LEGISLATIVE COUNCIL

Tuesday, 3 June 2025

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

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

Bills

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

Assent

Her Excellency the Governor assented to the bill.

SUMMARY OFFENCES (HUMILIATING, DEGRADING OR INVASIVE DEPICTIONS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

MOTOR VEHICLES (DISABILITY PARKING PERMIT SCHEME) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

WHYALLA STEEL WORKS (PORT OF WHYALLA) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

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

Assent

Her Excellency the Governor assented to the bill.

STATE DEVELOPMENT COORDINATION AND FACILITATION BILL

Assent

Her Excellency the Governor assented to the bill.

Members

MEMBER'S LEAVE

The PRESIDENT (14:20): I inform members that, pursuant to standing order 33, 20 weeks maternity leave has been granted to the Hon. L.A. Henderson commencing on 3 June 2025. I table the letter from the honourable member notifying me of the period of maternity leave absence.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE

The Hon. I.K. HUNTER (14:20): I lay upon the table the corrigendum to the report of the committee on its inquiry into the Potential for a Human Rights Act for South Australia.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Fees Notice under Acts—
- Aboriginal Heritage Act 1988
- Animal Welfare Act 1985
- Botanic Gardens and State Herbarium Act 1978
- Controlled Substances Act 1984—Pesticides—Fees
- Controlled Substances Act 1984—Poppy Cultivation—Fees
- Crown Land Management Act 2009
- Fines Enforcement and Debt Recovery Act 2017
- Firearms Act 2015
- Food Act 2001
- Heritage Places Act 1993
- Historic Shipwrecks Act 1981
- Hydroponics Industry Control Act 2009
- Land Tax Act 1936
- Landscape South Australia Act 2019
- Marine Parks Act 2007
- National Parks and Wildlife Act 1972—Hunting. (No 2)
- National Parks and Wildlife Act 1972—Lease Fees
- National Parks and Wildlife Act 1972—Protected Animals—
  - Marine Mammals
- National Parks and Wildlife Act 1972—Wildlife
- Native Vegetation Act 1991
- Pastoral Land Management and Conservation Act 1989
- Petroleum Products Regulation Act 1995
- Police Act 1998
- Radiation Protection and Control Act 2021
- Safe Drinking Water Act 2011
- South Australian Public Health Act 2011
- Tobacco and E-Cigarette Products Act 1997
- Water Industry Act 2012

Regulations under Acts—
- Environment Protection Act 1993—Fees
- Fines Enforcement and Debt Recovery Act 2017—Prescribed Amounts
- Land Tax Act 1936—General

Determination of the Remuneration Tribunal No. 2 of 2025—
- Conveyance Allowances—Judges, Court Officers and Statutory Officers

Report of the Remuneration Tribunal No. 2 of 2025—2024 Review of Conveyance Allowances—Judges, Court Officers and Statutory Officers

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

Fees Notice under Acts—
- Aged and Infirm Persons' Property Act 1940
- Child Sex Offenders Registration Act 2006

Co-operatives National Law (South Australia) Act 2013
Coroners Act 2003
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007
District Court Act 1991
Environment, Resources and Development Court Act 1993
Evidence Act 1929
Freedom of Information Act 1991
Guardianship and Administration Act 1993
Magistrates Court Act 1991
Partnership Act 1891
Public Trustee Act 1995
Sheriff's Act 1978
South Australian Civil and Administrative Tribunal Act 2013
State Records Act 1997
Succession Act 2023
Summary Offences Act 1953
Supreme Court Act 1935
Youth Court Act 1993

Regulations under Acts—
Expiation of Offences Act 1996—Fees
Victims of Crime Act 2001—Fund and Levy

Return pursuant to section 74B of the Summary Offences Act 1953 Road Blocks

Return pursuant to section 83B of the Summary Offences Act 1953
Dangerous Area Declarations

By the Minister for Industrial Relations and Public Sector (Hon. K.J. Maher)—

Fees Notice under Acts—
Dangerous Substances Act 1979—Dangerous Goods Transport—Fees
Dangerous Substances Act 1979
Employment Agents Registration Act 1993
Explosives Act 1936
Fair Work Act 1994—Representation
Work Health and Safety Act 2012

Community Services Sector Long Service Leave Board Proposed Portable Long Service Leave for the Community Services Sector Actuarial Assessment of the Initial Employer Levy Rate

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

By Laws under Acts—
City of Port Lincoln—
No.1—Permits and Penalties
No.2—Moveable Signs
No.3—Roads
No.4—Local Government Land
No.5—Dogs
Barunga West Council—
No.1—Permits and Penalties
No.2—Local Government Land
No.3—Roads
No.4—Moveable Signs
No.5—Dogs
No.6—Cats
Loxton Waikerie—
No.8—Miscellaneous

Fees Notice under Acts—
Adoption Act 1988

Energy Resources Act 2000
Fisheries Management Act 2007—General Fees
Heavy Vehicle National Law (South Australia) Act 2013
Hydrogen and Renewable Energy Act 2023
Industrial Hemp Act 2017
Livestock Act 1997
Mining Act 1971
Motor Vehicles Act 1959—Accident Towing Roster Scheme
Opal Mining Act 1995
Passenger Transport Act 1994
Plant Health Act 2009
Primary Produce (Food Safety Schemes) Act 2004—Egg
Primary Produce (Food Safety Schemes) Act 2004—Meat
Primary Produce (Food Safety Schemes) Act 2004—Plant Products
Primary Produce (Food Safety Schemes) Act 2004—Seafood

Regulations under Acts—
Harbors and Navigation Act 1993—Fees
Heavy Vehicle National Law (South Australia) Act 2013—Expiation Fees
Hydrogen and Renewable Energy Act 2023—Administrative Penalties
Mining Act 1971—Rental
Motor Vehicles Act 1959—Expiation Fees
Motor Vehicles Act 1959—National Heavy Vehicles Registration Fees
Motor Vehicles Act 1959—Fees
Passenger Transport Act 1994—Point to Point Transport Service Levy
Road Traffic Act 1961—Miscellaneous—Expiation Fees
Road Traffic Act 1961—Miscellaneous—Fees

Department of Primary Industries and Regions Management Plan for South Australian Commercial Marine Scalefish Fishery 2025

By the Minister for Forest Industries (Hon. C.M. Scriven)—

Fees Notice under Acts—
Forestry Act 1950

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

Fees Notice under Acts—
Associations Incorporation Act 1985
Authorised Betting Operations Act 2000
Births, Deaths and Marriages Registration Act 1996
Building Work Contractors Act 1995
Burial and Cremation Act 2013
Community Titles Act 1996
Conveyancers Act 1994
Fire and Emergency Services Act 2005
Gaming Machines Act 1992
Housing Improvement Act 2016
Labour Hire Licensing Act 2017
Land Agents Act 1994
Land and Business (Sale and Conveyancing) Act 1994
Liquor Licensing Act 1997
Lotteries Act 2019
Planning, Development and Infrastructure Act 2016
Plumbers, Gas Fitters and Electricians Act 1995
Real Property Act 1886
Registration of Deeds Act 1935
Registration of Deeds Act 1935 (No 2)
Relationships Register Act 2016

Residential Tenancies Act 1995
Retirement Villages Act 2016
Roads (Opening and Closing) Act 1991
Roads (Opening and Closing) Act 1991 (No 2)
SACE Board of South Australia Act 1983
Second-hand Vehicle Dealers Act 1995
Security and Investigation Industry Act 1995
South Australian Skills Act 2008
Strata Titles Act 1988
Supported Residential Facilities Act 1992
Valuation of Land Act 1971
Worker's Liens Act 1893
Worker's Liens Act 1893 (No 2)

Regulations under Acts—
Education and Children's Services Act 2019—
Overseas and Nonresident Student Charges
Private Parking Areas Act 1986—Expiation Fees

By the Minister for Recreation, Sport and Racing (Hon. E.S. Bourke)—

Fees Notice under Acts—
Boxing and Martial Arts Act 2000

Question Time

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries regarding the drought.

Leave granted.

The Hon. N.J. CENTOFANTI: The Prime Minister travelled to South Australia yesterday for a whole two hours to visit drought-stricken farmers on the Adelaide Plains, where he announced just $2 million funding for financial counselling and the location of a drought forum. The Minister for Primary Industries posted about this visit. I note several commentators beneath that post believe the Prime Minister's visit to not be genuine and the announcement to be pitiful. One farmer from the Mallee posted, and I quote:

> A visit that achieved nothing of substance or useful action for farmers who need it the most. Does counselling help feed & water stock, does it pay the bills or put food on the table.
>
> It would be really nice if our leaders listened to what farmers actually need.

My questions to the minister are:

1. As the leader of the Malinauskas state government for primary industries, will she listen to the voices on her own Facebook page and do what farmers actually need, which is access to funding through things like no and low-interest concessional loans to help pay bills and put food on the table?

2. Does the minister believe the Prime Minister's announcement is appropriate given the extremely dire conditions being faced by farming communities in our regions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I thank the honourable member for her question. Many farmers have been calling for the Prime Minister to visit South Australia, and the fact that he has done so within a relatively short time of the recent election is a positive step.

I note that last week the federal Minister for Agriculture, Fisheries and Forestry, the Hon. Julie Collins, also visited South Australia. She visited a number of farms on Wednesday of last week and

on Thursday she and I went on farm, but she also addressed the industry forum arranged by PIRSA, with about 250 attendees, all of whom are involved in some way in primary industries.

I was also very pleased that Minister Collins co-hosted a round table with me of all the commodity groups, representing all the primary production sectors in the state. They had a lot to say about the drought, about what they were looking for, and the impacts on both their commodities and their regions. This is a positive step forward.

I also note that yesterday the Prime Minister said that it was clear that more support would be needed. I look forward to continuing to advocate to the federal government and continuing to work with the federal government to be able to deliver more for South Australian farmers.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): Supplementary: can the minister inform the chamber when the federal government will announce further support?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, you might like to withdraw that.

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, interjections are out of order. Just watch yourself today.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): Minister Collins said last week that she was keen to report back to the federal cabinet about what she had learned through her experiences both on farm and with the round tables last week.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): I seek leave to make a brief explanation before asking the Minister for Primary Industries questions regarding the drought.

Leave granted.

The Hon. N.J. CENTOFANTI: I have met with farmers right across the state who are entering the sixth or even seventh year of drought conditions with no meaningful break. From the Mid North to Eyre Peninsula, the Mallee to the Upper South-East, I have heard, and my colleagues have heard, heartbreaking stories of families forced to sell off breeding stock, cancel cropping programs and rely on carted water just to keep their operations afloat.

One farmer told me that their once-prized paddocks now yield dust and disappointment. Another spoke of the emotional toll, the constant financial pressure, the anxiety for their children's future, and the sense of abandonment, as government talks about resilience whilst failing to act. In Booleroo Centre, a seventh-generation farming family has described this drought as the worst they have ever seen, simply saying, 'We have no reserves left.' In a statement from Naracoorte Lucindale Council, Mayor Patrick Ross said:

> Drought funds are welcome, but they must flow more freely to the people on the land and the small businesses that support them. I understand that drought no longer needs to be declared in a region for farmers to be eligible for assistance. But let's call it: this is an emergency. With drought impacting pretty much everyone, the notion that 'farmers can take action for themselves when they need it' needs to be rethought.
>
> When hundreds are impacted by a natural disaster we call it an emergency. This drought is impacting tens of thousands and yet it is being left up to individual farmers—already stressed and battling to keep their farms operating and animals fed—to reach out for help. I urge the Premier to listen.

My questions to the minister are:

1. Can the minister advise whether a formal request has been made to cabinet or the State Emergency Management Committee to consider an emergency declaration for the drought?

2. Has the government and the minister sought advice from emergency services, primary producers, and local councils on whether a formal emergency declaration is warranted? If so, what was the advice?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I thank the honourable member for her question. I have been speaking with farmers across the state for many, many months now. We made the first drought package back in November last year, which was after a large number of meetings across the state with farmers directly as well as with peak bodies. The two drought packages, totalling $73 million, have been designed in concert with those farmers and with the peak bodies.

Unfortunately, however, many farmers are concerned that they are not eligible for assistance because those opposite, particularly the Leader of the Opposition in this place, constantly—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —provide misinformation. The leader is saying that they come to her and yet she continues to provide misinformation. First of all, she said: 'We must declare the drought.' She knows drought declarations are not needed to access assistance. She knows drought declarations are not required, and yet what did we see? Within the last couple of weeks she is promoting a petition that says: 'Declare the drought.' What misinformation is she providing? How is that helping our farmers?

We hear her constantly saying either in the media or on social media that it is very, very hard to access assistance and that people are not eligible. Why isn't she telling them to apply for that assistance? Why isn't she encouraging them to reach out for that assistance? Why isn't she actually doing something constructive to help instead of seeking media headlines—media headlines, instead of actually being responsible about directing people to the assistance that is available?

Next we saw some call about some emergency declaration and the appointment of a State Coordinator. The police commissioner came out at that time and said he, of course, would be the State Coordinator under what was being called for, and that there was no additional assistance that it would free up—no additional assistance for that to occur. The police commissioner said that. Now we have the opposition calling for some other sort of declaration.

There is a $73 million package available. We are continuing to meet with farmers and their representative bodies about future directions if the drought continues. There is federal assistance available. I encourage all farmers who are doing it so tough at the moment not to listen to the opposition, who is trying to politicise this, but instead to look at the assistance that is available, to ask for that assistance, and be able to access that assistance. If they are having difficulty, they are more than welcome to contact my ministerial office, and I am happy to assist in any way that we can.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): Supplementary: how much of the $73 million package that the minister talks about has hit the ground?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): There have been many thousands of successful applicants for the On-farm Drought Infrastructure Rebate Scheme support grants. Members may recall that the initial package enabled grants with only a 25 per cent co-contribution from farmers and a maximum amount of $5,000. The second part of the drought package enabled that to be lifted to $20,000 with a 50 per cent co-contribution. This has been a very successful part of the drought support package.

Other funding has gone to Rural Business Support, to Family and Business Mentors, to the Connecting Communities programs. Many farmers, and also local community members, have attended the events through the Connecting Communities grants. There are so many different aspects of the support package across many different departments. I would encourage farmers to reach out—as well as local communities—and see what sort of assistance is available.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:43): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about tomato brown rugose virus.

Leave granted.

The Hon. N.J. CENTOFANTI: The National Management Group last week determined that the virus was not technically feasible to eradicate. This was mainly due to the discovery of a new infection emanating from plants propagated in New South Wales that was not linked to any earlier outbreaks. The only reason the infected plants were discovered was that they were received at a facility subject to section 9 orders, where plants were being routinely tested. It is an unavoidable conclusion that the virus is active in undiscovered locations. Currently, Queensland still has a trade restriction in place, with testing required for tomatoes from South Australia being sent to Queensland but no similar restriction on Queensland tomatoes coming into South Australia, leading to the inequity of market access at this time. My questions to the minister are:

1. What measures is the minister taking to advocate for a level playing field to ensure equal market access for South Australian tomato producers willing to sell to interstate markets?

2. Is the minister advocating for national consistency of market access in the interests of South Australian tomato producers?

3. Is the minister supporting the development of management protocols in the transition to management?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I thank the honourable member for her question. It has been nationally agreed that it is no longer technically feasible to eradicate tomato brown rugose fruit virus from Australia. That followed a meeting last week of the National Management Group. The decision was, in fact, based on a range of factors, including repeated introductions of tomato brown rugose fruit virus via seed; the challenges of finding all sites where it may be present in Australia; the ability of the virus to establish, spread and persist in the environment; challenges in detecting the virus at the low levels required for eradication, especially in seed and seedlings; and the control methods being able to fully remove the virus from infected sites.

The National Management Group is made up of the heads of biosecurity departments from across the country as well as industry representatives, and they make decisions around the feasibility of eradicating various pests and diseases from Australia. Work is now required at the national level to determine how best to manage rather than eradicate this disease in Australia. The current strategy to contain the spread of the virus will remain in place until an agreed long-term management strategy and trade protocol has been developed in consultation with impacted industries.

If South Australia had decided to go to management when the virus was first detected in August last year, over 200 local growers would have been blocked from exporting tomatoes into Victoria, New South Wales, Queensland, Western Australia and Tasmania. That is almost certain. As a result of seeking to eradicate the virus—that is, adhering to the national agreed approach—only three out of over 200 local growers had export bans imposed on them. This meant protecting the $230 million tomato and capsicum industry here in South Australia. That does not in any way suggest that it wasn't incredibly difficult for those three businesses who were found to have the virus.

Until last week, every state had a position of eradication of the virus instead of moving to transition. South Australia exports 90 per cent of our tomatoes interstate, and therefore the approach of every other state is incredibly important. I would also just like to remind members that the virus has no known effects on human health, but of course the advice is always to remain vigilant for the disease.

