIROLAMO: The opposition will not be supporting this amendment but I would like to thank the Hon. Frank Pangallo for putting these forward. It is an area that we have had great discussion around. Our concerns are similar to those that have been noted by the government, particularly in regard to principals who, if it has escalated to that level of requiring a barring notice, would be involved in the vast majority of these barring notices being issued.

Often in some schools, especially in smaller schools in regional centres, there would be only one or possibly two in those leadership roles and we would hope that if issues have escalated to issuing a barring notice, that the principal would in fact be hands on and involved. That is why we are not supporting this amendment.

Amendment negatived; clause passed.

Clause 9.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 13, after line 1—Before subclause (1) insert:

(a1) Section 94, heading—delete 'Minister' and substitute 'SACAT'

I thank the Hon. Tammy Franks for her support for this amendment. I also thank the Hon. Sarah Game for expressing support for this amendment. Essentially, what it does is allow for a legitimate independent review rather than it going to the Minister for Education, who would clearly have a perceived conflict of interest in hearing a review.

It would actually go to an independent tribunal, namely, the South Australian Civil Administrative Tribunal (SACAT). To go to SACAT would not involve great costs for the persons trying to overturn a barring notice and they would be able to state their case before an independent tribunal member, whereas to do so under what is outlined here I think that people would tend to think that the cards are going to be stacked against them anyway.

The alternative, which would not appeal to any person or any families that may be subjected to this barring notice, would be a judicial review, to go to the Supreme Court of South Australia. That would cost an enormous amount of money and people would find that utterly unaffordable. Essentially—and I am surprised that this does not get support from other members in this place—it seeks to have an element of procedural fairness. I think that is what it intends to do, rather than be at the whim of education bureaucrats who will still most likely side with the original decision. That is the reasoning behind this amendment, to actually create a fair opportunity for people who may receive a barring notice to have it independently assessed.

The Hon. E.S. BOURKE: Again, I thank the honourable member for putting amendments forward, but the government will not be supporting this amendment. We feel the review process that has been put forward can provide a reasonable and timely process, and is not subject to any application cost. As was highlighted earlier, the minister has reviewed 15 barring notices over the last three years and has upheld reviews where there was sound reason to do so.

The Hon. H.M. GIROLAMO: The opposition will not be supporting this amendment but, again, thank you to the Hon. Mr Pangallo for his interest in this area. The main reason is that we often do have concerns around SACAT's ability to complete their workload as it currently stands, because of being stretched and all the rest. However, the minister does provide that element to be able to appeal these decisions, and I would hope it would be done in a more timely fashion than going through to SACAT.

As the minister indicated before, we have seen a dramatic increase in the number of these issues, and one area I would like noted for the record is that it is monitored by the minister and if we do find the current systems are not working, that we are able to potentially raise those again in the future.

The current process is the same as it was when we were previously in government. It is my understanding, and from discussions with the previous minister as well, that the ministers, both past and present, do take it very seriously when assessing these different reviews coming through in regard to barring notices.

Amendment negatived; clause passed.

Remaining clauses (10 to 12), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (16:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

MOTOR VEHICLES (DISABILITY PARKING PERMIT SCHEME) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 April 2025.)

The Hon. B.R. HOOD (16:59): I rise today as the lead speaker for the opposition in support of the Motor Vehicles (Disability Parking Permit Scheme) Amendment Bill 2024. This bill matters. It is not just technical and it is not just about wording; it is about giving real people the dignity, recognition and support that they deserve. For too long, our disability parking permits scheme has had a bit of a glaring flaw: it has required that person to have a physical impairment to qualify. That meant people with cognitive, behavioural or neurological conditions like autism were excluded. Now that will change, and it changes thanks to people like Tegan Cross.

Tegan is a mum from the Riverland. She has three boys, and all three are on the autism spectrum. They are strong, they are unpredictable and they need constant support from Tegan.

Tegan simply wanted to make public outings safer and more manageable for her family. She applied for a disability parking permit and was denied because their disability was not physical.

What followed was an incredible campaign that was driven by love, determination and grit. She went to departments, she went to ministers and she was even told jokingly that she would have to change the law—and now, through this bill, she has.

I want to thank the member for Chaffey for his advocacy. He stood shoulder to shoulder with Tegan and helped bring this issue to the fore. This bill is a win for people like Tegan, but it is also a win for South Australia because it reflects who we are and what we value. This bill does several key things:

- it expands the eligibility to include cognitive, behavioural and neurological impairment;
- it allows for temporary impairments of more than six months;
- it removes the outdated public transport restriction—no longer do people have to prove that they cannot use a bus or train to qualify; and
- it aligns South Australia with other jurisdictions.

It updates our language as well: 'disabled person' becomes 'person with a disability' and 'disabled person's parking permit' becomes 'disability parking permit'. These changes matter, as they bring us into step with modern language, community expectations and legal frameworks such as the NDIS.

The disability group Purple Orange have provided some valuable feedback on the bill to me. They made several suggestions, especially around language and whether more detail should sit within the act instead of the regulations. The minister responded appropriately in the House of Assembly. He made it clear that while not every request could be met, the terms used in this bill were consistent with national frameworks and practical for administration. I thank Purple Orange for their contribution, as it was constructive and helped shape the conversation and improve transparency.

This bill will likely increase demand for disability parking spaces. That is certainly not a reason to stall progress. We did ask questions in the House of Assembly regarding that. I believe that it is more a commonwealth matter and also a matter within private businesses as well. But we do need to plan, we need better data and we need local government and businesses to respond to that.

The then Assistant Minister for Autism, who is now a minister, the Hon. Emily Bourke, described this as an economic opportunity for shopping centres, sporting clubs and for event organisations to improve their accessibility, and we agree. Let's seize that opportunity.

Finally, this bill is about recognising that disability is not always visible. Some people need some extra help and they should not have to fight the system to get it. With this bill, this parliament is saying loud and clear: we see you, we hear you and we have your back. I commend the bill to the council.