From the latest situation report, 18,786 samples have now been taken for this disease in South Australia, with 10,180 of those samples being taken across South Australian growers to enable access to interstate markets. Enabling access to interstate markets has been the constant focus both for me as minister and also for my department. The fact that South Australian growers were able to

continue to trade with a number of other states without restrictions, and continue to trade with Queensland or Western Australia albeit with very robust testing restrictions, was testament to how we were able to protect our industry, with more than 200 growers who were able to continue to trade.

The fresh tomato industry decided nationally to not become a signatory to the national Emergency Plant Pest Response Deed, and I would certainly encourage the industry to consider whether that is their position going forward.

In terms of the specific questions, I am glad the honourable member has asked about the advocacy for market access because that has been the number one consideration throughout the last nine months since the disease was first detected. Market access for our $230 million industry has been the number one, and it is a great testament to the cooperation of South Australia's growers, as well as the work that has been done on an officer level to be able to continue that trade. The national decision now means that transition to management are the protocols that will need to be worked through. My department, of course, is very active in that, and we look forward to being able to update the chamber in the future.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:49): Supplementary: are Queensland growers currently subjected to, as the minister suggests, robust testing requirements for entry of product into South Australia? If not, why not?

The PRESIDENT: Minister.

The Hon. N.J. Centofanti: Queensland growers.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): We are currently under the nationally agreed protocols. As I mentioned, they remain in place while the transition to management is agreed on on a national level.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. F. PANGALLO (14:50): Supplementary: minister, why didn't you and the Premier show leadership and speak with the national body and heed the advice of Michael Simonetta of Perfection Fresh, which would have saved millions of dollars and hundreds of jobs? Do you concede that the event has now been mismanaged due to the advice you received that it could not be contained?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for his question, but he is again misunderstanding the process. This is a national decision, a national decision based on science, of the experts in the field. The national decision about whether any pest or disease is feasible to be eradicated is something that is made at that level.

Of course, both the Premier and I have had a number of discussions with relevant bodies and relevant individuals about this, but what the honourable member is suggesting is that we should have gone it alone, which would have closed down our industry—over 200 growers—to be able to export to the rest of the country. Over 200 growers—not three, hard though it was for those three—would have been unable to export their produce, and 90 per cent of South Australia's tomato produce goes interstate.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:51): Supplementary: in regard to management going forward, is the minister advocating for national consistency of market access in the interests of South Australian growers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I think it would absolutely be in the best interests if we had national consistency. After all, that is the goal of a national agreement. However, what we saw in the

last nine months is that some states will nevertheless impose their own restrictions. We certainly hope that will not occur.

The Hon. N.J. Centofanti: So why aren't we imposing ours?

The Hon. C.M. SCRIVEN: The Leader of the Opposition in this place is saying, 'Why don't we impose ours?' It sounds a bit like Trumpian tariffs, doesn't it? 'Trump has put up tariffs, therefore we will put up our tariffs.'

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: The opposition leader in this place is saying it's what the industry is calling for. She may be unaware that the National Management Group and the CCEPP both involve industry representation. Many growers, or quite certainly a number of growers, have growing areas in multiple states. A national approach, of course, is the best option, but we are in a federation. Clearly, the honourable member is unaware of that.

The Hon. F. PANGALLO: I have a final supplementary.

The PRESIDENT: I will take your supplementary question. It has to be arising from the original answer, and this will be the last one.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. F. PANGALLO (14:53): Has the government been issued with legal action from growers, notably Perfection Fresh?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53): In terms of potential legal actions, that's not something that can be discussed in this place, according to my advice.

SANTOS ABORIGINAL POWER CUP

The Hon. T.T. NGO (14:53): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about this year's Santos Aboriginal Power Cup?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:53): I thank the honourable member for his question. I know he is a very big supporter of the Santos Aboriginal Power Cup and a big supporter of football and the Power more generally.

I am proud to talk about the remarkable success of the 2025 Santos Aboriginal Power Cup, a program that continues to transform lives and strengthen communities through the powerful combination of education and support. The program was established in conjunction with the Attorney-General's Department back in 2008 and is run as a joint initiative between the Port Adelaide Football Club's Power Community Limited and the South Australian Aboriginal Secondary Training Academy (SAASTA).

The Attorney-General's Department has supported the program across the entire duration, which has seen over 6,500 Aboriginal and Torres Strait Islander students involved. This year, we saw the largest Santos Aboriginal Power Cup, now in its 18th year, with nearly 700 Aboriginal and Torres Strait Islander students from across South Australia and including a couple of locations from the Northern Territory participating. This milestone not only reflects the growth of the program but also its enduring impact on the lives of young people. The Power Cup is an education-based initiative that engages Aboriginal and Torres Strait Islander secondary school students in their learning and career pathways, with a competitive AFL carnival as its centrepiece.

To be eligible to participate in the program, students must meet an 80 per cent minimum school attendance requirement and demonstrate strong academic performance This emphasis on education ensures that the program not only promotes physical activity but also fosters academic achievement and personal development.

The celebration of this year's program culminated in a two-day carnival at Alberton Oval and an exciting game day showcase at Adelaide Oval during the Sir Doug Nicholls round. I had the privilege of presenting the Curriculum Excellence Award once again at the pre-AFL game award

ceremonies. This award was provided to the academy that submitted the most school work to the highest standard throughout the program, and this year it was won by the Para Hills academy. This recognition is important because, as I said at the awards, it demonstrates that an Aboriginal person's place is not just on the footy field but also as a doctor and engineer, a health worker, a lawyer, a CEO, or a member of parliament.

The Attorney-General's Department has been a proud supporter of the program over its entire 18 years, and I would like to take this moment to thank staff members Kyeshia Love, Emma Chaplin, Jake Highfold and Matthew Rankine for representing the department at the careers expo on 15 May. Congratulations to Power Community Limited and SAASTA for organising another stellar Aboriginal Power Cup, but importantly congratulations to the hundreds of students from all around South Australia and now the Northern Territory who participated. I have no doubt that all the students will be able to take this experience and become future leaders in their communities.

SOUTH COAST ALGAL BLOOM

The Hon. R.A. SIMMS (14:57): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Primary Industries and Regional Development on the topic of biosecurity.

Leave granted.

The Hon. R.A. SIMMS: In February this year, the Biosecurity Act 2025 was assented to but has not yet commenced. The act defines biosecurity impact as biological matter that has an adverse effect on the environment, the community, or the economy. There have been reports that the current harmful algal bloom in South Australia is having adverse effects on the environment, the community and our local economy, with small businesses losing income, dead fish washing up on our beaches and the health impacts being felt by humans who are in contact with the microalgae. Just today, there are media reports of the algae being detected in the Coorong.

PIRSA's website states that the marine heatwave has been affecting South Australia since September 2024. However, the algal bloom was not publicly reported until March 2025. My questions to the Minister for Primary Industries and Regional Development therefore are:

1. Does the minister consider the harmful algal bloom currently in South Australia to be a biosecurity event under the Biosecurity Act 2025?

2. When did PIRSA begin monitoring the harmful algal bloom, and why was it not detected earlier?

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. It does provide an opportunity to give an update about the algal bloom, which is widespread. Of course, my particular interest is in its impact on the aquaculture and commercial fisheries, as well as recreational fishing, which is a particular area of my focus. We are working with commercial fisheries, the aquaculture sector and the recreational sector as we continue to monitor the impacts of the algal bloom.

First and foremost, it is worth reiterating that South Australian commercially-caught seafood remains high quality and safe to eat. There are some closures in place on oyster growers as a result of detected brevetoxin levels, but those farms are confined to Stansbury, Port Vincent and American River. Importantly, about 95 per cent of oyster growers are not impacted: their product is safe to eat and it is at the usual incredible quality that we expect from our fresh South Australian oysters. There is also a 10-kilometre precautionary closure, south from the Murray Mouth, of the harvesting of pippies.

There are no other restrictions on fishing as a result of the algal bloom, and recreationally caught species are safe to eat so long as the animal was alive at the time that it is caught. That is, of course, always good practice—to not eat anything that has already perished prior to catch.

In terms of the current situation, we were hoping that early last week when we had the wild weather that would be a sufficient event to be able to break up the algal bloom. We are still waiting to see what the impact has been. There are a few reasons for that. In terms of the satellite images

that are taken that inform us about how the algal bloom is developing or indeed whether it is breaking up or dissipating, when there is cloud cover it makes it more difficult to be able to assess how it is going.

There was, of course, lots of wild weather—there were some winds, and there were some wild seas—but the current advice is in regard to whether we will need to have several of those events before it will be sufficient to break up the algal bloom. The vessels, both the SARDI vessel as well as the EPA vessel, have also been instrumental in terms of taking water samples for analysis around the algal bloom. Essentially, that work is continuing. In terms of the specifics about dates and so on, I am happy to take that on notice and if I can I shall bring back a response.

SOUTH COAST ALGAL BLOOM

The Hon. T.A. FRANKS (15:01): Supplementary: what brevetoxin groups and levels have been detected?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:01): The last advice I had in regard to the brevetoxins affecting the oyster industry were that they were a type of *Karenia* but not necessarily *Karenia mikimotoi*. I do not know whether there has been an update on that. I have not received it, if so.

The Deputy Premier and I have hosted two round tables in terms of updating both mayors whose areas cover the coastal regions affected by the algal bloom as well as the most recent one here in Parliament House, which included MPs with electorates that are affected. I am happy to take the specific question on notice and bring back a response.

SOUTH COAST ALGAL BLOOM

The Hon. C. BONAROS (15:02): Supplementary:

1. What has the department done publicly to let people know seafood, and particularly oysters, outside of the areas that she has identified is indeed safe to eat?

2. Can the minister provide an update on those areas that have been subject to quarantine in terms of the timeframe for their closures?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for her supplementary question. The second question I think I covered in my answer. I talked about the areas that have closures and that that affects only 5 per cent. We had discussions with industry about the best way to be able to get that message out, and there has been a number of different mechanisms. There has been an update on, I believe from memory, both the Department for Environment and Water as well as PIRSA websites, although I am happy to check that for currency.

But also we discussed with industry that the best thing was for industry to really get that message out. Governments talking about safety perhaps go to a different audience. What we wanted was that message to get out to consumers, but importantly to overseas markets. When we have anything that results in a closure, we don't want to see an impression or perception negatively impacting all of our—in this case—oyster farmers when in fact the vast majority, 95 per cent in this case, were not affected. I know that the oyster association did a number of media activities, and we were happy to support them in that.

SOUTH COAST ALGAL BLOOM

The Hon. R.A. SIMMS (15:03): Supplementary: in her original response the minister referenced industry. Is the government contemplating any financial assistance being provided to industries that have been impacted by the algal bloom?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I thank the honourable member for his supplementary question. The government is working with industry associations on the issues that they are raising as a result of the algal bloom. To date, the Marine Fishers Association has been engaging with us in terms of the impacts directly related to the harmful algal bloom on behalf of their members. Both myself as well as my department and office are continuing to engage with the MFA. I am advised

that no other industry associations have made requests for financial support on behalf of their members.

SOUTH COAST ALGAL BLOOM

The Hon. C. BONAROS (15:04): Supplementary: going back to my previous question, can the minister provide an update on the measures that are being taken with respect to the 5 per cent that are subject to quarantine when it comes to oysters and how long have they been quarantined for to date?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): The closure I think I have mentioned in previous weeks, but perhaps I haven't. In terms of the dates, I don't have that in front of me. I am happy to take that on notice and bring back a response.

The Hon. C. Bonaros: You didn't answer the first part. What are the measures that the government has—

The Hon. C.M. SCRIVEN: It's closed. That's the measure: it's closed.

The PRESIDENT: Order!

The Hon. C. Bonaros: I have asked that question three times, Clare.

The Hon. C.M. SCRIVEN: It's closed and I have answered it.

The Hon. C. Bonaros: Three times, I asked the same question.

The Hon. C.M. SCRIVEN: And I have answered it.

The PRESIDENT: Order!

APY LANDS CARBON FARMING PROJECT

The Hon. F. PANGALLO (15:05): I seek leave to make a brief explanation before asking the Minister for Primary Industries a question about a carbon farming project on the APY lands.

Leave granted.

The Hon. F. PANGALLO: On 13 July 2023, the APY lands executive board agreed to enter into a partnership with the state government to progress a carbon project on the APY lands. In September last year, community consultation commenced on the lands and in December last year the government formed a steering committee to assist the board, which included representatives from PIRSA, the Department for Environment and Water, the Attorney-General's Department, the Department of the Premier and Cabinet, and the Department of Treasury and Finance.

According to documents I have seen, a business case has already been completed for the project, which indicates $14 million in startup costs are needed initially, with the APY lands expected to start receiving income from the project three years after startup. The documents explained that carbon farming is a business that fixes damaged country by growing trees and shrubs, and the board will receive payment for doing so over a 25-year period. It has been put to me that the project could be worth up to $400 million to the APY lands board and the First Nations people it represents.

The project also needs the approval of the commonwealth government, which will implement an integrated farm and land management method that enables crediting of carbon stored from managed regeneration and plantings of native forest and improvements to the soil. My questions to the minister are:

1. What is the current status of the project?

2. Can the minister provide more detailed information about the project and how it will operate and how money is being generated?

3. Have any formal contracts been signed between the government and the APY lands executive board for the project?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07): I thank the honourable member for his question. I am advised that in 2021, at the completion of the North West Indigenous Pastoral Project, PIRSA worked with APY management and RegenCo, a private carbon farming project company, to develop a cattle, carbon and conservation business plan. The plan proposed that resting the existing grazing areas in the APY lands to allow for regrowth will provide carbon sequestration, generating a carbon income stream to fund development of new, sustainably managed grazing areas set aside for this purpose.

The plan also identified a significant area, just over 873,000 hectares, of non-forested land with the potential for forest condition recovery within 15 years. Under the then Human Induced Regeneration methodology (HIR), rehabilitation of this land would provide over 11 million ACCUs (Australian Carbon Credit Units). The ACCU spot price at the time meant a $300 million project may be possible over a 25-year period.

Following the finalisation of the plan, PIRSA worked with APY management to get community agreement to establish a carbon farming project. In September 2023, according to my advice, the HIR was sunsetted by the commonwealth government without, to date, a replacement methodology. Unfortunately, at that time sufficient consultation had not been undertaken for the APY to sign a non-binding agreement with a proponent to progress the carbon farming project.

A new method, titled Integrated Farm and Land Management (IFLM—a replacement for HIR) is, according to my advice, currently under development by the commonwealth Department of Climate Change, Energy, the Environment and Water, and will be critically important in supporting carbon farming project development on the APY lands. PIRSA is continuing to work with the APY to develop a carbon farming project when a replacement method is available.

APY LANDS CARBON FARMING PROJECT

The Hon. F. PANGALLO (15:09): Supplementary: can the minister confirm that a proposed memorandum of understanding by one of Australia's leading natural capital companies specialising in agricultural productivity, land management and carbon projects was not presented to the board by the current acting general manager of the lands, the controversial Richard King, who has been intimately involved in the consultation process to this point, and can she investigate whether or not Mr King has set up or is trying to set up a private company to privately control the project?

The PRESIDENT: The Hon. Mr Pangallo, that is a very interesting question but it is not a supplementary question arising from the original answer. You might like to ask that at another time.

EMERGENCY SERVICES LEVY

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:10): I seek leave to provide a brief explanation before asking questions of the Minister for Emergency Services regarding the emergency services levy increase.

Leave granted.

The Hon. H.M. GIROLAMO: South Australian farmers are facing one of the worst droughts in living memory with many destocking, carting water and absorbing soaring input costs just to survive. Amidst this, the government is raising the emergency services levy by an average of 4.2 per cent with some property owners already receiving increases of $250 or more.

While emergency services like the CFS and SES are essential and largely staffed by regional volunteers, it is unfair that drought-affected communities are being asked to pay more for services they both depend on and deliver. My questions to the Minister for Emergency Services are:

1. How does the minister defend the decision to increase the emergency services levy knowing it places additional financial burden on South Australian farmers already dealing with drought, rising fuel, fertiliser and insurance costs?

2. Will the government commit to waiving or subsidising the ESL levy for all drought-declared regions or properties, not just those receiving the Farm Household Allowance?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:12): I thank the member for

her question. As you may have seen earlier in the past week, we have made an announcement about additional supports for emergency services in South Australia that will be further outlined in Thursday's budget, highlighting that more training, modern equipment and improved planning will help keep crews safe and protected in our communities that they serve.

South Australians turn to their emergency services when their lives or homes are in danger and value the dedicated staff, personnel and volunteers who are ready to respond because of their support. The 2025-26 ESL bill for a median-valued metropolitan residential property valued at $850,000 will increase by $6.70 for non-concession recipients, and $2.45 for concession recipients. The ESL for the median regional residential property is $99, with an increase of $3.25 next year. We know that our frontline personnel who provide so much support to our community play a pivotal role in being supported by the ESL.

We know that further support of $2.8 million over four years to improve bushfire risk mapping based on automated modelling for likely bushfire impacts will be supported by the ESL, and $2 million over four years for the ongoing replacement of remotely-piloted aircraft drones used by the state emergency services will be able to be supported and provide intelligence gathering for hazard assessment and incidents.

There will be $859,000 over three years for development assessment activity associated with the statewide bushfire hazard overlay code amendments; and $687,000 over three years to continue supporting Volunteer Marine Rescue associations in providing their rescue capabilities. We also know that $250,000 will go towards the replacement of Surf Life Saving's Lifesaver 3 three jet rescue boats. These are significant investments that are there to support those on our frontline and provide that support. We know the ESL plays a significant role in doing this.

EMERGENCY SERVICES LEVY

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:14): Supplementary: what consultation was conducted with regional stakeholders and farming bodies before the ESL increase was implemented?

The PRESIDENT: I never heard anything about consultation in the original answer.

EMERGENCY SERVICES LEVY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:15): Supplementary arising from the answer: why can't the government redirect funding from non-essential government advertising to fund replacement and improvements to equipment to the emergency services rather than hiking up ESL levies?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Minister, if you are going to choose to answer that question, stand up. If you are not, I am ruling it out of order and we are going to move on.

Members interjecting:

The PRESIDENT: Order!

DROUGHT ASSISTANCE

The Hon. M. EL DANNAWI (15:15): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the recent decision to waive fees for farmers seeking to import hay from interstate?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for her question. As this chamber well knows, agriculture is a vital part of the South Australian economy and community and even though many of our farmers have done everything right to prepare for periods of little or no rainfall, they are still doing it incredibly tough during this drought.

As farmers from across South Australia look to various sources of feed for livestock, the Department of Primary Industries and Regions has been working closely with farmers and peak commodity groups such as Livestock SA and the South Australian Dairyfarmers' Association throughout this past week to identify and facilitate movement of hay from interstate into South Australia while still protecting our strong biosecurity system and ensuring that no additional cost is passed on to farmers.

In working to ensure farmers have efficient and safe movement of hay from interstate, it was raised with me about the biosecurity inspection fee that is applied to all inspections of all plant or plant-related products into South Australia. This fee has been in effect since the establishment of the Plant Health Act 2009. In recognition of the hardship being felt by many South Australian farmers, I asked PIRSA to implement a waiver system for the $167 hourly fee that is usually required for inspection of incoming fodder.

I note that the inspection is incredibly important as the check looks for signs of any pest, including such terrible pests as red imported fire ants or green snail. Red imported fire ants are one of the world's worst invasive species and have infested parts of New South Wales and Queensland and would have a devastating impact on South Australian agriculture should it ever establish itself here in our state. Green snail from certain areas of Western Australia and Victoria also pose a significant risk to our horticulture and grain producers. It is important that we remain vigilant to such a threat.

Biosecurity inspections are critical to protecting South Australia against these pests, which, if established, would have significant ongoing challenges for farmers at a time when they can least afford it—now—and would be suffering from for years to come. Biosecurity inspections will continue to occur but with no cost to drought-affected farmers. I am pleased to advise that rebates will be available for all inspection fees paid since November 2024 when our first drought package was announced.

PIRSA will continue to work with all charities and associations involved in bringing hay into the state through the Donated Fodder Transport Drought Assistance Scheme to ensure compliance with biosecurity regulations.

I want to take this opportunity to thank PIRSA's biosecurity division, along with Livestock SA and the South Australian Dairyfarmers' Association, for their hard work to ensure the speedy movement of hay into our state while still respecting and acknowledging the ongoing biosecurity challenges that must continue to be addressed.

While members opposite are moving self-congratulatory motions at their own state council and giving themselves a pat on the back for spreading misinformation about the drought and playing politics with it, we are getting on with the task of rolling out a comprehensive $73 million drought relief package and supporting our farmers now and into the future.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): Supplementary question, Mr President.

Members interjecting:

The PRESIDENT: Order! I'm not going to reward him by throwing him out.

The Hon. N.J. CENTOFANTI: Why did it take the opposition and media pressure for the government to backflip on the fees charged to farmers in the midst of the worst drought in history?

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, you have way too much to say today. Would you like to answer the question?

The Hon. I.K. Hunter: That's tempting, sir, but I'll let a minister answer.

The PRESIDENT: Then how about a bit of silence from you.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I am a little surprised by the Leader of the Opposition in this place trying to take credit for this occurring.

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: No, no: we just heard the honourable member ask, 'Why did it take the opposition?' The approach from the opposition, I am advised, was that it was very late on Friday afternoon, just before 4 o'clock apparently, that my office received an email. She obviously thinks that was the key, that that was it. The South Australian Dairyfarmers' Association and Livestock SA have been working with PIRSA, with my office, on this. Why on earth would those opposite think their focus should be on getting media headlines instead of actually working constructively?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: If those opposite really wanted to make a difference they would have made contact far before this, yet they stand up and say, 'Oh no, it's the opposition pressure that has done this, it's the opposition pressure.' How about they actually try to be constructive? Why is a drought the opportunity for those opposite to play politics instead of working in a bipartisan way? Why do we see those opposite—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —not working in a bipartisan way on biosecurity, on drought? On it goes. Why aren't they willing to be constructive? They won't be constructive because they have no ideas, they have no policy.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Those opposite have talked today, in this place, about the emergency services levy. The member opposite was asked yesterday on FIVEAA about why don't they come out and say the Tarzia government will remove the ESL from country people. Let's see what their answer is—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: The Hon. Ms Girolamo, just zip it.

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

> We are well and truly aware…that…we already have announced a number of policies…we've announced that we will increase the eligibility for…sorry…in terms of payroll tax, we'll be increasing the…payroll tax threshold…

On it went. She could not actually name any policies. We are nine months out from an election—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. C.M. SCRIVEN: —and we would like to see some policies from those opposite.

The Hon. C. BONAROS: Point of order: relevance, and the minister's answer about a question from the opposition.

The PRESIDENT: Minister, conclude your remarks. We have had eight questions so far. I want to go to the Hon. Ms Franks. Just conclude now, please.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Okay. I don't know if that was any reason she was then pulled from doing an interview on another station within an hour later; I will leave that up to others to determine.

YITPI YARTAPUULTIKU ABORIGINAL CULTURAL CENTRE

The Hon. T.A. FRANKS (15:23): I seek leave to make a very brief explanation before asking the Minister for Aboriginal Affairs a question about the opening of Yitpi Yartapuultiku.

Leave granted.

The Hon. T.A. FRANKS: On Sunday I joined not just hundreds but well over a thousand other South Australians at the launch of the 'soul of Port Adelaide', Adelaide's newest Aboriginal cultural centre. Can the minister share with this council and the community of South Australia how that will contribute to reconciliation and benefit the community, as well as any other details he may wish to share?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:24): I thank the honourable member for her question. I, too, was very privileged on Sunday afternoon to be at the opening of Yitpi Yartapuultiku—roughly translated to 'the soul of Port Adelaide' in the Kaurna language—which is a new, purpose-built facility right in the heart of Port Adelaide on Old Port Road that has a whole range of functions as a tourism venue and education venue. It has meeting rooms, nature playgrounds, and I think it will become a major meeting space for not just the Aboriginal community but non-Aboriginal community in the Port Adelaide area in years to come.

I have heard estimates for the entirety of the afternoon of somewhere between 6,000 and 10,000 people attending the opening. I think it far exceeded the expectations of all the organisers and anyone who was there. I have been asked a number of times about what the facilities looked like, and I have to say I think they look awesome, but I could not see a lot of it because there were so many people there, so I look forward to returning time and time again. I am sure, having held the Aboriginal affairs portfolio for the Labor Party for over 10 years now—and I hope to hold it for some time into the future—that I will be returning time and time again to this quite remarkable facility.

Not just is the facility itself quite stunning and will contribute, I think, to reconciliation in a very meaningful way in the future, but the opening was pretty special as well. Contributing was Kaurna elder Lewis O'Brien, who at now 95 years old is certainly one of the most remarkable Aboriginal elders in South Australia. If you consider that at 95 Uncle Lewis has been around contributing for more than half the time the state and the colony that preceded it has been here, it is a remarkable legacy of contribution and it is carried on by other members of his family. A number of his children were there at the opening ceremony for Yitpi Yartapuultiku, who had contributed a lot in the design as well.

Pat Waria-Read gave a very inspiring speech with a lot of call and responses from the audience that was infectious in the way that was done, and then performances from people like Jamie Goldsmith and Uncle Moogy Sumner in the huge sand area that I am sure will be used a lot in the future. I think everyone who was there couldn't help but be affected in some way by the joyous and solemn nature of the opening, and I am absolutely certain in the years to come it will become a staple in the reconciliation journey, not just for the Port Adelaide area but for South Australia.

TOMATO BROWN RUGOSE FRUIT VIRUS

The Hon. J.M.A. LENSINK (15:27): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries about tomato brown rugose fruit virus.

Leave granted.

The Hon. J.M.A. LENSINK: In a media release dated Friday 30 May, the minister said the following:

> Every state and territory up until yesterday wanted to eradicate the virus instead of moving to transition.

The National Management Group responsible for this decision comprises representatives from each state jurisdiction and affected industry, and decisions require consensus. It is known that there has

been a range of opinions between state jurisdictions and industry members about pursuing eradication or transitioning to management, but not a consensus. It is also understood that the majority of, if not all, tomato producers in South Australia were hoping for a transition to management. My questions for the minister are:

1. Does the minister stand by that particular statement in her media release?

2. Did Biosecurity SA accurately represent the interests of the tomato growers in this state and advocate for a transition to management instead of maintaining the approach of eradication?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:28): I thank the honourable member for her question. The role of Biosecurity is to provide the facts as informed by their scientific knowledge—Biosecurity SA I am referring to, in terms of the chief plant health officer who is employed by PIRSA. In all of the discussions, and I think the honourable member may be confused—I am not having a go—between the role and function of the NMG and CCEPP. Biosecurity officers contribute to the CCEPP, which then makes recommendations to the National Management Group (NMG).

In terms of the national approach, it was for eradication, and every state and territory, according to my advice, was signed up to that because it is a national approach. Therefore, I think I can absolutely say, according to my advice, that the information I provided in the media release was accurate.

I am not quite sure on which basis the honourable member says that most, if not all, growers preferred a movement to management. One of the difficulties when we are talking about any pest or disease that has had an eradication phase is what then a transition to management looks like. In terms of what will be required of growers from other states, at this stage that is still unknown. That is why there are these processes in place. The National Management Group took on board the information from the CCEPP as well as other input and made their decision accordingly.

LOS ANGELES OLYMPIC AND PARALYMPIC GAMES

The Hon. J.E. HANSON (15:30): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the council about preparations for the Olympic Games?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:30): I thank the honourable member for his question and interest in South Australia's preparation as we look ahead to the Los Angeles 2028 Olympic and Paralympic Games. Following what has been Australia's most successful Olympic campaign to date in Paris with an incredible haul of 53 medals, we are entering the next Olympic cycle with renewed energy, ambition and belief. These results have inspired the nation, and we are determined to build on that momentum.

Here in South Australia, we are proud to play a significant role in Australia's sporting success. Our athletes, coaches and programs have consistently delivered on the world stage, and we are taking bold steps to ensure that continues in the lead-up to Los Angeles and beyond. That is why the Malinauskas Labor government has committed $1 million over four years to directly support South Australian Olympic and Paralympic athletes as they prepare for the LA 2028 games. This is in contrast to the former Liberal government, who I am advised chose not to contribute to the Paris 2024 Team Appeal, refusing to commit to any funding at the start of the four-year cycle in 2021.

This targeted support will fund coaching, training camps, access to sports science and medicine, and international competition. It will also ensure our athletes, including those with a disability, have the resources and backing they need to stay competitive while remaining based in South Australia, connected to their local communities and support networks.

At the core of our efforts is the South Australian Sports Institute (SASI), which continues to be the engine room of elite sport and athletes in South Australia. SASI will play a critical role in developing many of South Australia's most successful athletes. With a recent investment in technology, high-performance staffing and athletes' wellbeing services, it will be well-equipped to support the next generation of Olympians and Paralympians. This is about more than medals. It is

about building a pathway from grassroots to greatness, identifying young talent early and nurturing them through school sports, local sport and then state level development programs right through to elite and international competitions.

We are also focused on collaboration. South Australia continues to work closely with the Australian Olympic Committee, Paralympics Australia and the Australian Institute of Sport to ensure our programs are aligned with national performance goals. This ensures every dollar we invest has maximum impact and enables us to perform at the highest level possible. The success of Paris 2024 shows what is possible and it inspires us to go further. Many of those medal winners are just at the beginning of their journey, and they have created an incredible path for others to follow.

Further, to support athletes beyond the 2028 games, the government will establish a Brisbane 2032 Olympic and Paralympic Games Legacy Committee. This cross-government group will help position SA as an international hub for pre-games training and build on the state's sporting legacy. In South Australia we are proud of our Olympic and Paralympic history and even more excited about what the future looks like.

The PRESIDENT: During question time I don't expect vanilla behaviour, but I do expect some level of behaviour across the chamber. Please think very carefully about what sort of language you use when you are interjecting with each other. Interjections are out of order. There is a difference between having a bit of fun and just being downright disrespectful, so I expect better.

Bills

DOG AND CAT MANAGEMENT (BREEDER REFORMS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:34): I move:

That this bill be now read a second time.

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

Leave granted.

One of this government's election commitments was to introduce legislation to eradicate puppy factories and prevent any such operations setting up in South Australia.

The commitment was to ensure that standards governing commercial breeding of companion animals in South Australia are at least as strict as any jurisdiction in the nation, so there is no incentive for unscrupulous operators to move here to establish their cruel operations.

The *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* addresses this issue–it introduces a new breeder licensing scheme for South Australia.

Breeders will be required to adhere to strict standards for breeding, including limits on the number of female animals per breeding program and the number of litters that may be bred by the licence holder. Mandatory reporting of each litter will be introduced.

This will outlaw large-scale inhumane puppy farms that increase the risk of animal cruelty and will bring South Australia into line with stricter breeding programs in Australia.

Applicants will have to apply to the Dog and Cat Management Board for breeder licences. The licences will be able to be issued subject to specific and tailored conditions. Fines will apply for breeding animals without a licence or contravening a condition of a licence.

The bill also includes a number of amendments dealing with dog attacks, as we have seen some prominent and awful dog attack cases over the last 12 months. The bill significantly increases fines and penalties for offences associated with dogs wandering at large, dog attacks and other community safety related offences.

In further consultation with the sector, Government Amendments have been filed to further support Councils in their responsibilities to promote and enforce responsible dog ownership. These amendments were identified in partnership with Councils and the Local Government Association of South Australia.

The amendments include:

- Introducing a new power of direction, providing the ability for council to identify specific actions, as reasonably required, to prevent the dog acting in a manner that constitutes an offence under the Act, and;
- Introducing a new order making power which relates to barking arising from multiple dogs on the property (rather than a single dog).

Government amendments are also proposed to better support feral cat management programs, to protect biodiversity in South Australia and the implementation of the updated threat abatement plan for predation by feral cats.

These amendments clarify powers and circumstances where cats may be lawfully destroyed, and are included following broader public consultation and engagement with key stakeholders, including Landscape Boards.

In summary the bill and Government Amendments deliver on an important commitment to reform the management of dog and cat breeders, address a range of issues to ensure effective operation of the Act, improve efficiencies and support responsible dog and cat ownership.

The government commends this bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Dog and Cat Management Act 1995*

3—Amendment of section 3—Objects

This clause makes a consequential amendment to section 3 of the Act.

4—Amendment of section 4—Interpretation

This clause amends section 4 of the Act to define key terms used in the Act as amended by this measure.

5—Amendment of section 12—Composition of Board

This clause amends section 12 of the Act to reduce the number of Board members from 9 to 7, and adjusts the makeup of members accordingly.

6—Amendment of section 17—Proceedings

This clause amends section 17 of the Act to reduce the quorum of the Board consequent upon the reduction in the number of Board members.

7—Insertion of Part 2 Division 2A

This clause inserts new Part 2 Division 2A into the Act, with new section 20 inserted requiring the Board to establish and maintain a centralised dog and cat registration system, which may be in an electronic form.

8—Amendment of section 24—Annual report

This clause amends section 24 of the Act to change the date by which an annual report of the Board is to be provided to 31 October in each year.

9—Amendment of section 25—Dog and Cat Management Fund

This clause amends section 25 of the Act to enable moneys held in the Dog and Cat Management Fund to be applied towards facilities for detained cats.

10—Amendment of section 25D—General powers of authorised persons

This clause amends section 25D of the Act to require warrants to be issued by the Magistrates Court rather than justices.

11—Amendment of section 26—Council responsibility for management of dogs and cats

This clause makes a consequential amendment to section 26 of the Act.