The Hon. F. PANGALLO (17:03): I rise to say that I will be supporting this bill. It makes allowances for others in the community who may not have obvious mobility issues, like anxiety disorders that could be experienced by persons with neurodivergent autistic conditions. This bill brings the South Australian parking permit system into line with other jurisdictions. Importantly, it removes a requirement that you are physically or otherwise impeded from using public transport as a test. This is no longer going to be a test. Like other jurisdictions, it also allows that mental impairments and being permanently in a wheelchair and being vision impaired will also qualify a person for a disability parking permit.

Advisers noted that there is often a need for autistic or neurodivergent children to have disabled parking permits because negotiating longer distances is harder when there are access barriers to car travel if you have to park and walk a long way in busy, noisy environments—for example, going to concerts or the football.

There are sports like basketball that do have special rooms where noise-sensitive children and adults can escape the loud environment. I understand the government is also looking at funding

a special bus to transport people to events and I applaud the Minister for Autism, the Hon. Emily Bourke, for that unique initiative and I look forward to that coming to fruition.

As I said, I will flag that I am supportive of this. I am pleased that on my travels around Adelaide and other places where I do see disability car parking areas that generally South Australians are very respectful of those spaces and I do not see many instances of people who have no obvious disability and do not have a permit attached to their rear-view mirror taking up those spaces. Unfortunately, there are not enough of them, and I think that is an issue hopefully we can address.

I would also like to flag that I am developing a bill right now about other accessibility issues for disabled persons and it is not just about finding a car park. Disabled people are disadvantaged in many places in our community, such as attending sporting or cultural events. There never seems to be enough space or seating allocated for them and it is unfair that they must miss out on the same enjoyment that is experienced by able-bodied persons. This lack of inclusivity needs to be corrected and I hope that when I introduce my bill it garners support from my parliamentary colleagues. With that, I commend the bill.

The Hon. S.L. GAME (17:06): I rise to speak briefly on the Motor Vehicles (Disability Parking Permit Scheme) Amendment Bill. This bill is designed to provide more choice and flexibility for people in our community who are living with a disability. It is clear that the requirements under the current act for someone to be eligible for disability parking were too rigid and outdated, but I acknowledge concerns raised about the potential reduction in the availability of disability parking.

Nevertheless, the fact that the vision impaired in our community and individuals with mobility issues related to cognitive, behavioural and neurological impairment are currently excluded from receiving a disability parking permit should be enough to override concerns about the future availability of disability parking. Our community acknowledges the significant challenges facing individuals living with a variety of neurological conditions and so it is both sensible and practical that this understanding and support be extended to the simple common and daily act of parking.

This proposal will alleviate the stress and complications for many families and individuals in going about their daily lives and it will also bring our state laws up to date with other jurisdictions. With that, I offer my full support for the bill.

The Hon. T.A. FRANKS (17:08): I rise briefly to speak in support of the Motor Vehicles (Disability Parking Permit Scheme) Amendment Bill. It is rare in this place, of course, that we get to debate and pass legislation that reminds us of the positive impact that we can have in the parliament. While much of the legislation we debate is often complex and the tangible benefits difficult to see, this bill is an example of the direct positive impact parliament can have.

This bill addresses some key concerns and will improve the disability parking permit scheme operating in South Australia. Importantly, it will mean that the eligibility criteria for a permit will be prescribed by regulations, allowing for a broader availability of the scheme. For example, it could mean that people with neurological conditions are able to access a permit, where they currently may find it difficult to do so.

Some of the conversations between my office and the department have indicated the government plans to undergo a thorough consultation on the regulations and is working to a realistic but appropriately urgent timeline. I am very glad to hear this from the government. It has been incredibly important to ensure that this consultation is done correctly, because, as we have seen time and time again, the best way to develop legislation that will help people living with a disability is by including them in every step of that development and, indeed, in the process of co-design.

Autonomy and self-determination are key to the empowerment and support of people with a disability, and I hope that this consultation process will give an opportunity for experts and people with lived experience to shape the regulations. The bill also updates terms that are outdated and inserts more inclusive and modern terminology that brings our legislation into line with community standards.

Furthermore, the bill removes the requirement that a person with a permanent or temporary impairment demonstrate that their use of public transport is impacted by this impairment, so that is also a welcome change. I urge the government to ensure that this does not lead to a lack of urgency

in ensuring better public transport options here in our state. They should be fully accessible to all South Australians. This bill is a huge step in the right direction, and we must all be aware that this is not the end of our work to support this community and all in our community. With that, I commend the bill.

The Hon. J.S. LEE (17:10): I rise today to support the amendment of the Motor Vehicles Act to redefine the disability parking permit (DPP) scheme. The bill updates terminology to use more inclusive and representative language. Terms such as 'disabled person' will be replaced with 'person with a disability', and 'disabled persons parking permit' will become 'disability parking permit'.

Currently, the DPP scheme is limited by criteria that do not fully encompass the needs of all individuals with disabilities. Inclusive and representative language is important in all aspects of life and community. However, when we are talking about a person with a disability, it is even more so. The change to the language to be more inclusive aligns this bill with modern practices and with other jurisdictions. It is important that the changes that are made here are fit for purpose and encompass the need to broaden the scope of the permits to include neurological conditions, where the condition impacts a person's ability to mobilise safely from a vehicle to their destination.

My own personal experiences with my late father-in-law highlight the necessity of these permits to the lives of not only individuals with a disability but also their families and caregivers. By enabling closer parking to entrances with wider spaces for easy access, we ensure that my father-in-law, for example, can be assisted more readily to move safely from the car park to places such as a medical clinic, pharmacy or shopping centre. This allows people with a disability to continue participating in daily life, remain an active part of their community and significantly lessens the challenges that caregivers have to deal with when caring for people with different disabilities.

Experts in disability policy emphasise that expanding the criteria for disability parking permits to include neurological or cognitive conditions is essential for ensuring fair access for all individuals with disabilities. This change recognises the varied challenges faced by people with different types of impairments and supports a more inclusive society.

These changes will also significantly impact carers of persons with disability. Caregivers often face challenges in ensuring the safety and accessibility of their loved ones. By broadening the scope of the DPP scheme, not only are we supporting individuals with disabilities but we are also easing the burden on their carers and allowing them to provide better care and support.

It is pleasing to note that these changes will ensure that the outdated requirement that an applicant's ability to use public transport must be significantly impeded is being removed and that all legally blind applicants will be eligible, removing ambiguity from the act. With those remarks, I fully support the bill.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (17:14): It is with great pleasure that I rise to speak in support of this bill. In July 2022, we as a government hosted the first of many forums with the autistic and autism communities. Just weeks later, I was given the honour by the Premier to become the world's first autism assistant minister. As I made very clear when I was appointed to that role, I was coming into it with very little knowledge regarding autism. I knew that the best way to build knowledge in this space was to listen and learn from the people who had the most knowledge, that is, the autistic and autism communities.

So on that July night in Parliament House, the Old Chamber quickly filled to capacity with members of the autistic and autism communities, many who had been waiting for far too long to share their stories with a panel of government ministers focused on autism. I am not sure if the member for Chaffey, Tim Whetstone, from the other place remembers this but it was he who ushered Tegan and her son Alexander into the old chamber for that forum that evening. Tegan and Alexander were in the front row right until the very end of the forum, and I also think it was Tegan who asked the very first question, sharing her and her family's story of having an autistic son and living regionally in the Riverland.

That forum, which ran well into the evening, made it clear to me that in order for our bold autism policy agenda to be successful, there was a lot more listening and learning that our

government had to do. Many more forums followed, and events and consultation have occurred since that night in Parliament House with Tegan and Alexander. Tegan has been a contributor at many of these events, helping to arrange our State Autism Strategy Forum in the Riverland, participating in consultation on the National Autism Strategy and also speaking regularly with my team.

It was Tegan who raised with me her concerns around the eligibility of disability parking permits in South Australia. As has been mentioned, historically the Disability Parking Permit Scheme has required a person to meet fixed criteria that includes having a 'physical impairment' that impacts their mobility and also significantly impairs their ability to use public transport. This criteria has meant that South Australians with a behavioural neurological condition who also do not have additional mobility needs cannot be granted a disability parking permit under the act.

Tegan has been committed to seeing this changed, advocating not only for her family but for many families and individuals across the state who know that having access to a disability parking permit would be life-changing. Tegan's continued advocacy has paid off. Now our government is proposing an historic overhaul of the Motor Vehicles Act and we will see the Disability Parking Permit Scheme expanded for the first time in a quarter of a century to include people with a neurological difference such as autism who are unable to independently mobilise safely without the continuous support of another person.

Further, this updated scheme will also clarify the criteria for passengers who are legally blind and will bring us in line with other states and the country by removing the requirement that an applicant's ability to use public transport must be significantly impaired. I thank the Minister for Infrastructure and Transport, his team and the department for their considered work on this historic change, and what some might say is an overdue overhaul of this important scheme. I would also like to thank the member for Chaffey, Tim Whetstone, from the other place for not only chaperoning Tegan to the government's very first autism forum in Parliament House but also for meeting with us to discuss this issue to advocate for a local resident in his community, Tegan, and for throwing his support behind this important legislation.

I know these changes will have an impact on many families and individuals who will now have the confidence to go to their local shops or their local medical appointments and know that they will be eligible to use more accessible parking spaces. For local businesses, this is an economic opportunity, an opportunity to help a new cohort of clients and customers better access services. To Tegan, thank you for your continued advocacy, support and collaboration not only with my office—particularly Lydia in my office, and a big shoutout to her as well for helping making this happen—but also with helping to make South Australia the autism inclusive state.

We know that change sometimes is hard but today we have seen a bill before us that many have been able to support because it is knowledge that has enabled these changes to occur. By working together not only across the community but also across government, we have been able to achieve a change that has not happened for a substantial period of time. To each and every person involved in this process, I would like to say thank you. I know many people's lives will be better because of these changes.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:19): I thank all honourable members for their contributions: the Hon. Ben Hood, the Hon. Frank Pangallo, the Hon. Sarah Game, the Hon. Tammy Franks, the Hon. Ms Lee and the Hon. Emily Bourke. Everyone has spoken well to the reasons for the changes that are proposed in this bill. In looking at the history of this bill and the changes that have occurred in understanding of disability, we understand that it is not purely a physical disability that may require someone to need a disability permit. I look forward to the committee stage and commend the bill to the chamber.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUPPLY BILL 2025

Introduction and First Reading

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

WHYALLA STEEL WORKS (PORT OF WHYALLA) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

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

That this bill be now read a second time.

This bill seeks to clarify matters regarding parcels of land for which OneSteel is the registered proprietor for the purposes of operating the Port of Whyalla. It amends the Whyalla Steel Works Act 1958, formerly the Broken Hill Proprietary Company's Steelworks Indenture Act 1958, which approves and ratifies an indenture between the State of South Australia and OneSteel relating to the operation of its steelworks in Whyalla.

The importance of port operations is a key feature of the act and indentures that apply to OneSteel. The indentures require consent of the state for the transfer of rights, obligations, powers, benefits and privileges conferred on OneSteel by the indenture. The state has never granted a consent to OneSteel to enter into a release or any other form of unregistered interest with any party relating to the land housing the Port of Whyalla.

OneSteel is currently in voluntary administration, with KordaMentha appointed the voluntary administrators. The administrators have advised the state of a purported lease agreement granted by OneSteel to Whyalla Ports. The bill has been drafted out of an abundance of caution to clarify the fact that such a purported lease that was entered into without the state's consent is void, and to make it clear that the purported lease agreement granted by OneSteel to Whyalla Ports never had legal effect from the beginning, with the effect that that and any other unregistered interests in the prescribed land entered into without the state's consent are extinguished.

The Port of Whyalla is essential for the Whyalla Steelworks' operations. Iron ore mined by OneSteel is exported via the port and OneSteel receives key supply shipments from the port, including coking coal, dolomite and limestone—all required for steel production.

The bill also clarifies that the creation of an interest in the tramways, railway and other infrastructure constructed on the port facility other than by and for OneSteel is void and that the infrastructure forms part of the land and is not personal property. This reflects the terms of the indentures which vest in OneSteel alone the rights to construct tramways and other infrastructure at the Port of Whyalla. Nothing in the bill prevents OneSteel or any other prospective purchaser from entering into contractual agreements with respect to the Port of Whyalla in the future, subject to the indentures and relevant consent requirements.