12—Substitution of section 26A

This clause substitutes section 26A of the Act, and continues to require councils to prepare plans of management for dogs and cats in their areas, but simplifies the process for the councils to do so.

13—Amendment of section 31—Offence to hinder etc authorised person

This clause amends section 31 of the Act, with the offence currently created by subsection (2) being shifted to be included within the scope of section 20AA of the *Criminal Law Consolidation Act 1935*.

14—Amendment of section 34—Registration procedure for individual dogs

This clause makes a consequential amendment to section 34 of the Act.

15—Repeal of section 35

This clause repeals section 35 of the Act.

16—Amendment of section 37—Notifications to ensure accuracy of registers

This clause makes a consequential amendment to section 37 of the Act.

17—Repeal of section 38

This clause repeals section 38 of the Act.

18—Amendment of section 42E—Certain dogs and cats to be desexed

This clause makes a consequential amendment to section 42E of the Act.

19—Amendment of section 43—Dogs not to be allowed to wander at large

This clause amends section 43 of the Act to increase penalties for offences under the section.

20—Amendment of section 44—Dogs not to be allowed to attack etc

This clause amends section 44 of the Act to increase penalties for offences under the section.

21—Amendment of section 45A—Miscellaneous duties relating to dogs

This clause amends section 45A of the Act to increase penalties for offences under the section, and creates an offence where owners of dogs that defecate in a private place fail to deal with the faeces.

22—Amendment of section 45B—Dogs of prescribed breed

This clause amends section 45B of the Act to increase penalties for offences under the section.

23—Amendment of section 45C—Greyhounds

This clause amends section 45C of the Act to remove the requirement for non-racing greyhounds to be muzzled in public.

24—Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs

This clause amends section 45D of the Act to increase penalties for offences under the section.

25—Amendment of section 50—Destruction and control orders

This clause amends section 50 of the Act to add to the orders that may be made under the section an order relating to dogs that are persistently wandering at large, or are the subject of such an order under a corresponding law.

26—Amendment of section 51—Grounds on which orders may be made

This clause amends section 51 of the Act to set out the grounds on which a Control (Wandering Dog) Order may be made.

27—Amendment of section 55—Contravention of order

This clause makes a consequential amendment to section 55 of the Act.

28—Amendment of section 56—Notification to council

This clause amends section 56 of the Act to increase penalties for offences under the section.

29—Amendment of section 57—Notification of order to proposed new owner of dog

This clause amends section 57 of the Act to increase penalties for offences under the section.

30—Amendment of section 59B—Contravention of Prohibition Order

This clause amends section 59B of the Act to increase penalties for offences under the section.

31—Insertion of Part 5 Division 4

This clause inserts new Part 5 Division 4 into the Act as follows:

Division 4—Recognition of interstate orders

59C—Recognition of certain interstate orders

This section allows the Minister to recognise and register certain interstate orders corresponding to orders under the Act, and makes procedural provision for doing so. The section creates an offence for a person who is the subject of a such an order to contravene the order.

32—Amendment of section 60—Power to seize and detain dogs

This clause amends section 60 of the Act to add 2 additional grounds under which a dog may be seized and detained.

33—Amendment of section 61—Procedure following seizure of dog

This clause amends section 61 of the Act to modify the way in which notices of the seizure of a dog are required to be displayed or published.

34—Amendment of section 62—Destruction or disposal of seized dog

This clause makes a consequential amendment to section 62 of the Act reflecting the change in terminology from registered veterinary surgeon to veterinarian.

35—Amendment of section 63—Power to destroy cats

This clause makes a consequential amendment to section 63 of the Act reflecting the change in terminology from registered veterinary surgeon to veterinarian.

36—Amendment of section 64—Power to seize and detain cats

This clause makes a consequential amendment to section 64 of the Act reflecting the change in terminology from registered veterinary surgeon to veterinarian.

37—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

This clause makes a consequential amendment to section 64D of the Act reflecting the change in terminology from registered veterinary surgeon to veterinarian.

38—Substitution of Part 7

This clause substitutes a new Part 7 of the Act as follows:

Part 7—Breeder's licences

Division 1—Preliminary

68—Meaning of *to breed* and *bred*

This section defines these key terms.

69—Board may publish or adopt standards and guidelines

This section enables the Board to publish guidelines for the purposes of the proposed Part.

Division 2—Licensing of breeders of dogs and cats

70—Offence to breed dogs or cats unless licensed

This section creates an offence for a person to breed a dog or cat unless licensed to do so under the Part.

71—Application for licence

This section sets out how an application for a breeder's licence is to be made, and sets out circumstances in which a licence must not be granted to an applicant.

71A—Terms and conditions of licence

This section sets out the conditions that must be imposed on a breeder's licence, and allows for other conditions to be imposed. The section creates an offence for a licence holder to contravene a condition.

71B—Reporting obligations

This section obliges a licence holder to report to the Board in the event of specified events occurring.

71C—Renewal of breeder's licence

This section provides for the renewal of breeder's licences.

71D—Suspension or cancellation of breeder's licence

This section enables the Board to suspend or cancel a breeder's licence in the circumstances specified by the section.

71E—Dealing with dogs and cats where breeder's licence suspended or cancelled

This section makes provision that requires any dog or cat owned by the holder of a breeder's licence that is suspended or cancelled must be dealt with in accordance with the scheme set out in the regulations.

71F—Register of licensed breeders

This section requires the Board keep and maintain a register containing the information specified in subsection (2) for the purposes of the proposed Part.

Part 7AA—Sale of dogs and cats

Division 1—Sale etc of dogs and cats

71G—Offence to sell etc dogs of prescribed breed

This section prohibits the sale or giving away, and advertising for sale or giving away, of dogs of a prescribed breed. However, the section does not prevent the surrender of such dogs to certain specified person and bodies.

71H—Offences relating to sale of certain dogs and cats

This section prohibits the sale of certain dogs or cats that are not microchipped or desexed in accordance with the regulations.

71I—Certain information to be given to buyers

This section requires the vendor of a dog or cat to give the new owner the information set out in subsection (1), and similarly requires advertisements relating to the sale of dogs and cats to contain the information set out in subsection (2).

39—Amendment of section 72—Review of certain decisions by South Australian Civil and Administrative Tribunal

This clause makes a consequential amendment to section 72 of the Act.

40—Insertion of section 73

This clause inserts new section 73 into the Act, allowing the persons and bodies specified in the section to exchange certain information with each other.

41—Amendment of section 83—No liability for action taken under Act

This clause amends section 83 of the Act to clarify the extent to which liability is limited in relation to certain actions taken under Part 5A of the Act.

42—Insertion of sections 84 and 84A

This clause inserts new sections 84 and 84A into the Act, which make provision in relation to the liability of directors for offences committed by bodies corporate, and imputing certain states of mind and conduct to bodies corporate.

43—Amendment of section 86—General defences

This clause makes a consequential amendment to section 86 of the Act following the insertion of new sections 84 and 84A.

44—Repeal of section 87

This clause repeals section 87 of the Act.

45—Substitution of section 88

This clause substitutes a new section 88 of the Act, updated to reflect the changes made by this measure.

46—Substitution of section 89

This clause substitutes section 89 of the Act, and sets out how penalties paid for offences against the Act are to be dealt with.

47—Substitution of section 90A

This clause inserts a new section 90A into the Act, requiring a review of the operation of the Act (as amended by this measure) to be conducted within 6 months after the third anniversary of the commencement of the new section.

48—Amendment of section 91—Regulations

This clause amends section 91 of the Act to allow regulations to make transition and savings provisions, and for fee notices to be made under the *Legislation (Fees) Act 2019*.

Schedule 1—Related amendments and transitional etc provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

This clause amends section 20AA(9) of the *Criminal Law Consolidation Act 1935* to include authorised persons under the *Dog and Cat Management Act 1995*, or a person assisting an authorised person in the exercise of powers under that Act, in the definition of prescribed emergency worker under that section.

Part 2—Transitional etc provisions

2—Composition of Board

This clause vacates each member's office (and any deputy) on commencement of the clause and modifies the provisions by which a new Board is appointed to reflect the reduction in member numbers under this measure.

3—Transitional arrangements for registered breeders

This clause sets out transitional arrangements for those breeders currently registered under the Act as they transition to the new licencing scheme enacted by this measure.

Debate adjourned on motion of Hon. B.R. Hood.

SUPPLY BILL 2025

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:36): I move:

That this bill be now read a second time.

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

Leave granted.

A Supply Bill is necessary until the Budget has passed through the parliamentary stages and the Appropriation Bill 2025 receives assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the Appropriation Bill.

The amount being sought under this Bill is $7,681 million.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause provides a definition of *agency*. An agency is a Minister, an administrative unit, or part of an administrative unit, of the Public Service of the State or any other instrumentality or agency of the Crown.

4—Appropriation

This clause provides for the appropriation of up to $7,681 million from the Consolidated Account for the Public Service of the State for the financial year ending on 30 June 2026.

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

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Committee Stage

In committee.

(Continued from 1 April 2025.)

Clause 1.

The CHAIR: Are there any further contributions at clause 1?

The Hon. C.M. SCRIVEN: I would like to provide some answers. During the last debate on this bill, there were questions asked that I am now pleased to provide additional information on. The Hon. Tammy Franks MLC and the Hon. Connie Bonaros MLC sought clarification on several issues regarding drug testing, the call centre, removals and the best interests principle.

Regarding questions asked about the drug testing budget of the department, my advice is that the department has remained within its allocated budget for drug and alcohol testing since 2022, when an MOU with SA Pathology was established. A question was raised about drug testing data. My advice is the following: in 2023-24, 15,570 tests were conducted, with drug testing numbers for this financial year sitting at 8,940 as at 28 February 2025.

There was a question asked regarding the call centre and wait times. I am advised that for the month of January 2025 there were 2,924 calls to CARL, with 93 per cent of calls answered within 30 minutes. The majority of CARL calls abandoned occurred within the first 10 minutes of the call, which was 558 or 76.44 per cent. Most reporters will make an eCARL, call back or use the callback function.

There was also a question regarding whether DCP keeps records of how long people wait before those calls are terminated. I am advised that the department does keep records. Further, a question was asked whether the government could provide data on the number of removals that have occurred specifically related to drug and alcohol use, identified and substantiated via random drug testing, and how many of those removals apply to Indigenous child removals specifically.

I am advised that a substantiation decision is a determination as to whether harm has occurred, whether caused by an act or omission, and/or whether risks of harm are identified. The CYPS Act defines harm as physical, sexual, emotional and mental abuse and neglect. Identifying drug and alcohol use does not automatically result in a substantiation decision or the removal of a child or young person, and it is not possible to quantify the number of removals related to drug and alcohol use through random drug testing.

There was a question asked regarding the future of the Finding Families program. I am advised that program was extended for a further 12 months. The end date for the current partnership with KWY is 3 February 2026. Finally, there were further questions regarding how best interests were defined. Due to ongoing conversations with the crossbench, this clause has been amended and I refer the chamber to amendment No. 8 in the government's amendments.

I would also like to just make a few additional comments. Over the past few months, the government has been negotiating and working with stakeholders to ensure that, where we can strengthen the bill, we do so. On behalf of the government I would like to thank the Hon. Tammy Franks and the Hon. Connie Bonaros for negotiating with the government on amendments that have now been lodged under my name. These negotiations have led to more than 50 amendments that strengthen the bill in several areas, which I will talk more about in the individual clauses. However, I highlight a few of the important changes, as follows:

- clarify the safety and best interests principles;
- strengthen the best interests principle to include safety in several parts, as negotiated with members of the crossbench;
- a new principle of active efforts and standard of active efforts;
- new clauses to further build on the government's amplifying of the child's voice in decision-making;
- a statement of committee to children and young people in contact with the child protection and family support system;
- changes to family group conferencing provisions to ensure public reporting on statistics and further strengthening how the department will convene a conference;

- a new management and complaints management feedback process;
- recognition of the peak bodies that represent children and young people, their families, Aboriginal and Torres Strait Islander children and young people and their families and carers;
- a new provision that introduces a scheme to establish by regulation for cultural support to be provided to Aboriginal and Torres Strait Islander children and young people; and
- insertion of a timeframe of 60 days within which an internal review must be completed.

Further to these amendments, I want to thank the Hon. Rob Simms and Greens SA for their support. The honourable member has advocated to the government strongly regarding the need for reunification. This has led to further amendments, which insert a requirement that a child or young person's case plan must be prepared as soon as reasonably practicable after coming into care and, in any case, no longer than six months.

On behalf of the minister, I would also like to thank the Hon. Frank Pangallo for his steadfast support for this bill in all its iterations and adding his important voice to this debate around children's wellbeing. I indicate to the council that it is the government's position that we will not be supporting any amendments outside the government amendments, as negotiated with the crossbench.

The Hon. R.A. SIMMS: I have not yet spoken on this bill, so I might use the clause 1 process to do so. I rise to indicate my support for the Children and Young People (Safety and Support) Bill 2024. Protecting vulnerable children is among the most important responsibilities for any government or any parliament. It is clear to me, and I believe this parliament, that the current act as it stands is failing too many children and families and places insufficient emphasis on the best interests of the child It is my hope that the amendments and improvements that have been secured between the crossbench and the government will better support vulnerable children in our state.

I want to acknowledge the painful past in this space for Aboriginal and Torres Strait Islander children and families in particular, especially given the shocking history of the stolen generations. Saying sorry, telling the truth and honestly facing our past means we must do no fresh harm. We must aim to keep families together and preserve connection to culture and country where it is in the best interests of children and where it is safe to do so.

I want to use this opportunity to recognise the work of the public servants and staff in the child protection area. Those working on the frontline to support vulnerable children in our community do incredibly difficult jobs, and I know that all of us in the parliament are thankful for their service and their dedication.

I want to thank the stakeholders who I have engaged with over the last few weeks for engaging so passionately and for bringing their expertise, their evidence and their lived experience to bear throughout this process. I want to thank the members of the crossbench for their effective advocacy. I know all members of the parliament agree that protecting vulnerable children is beyond party politics. I want to thank the minister for the collegial way in which she has engaged with my office and also thank and acknowledge her staff.

Following amendments from the crossbench this bill is an improvement on the status quo. As it stands, the current act in place right now fails to recognise the best interests of the child. The elevation of the best interests of the child via amendments to the new bill and the inclusion of a series of tangible procedures, practices and rights will better support vulnerable children and those in state care in our community.

I believe this chamber has worked constructively to improve both the current act and also to improve upon the original bill as drafted by the government. In that context, the Greens will be supporting the bill following some significant positive amendments. I might use this opportunity to speak through a few of those now.

Amendment No. 6: I understand through crossbench changes that the best interests of the child will now be recognised in law. This changes more than just a theoretical principle but also includes tangible procedures, standards and rights which will flow from it. In particular—and this is something that I advocated for in my discussions with government—there will be the inclusion of a

hierarchy of placement when assessing the best place for a child. This will include an emphasis on, where possible, keeping parents and families, including siblings, together. It recognises people with whom a child has an existing relationship, and it recognises those people who are willing to care for children who will develop and maintain a relationship with the child's parents, siblings, kin and family.

The government's amendments also better protect the rights of children living with a disability or a point of difference, and this is something that we discussed with the government. This will ensure that lived experience and identity is respected and that development of the child can be taken into account given that disability.

I note that the principle of active efforts and the standard of active efforts will now be included as a key part of this bill. Following the efforts of the crossbench, we will ensure that families, siblings, kin and community relationships are preserved and, where viable, reunification can take place to keep families together.

This is an important change that the Greens negotiated with the government. It widens the scope and keeps the door open, whenever viable, to reunify families and parents with their children. Indeed, I consider this to be a broader principle than the simple likelihood test that was in the original bill, which is more a test around probability. It may sound like a small change in wording, but it is critical, I think, in terms of recognising the will of the parliament—that is, to reunify families where it is in the best interests of the child and where it is safe to do so.

It is also significant to note that the government has listened to the crossbench and agreed to amendments so that within six months a case plan will now be prepared for every child or young person in state care with a view to protect the best interests of the child and giving children, parents and carers a voice. Crucially, these amendments will give children and their families a voice through this process and protect the physical, mental, emotional, educational and cultural interests of children. We have also strengthened the need to respect the wishes of children and parents and the vital role of family group conferences through these changes.

Child protection is a complex and ever-changing area, and I recognise that there are still some concerns from advocates within the sector. That is why I think it is important to note that the government has agreed to a review in 1.5 years to look at how this act is operating and how we can ensure the best interests of the child are protected and ensure we are getting that balance between best interests and child safety right.

I want to acknowledge that this bill is far from perfect, of course. It is a government bill. It is not a bill that the Greens have advanced or drafted; it is the government's bill. But I think the crossbench and, indeed, the Greens have played a constructive role in terms of pushing the government to go further.