It has become necessary to deal with this matter due to advice received that the consideration of this bill by parliament may be used to delay an existing court process. It is not the intention of the parliament for the delay of court processes; therefore, it has become clear that the expediated consideration of this bill by parliament is warranted.

The Hon. T.A. FRANKS (17:26): I rise briefly to support this important bill. It is not normal parliamentary process to have such a speedy passage of legislation, but I think this issue is incredibly

important to give certainty and decisiveness of what we know will be upheld. With that, it is a pleasure to support it.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:27): I rise to speak on the Whyalla Steel Works (Port of Whyalla) Amendment Bill 2025. At the outset, I wish to make it clear that the Liberal opposition will not be opposing this bill. We understand the government's intent to bring clarity and certainty to the legal and operational frameworks surrounding the Whyalla Steelworks at a time of commercial instability. The steelworks are a major employer and a critical part of Whyalla's economic and social fabric. The community deserves stability and so does the industry; however, this bill does raise significant concerns that must not be brushed aside in the name of expediency.

I just want to provide some background on that. The Whyalla Steel Works Act 1958, and its associated indenture agreement, form a unique governance framework that links the mine, the steelworks and the port, and it mandates state consent for key decisions, including the leasing or assignment of assets. Earlier this year, OneSteel Manufacturing Pty Limited was placed into administration, with KordaMentha appointed as administrators.

A major issue at hand is the purported lease made in 2018 between OneSteel and Whyalla Ports Pty Limited, an entity within the GFG Alliance. The government asserts that this purported lease was made without the required ministerial consent and is therefore invalid under the indenture. Rather than await the outcome of ongoing proceedings in the Federal Court, the government seeks to resolve the matter through this piece of legislation, hence the bill before us today.

I will now address the substance of the bill. The bill would declare any lease or assignment under the indenture made without ministerial consent void from the beginning. It further provides that no compensation will be payable to any affected party. It reclassifies key infrastructure, rail lines, jetties and the like as fixtures to the land rather than personal property. The Registrar-General will be given the power to amend land titles accordingly, and it provides for new regulations to manage transitional or case-specific matters.

But while this may seem tidy on paper, the implications in practice have the potential to be anything but. Let's take the case of Golding Contractors, a wholly owned subsidiary of NRW Holdings. Golding has delivered mining services in Whyalla since 2019 and currently employs over 350 people locally.

In 2024, Golding negotiated a first ranking security interest over assets held by Whyalla Ports, including infrastructure situated on the disputed lease. They are currently owed more than $113 million. Understandably, they have expressed public concern that this bill could extinguish their security interest without compensation. Golding has rightly asked why not let the courts deal with the issue. The matter is already before the Federal Court and due to be heard next month.

Further, there is real concern that this bill mirrors arguments put forward by KordaMentha in that very court case. If parliament pre-empts the outcome, we risk undermining judicial independence and setting a dangerous precedent. More broadly, this bill raises questions about investor confidence. What messaging are we sending if parliament retroactively deactivates commercial agreements and removes established property rights without compensation? This risks painting South Australia as a jurisdiction where the rules can change at short notice to the detriment of investors, to creditors and contractors alike.

So we must ask: has the government obtained legal advice on the constitutional or administrative law risks of this bill? What consideration has been given to sovereign risk and its implications for future investment? Could this legislation open the state to further legal challenges? There are also practical concerns: how many land titles will need to be amended? What is the cost and the timeframe of this process? Will there be conflict with other legislation, such as the railways act?

In closing, the opposition absolutely understands the imperative of securing Whyalla's future as a steelmaking centre, but this must be done fairly with regard to legal process and commercial certainty. We urge the government to proceed with caution. We do not oppose this bill but we do

expect that stakeholder concerns will be heard, that legal rights will be respected and that the parliament will not be used as a substitute for the courts.

The Hon. F. PANGALLO (17:32): I rise to say that I will be supporting this piece of legislation and point out that it seems to be another calculated move by the Malinauskas government to ensure the survival and future of Whyalla, and that should not be lost on any of us in this place or in South Australia. The Whyalla Steelworks must survive and must be put in a position where it will be an attractive proposition for any future owners.

Last time we did this in this place, where a piece of legislation arrived and we had to make a quick decision, I think I likened it at the time to a Corleone-esque hit on OneSteel and its owner, Sanjeev Gupta, but it was one that was necessary to get the desired result that we find ourselves in today. If I am to draw another *Godfather* analogy, it is like eliminating Moe Greene and taking over Las Vegas. I am not suggesting anything criminal is happening here, of course.

Members interjecting:

The Hon. F. PANGALLO: Well, I have to be a little bit cynical about what is happening, but nonetheless I see that it is necessary so that the operations involving Whyalla Ports, the rail and tram network, are unimpeded. I note that Mr Gupta is not happy with what is going on at the moment, in fact saying that he prefers the government waits for a court decision. Whyalla does not have the time to wait for a court decision at all.

Certainly, Mr Gupta wasted a hell of a lot of time in his tenure in Whyalla with a lot of vacuous promises. We know that the administrator, Mark Mentha, when he went into the steelworks, found it in such a dilapidated state that it would have fallen over and into such disrepair that it would not have been an attractive proposition to anybody had the government not intervened in the way it did. I am pleased to hear that, since the appointment of Mr Mentha, productivity has increased. They are actually starting to generate income. They do have some problems, I gather, getting gas supplies at a reasonable cost; however, I am sure that things will go well under the current situation.

I just want to acknowledge the honourable Leader of the Opposition's concerns about the mining company Golding. I know that they have concerns that they have a debt owing to them of about $130 million, and they would like to know how that is going to happen, rather than having to write that off. I understand there is a bit of urgency here so I am just saying that I will be supporting it wholeheartedly, and congratulations to the minister.

The Hon. C. BONAROS (17:36): I rise to echo the sentiments of other honourable members by indicating my support for this bill which, as we have heard, is overwhelmingly aimed at providing clarity, stability and certainty. That is what I—and I know others—are focused on, and in the absence of this bill that certainty we are all seeking is not only lacking, it is compromised.