Ultimately, all of us in this place, particularly when we are in the position of balance of power, need to make a judgement call around when it is time to keep pushing and when it is time to give a bill support through this place. In weighing this, my primary concern has been around wanting to ensure that we are able to secure the important improvements to this bill that have been negotiated. One of my main concerns has been that, if this bill was not passed before the midwinter break, there was a high likelihood that this matter would not be prioritised during this term of parliament and then we might find ourselves in a situation where we are having to reopen this debate in the new parliament and lose some of the important gains that have been made.

I have also been concerned about the uncertainty that could create for people who work within this very important area and the potential risks that flow from that. I have also been persuaded that, on balance, the current bill that is due to pass this chamber with amendments represents an important advance on the status quo and will deliver some tangible improvements for children and young people.

On that basis, I have given the government a commitment that I will support the bill's passage through this chamber with the amendments that have been the subject of negotiation between the crossbench and the government. I understand that some other members will be moving amendments on the floor today. I indicate that I will not be supporting those. Whilst I have sympathy with some of the matters that are being raised in those amendments, I will not be supporting the amendments

advanced by other members of the crossbench and will simply be supporting the government amendments.

It might also be helpful for me to indicate that there has been no side deal done in relation to this bill, as the Hon. Frank Pangallo indicated in media earlier today. Rather this has been a position that has been reached on the basis of negotiating around the merits of the bill and trying to secure improvements to this particular bill.

The Hon. C. BONAROS: I have a point of clarification in relation to one of the responses that the minister provided and that was around CARL and eCARL reporting. Can the minister now accept that the advice given in this place regarding the ability to report via eCARL when we last sat was indeed incorrect and that the guideline which states that all serious harm concerns must be reported via the CARL phone line is indeed inconsistent with provisions under the legislation that we are referring to and does she acknowledge that after the last debate discussions were had about rectifying that guideline? A cursory glance online indicates that that guideline remains as it was at the time of the debate when this was identified.

The Hon. C.M. SCRIVEN: I am advised that the department has received legal advice that indicates that the guideline that the honourable member refers to is consistent with the legislation.

The Hon. C. BONAROS: Thank you. If that is the case then I would care to have some further information in relation to that guideline. Again, I will go back to the same guideline that appears online today. It says:

> All serious [harm] concerns must be reported/notified via the CARL telephone report line and not via the e-CARL online reporting system.

The relevant part of the legislation simply states that a mandatory notifier is required to report a suspicion of harm. Their job is not to make an assessment as to the level of harm. Indeed, the guideline itself goes into some detail then about serious harm. At what point then can the minister say that those two things are consistent and, if there is legal advice to that effect, can it be tabled in this place?

The Hon. C.M. SCRIVEN: My advice is twofold: first of all, the government does not intend to waive legal privilege and therefore does not intend to table the legal advice, which I am advised is quite complex.

The other aspect is the question is referring to the existing legislation. The proposed legislation that is before us has a different approach. Therefore, that is the preferred approach going forward. It will involve training of staff, working closely with staff and so on to ensure that it is put into practice in an appropriate way.

The Hon. C. BONAROS: This was an important point and it remains an important point now. Does the minister accept that last time we debated this issue, the very firm advice of the minister, based on the advice given to her, was that somebody could make any report via eCARL? Was that the advice provided to this place?

The Hon. C.M. SCRIVEN: My advice is that in terms of the current guidelines it does try to guide people not towards doing urgent matters via, for example, email but towards a telephone call. However, obviously, the matter under consideration is the legislation that is before us. The implementation phase will be an opportunity for further discussion. The guidelines, of course, are still to be developed in terms of that raised threshold, which is proposed in this bill. I am advised further that the peak bodies are very ready to work with the government on implementation of all matters including this one.

The Hon. C. BONAROS: I am going to labour the point because my question was simple. I think if the minister reflects back on the record, her answer was very firm that you could report via the eCARL email address. The guideline that she refers to says that reports must be made by telephone and not via eCARL where they involve serious concerns of serious harm, serious injury or death or chronic neglect.

I am labouring this point because it is critical because mandatory notifiers will want to know, regardless of whether there is a new set of guidelines or not, and I would like to know where the changes in these requirements are between the existing act and the current bill.

What is the difference between the existing act and the current bill with respect to this, because the minister, again, was very firm in her advice to this chamber? The guideline could not be any clearer in terms of its advice to people who are required by law to follow it. It may have the word 'guideline' in there, but it states very clearly how you can and cannot report things if you are a mandatory notifier. I would like some clarity on that before we proceed, and some clarity on what the minister says is the difference between the current bill and the existing legislation with respect to this.

The Hon. C.M. SCRIVEN: I do not have any additional advice other than what I have just outlined in answer to the two previous questions, but I think the particularly pertinent point is that we are debating today the legislation before us which will provide for the mechanisms going forward. The guidelines will be developed from that if the bill is passed, and there will be an opportunity for extensive discussions and consultation around implementation.

The Hon. C. BONAROS: On that point then—and I note there are advisers in the room—what is the difference between the current act and the bill when it comes to this particular point of how notifications are made by mandatory notifiers?

The Hon. C.M. SCRIVEN: I am advised that the threshold is different, and that is why there is that opportunity for refreshed guidelines.

The Hon. T.A. FRANKS: In addition, for those children who are already in care or who are known to child protection, is it possible to make notifications by eCARL or does it have to be by phone CARL?

The Hon. C.M. SCRIVEN: I come back to the same point that what we are debating today is the legislation that is before us, and therefore what the situation will be going forward. As I have indicated, there is an opportunity for revised guidelines and for extensive consultation and engagement, particularly with the peak bodies and others, around what that will look like into the future.

The Hon. C. BONAROS: I am just picking up from the minister's own responses with respect to the bill that is currently before us today. She has just said that threshold is the difference. I would like some clarity as to whether she is speaking about the threshold question when it comes to significant harm, and whether she acknowledges that that is very different to the provisions that cover notification under section 30 of the act.

She said in her answer that the bill differs from the current act with respect to mandatory notification requirements. I am just pointing out—and I would like some clarity—that mandatory reporting notifications are dealt with under section 30 of the act. The threshold question is a different section and that is being amended. Is that what she is referring to when she says the threshold question? How does that affect the outcome to the answer that she has given me? I am at a loss to understand.

The Hon. C.M. SCRIVEN: The additional advice I have received hopefully will provide clarity for the honourable member. Firstly, I am advised that the method by which harm must be reported is not specified in the existing legislation. That does not change. It is not specified in the proposed legislation before us either. The threshold question, which I am very confident the honourable member is aware of, is that in existing legislation it refers to the need to report a child who is at 'risk of harm', whereas the proposed legislation before us refers to 'significant harm'.

The Hon. C. BONAROS: Just to be clear, the minister is referring to section 31 of the act, which deals with reporting of suspicion that a young child or young person may be at risk, and that then sets out when they have to report.

The Hon. C.M. Scriven: In the existing law.

The Hon. C. BONAROS: In the existing legislation. To confirm that that is not the subject of any changes under this bill, so those provisions will remain as they are—perhaps we could answer that first.

The Hon. C.M. SCRIVEN: My advice is that, as I think I mentioned earlier, there is no change to how suspected harm can be reported. The difference is that currently in terms of the threshold, as contained within section 31 of the existing act, the changes to the threshold are reflected in section 72 of the proposed legislation which is the subject of our debate today.

The Hon. T.A. FRANKS: Can the minister then explain why, according the eCARL notifier training and support guide found at www.ecarl.sa.gov.au, at 1.2 it outlines when to call the child abuse report line (CARL):

All serious concerns must be reported/notified via the CARL telephone report line (13 14 78) and not via the e-CARL online reporting system.

Serious concerns include any of the following:

- you suspect a child or young person is in imminent or immediate danger of:

  serious harm

  serious injury or death (including if they have a current injury suspected as caused by abuse or neglect)

  chronic neglect

- an infant (under 12 months) has any injury (includes bruises for babies who are not mobile)
- a child or young person has been abandoned or is currently unsupervised
- a plausible threat has been made to kill or seriously harm a child or young person
- a child or young person has experienced sexual abuse and has contact with the alleged perpetrator within the next 24 hours
- the concerns are for a child or young person who is under the Guardianship or Custody of the Department for Child Protection.

Then at 1.3—Urgency detection and redirection:

The e-CARL system prompts you and poses questions to help identify urgent cases that require immediate phone reporting. If your responses indicate an emergency or high-risk situation, you will be directed to call emergency services or the CARL telephone report line immediately. You must not circumvent redirection from online reporting by simply changing the information or responses you provide. It could result in an inappropriate response since non-urgent reports via the e-CARL system are processed with a lower priority than urgent CARL telephone report line provided reports.

Why is this the case that notifiers are told this information and forced to use the phone system, which we know has significant failings?

The Hon. C.M. SCRIVEN: My advice is, first of all, what the honourable member read out, as indeed she stated, is the guideline. So that is not referring to legislation; that is the guideline that is available online. Secondly, the matters that she read out are focused on that urgency. As I indicated earlier, mandatory reporters are guided towards a telephone report where there is a matter of urgency, according to my advice, notwithstanding that there are some concerns around issues with the telephone system, as the honourable member mentioned. If there is an urgent matter or an emergency, as also the honourable member read out, if it is via an email, they are dealt with with less urgency, and that is clearly not what is desirable when it is a case of, as she read out, imminent or immediate harm.

The Hon. T.A. FRANKS: I also read out the concerns for a child or young person who was under the guardianship or custody of the Department for Child Protection regardless of the urgency, so that was the answer I was seeking from my original question. Why is that the information that is provided to mandatory notifiers and notifiers in general? Given the minister during the course of this debate has said she is going to do most of the amendments to policy and process through her ministerial discretion, why has this issue not been addressed?

The Hon. C.M. SCRIVEN: My understanding is that the guidelines that we have referred to will be developed once this bill has passed.

The Hon. C. BONAROS: I am going to go back now, and I want to walk through this very slowly with the minister. She has pointed to clause 72 of the bill. Clause 72 of the bill deals with

certain persons who must make reports of suspicion that a child or young person may be at risk of significant harm. That is the new threshold that the minister refers to.

So, other than referring to a new threshold in that clause 72, nothing else has changed. This is an important question, because there are criminal penalties that apply to those people who do the wrong thing. The minister told us last time that a nurse or a teacher or a doctor could use eCARL to report any of those things. The exact same scenario will apply under the new laws when they come into effect. She said they could use eCARL to report those and she was very adamant in that response. I think she answered at least two or three times, telling us that was the case.

We now have a set of guidelines here which say words to the effect of, 'A person must not report via eCARL if', and then it goes on to explain the circumstances. Does the minister accept that this is an issue that needs to be addressed, and does she also accept that, even under the bill and what we are going to have going forward, we are requiring a subjective assessment by a mandatory notifier, which does not exist in the act?

The duty of assessing that harm is one that belongs to the chief executive. It does not belong to those people who are making the notifications. My question therefore remains: do we accept that the advice we gave last time about eCARL is inconsistent with the guidelines? Do we also accept that this issue needs to be clarified with some certainty going forward, because there are indeed inconsistencies between the information that has been given here and they will continue to exist under this bill if this bill goes forward, because all we have changed is the threshold. The procedures are still the same. Does she accept that there is some level of subjective assessment that must be made by a mandatory notifier and that the act itself does not provide for a mandatory notifier to have to do that?

The Hon. C.M. SCRIVEN: I reiterate that my advice is that the guidelines will be developed once this bill has passed. It will be in close consultation with the stakeholders in the implementation phase of this important bill, and so there will be opportunity there to address issues that have been raised. I would also like to take the opportunity to thank the workers across the system and across the community who make these reports. They are incredibly important, and our state strategy will help to further align efforts as we constantly work across government to improve children's lives.

The Hon. C. BONAROS: Can the minister explain to me what 'significant harm' means?

The Hon. C.M. SCRIVEN: My advice is that section 5 refers to the meaning of 'at risk of harm' and 'at risk of significant harm'. Clearly, there will be a need for training and guidelines, as to some extent we have already discussed tonight. That is a significant part of the implementation phase as we go forward.

The Hon. C. BONAROS: Given that response, if we look at clause 5 of the bill, which goes on to define significant harm, does the minister then accept that anyone who is in the position of a mandatory notifier will have to make a subjective assessment of the level of harm of that child prior to reporting to the chief executive, and that the sections of the act that relate specifically to the chief executive require the chief executive to make that assessment? What will happen if somebody thinks, 'You know what, stuff this, I'm not going to take the chance; I think this child is at risk of harm, I'm going to report it anyway', but it does not meet the threshold of significant harm? How would she like them to report that to the chief executive?

The Hon. C.M. SCRIVEN: It is important to note that the legislation does not limit people from making a report, it does not prevent them from making a report. What it does is require a report for where significant harm is suspected. I think the questions the honourable member is raising are certainly understandable, but that is why there is a two-year implementation period to try to get that practice right. The practitioners across the government and the broader sector will be crucial in this, and my advice is also that the change to the threshold has very widespread support.

The Hon. C. BONAROS: Given that response, can the minister confirm that we will go back and provide some clarity about the existing legislation and the existing timeframes until that two-year timeframe is up, when we can expect the new legislation and the new guidelines to be implemented, or whatever time it takes in that space? Can we get some certainty around that because, as I said, these things come with significant penalties for those people who are making these notifications, and

they deserve to know where they stand legally in terms of their obligations to report and assess the level of harm that a child is being exposed to.

The Hon. C.M. SCRIVEN: I am happy to refer that question to the minister. The current legislation before us is about where we hope to be in the future, but I am certainly happy to ask the minister to provide a response direct to the member in the coming period.

The Hon. B.R. HOOD: As we are at clause 1, I will take a quick opportunity to speak to the amendments that we have received from the government. The opposition, disappointingly, received them at 3 o'clock yesterday and were given the instruction that they were to be held in confidence, which did make it hard to discuss them with stakeholders, which of course has been a criticism of this bill from the get-go. In receiving those amendments being filed, they were different from those the opposition received yesterday, which again is disappointing.

I outline that we will support a number of the crossbench amendments and, as per the shadow assistant minister and the shadow attorney-general in the other place, we have put the opposition's position on the record with regard to how the bill has progressed, so I will not be speaking for too long on each of these amendments, other than to indicate our support or opposition for them. As I said, we have put a significant amount of our position on the record already via the assistant minister and the shadow attorney-general.

The Hon. C. BONAROS: Can the minister provide for the record a list of stakeholders that were engaged with in the preceding weeks, between the last sitting week and this week? This is something that we have obviously discussed with the minister's office. Which of those groups did the minister's office consult with, who were supportive and who were not?

The Hon. C.M. SCRIVEN: I can provide the following advice that I have received. The government has consulted extensively regarding possible amendments and how we move forward on this bill. The government has worked intensively and discussed with stakeholders regarding the government's possible amendments. In particular the government has advised a number of stakeholders on how amendments clarify that the safety principle is applicable in the case of removals only.

These stakeholders include the Commissioner for Aboriginal Children and Young People; the Guardian for Children and Young People; Child and Family Focus SA; the Reily Foundation; Connecting Foster and Kinship Carers SA; the Australian Centre for Child Protection; Professor Leah Bromfield, South Australian of the Year; the South Australian Council of Social Service; the Public Sector Association; the First Nations Voice to Parliament policy team; SNAICC; Junction Australia; and Uniting Communities.

The government, according to my advice, briefed these bodies on the principles and the compromise position that had been reached. While a range of views were expressed, I am advised the overwhelming feedback received is that it is time to get on with this bill. I understand that several crossbenchers have also been consulting with the stakeholders through parts of this process. The government has compromised on the approach to the principles in this bill and are thankful for input from stakeholders.

I also take the opportunity to make it clear that the union that represents the statutory officers and the frontline workers themselves have made it clear that the workers need that clarity. I reference PSA communications to their members on 31 March of this year:

> PSA members have identified that at the specific moment when a DCP worker needs to decide whether or not to remove a child they need to have unambiguous criteria to assess. While the best interest of the child are important, at this particular point in time the safety of the child should be paramount.

The Hon. T.A. FRANKS: Given that in the briefing the Hon. Connie Bonaros and I received yesterday morning we were told the First Nations Voice had not been consulted in the past few months, on what date was the First Nations Voice policy team consulted?

The Hon. C.M. SCRIVEN: I am advised that the minister's office met with the First Nations Voice to Parliament policy team this morning and has committed to ongoing dialogue. As crossbenchers are aware, there has been consultation with many stakeholders all the way through

this very involved process. We certainly appreciate also the discussions we have been able to have with the crossbenchers.

The Hon. T.A. FRANKS: Aided and ably assisted by a member of the First Nations Voice, I ask on their behalf: who is the First Nations Voice policy team?

The Hon. C.M. SCRIVEN: I am advised that the minister's office met with the senior policy officer—my apologies if 'policy team' is not the correct terminology—and that was today. However, I would point out that the minister has met with the First Nations Voice previously and then there was the meeting with the minister's office today with the policy officer.