That is not a position any of us should want for the future of our steelworks, for the future of Whyalla and, indeed, for the future of South Australia as a whole. I have taken it upon myself to get a detailed briefing today and have had discussions in the lead-up to this, and I am satisfied with the information and responses that have been provided to me via the minister's office. It is on that basis and, again, overwhelmingly on the basis of that clarity, stability and certainty that we all want for Whyalla, that I indicate my full support for this bill.

The Hon. J.S. LEE (17:37): I rise to speak briefly in support of the Whyalla Steel Works (Port of Whyalla) Amendment Bill 2025. I note that the bill has been brought into this house and the other place in a very unconventional and unusual way, but in the interests of clarity and certainty for Whyalla. I understand that this bill is designed to rectify an error in its operation; namely, rectifying the illegal lease on the parcel of land for which OneSteel is the registered proprietor for the purpose of operating the Port of Whyalla.

I also understand from the briefing I had—an urgent briefing at 4pm—with the minister's office, that this bill seeks to clarify matters regarding the parcel for land for which OneSteel is the registered proprietor for the purpose of operating the Port of Whyalla. I want to thank the minister's office advisers for providing the report of the select committee.

It gives me comfort that the membership of the select committee consists of the Hon. Tom Koutsantonis, the Minister for Infrastructure and Transport; the Hon. Dan Cregan; Mr Stephen Patterson; Mr Lee Odenwalder; and Ms Nadia Clancy. It seems that the report that has been given does satisfy my inquiry, as well as the purpose of understanding this particular bill more. With those remarks, I support the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:38): I thank honourable members for their contributions on the second reading, and I particularly thank honourable members for their willingness to act in the best interests of South Australia, as we have done previously in relation to legislation dealing with the Whyalla Steelworks.

I think there were a number of matters raised, but particularly the Leader of the Opposition inquired as to whether we had taken advice in relation to administrative law or constitutional issues surrounding this legislation. I can inform the honourable member that, yes, we have. Indeed, I think we have had the benefit of the state's second highest law officer, the Solicitor-General, providing advice to make sure we are doing everything that we possibly can to protect the interests of South Australia.

I think the honourable member also raised the issue of sovereign risk. I can advise that the way we are going about this in relation to legal proceedings that are on foot is to make sure we are doing the very best we can to protect the interests of South Australia, taking into account all factors, including sovereign risk factors.

In relation to any implications for future investment, these are, of course, factors that the government takes into account. We think this is the best course of action to protect the interests of South Australia, taking all things into account.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: Can the Attorney—because I am not sure he addressed this third question in his response to my second reading speech—advise whether this piece of legislation can open up the state to future legal challenges?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that significant advice has been sought, as I have said, from the Solicitor-General and also from the Crown Solicitor's Office and from private solicitors and barristers who are experts in the field. All that advice has been taken into account when formulating this legislation to make sure it is as robust as possible.

The Hon. N.J. CENTOFANTI: I am not sure that answered my question, but can the minister talk through the lease that is the subject of this piece of legislation? What did that lease entail? Why does it need to be voided, and why wasn't it voided at the time?

The Hon. K.J. MAHER: I am advised that it is understood, based on information filed with the Federal Court, that the purported lease was apparently executed on 29 June 2018. The initial term of the purported lease was stated to be 1 January 2012 to 31 December 2018. I am advised that the purported lease contained a 99-year extension clause. No evidence has been forthcoming that that purported extension of the purported lease has been exercised.

I am advised that Whyalla Ports Pty Ltd claims to be holding over, under the purported lease. A party seeking to terminate the purported lease during the holding over period must give two years' notice under the purported lease. The purported lease, in an alternative provision, provides for a termination on six months' notice.

My advice is that the required ministerial consent was never sought and was never given; therefore, it is our view that the lease never existed. It was a purported lease that never existed because our consent was not given.

The Hon. N.J. Centofanti interjecting:

The Hon. K.J. MAHER: My advice is that the entering into the lease itself required ministerial consent, which was never given, so it is the government's view that the lease has never existed.

The Hon. N.J. CENTOFANTI: Can I ask the Attorney then: what is the need to bypass the judicial process currently underway in the courts if the government has been provided with the advice that there is no lease?

The Hon. K.J. MAHER: My advice is, for avoidance of doubt, to clarify our position that our contention has always been the position. So it is to avoid any doubt and make sure the state's interests are protected. As I have said, it is the state's view that there never has been a lease because that permission was not sought but if there is any doubt whatsoever this is to make that abundantly clear.

The Hon. N.J. CENTOFANTI: Has the government undertaken any consultation with any external stakeholders prior to introducing this bill?

The Hon. K.J. MAHER: My advice is that, particularly in relation to the administrator, we are acting at arms-length from KordaMentha. The purpose of this bill is to protect the state's interests in arrangements that we say have always existed and that the lease has never existed.

The Hon. N.J. CENTOFANTI: Does the government acknowledge that the provisions of this bill mirror the relief sought by KordaMentha in the Federal Court and, if so, is this effectively the parliament pre-determining the court case outcome?

The Hon. K.J. MAHER: As I said, my advice is that we have acted at arms-length from KordaMentha and that we are just asserting the position we say has always been the case.

The Hon. N.J. CENTOFANTI: Does the government have a potential buyer lined up, and is that contingent on all three components: that is, the mine, the steelworks and the port?

The Hon. K.J. MAHER: My advice is that the reason for this legislation is not that there has been a buyer identified but to make sure that the steelworks is able to be presented in the best possible position for a potential buyer. As we say, it is our view that a lease was never entered into.

The Hon. N.J. CENTOFANTI: Is the government aware that NRW Holdings could be forced to impair $113.3 million as a result of this bill, and is the Attorney-General concerned that that may have reputational and financial implications for South Australia as an investment destination?

The Hon. K.J. MAHER: My advice is that it is the state's view that this does not affect anyone's interests because of the position that we say that there was never a lease.

The Hon. C. BONAROS: Can the Attorney just confirm, off the back of some questions that were asked, that there are in fact a number of issues that are the subject of proceedings that are on foot at the moment, and it is not exclusively related to this one issue?

The Hon. K.J. MAHER: My advice is that is correct and this bill will not resolve all the issues that are before the court.

The Hon. N.J. CENTOFANTI: I think that segues nicely into my next question. What effect will this piece of legislation have on ongoing court proceedings?

The Hon. K.J. MAHER: My advice is that there are other issues that are not the subject or are not remedied by this bill that will be ongoing.

The Hon. N.J. CENTOFANTI: But will this piece of legislation jeopardise any precedent for courts to adjudicate on laws established by parliament?

The Hon. K.J. MAHER: My advice is that the passing of this legislation will clarify some of the issues that are in dispute, but the reason for this legislation is to make sure that the administrator can properly bundle up the offering that is the steelworks in the best possible way.

The Hon. C. BONAROS: By the same token, can the Attorney just clarify that it would, of course, be open to this parliament to deal with the issue subsequent to the proceedings that the Leader of the Opposition refers to in the event that we were not here debating this bill now?

The Hon. K.J. MAHER: My advice is that would be possible, but a very undesirable outcome. As the honourable member being legally trained herself knows, court proceedings, particularly complex ones, are not always particularly efficient and fast run. We want to make sure that the interests of South Australia are protected as much as possible and, as I have said, that the administrator can get on with the process of in the future identifying a buyer and selling the steelworks and making sure the people of Whyalla and the town of Whyalla that depend on those steelworks can continue.

The Hon. N.J. CENTOFANTI: Did KordaMentha request the government to pass this piece of legislation through parliament?

The Hon. K.J. MAHER: My advice is no.

The Hon. N.J. CENTOFANTI: Appreciating that he is not the minister in charge, can the Attorney inform the chamber as to whether there was any consideration or what consideration was given to delaying commencement until after the court proceedings had concluded?

The Hon. K.J. MAHER: Whilst I will not, as is always the case, divulge the legal advice, I can say I am confident that what we are doing is acting on the legal advice about what is the best way to protect the interests of South Australia considering the court proceedings that are on foot at the moment.

The Hon. N.J. CENTOFANTI: Finally on clause 1, what assessment has been made of the impact on the 355 Golding employees at Whyalla and the broader supply chain should that company's security be voided and financial losses crystalised?

The Hon. K.J. MAHER: Again, I am not the minister responsible, but my advice is that what we are doing is acting in the way that we think protects in the best possible way the jobs at the steelworks and the jobs that rely on the steelworks.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. N.J. CENTOFANTI: I just have some questions on the insertions of sections 6A and 6B. Are there any other instances over the life of the indenture act 1937 where consent was not given for the assignment of a right or a lease?

The Hon. K.J. MAHER: My advice is that there had been instances where consent was sought, in effect, to split off the mining from the steelworks and that, when consent for that had been requested in the past, it was not given. For absolute clarity, my advice is that in the past a request had been made, essentially, to split the mining operations to another company to step away from the steelworks.

It is true that consent had not been given, but my advice is that a final answer had not been given. There was not a decision to not give consent; there was not a decision to give consent, either. It had been requested but had not been finalised—a decision one way or another. A request had been made but no consent had been given, but it was not an active no consent—a decision had not been made one way or another.

The Hon. N.J. CENTOFANTI: Can the Attorney outline to the chamber what the effect of making the lease void will have on Golding, which has allegedly used the Port of Whyalla as security against what they are owed by GFG Alliance?

The Hon. K.J. MAHER: My advice is—and it is similar to an answer I gave before—it is the state's view that there was never a lease. What we are doing is not changing the position of what already existed but putting beyond doubt the fact that consent was not given, so therefore there was never a lease.

The Hon. N.J. CENTOFANTI: Is the Attorney suggesting that it will not have any effect on Golding in terms of security against what they are owed by GFG Alliance?

The Hon. K.J. MAHER: My advice is that it is the state's position that this does not affect Golding's rights for the very fact that we say there was never a lease.

The Hon. N.J. CENTOFANTI: How much is Golding owed by GFG Alliance and their subsidiaries?

The Hon. K.J. MAHER: My advice is that there is a claim for about $113 million, but that is a claim. The state is not in a position to say that this is an amount that is a debt or owed. There is a process for companies or people that put in a claim. That is a claim that is being made but that is not for us to adjudicate.

The Hon. N.J. CENTOFANTI: What communications has the government had with NRW Holdings or Golding Contractors regarding their security over Whyalla Ports and the potential for legislative intervention?

The Hon. K.J. MAHER: I do not have information on who the government has or has not had communications with in relation to those individual companies, but I am happy to go away to see if any information can be provided.

The Hon. N.J. CENTOFANTI: Thank you. That would be greatly appreciated because I think that is an important question. Clause 3 excludes certain assignments via regulation. Can the Attorney confirm what classes of assignment the government intends to exclude via regulation and whether any exclusions are already planned?

The Hon. K.J. MAHER: My advice is that there is not anything particularly anticipated, but this is in an abundance of caution in case anything becomes apparent.

The Hon. N.J. CENTOFANTI: Why was it necessary to legislate a blanket exclusion of compensation in section 6B instead of allowing the courts to determine this?

The Hon. K.J. MAHER: My advice is that once again we are clarifying what we say is the state of affairs, that is, that there was no lease because there was no consent given; therefore, there is no compensation.

The Hon. N.J. CENTOFANTI: Whilst I appreciate that, my question to the Attorney is: does that not potentially place risk that financiers or creditors could suffer loss or initiate legal proceedings due to this retrospective invalidation?

The Hon. K.J. MAHER: In relation to that, given that it is our position that there was never a lease because consent was never given, it is not retrospectively invalidating a lease because the lease never existed.

Clause passed.

Clause 4 passed.

Clause 5.

The Hon. N.J. CENTOFANTI: If sections 6A and 6B are required, can the Attorney answer why then does the government need to specifically insert schedule 4 for the Port of Whyalla?

The Hon. K.J. MAHER: My advice is that this is again out of an abundance of caution in the way that this has been drafted. The earlier provisions go directly to leases entered into and this legislation reflects the state of affairs that there was no consent given so that they are void. The schedule does specifically name the purported lease that we say is void because no consent was given. The schedule is the specific that we are aware of, but it is a backup in earlier part 2, 6A and 6B, for an abundance of caution if there were other purported leases that we do not know about that were entered into without consent to be void as well.

The Hon. N.J. CENTOFANTI: In that case, if it turns out that the lease was valid in a court of law, would this piece of legislation void the lease anyway?