The Hon. T.A. FRANKS: I will note that previously we have asked questions about when the First Nations Voice to Parliament were consulted about this bill, and it was indeed after the bill was actually tabled in this parliament. When the senior policy officer, whose name has not yet been mentioned, was consulted this morning, was it the form of amendments that the government put up last night at roughly 5.10 that I received, or was it the form of amendments that the Liberals received at 3pm yesterday, or was it the actual filed amendments that we saw tabled in this place and filed in this place at 11.19am? What sections were the First Nations Voice to Parliament consulted on, and did they actually support the changes, particularly in regard to the definition of 'active efforts' changes?

The Hon. C.M. SCRIVEN: I am advised that the discussions were quite broad-ranging and that it was the commitment to continuing discussions around these and other matters. I do think it is also worth mentioning again that there has been engagement with crossbenchers at some length on the amendments, including, I am advised, the member who asked the question. Then there has been engagement on amendments also. It is not necessarily for me to be able to add any further to that.

The Hon. T.A. FRANKS: Who was this senior policy officer and were they authorised to speak on behalf of the First Nations Voice and negotiate on legislation?

The Hon. C.M. SCRIVEN: I am not sure that it is appropriate to be mentioning an individual's name in this context in this place, and what their authority may or may not be is a matter for that organisation or that Voice.

The Hon. T.A. FRANKS: If the minister is not sure whether it is appropriate to cite the person who the government has now stated they have consulted with, do they have confidence that their consultation was genuine?

The Hon. C.M. SCRIVEN: I do not have anything further to add to my existing answers on this topic.

The Hon. T.A. FRANKS: Yesterday morning, when the Hon. Connie Bonaros and I received a briefing without a copy of the amendments that are now filed, and which were not provided to us until after 5:00pm yesterday, one of my questions was: had the government consulted with the Australian Association of Social Workers? They were not cited in the list that the minister has just outlined. Were they contacted, is the government aware of what their position is and at how many points along the way have they actually heeded the advice of the Australian Association of Social Workers, who have a very strong position on the paramountcy of best interests of the child?

The Hon. C.M. SCRIVEN: I refer to my previous answers around consultation.

The Hon. T.A. FRANKS: Did the government attempt to contact the Australian Association of Social Workers, as they advised me they would do yesterday morning at approximately 9:45 am? They said that they would get hold of the Australian Association of Social Workers yesterday. Have they actually even attempted to do that?

The Hon. C.M. SCRIVEN: I am advised it was the Public Service Association that was contacted for these discussions. They are the union that covers social workers, according to my advice.

The Hon. T.A. FRANKS: If the PSA is the union that covers social workers, are they authorised to speak on behalf of the social work profession?

The Hon. C.M. SCRIVEN: The PSA is authorised to speak on behalf of its members, as most unions would normally do.

The Hon. T.A. FRANKS: My understanding from the PSA in my consultations with them this afternoon is that I might have been the first to provide them with the actual wording that is currently in the tabled amendments before us. You have referred in your contribution, no doubt advised by the other ministers' advisers, to a 31 March newsletter. That newsletter spoke to broad principles but did not address specific wording. I note the wording around the safety principle has actually changed several times, even in the last couple of days. What wording was provided to the PSA in regard to the safety principle and how many of the delegates consulted with were social workers?

The Hon. C.M. SCRIVEN: I refer back to the comments that I made earlier in regard to the PSA's view that, while the best interests of the child are important, at this particular point in time the safety of the child should be paramount. There, of course, have been ongoing discussions with various stakeholders, including the crossbench, which have been extensive.

The Hon. T.A. FRANKS: The minister has just advised that it is the PSA's position that the safety of the child be paramount. How was 'paramount' defined by the PSA in that assertion that the minister has just made?

The Hon. C.M. SCRIVEN: It is not for me to speak on behalf of the PSA.

The Hon. T.A. FRANKS: Is the minister concerned then that the PSA has not been well represented, given that the safety of the child is not paramount in this legislation?

The Hon. C.M. SCRIVEN: I think there has been robust consultation throughout this process.

The Hon. T.A. FRANKS: I am going to say perhaps we have different versions of the word robust. Perhaps a different word might be more appropriate. With that, I simply wanted to understand from the minister as well what support there is for the definition here of 'active efforts'. Which of those stakeholders supported the current definition that we are about to debate in the amendments filed both by me and the government on active efforts?

The Hon. C.M. SCRIVEN: I think I would refer again to some of my previous comments where a range of views have been expressed and that has been the case, of course, for many, many months, but the overwhelming feedback received is that it is time to get on with this bill. That is what the government would like to see occur.

The Hon. C. BONAROS: Did the minister consult with Belinda Valentine, as they advised they would at that same meeting that has been the subject of this discussion?

The Hon. C.M. SCRIVEN: I am advised that the minister's office has spoken with Ms Valentine several times over the preceding months. Again, we come back to the point that consultation with stakeholders and crossbenchers has been lengthy and detailed over a long period of time.

The Hon. C. BONAROS: With respect this is important, and I am going to place this on the record now and I do not intend to do it again. There is no question that this crossbench and the people who have spoken in relation to this bill—myself, the Hon. Tammy Franks, the Hon. Jing Lee, the Hon. Sarah Game, and a representative from the Opposition (it was the Hon. Ms Henderson before)—have certainly engaged with the minister's office at every given opportunity. We have asked for meetings, and we have had meetings. We have asked for meetings that include the stakeholders being present.

There is no question that there has been engagement; indeed, it is important for the record to note that there has been lots and lots of work done with the minister's office in terms of trying to find that fine balance between what everyone can live with and what people have to accept because the government is not willing to go any further, what they will or will not concede to, and where we stand on all of that. Any suggestion to the opposite of that is unfair and unreasonable. Everybody has tried to engage.

I have attended, together with the Hon. Tammy Franks, multiple meetings with the minister's team, and they have been at those meetings and they have been engaging meetings. We have thought at times that we were nearly there, and then we have taken a step back because no, we are not going to go that far. These are all things that have happened but, critical in all that, was a point in time where we could not have the stakeholders in the room. It was probably when we had reached that fine line of, 'Well, this is where the government sits and this is where you are sitting, and we are sitting here trying to find a middle ground,' and we have to go back and consult with those individuals, including Belinda Valentine—who was not contacted yesterday, as we were told she would be.

I mention Belinda specifically because she has been involved in the consultation, and her granddaughter has been the subject of lots of discussion in this place throughout this debate. At one of those meetings it was agreed—and I am placing this on the public record so that there can be no confusion for anyone who is listening to this debate—that rather than us taking what the government was telling us back to those groups and trying to get an answer from them and bringing it back to the government, the government would undertake those discussions directly. To some extent they have.

I think the position the minister is putting to us is, 'Well, this is as far as we could go, and we've heard it with Connie and Tammy and everyone else, and we're not willing to go any further, so this is the final position of the government, and we hope you can accept it. We hope you can live with it.' I think that is a more accurate summary of what has occurred over the recent weeks in terms of the engagement that has occurred with those individuals.

The minister and her department know—and this is not to direct this at this minister here—of course the minister knows. Overwhelmingly, when the government is saying to you, 'Well, this is the best offer we are going to make you,' and, 'We are going to get these measures through,' that is what is going to happen today. That is what is going to be accepted today. Overwhelming support, I think, is a bit of a step too far. Accepting that we have done absolutely everything we can to find a middle ground is probably more accurate, but leaving individuals out or claiming that we have had discussions with them in the past or so forth, I think we just need to be more transparent about those discussions.

I can stand here and I can say that because we are not idiots. We have had discussions with the exact same people that we have been discussing and then asking the minister about today, so it is disappointing that, yes, we did not reach out to some when we said we would because we have referred to them so often throughout the course of this debate. They have been involved up to a point of time. There are people here today who have been actively involved in this debate who were not the subject of those conversations either. The compromise, I think, needs to be spelt out a little clearer.

We have accepted that this is as far as the government will go. The government has put to us that this is their bottom line. The government has sat around the table and tried to work through those issues with us, and it has come down to a handful of words in some instances that we could not reach positive agreement on. It does not take away from the fact that there are still stakeholders—and it is not just one, and I know I have heard that; it is not just one—who are not saying, 'Well, we are not supporting what you are doing, government,' but they understand numbers and they understand that this is what they are going to get. They understand that, and they understand that there is not going to be any more negotiation. We have tried to negotiate this to death and this is where we are at.

Is it a terrible outcome? No, not in the grand scheme of things. It may not be terrible. That is what the minister is saying to us. It is not terrible, and I am not saying it is terrible, but I think we just need to be fair in terms of where everyone sits, in terms of the comments that are coming out, in terms of how we have consulted on this. Everyone has given this a red-hot crack, but that is not to suggest that everybody is happy with the outcome or overwhelmingly in support of the changes because they are the people who led this debate. They are the people who led the advice that was being given to all of us in the first place.

I think that is important to place on the record because I do not want anyone to misconstrue the record after today and suggest that I have come to some sort of arrangement with the minister over changes that are included in this bill that I think could have been the subject of further debate

and further negotiation to iron out that last 5 per cent of issues that remain a stumbling block for many. That is not on me. It is not on anyone in here. That is on the government. I think it is important to set that out for the record for anybody who is actually listening to the debate, and we know they are.

The Hon. T.A. FRANKS: I echo what the Hon. Connie Bonaros has just said. The reason we are raising this now—and I do not intend to stretch this debate out longer than it needs to be—is we have just been given some comments by the minister that have indicated that some members of the crossbench have agreed to some sort of deal, and we were negotiating a deal, but that deal included things like an independent investigations agency and an independent process to review departmental decisions. That is not in the deal that is here, and that is something that I want to make very clear: that myself, the Hon. Connie Bonaros, the Hon. Jing Lee and, I believe, the Hon. Sarah Game did not sign up for.

In fact, in meetings that we had—the four of us—with the government, we were told that the amendments standing in the name of the Hon. Jing Lee and myself around that independent investigation process were not necessarily part of the negotiations because they were in large part accepted, so it is quite a surprise to hear another member of the crossbench then say that he will not be voting for those amendments because of his arrangement with the government. For the government to be claiming that they have worked with us, when in fact at a point in time they told us they accepted those particular filed amendments that have been filed now for many months, that is a little extraordinary.

The other part of this is that yesterday, when the Hon. Connie Bonaros and I met with members of Minister Hildyard's office and a representative of the Premier's office, we were assured, having previously been unable to land on some wordings around the safety principle, that they would go away and find stakeholders to support them and come back with that, and we were not expected to vote for those particular amendments, but there has yet to be clarity around who those stakeholders are that agreed to the specific words that are in front of us.

It does come down to words on paper, when it comes down to legislation. That is why it has been very important to make sure that we are actually agreeing to the specific words on paper. These words on paper we have not been able to send to the Law Society. These words on paper, first thing this morning, I attempted to send out from my office to those who we have been consulting with, and for most of them it was the first time they had seen the words in this particular form. I note that form has since changed with what actually got filed a few hours later. It is ever so minor but still important when you are discussing words on paper.

There is the idea that the government is somehow acknowledging myself and the Hon. Connie Bonaros. In fact, while the Hon. Sarah Game and the Hon. Jing Lee were in those discussions with the government as well and were told various things in terms of support for our filed amendments, that does not seem to have been honoured all the way through today in what is being presented.

There is this idea that somehow a win on this bill is a press conference with certain people standing there. I do not think that is a win on this bill. We have been trying to get this bill right. Nobody is ever going to agree from all the stakeholders, but what is really important is knowing who actually supports which particular changes that we are making or the status quo that we are keeping and to be honest and transparent and, dare I say, robust about that. We will not all agree, but it is actually really important for democracy to be truthful about where people stand and to give them the information that they need in the first place to have the conversations in their organisations that they need to have to come to this place with something that is actually honouring a true spirit of the words on paper that we decide, which actually determine people's lives.

Having said that, the Hon. Connie Bonaros and I had said to members of Minister Hildyard's office and a member of the Premier's staff, 'Go away and find your stakeholders.' We discovered that the stakeholders had been very much cherrypicked, but the stakeholders had not actually necessarily been given full information, so that is incredibly disrespectful and disappointing. I hope that this sort of process does not come before this place in this format again. It has been one of the most disappointingly presented pieces of legislation in my time in this parliament.

I am interested, again, in who does support the version of 'active efforts' here, because I do know—and this is why it is important—there are cultural sensitivities around the wording that we have chosen here. I know that the guardian opposes the wording that we have chosen here. I was interested to know what the First Nations Voice position was, or indeed what was the position of the new commissioner, Dale Agius, Commissioner for Aboriginal Children and Young People, on specifically the wording that we have used here of 'active efforts', noting the particular cultural sensitivities that there are about where this term and this process has originated from.

Who supported these particular words in terms of the 'active efforts'? I will help you—the guardian opposes it. Of the two that I mentioned at least, and maybe any other Aboriginal organisations that you could cite, can you please just tell me what their position is?

The Hon. C.M. SCRIVEN: I think both the Hon. Ms Bonaros and the Hon. Ms Franks have outlined very well the nature of compromise. It is absolutely the case that not everyone will agree with every word in the amendments or, indeed, in the bill. I reiterate that the minister and the minister's office have continued to consult throughout, and what is before us is, I believe, the minister's and the government's best endeavours to be able to get the best outcome in a way that will enable us to progress this important bill.

The Hon. C. BONAROS: I have not had a chance to reach out to them, so I would like a response to this. At that same meeting where we were talking about who has acknowledged how far we have come, that some are happy, but some still have difficulties, I note that next to SACOSS I have a note that says that—and I am talking about who was overwhelmingly in support now—yes, we did speak to SACOSS, but they have not come back with a position. Since that discussion, has SACOSS come back with a position or does it remain the fact that the government has just briefed them up to this point and that they have not come back—these are the words I have written—with a position as to where the government sits?

The Hon. C.M. SCRIVEN: I restate what I have just said. There has been extensive consultation over a very long time. My advice is that the bill came from a review through which Aboriginal communities were extensively engaged. I accept that, obviously, the versions of the bill have changed or in terms of the amendments and so on they have changed, because that is the nature of compromise, that is the nature of trying to hear and listen to everyone's comments, remembering that many of these aspects have been covered over many, many months.

We will not get to a position where everybody can agree with every word. I think we know that the many stakeholders with whom the honourable members here have been engaging—particularly, I will pay tribute to the Hon. Ms Bonaros and the Hon. Ms Franks—will not agree with every aspect, and I do not think the suggestion in thanking those two members was to indicate that those two members necessarily agree with every word. If that was the way that it was interpreted, that certainly was not the intention, but I think there is a strong sense that we do need to get on with this bill, because it is an important one.

The Hon. T.A. FRANKS: Chair, the government has filed an amendment at clause 1. They have not moved it yet.

The CHAIR: Clause 1 has already been amended, so I am going to put it that clause 1 as amended be agreed to, and then the minister's amendment will have to be recommitted, subject to the rest of the bill, at the end.

Clause as amended passed.

Clause 2 passed.

Clause 3.

The CHAIR: We have competing amendments at clause 3, from the Hon. Ms Franks and the minister. If you could both move them, we will deal with the Hon. Ms Franks' first and the minister's second.

The Hon. T.A. FRANKS: That is actually why I was trying to get clarification on what the deal was with the other crossbenchers who have said that they are not going to be supporting any

amendments that are currently standing in other people's names, other than the government's. It is, of course, the same amendment as the government, but it was filed some time ago by myself. I move:

Amendment No 2 [Franks–3]—

Page 12, lines 21 and 22 [clause 3(1), definition of *active efforts*]—Delete the definition and substitute:

active efforts or principle of active efforts—see section 11A;

This has come about through the review of this bill that was undertaken through a select committee and some of the evidence heard there. I note that it is something that has effectively been employed in New South Wales, but I also note that it does have some significance for Aboriginal and Torres Strait Islander communities, and that is why I was so keen to understand what further consultation the government had done on the wording.

I move this amendment, though, today, noting that the government is also moving the same amendment, and that active efforts and the principle of active efforts should be something that we see employed through our child protection system, alongside much stronger early intervention, which I do believe, while not in this bill, is actually the vital part of the jigsaw puzzle of creating stronger, healthier families.

The Hon. B.R. HOOD: I indicate the opposition's support for the amendment at clause 3. We support this amendment as it clarifies and strengthens the legislative definition of 'active efforts', noting that the government's amendments reflect those at [Franks-3] No. 2.

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

Amendment No 2 [PrimIndRegDev–2]—

Page 12, lines 21 and 22 [clause 3(1), definition of *active efforts*]—

Delete the definition and substitute:

active efforts, principle of active efforts or standard of active efforts—see section 11A;

We seek support for this competing amendment and oppose the amendment of the Hon. Ms Franks amendment that we are referring to. This amendment defines the terms 'active efforts', 'principle of active efforts' and 'standard of active efforts' and is related also to amendment No. 9, which inserts a new clause establishing the principle of active efforts for children by retaining the standard of active efforts.