The Hon. K.J. MAHER: As I said, it is a similar answer to before. It is the position that the leases are void—they never existed—because no consent was given. It is our position there cannot be a valid lease.

The Hon. N.J. CENTOFANTI: In schedule 4(5), it seems to override the existing railways act. Does this cause issues with any future interaction with this act?

The Hon. K.J. MAHER: My advice is that what that section does is make sure that the railway is a fixture to the land, so that in dealings it travels with the land. What was the—

The Hon. N.J. CENTOFANTI: Will there be issues with future interactions with the railway?

The Hon. K.J. MAHER: My advice is that what this does is make sure that the railway is counted as a fixture to the land.

The Hon. N.J. CENTOFANTI: In doing so, would it cause any issues with future interactions with the act or not?

The Hon. K.J. MAHER: My advice is that it will not create any difficulties with that act.

The Hon. N.J. CENTOFANTI: When was the government provided with a copy of the purported lease?

The Hon. K.J. MAHER: My advice is that public sector officials were first made aware of the existence of a purported lease—but as we say there was no consent given—in around June 2021.

The Hon. N.J. CENTOFANTI: The lease in question had an option to extend for 99 years, which was not enacted; however, it allegedly remains in place until a formal termination is provided. I appreciate that is not the government's view, but that is what has been alleged. If the government has known about this since 2021, are there any legal grounds to say that the lease was recognised by the government?

The Hon. K.J. MAHER: My advice is quite simply no.

The Hon. C. BONAROS: Can the minister just confirm also that we were talking about a public official within government who was aware of the lease and not the minister?

The Hon. K.J. MAHER: My advice is that is correct, it was at an officer level, but my further advice is that it still would have required actual consent from a minister, not just knowledge that it existed. But my advice is that it was at an officer level.

The Hon. C. BONAROS: Therein lies my next question. That purported lease that was in existence that became the subject of knowledge of a public servant did not have the consent of the minister at that time or any time thereafter?

The Hon. K.J. MAHER: That is my advice; that is correct.

The Hon. N.J. CENTOFANTI: Could this clause retrospectively alter rights registered with the national Personal Property Securities Register?

The Hon. K.J. MAHER: My advice is that there may be some rights under the Personal Property Securities Act that are affected by this legislation, but my advice is that they are rights that are within the indenture in any event.

The Hon. N.J. CENTOFANTI: Has the Registrar-General provided an estimate of how many instruments of titles will need to be amended and what the timeframe is for this to occur?

The Hon. K.J. MAHER: My advice is no, but we do not anticipate that that will be a very detailed or difficult task.

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) (18:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:14 the council adjourned until Tuesday 3 June 2025 at 14:15.

Answers to Questions

NUMERACY CHECK

430 The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (18 March 2025).

1. What is the timeline for year 1 numeracy check?

2. Which schools are currently participating in the trial?

3. What term will the numeracy check occur in?

4. How will year 1 numeracy check fit in with the current literacy check?

5. Can schools opt in for the trial?

6. What are the contact details for where schools can opt in for the numeracy check trial?

7. Will all schools be completing numeracy check in term 1 2026?

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

I am very proud that the Malinauskas Labor government is introducing a mandatory numeracy check—leading the nation just as Susan Close did with the phonics check in 2017.

Our government is very much focused on ensuring that students develop the literacy and numeracy knowledge and skills they need to succeed in work and life.

The timeline for the Year 1 numeracy check is as follows:

- In term 1 2025, a targeted trial was undertaken with 22 year 1 teachers across six schools.
- Between terms 2 to 4, 2025, all year 1 teachers will be provided with one day of face-to-face professional learning.
- From 2026, the numeracy check will occur during term 1 each year for all year 1 students.

95 schools that participated in the 2024 trial. The following six schools participated in the current trial to adapt it to year 1:

- Elizabeth East Primary School
- Highgate Primary School
- Ingle Farm Primary School
- Morphett Vale Primary School
- Parafield Gardens Primary School
- Paringa Park Primary School

The sample of schools invited to trial the year 1 numeracy check based on a range of factors including Aboriginal and EALD enrolments, index of educational disadvantage and teacher interest.

I am aware of a number of schools who have continued this year with the numeracy check they participated in during 2024.

The numeracy check will occur in term 1 each year while the phonics screening check is conducted in term 3, weeks three to six each year.

EYRE HIGH SCHOOL ZONE

431 The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (1 April 2025). Can the Minister for Education advise—

1. Will Eyre High School have a zoning boundary? If so what will the boundaries be?

2. When will the public be informed about the zoning for Eyre High School?

3. Will Riverlea residents be zoned for Eyre High School?

4. Are there plans for additional schools in Riverlea to accommodate the growing population in the northern suburbs?

5. What road infrastructure upgrades are planned as part of Eyre High School's development? Will this include Andrews Road, Womma Road, and surrounding areas?

6. With an estimated capacity of 1,300 students, has forecasting been conducted to determine when Eyre High School is expected to reach capacity?

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

The Department for Education may establish or review a school zone when a boundary change is required to realign local areas, for example when new schools are built. This also occurred under the former Liberal government.

The timeframe for completion of zoning changes for the new and neighbouring schools will allow adequate lead-in time for families.

Proposed zone boundaries are drawn with the aim of matching the forecast number of students living within each zone with the capacity (size) of each school. Wherever possible, access for students getting to a local school along major transport corridors is taken into consideration.

Future school infrastructure decisions will be guided by changing demographics and demand and based on the principles outlined in the 20-Year Infrastructure Plan for Public Education and Care, introduced by the Malinauskas Labor government. This approach makes investment based on need.

The Department for Education will be responsible for upgrading the road interface to the north at Petherton Road and to the east at Andrews Road including road edging, footpaths etc.

The Department for Education is also investigating traffic design options for pedestrian crossings.

I am advised the adjacent developer to the east (AV Jennings) has committed to:

- upgrading the intersection of Andrews and Petherton roads.
- upgrading Andrews Road between Womma Road and Petherton road, including straightening the intersection at Andrews and Petherton roads.

I am also advised the City of Playford have identified an upgrade to the intersection of Andrews Road and Womma Road is required to be undertaken by the developer.

Forecasts of unmet enrolment demand informed with decision to fund the new high school.

EDCHAT PROJECT

432 The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (2 April 2025). Can the Minister for Education advise—

1. Provide a breakdown of the initial costs associated with implementing the EdChat project, including during the pilot phase expenses?

2. What are the ongoing maintenance costs for the EdChat project, and how are these being managed within the department's budget and how is it funded?

3. What specific cybersecurity measures have been put in place to protect student data and ensure the safe use of EdChat?

4. Can you elaborate on the protocols for monitoring and mitigating harmful student behaviour online through EdChat?

5. What strategies are being implemented to ensure that the use of EdChat does not 'take away' students' research skills and critical thinking whilst not be too reliant on EdChat?

6. What training and support are being provided to teachers to effectively integrate EdChat into their classrooms while balancing the use of AI tools with traditional teaching methods?

7. Given the rapid advancements in technology, how frequently will teachers receive training and updates on the EdChat project?

8. How will the success of the EdChat trial be measured, and what criteria will be used to decide on a broader rollout?

9. How were student and teacher feedback be incorporated into the development and trial of EdChat?

10. What monitoring tools or reports are be available for parents to track their children's use of EdChat and their progress?

11. What support and resources will be provided to parents to help them understand and engage with EdChat effectively?

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

There were no costs associated with the initial build of EdChat.

Ongoing costs are based purely on consumption. To date EdChat has not significantly increased the department's current operational spend.

In the same way the department currently manages staff and student access to the internet and other internet-based platforms, significant controls have been implemented to protect student data and ensure the safe use of EdChat including:

- All data (staff and student) is securely stored in a data lake located within the departmental Microsoft tenancy (located at the Microsoft data centre based in Sydney).
- Only approved staff and students can access EdChat via the department's central access and identity solution, staff are also required to use MFA (multi factor authentication) when accessing EdChat from outside a school or preschool.
- Two independent security reviews of EdChat have been undertaken by external cybersecurity specialists to ensure compliance with best practices.
- EdChat is monitored 24/7 in real-time using cloud monitoring software that reports on any changes detected to the platform.
- An SSL certificate is used to ensure all data is securely encrypted in transit over the internet.
- Site based firewalls are used to monitor all requests to EdChat and automatically block suspicious activity.

Any data entered into EdChat via staff or student is passed through a content safety filter in real-time.

EdChat is controlled by a targeted system prompt managed by the department. At a high level EdChat is instructed to only provide responses that are education related. This prevents the ability for a student or staff member to trick EdChat in providing inappropriate responses (which are otherwise blocked by the content safety filters).

Student use of EdChat is currently confined to the department's proof of concept secondary schools.

Schools participating in the proof of concept are encouraged to use a traffic light system to signal to students what the appropriate use of EdChat for the task or learning at hand is. This enables the educator and students to have regular discussions about when AI can support thinking, and when it is better not to use it at all.

The department provides ongoing support and guidance to schools through an AI advice series that guides schools on AI use. This series covers crucial areas, including maintaining assessment integrity and building an understanding of ethical AI use. The department continues to develop supports for schools, leaders and educators. Leaders and educators are being supported with functionalities that support workload reduction, such as:

- Professional learning package which helps educators to learn about the benefits of AI in education, how it can support teaching and learning, and how to bring it into the classroom.
- Guidance and advice series focused on explaining what AI is, potential use cases, and what educators need to consider before and while using AI for teaching and learning.
- A community of practice for educators using EdChat. It is a space where they can exchange ideas, ask questions, learn from each other, and find resources and events.
- A curated resource library that saved educators and leaders time by providing easy access to high quality and reliable resources to build their understanding and awareness of safe and responsible use of AI in education.

Training is offered ongoing. Educators have access to guidance, resources, and micro-learnings at their convenience, in addition to offerings each term, responsive to educator feedback that enables communities of practice opportunities to learn from each other.

In 2024, student and teacher use of EdChat during the proof of concept was reviewed. The analysis showed positive engagement and highlighted the power of the tool in supporting teaching and learning and streamlining lower value teacher tasks.

Based on the above, and the strong technical efficacy of EdChat itself, EdChat was rolled out to our entire workforce in term 4 of the 2024 school year. This included instruction that EdChat cannot be used for report writing.

Student and teacher feedback played a crucial role in the development and trial of EdChat. The department actively engaged with educators and students to gather insights and experiences. For example, teachers and students were encouraged to explore EdChat, providing them with the opportunity to use the tool and offer real-time feedback. This approach allowed the department to understand the practical implications and benefits of EdChat in the classroom.

The department also used data-driven insights from users. By incorporating feedback from both students and teachers, the department ensured that EdChat was developed and refined to effectively support teaching and learning.

As part of the advice series, the department has issued guidance to parents and carers on supporting their child in using generative AI in a safe and responsible way. Parents and carers can find the guidance on the department's website.

TREE PROTECTION

In reply to **the Hon. T.A. FRANKS** (20 March 2025).

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

The government is consulting on a regulatory change (the draft Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025), that will ensure there is no difference between tree controls applying to a school site—regardless of whether it is a state or private school. It is acknowledged that the expert panel for the Planning System Implementation Review made a recommendation (No. 43) that tree regulations apply to all state government projects. The government response supported the recommendation in principle subject to undertaking further investigation.

As part of those investigations, the government considered that all schools are sites where trees can, on occasion, pose a significant risk to student safety. The government considers that where required, tree removal or pruning should be able to be easily undertaken regardless of whether it is a government or private school. The government is consulting on this regulation change and will consider feedback on the matter before determining whether to proceed with the change.

The exemption for state schools has been in existence since the tree controls first came into effect and there has not been wholesale removal of trees on state school sites. As part of the Environment, Resources and Development Committee's Inquiry into the Urban Forest, an example of the lengths that a private school had to go through to remove a dangerous tree on their grounds was provided. That tree had dropped sizeable limbs in the play area of the school. The school spent more than 12 months seeking approval to have the tree significantly pruned to make it safe (with the play area roped off and unavailable as a play space for children). Had it been a state government school, the school would have been able to prune the tree as required before limbs fell. This is the key issue that the regulation amendment is seeking to resolve.