The CHAIR: The first question is going to be that: the words proposed to be struck out by the Hon. T.A. Franks and the minister stand as printed. So if you are supporting both, you will vote no.

The Hon. T.A. FRANKS: Can I ask the government mover which groups support this particular definition?

The Hon. C.M. SCRIVEN: As I have referred to, the consultation throughout this has involved compromise, it has involved taking feedback on board across many, many months about different aspects of this.

The CHAIR: I am going to put the question, and I think you are all going to vote no.

Question resolved in the negative.

The CHAIR: Now we are going to get to the Hon. Ms Franks' amendment. The question is that the words proposed to be inserted by the Hon. T.A. Franks be so inserted.

The committee divided on the question:

Ayes 7
Noes.....8
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)

Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.		

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	Hanson, J.E.
Lensink, J.M.A.	Wortley, R.P.

Question thus resolved in the negative.

The CHAIR: The next question I am going to put is that the words proposed to be inserted by the minister be so inserted.

Question agreed to.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 13, line 6 [clause 3(1), definition of at risk of harm]—Delete 'and at risk of significant harm'

This is really a test amendment for a number of amendments incorporated into this set of amendments. They all deal with the increase in threshold that the minister referred to during questions at clause 1.

A large part of this debate has been around two key aspects of the bill, one being best interests and safety and the other the increase in the threshold. I accept that this one has not been as straightforward as best interests, but I think it is important to speak to the two together, because if there is movement with respect to best interests to a certain extent then I guess from a stakeholder's perspective this is something that we could have considered, and they really went hand in hand. If you do not get everything you want on best interests, then can we risk increasing the threshold to significant harm?

From where I sit, even with the best interests as it is currently drafted I am of the firm view that increasing the threshold to significant harm comes with more risk than anything else. I am afraid, again, from where I sit that this government is going to have a hard time convincing me that all those unanswered phone calls, emails and complaints that get put through are not the reason for the increase in threshold.

We have heard time and again lots of conversation about the kids who fall through the cracks. I cannot see how increasing a threshold protects kids who fall through cracks. I cannot see how increasing from 'serious harm' to 'significant harm'—which is a much higher bar and threshold to meet—captures those kids who we are already losing sight of. The government's rationale will be, 'If we have eyes on less children we're more likely to pick up that child that you say falls through the cracks.' I do not think that is how this works in practice. I just do not believe that that is how this works in practice.

We have heard the concerns also raised in relation to these particular provisions that significant harm is better because we will end up with less kids in care or less kids removed. That may very well be the case, it may not—we do not know—but the bottom line is that the number of kids we have sight of should not be impacted by budgetary measures and resources. That is the bottom line. Increasing a threshold because we have too many kids to look out for because one in three of all our kids in here are the subject of a notification does not mean that kids will not continue to fall through the cracks.

It also does not address the issue that I canvassed with the minister at clause 1, and that is whether you like it or not, and whether the minister wants to accept it or not, the assessment in this legislation is not one that is anybody's responsibility but the chief executive's. We are putting in artificial subjective assessments on individuals who are not required and ought not be required to make those sorts of assessments when it is not their job to do so.

We talked earlier about the case of mandatory notifiers. A mandatory notifier's job is to report suspicion of harm. Their job is not to determine whether the harm is serious or whether the harm is significant or to go back and look at what all those things mean. They have a child in front of them and their job is simply to report a suspicion of harm against that child. That is it. They report that to the chief executive and it is then fairly and squarely the chief executive's role to assess the level of harm or, indeed, the extent of harm that child has been subjected to and whether that warrants any action by the department and whether that warrants a removal.

That is nobody else's job, but there are penalties that apply in this bill, too, and we have seen people lined up, as I said during the debate, outside the Coroner's Court trying to explain their positions and what role they had in terms of identifying the harm that a child was exposed to. Nobody in this debate is suggesting for one moment—and this needs to be absolutely crystal clear: nobody is going to be critical of a worker who sees a child who is at risk of harm and removes them for that reason.

But we have seen a history of high numbers of removals, and the minister will say, 'Well, those numbers are coming down.' In the past we have seen way too many kids being removed from their home instead of being reunified, and we are putting individuals in that position whose job is not to assess the level of harm that a child is exposed to. That is something that I fundamentally disagree with. Whether you are a mandatory notifier or an officer who works in this space, that is not your job. That is the chief executive's job. If we cannot deal with the demand then we need to do better, and we need to ensure that those lines are adequately resourced and whatever else we need.

We have also heard in response to this—I get told all the time, 'Connie, you are the one who always says we've got a billion-dollar budget that goes towards child protection and $750,000 of that is used to look after kids who were removed from their homes. If we increase the threshold then that could result in less removals of kids.'

I do not think we can make any of those sorts of assessments based on increasing a threshold. There is no question from where everybody sits—and we have heard it, we have had these discussions with the minister and her office—that we just cannot sift through all these kids because there are too many reports coming through, so their solution is to increase the threshold to significant harm. Some poor person is going to have to sit there and work out what that means and God forbid they do not report a child, because the harm they thought that child was subjected to was not significant, and something happens to that child.

If you think it does not happen—and I know I have raised this previously—then just go back and look at all the Coroner's inquests that we have had since little Chloe died where we did not have eyes on a child. These are not the sorts of changes that improve that situation. These are not the sorts of changes that mean that all of a sudden we will have eyes on any of those children who died under the paramountcy principle of safety that were the subject of all those Coronial inquests that have happened since little Chloe Valentine.

There was no best interests then, it was safety, and those kids are still dead, and 'harm' or 'significant harm' did not do anything to protect them. But from where I sit, increasing the threshold and making that child less likely—less likely—to come under the eyes and the ears of those people who need to have eyes and ears over that child, is not going to protect that child any more.

I accept that everyone has differing opinions on this, but from where I sit and when we had these discussions, I think it is important to note that we were talking about these things in totality: four key principles, acting around four key principles, changes around four key principles. We are not there on the four key principles. My concern remains that if we increase the threshold in the absence of some of the other things, or the compromise positions around the other things that we have discussed, we will not be doing anything to protect those kids that we think we need to have eyes over.

Having eyes over less kids is not the solution and suggesting that we are going to have eyes over the kids who really need it by shifting that responsibility to another person, whether it is a doctor or a person who is working in DCP or anywhere else, is also not the problem, and indeed it is not their responsibility. They are responsibilities under the act and will remain responsibilities under the act that remain fairly and squarely within the realm of the chief executive, not the people on the ground making the reports or assessing the level of risk. That is not their job. Their job is to report suspicion of harm around those kids. Their job is to identify kids who are at risk of harm. Their job is not to make a subjective assessment of what sort of harm the child is being exposed to.

One of the interesting points that was raised around the discussion table when we did have this is the first point that some stakeholders made: what the hell does 'significant harm' mean? I know that is defined in the bill, but that does not do much to help, and it certainly will not do much to help the person who is actually in that position of having to make that judgement call. They are judgement calls and they are judgement calls which we should not be making people responsible for when we are talking about kids' safety, kids' lives and kids' best interests.

The Hon. T.A. FRANKS: I note the Hon. Connie Bonaros has moved this in deleting the definition there of 'significant harm'. Of course, this is at clause 3, but then the actual meaning of 'harm' and 'significant harm' comes in at clause 4. So this is in some ways, I do not want to use the word threshold, but that is the only one that is coming to mind right now, but that is also a different thing. I am very sympathetic to arguments about lightening the load of mandatory notifiers, and arguments about Jane did not have a sandwich in her lunch box today and therefore somebody has to get on the phone for four hours and make a call.

However, my concerns have grown noting the SACOSS submission to the review of this bill and also some of the information that was provided to me by the Hon. Laura Henderson. My real concern here is that under 'Meaning of harm and significant harm' it states:

> (1) For the purposes of this Act, a reference to harm will be taken to be a reference to physical harm or psychological harm (whether caused by an act or omission) and, without limiting the generality of this subsection, includes [such] harm caused by sexual, physical, mental or emotional abuse or neglect or exposure to domestic violence.

I just do not understand at which point sexual harm, sexual abuse, is not significant harm, because then it goes on at (2):

> For the purposes of this act, a reference to 'significant harm' will be taken to be a reference to the following kinds of harm :
>
> (a) harm that endangers a child or young person's life;
>
> (b) harm that consists of, or results in, serious impairment of the physical or psychological wellbeing of a child or young person;
>
> (c) harm that results in, or is reasonably likely to result in, a significant adverse impact on the safety or wellbeing of a child or young person.

My question to the government is: is it possible to have a child being raped, but well fed and housed, and not fall under the definition of significant harm under this proposal?

The Hon. C.M. SCRIVEN: I refer honourable members to clause 4 where it provides that 'a reference to significant harm will be taken to be a reference to the following kinds of harm' and to subclause (2)(b), which provides 'harm that consists of, or results in, serious impairment of the physical or psychological wellbeing of a child or young person', and (2)(c), 'harm that results in, or is reasonably likely to result in, a significant adverse impact on the safety or wellbeing of a child or young person'. I think it is absolutely clear that the rape of a child would fall under both those categories, which is a reference to significant harm.

The Hon. C. BONAROS: I am glad the minister has responded to that question. Can we use another example? What if a child is digitally penetrated by an adult? That does not necessarily result in 'serious impairment of the physical or psychological wellbeing of a child' necessarily, under this 'significant harm', but it certainly constitutes sexual harm under clause 1.

How would someone decipher between the two? In one instance the child is abused one way and in another instance they are abused another way sexually. How are we going to sit there and decipher between the two?

The Hon. C.M. SCRIVEN: I would think that it is also quite clear that a child being digitally raped is likely to result in harm in terms of psychological wellbeing or significant adverse impact on the safety and wellbeing of the child.

The Hon. T.A. FRANKS: Can the minister outline in which case sexual abuse of a child will be defined only as harm and not significant harm?

The Hon. C.M. SCRIVEN: I think we need to refer back to one of the basic points in this: this does not preclude mandatory reporters or any member of the public making a report about harm or where they are concerned about the safety or wellbeing of a child or a young person. We could go through many hundreds of examples, but the point is if someone is concerned then they can make that report.

The Hon. C. BONAROS: I am glad the minister has said that, too, because how is that going to result in a reduction in the number of cases that are actually reported if that is one of the drivers of this increase in threshold?

The Hon. C.M. SCRIVEN: I think the Hon. Ms Franks used the example of a child not having a sandwich in their lunch box. I think that is clear. However, I will take the opportunity while I am on my feet to speak to the Hon. Ms Bonaros' amendments.

The Hon. C. BONAROS: Chair, before the minister does that, can I ask her another question, please?

The CHAIR: The Hon. Ms Bonaros.

The Hon. C. BONAROS: The minister has just said that nobody is precluded from making a report. That is true. Anyone can, but does she acknowledge that all these conditions tie back to individuals who must, who have a mandatory obligation to report, and that the threshold for those individuals who have that mandatory obligation will now be 'significant harm'? They will not have to report 'harm'. They only have to report 'significant harm' under the changes that follow throughout the course of this bill. Can you confirm that that is the case? Not the next-door neighbour; mandatory notifiers and prescribed officers.

The Hon. C.M. SCRIVEN: When I rose to my feet and said that I would like to respond to the amendment, I think that may well cover some of the questions that are being asked. The government will be opposing this amendment. The effect of the Bonaros amendments at 1 to 7 is to remove any reference to the term 'significant harm' and 'risk of significant harm' in the definition of clauses 3 to 5.

There are a range of consequential changes, which would result from Bonaros amendments 8 to 12, which include amending the threshold for mandatory reporters in the bill, so that it reverts to the current threshold of reporting where a child or young person is at risk of harm. The government will be opposing all amendments (1 to 12) under Ms Bonaros' name, and I would like to speak to these amendments as a group as they are related. The effect of these amendments is to revert to the current mandatory reporting threshold.

We do know that getting the threshold right for reporting and responding to children at risk of and experiencing harm is a critical part of keeping children safe, and that is why it was a central question in the review. In the current South Australian child protection legislation, the threshold for mandatory reporting and screening in notifications is 'harm'. The threshold for removal is the need to protect a child or young person from 'serious harm'.

The current threshold for mandatory reporting is relatively low when compared to other jurisdictions. Determining the appropriate threshold for reporting, for screening and notifications, and for removing children from their home is a complex task—absolutely, undoubtedly—but the threshold needs to reflect community expectation about when a child protection statutory intervention is required to keep children safe, and when a support response from other parts of the system and the community might be more appropriate.

It is acknowledged that there were a range of views on how South Australia might get that balance right, with many proposing the importance of the need for a complementary focus on support if a new, higher threshold is introduced. The bill provides for a change in the threshold for mandatory reporting from 'harm' to 'significant harm'. In turn, and for consistency in language, the bill changes the threshold for removal from 'serious harm' to instead use the words 'significant harm'. Again, though, I reiterate, this does not preclude mandatory reporters or any member of the public making a report about harm where they are concerned. The chief executive is still required to assess all reports indicating that a child or young person is at risk of harm, and that is set out in clause 73.

The Hon. T.A. FRANKS: I indicate I will not be opposing the Hon. Connie Bonaros' amendment, and this is a position that I have taken some time to come to because I have great sympathy for the government's argument about not having people ringing up about a single lack of a sandwich in a lunch box one day on one week. However, there is cumulative harm when it comes to a lunchbox that is empty every day of the week for weeks after weeks.

Those matters may not be reported unless they somehow fit that definition, but what really is my sticking point here is that sexual abuse is not put into the 'significant harm' category. As I say, the Hon. Laura Henderson raised this in our discussions, and it has been raised with government by the Hon. Laura Henderson. I am really concerned that we are moving to a system where a mandatory notifier is not required to report sexual abuse.

Sexual abuse has been around for a very long time and has been ignored for a very long time. In fact, it was only through mandatory notification systems, through it being required to be reported and that people be trained in looking for the signs—and that is where I think this will fall down in terms of protecting children—that it has been taken more seriously than it used to be. That is why I simply cannot support what the government is putting before this council in this form. The issue of sexual abuse not being treated as significant harm is beyond the pale for me, so I will be voting with the Hon. Connie Bonaros.

The Hon. R.A. SIMMS: Sorry, I am totally confused as to how this new element prevents reporting of sexual abuse. I would have thought that is captured by this legislation. I am not following the argument that has been put. Is the minister able to respond?

The Hon. T.A. FRANKS: Chair, just to—

The Hon. R.A. SIMMS: Actually, I have asked the minister to respond.

The Hon. T.A. FRANKS: The government has changed the definition of harm that a mandatory notifier has to report by—to 'significant harm' and not just 'harm'.

The CHAIR: Minister, please respond to the question of the Hon. Mr Simms. Everyone will get a go.

The Hon. C.M. SCRIVEN: I think I am probably in agreement with the Hon. Mr Simms. Sexual abuse, I think, as anyone who would pay attention would accept, would be something that consists of or results in serious impairment of the physical or psychological wellbeing of a child or young person and would be likely to have a significant adverse impact on the safety or wellbeing of a child or young person. Sexual abuse clearly would have those consequences.

The Hon. T.A. FRANKS: After these changes are made, is somebody who is a mandatory notifier required to report sexual abuse, given it does not fall into the definition of significant harm? Or will it simply be their choice and their judgement whether they think it is worthy of reporting?

The Hon. C.M. SCRIVEN: The answer is, yes, of course they have a mandatory requirement to report sexual abuse. As has been pointed out, sexual abuse would clearly result in serious impairment of physical or psychological wellbeing. It would clearly result in an adverse impact on the safety or wellbeing of a child or young person. It is also pertinent to note that mandatory reporters undergo training. They will be trained, if they needed any clarification, that sexual abuse of course would result in significant harm and, therefore, of course would be mandatorily reportable.

The Hon. C. BONAROS: Based on what the minister has just said, let's just say you have a mother or father with a young child—very young; three months old—and that child is being stripped naked and somebody is masturbating in front of that child, day in, day out. Is there necessarily, at

that age, going to be the sort of serious impairment of the physical or psychological wellbeing of that child that the minister points to? Is that going to be captured by this?

If, as the minister says, all cases—because you could sit here and come up with a thousand different scenarios, Mr Simms, where they will leave out things that are of a sexual nature. If we are not intending to leave out anything of a sexual nature, why is the word there? Why is it in clause 4(1)? Is the minister willing to strike out that word from that particular provision here in this debate?

The Hon. C.M. SCRIVEN: We need to be conscious that we are referring to practitioners who are well trained and who know what they are doing. I think they, of course, would see this scenario that has been outlined as something that needs to be reported, and their training would, of course, talk about the harm that is caused from sexual abuse.

The Hon. C. BONAROS: Chair, can I move an amendment standing on my feet, please? I do not know what the timing is, but I am sure we can find a way. I would like to—

The Hon. T.A. FRANKS: The actual definition comes in at clause 4.

The Hon. C. BONAROS: When we get to clause 4, can I please move an amendment to remove the word 'sexual' from clause 4(1)?

The CHAIR: We will deal with that if and when we get to clause 4.

The Hon. B.R. HOOD: I rise to indicate that the opposition will be opposing Bonaros amendments Nos 1 to 12 and Nos 14 to 18. I will just put that on the record now, as these amendments lower the threshold for removal to harm rather than significant harm and then, following on, make consequential amendments. We will be opposing amendments Nos 1 to 12 and Nos 14 to 18.

Amendment negatived.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–3]—

Page 13, line 7 [clause 3(1), definition of best interests]—Delete the definition

This is the previous definition and is an antecedent. It anticipates amendment No. 4 [Franks-3], which actually goes to the best interests of children and young people being paramount as a principle rather than a principle.

The Hon. C.M. SCRIVEN: The government will be opposing this amendment. This amendment and amendment No. 4 [Franks-3] are related. We are opposing both amendments, having regard to government amendment No. 8, which amends the wording of the best interests principle.

The Hon. B.R. HOOD: I rise to indicate that the opposition will be supporting this amendment, as it enables a more comprehensive definition of 'best interests' to be inserted elsewhere in the bill. We will also be supporting amendment No. 4 [Franks-3].

The committee divided on the amendment:

Ayes 7
Noes.....8
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.		

NOES

El Dannawi, M.	Hanson, J.E.	Hunter, I.K.

Maher, K.J.	Ngo, T.T.	Pangallo, F.
Scriven, C.M. (teller)	Simms, R.A.	

PAIRS

Lensink, J.M.A.	Bourke, E.S.
Henderson, L.A.	Martin, R.B.
Game, S.L.	Wortley, R.P.

Amendment thus negatived.

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

Amendment No 3 [PrimIndRegDev–2]—

Page 13, after line 21 [clause 3(1)]—Insert:

> *Complaints and Feedback Management Guidelines* means the Complaints and Feedback Management Guidelines published by the Chief Executive under section 27A;

This seeks to insert complaints and feedback management guidelines, which means the complaints and feedback management guidelines published by the chief executive under section 27A. This amendment defines the term 'complaints and feedback management guidelines' and is related to amendment No. 23. Amendment No. 23 inserts a new division into the bill, which requires the chief executive to publish guidelines in relation to the receipt and handling of complaints and feedback.

The Hon. T.A. FRANKS: I rise to oppose this amendment. It was certainly not in the spirit of the negotiations that were happening with the crossbench in which I was involved. The sector had very loudly and very clearly advocated, and over a very long time in many reports, going back to some of the work done by the Hon. John Darley, for an independent review process—not one where the chief executive puts the person managing the complaints next to her office, as she told the Budget and Finance Committee, not one that is all in-house and without proper reviews and safeguards and ensuring appropriate process. This is a very second rate offering for what many, many people in the sector have not only advocated for in this bill but have advocated for for a long time.

The committee divided on the amendment:

Ayes 14
Noes.....3
Majority 11

AYES

Bourke, E.S.	Centofanti, N.J.	El Dannawi, M.
Girolamo, H.M.	Hanson, J.E.	Hood, B.R.
Hood, D.G.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Scriven, C.M. (teller)
Simms, R.A.	Wortley, R.P.	

NOES

Bonaros, C.	Franks, T.A. (teller)	Lee, J.S.

Amendment thus carried.

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

Amendment No 4 [PrimIndRegDev–2]—

Page 15, after line 19 [clause 3(1)]—Insert:

> *recognised peak body*, in relation to a particular section of the community, means an entity from time to time recognised as the recognised peak body for that section of the community under section 34A;

This amendment defines the term 'recognised peak body' and is related to amendment No. 24. Amendment No. 24 inserts a new division 5A into the bill which provides that the minister may recognise peak bodies to represent the interests of particular sections of the community.

The Hon. T.A. FRANKS: Can the minister explain who supports this particular amendment?

The Hon. C.M. SCRIVEN: My understanding is that a number of peak bodies are likely to support this. However, there has been, as we have alluded to earlier, extensive consultation over many, many months, and there are many aspects to the bill. It is proposed that having the ability to reference peak bodies so they can represent the interests of particular sections would be a positive step.

The Hon. T.A. FRANKS: Were all stakeholders involved in that extensive consultation on this particular amendment over many, many months, or was it, indeed, the group that was prepared to back this bill in a few months back?

The Hon. C.M. SCRIVEN: As I said earlier in this debate tonight, the entire bill and various aspects and multiple points of view have been involved with getting to the stage where we are today.

The Hon. C. BONAROS: Does the minister also acknowledge that those same stakeholders and more all provided their views to the report and inquiry process into this bill and that there were differing views from the ones that the minister has told us have been the main thrust of why we have these amendments?

The Hon. C.M. SCRIVEN: As I mentioned, there have been diverse views on many aspects of this bill.

The Hon. B.R. HOOD: Who does the government intend to be the recognised peak body?

The Hon. C.M. SCRIVEN: My advice is as follows, and I think it does expand on some of the discussions so far. This does refer to division 5A which I referenced in my earlier answer. That would say the minister must recognise peak bodies for the following sections of the community: children and young people and their families; Aboriginal children and young people and their families; and carers. I am advised this amendment responds to feedback to enshrine peak bodies in the legislation and acknowledges the important role that they play in advocating for the interests of the communities they represent.

The Hon. C. BONAROS: Is there anything in this provision preventing more than one registered peak body being appointed if they are dealing with the same cohort of people that the minister just referred to?

The Hon. C.M. SCRIVEN: I am advised that it does not preclude more than one peak body.

The Hon. B.R. HOOD: Given that, how will recognised peak bodies be selected?

The Hon. C.M. SCRIVEN: I refer to clause 34A(3) which may provide the information that is being sought, where it says:

> The recognition of an entity as a recognised peak body—
>
> (a) may be conditional or unconditional; and
>
> (b) has effect for the period specified in the notice; and
>
> (c) must comply with any other requirement set out in the regulations.

When the regulations are developed, the requirements will be part of that and that might provide the sort of opportunity for input that may be sought. In addition, there will be other requirements such as procurement and the other normal requirements that would need to be adhered to.

The Hon. B.R. HOOD: Can the minister advise how often the government intends to review who the recognised peak body or bodies are?

The Hon. C.M. SCRIVEN: Given that what I just read out indicates that it will be for a set period, then that would obviously become clear when those bodies are so recognised.

Amendment carried.

Sitting suspended from 18:04 to 19:46.

The CHAIR: We are at amendment No. 2 [Bonaros-1]. We think it is probably consequential.

The Hon. C. BONAROS: It is consequential.

The CHAIR: So we move on to amendment No. 5 in the name of the minister.

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

Amendment No 5 [PrimIndRegDev–2]—

Page 16, after line 11 [clause 3(1)]—Insert:

> *Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System* means the Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System prepared under section 15A, as in force from time to time;

This amendment defines the term 'Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System' and is related to amendment No. 18. Amendment No. 18 legislates the preparation, maintenance and review of a Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System.

Amendment carried; clause as amended passed.

Clause 4.

The CHAIR: At clause 4, we have amendment No. 3 [Bonaros-1].

The Hon. C. BONAROS: That amendment is consequential. I do have some questions for the minister on this clause though.

The CHAIR: Okay, we will not go past it until you have asked your questions. Amendment No. 4 [Bonaros-1] and amendment No. 5 [Bonaros-1]?

The Hon. C. BONAROS: I have 5 through to 8.

The CHAIR: So there are no other indicated amendments at clause 4, but you have questions.

The Hon. C. BONAROS: Clause 4 of the bill deals with the meaning of 'harm' and 'significant harm', as we were discussing before the break. I would just like the minister to highlight if she can any examples of sexual abuse that may fall under the provision of 'harm' as opposed to 'significant harm'.

The Hon. C.M. SCRIVEN: As we alluded to earlier this evening, we are not of the view that sexual abuse is excluded in any way, shape or form, and it has been reinforced to me, so my advice that it might be helpful for members is if they are looking at clause 4(1), that is about the type of harm, and clause 4(2) refers to the impact of significant harm. It might just be helpful for members, if they are looking at this, to bear that in mind as well.

The Hon. C. BONAROS: Those of us who can read legislation can work that out for ourselves. My question is: why is sexual abuse included in clause 4(1)?

The Hon. C.M. SCRIVEN: I guess I would pose a question in response to that. Would all sexual abuse not be significant? I cannot envisage any sexual abuse that would not be significant.

The Hon. C. BONAROS: Chair, can we perhaps just work through line by line what this clause says, and perhaps the minister can answer that question again. The provision says that:

> For the purposes of this Act, a reference to harm will be taken to be a reference to physical harm or psychological harm—

and then there are some other words after that—

(whether caused by an act or omission) and, without limiting the generality of this subsection, includes such harm caused by sexual, physical, mental or emotional abuse or neglect or exposure to domestic violence.

On what basis was sexual abuse included in that subclause?

The Hon. C.M. SCRIVEN: Because sexual abuse is a type of harm.

The Hon. C. BONAROS: What advice did the government get when it was coming up with that list of things that might cause harm?

The Hon. C.M. SCRIVEN: I refer back to my comments earlier in this debate around the consultation that has occurred for this entire bill, noting that there have been many, many months of consultation. There was the review before that, and so the sum outcome of all of that consultation, including discussions around where things need to have a compromise, has resulted in the bill and the amendments that we see before us today.

The Hon. C. BONAROS: Can the minister rule out that, as she appears to be suggesting, a child can be subjected to harm that falls under the definition of clause 4(1) but that that is not reported by a mandatory notifier because they are only looking at definitions of significant harm when they are actually reporting to DCP about mandatory notifications?

The Hon. C.M. SCRIVEN: I think the honourable member's question speaks to what I tried to indicate a few minutes ago, namely, that clause 4(1) refers to the type of harm and clause 4(2) refers to the impact of that harm. I cannot envisage any sexual abuse that would not cause significant harm to a child or young person.

The Hon. C. BONAROS: Can the minister envisage a situation like the one I described before, where you have a six-month-old child who, given their tender age, does not have the ability to understand what is happening around them, and it is subsequently identified that an adult who is supposed to be caring for them is stripping that baby naked and masturbating in front of them, and that someone, because they are looking at these threshold questions, determines that that is not significant harm because the child has not had any serious impairment, there has not been a harm that endangers that child's life and there is no impairment of the physical or psychological wellbeing of the child just by virtue of their age?

The Hon. C.M. SCRIVEN: I do not envisage any situation where a mandatory reporter would see someone, or become aware of someone, masturbating in front of a child—which would, I would have thought, imply that they are getting sexual satisfaction from viewing a baby—and would not report that as a mandatory reporter. I think the proposition of that is quite difficult to understand—how that proposal could be put forward in this place.

The Hon. C. BONAROS: It may be difficult for the minister to understand, but does the minister acknowledge that, under the drafting, it is not impossible? The minister can shake her head all she likes, but it is not impossible under the current drafting. Can the minister also acknowledge that the assessment in relation to that mandatory notification is not one that is being made by the chief executive, as is required by the act, but is one that we are placing on the notifier themselves? They are making that assessment about whether that is significant harm or not.

The Hon. C.M. SCRIVEN: I would expect that any mandatory reporter who has gone through mandatory reporting training would assess that as significant harm.

The Hon. C. BONAROS: Again, so why then—and I understand legislation, if that is going to be the minister's response—have we included sexual abuse in clause 4(1)?

The Hon. C.M. SCRIVEN: Because sexual abuse is a type of harm. The type of harm is in clause 4(1). The impact of significant harm is in clause 4(2).

The Hon. C. BONAROS: Can the minister explain how this provision would work in conjunction with the provision, which appears later in the act, that applies to mandatory notifications via the CARL or eCARL website or phone number by mandatory notifiers? What is the threshold that applies to them?

The Hon. C.M. SCRIVEN: Could the honourable member clarify her question? It is not clear to me.

The Hon. C. BONAROS: Can the minister explain how this provision works in conjunction with those provisions that apply to mandatory notifiers having to notify issues that are brought to their attention around a reasonable suspicion of harm?

The Hon. C.M. SCRIVEN: Again, the honourable member repeated the question but did not provide additional clarification. Mandatory reporters receive training. Clause 4 refers to the types of harm. It includes 'harm caused by sexual, physical, mental or emotional abuse or neglect or exposure to domestic violence'. Clause 4(2) refers to what the impact is, which is in reference to significant harm. It talks about the physical or psychological wellbeing of a child or young person. It talks about 'harm that results in, or is reasonably likely to result in, a significant adverse impact on the safety or wellbeing of a child or young person'. The reporting requirements and the training for mandatory reporters in terms of what should be reported is certainly, I think, something that we have covered many times this evening.

The Hon. C. BONAROS: Did the government seek any advice from the Law Society in relation to this particular issue that we have been canvassing over the meanings that have been attributed to 'harm' and 'significant harm'?

The Hon. C.M. SCRIVEN: I am advised, first of all, that the Law Society has been involved in consultation on the bill and that the particular provision to which the honourable member refers has not changed from the draft version of the bill that was released in October last year.

The Hon. C. BONAROS: I am rising to indicate that I will not be supporting this particular provision of the bill. In fact, I am not going to support it and I am not going to amend it either, because the minister is so confident that in no scenario could a mandatory notifier not report an instance of sexual abuse, on the basis that it will always constitute significant harm. That is not what the wording says.

Clause 72 of the bill clearly provides that a prescribed person must, if the person suspects on reasonable grounds that a child or young person is or may be at risk of significant harm and that suspicion was formed in the course of the person's employment, report that suspicion in accordance with whatever provisions they have to report it. It is not inconceivable; it is not. It may be unorthodox and uncommon, but it is not inconceivable that an assessment may be made—it may not be masturbating; it may be something else—that an assessment including some form of sexual abuse, for whatever reason, is determined not to meet the threshold of significant harm.

If the government is so confident in its advice then that can rest fairly and squarely with them. I am not confident. I am not confident in the answers the minister has provided. I am certainly not confident based on the wording in this report, but they are. They can go away and do some heavy lifting. They can go away and perhaps get some further advice about this, and they can come back here and address this issue.

My position remains as is, but if the minister is so confident that this can never happen, that it is so inconceivable, then be that on her head, not on mine. I will be opposing this clause, and I am keen to see what the government has to say when they look at this a little closer, because the provisions are here in black and white. You do not have to report harm. You will have to report—this whole debate has been centred around the fact that we are increasing the threshold to significant harm.

There is no requirement on me to report harm if I am a notifier. The requirement on me is an assessment that I have to make—which I do not think any notifier should have to make and I do not think the legislation requires them to make—that the harm that that child is subjected to is significant in nature. If it is, in their assessment, significant in nature, then they have a positive obligation and, indeed, a duty to report that. The minister is very confident that in no conceivable scenario could sexual abuse against a child not be considered significant.

I am going to leave that position with the government. My position is clear: I do not agree. I fundamentally disagree with the position that the government has put on this. I think it is absolutely conceivable, given all the things we see every day, day in, day out—absolutely conceivable—that

something could happen and that somebody does not report it because they do not think they have to, and it involves sexual abuse against a child.

The committee divided on the clause:

Ayes 15
Noes.....3
Majority 12

AYES

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

NOES

Bonaros, C. (teller)	Franks, T.A.	Lee, J.S.

Clause thus passed.

Clause 5.

The Hon. C. BONAROS: My amendments Nos 5, 6 and 7 are consequential, so I will not be moving them.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

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

Amendment No 6 [PrimIndRegDev–2]—

Page 19, lines 22 and 23 [clause 8(1)]—Delete ', to the extent that it is consistent with section 10 to do so,'

This amendment is consequential on amendment No. 7, which amends the safety principle. I will therefore be speaking to amendments Nos 6 and 7 together. Amendment No. 7 amends the wording of the safety principle. Changes to the safety principle respond to stakeholder feedback seeking clarification of the interaction between the safety principle and other principles in the bill, including the best interests principle. The amended wording of the safety principle retains the clear position that all children and young people are to be kept safe and protected from harm.

Consistent with the government's unwavering position that children must be at the centre of decision-making and kept safe, the amended safety principle continues to ensure that child protection officers have a clear and unfettered focus on the safety of the child when making a decision about the removal of a child from their family. Retaining the safety principle in legislation in this way removes any ambiguity for relevant decision-makers who are often required to act quickly and under enormous pressure and who we know are very mindful of the impact of their decision to remove a child from their family. This is not an easy job, and these are not easy decisions. The clearer we can make the legislative framework for decision-making, the more children we protect from abuse and neglect.

The position taken in the bill to ensure the safety principle is prioritised when making a decision about the removal of a child does not undermine the importance of the broader best interests principle. The broader best interests principle in the bill requires the best interests of all children and young people to be upheld and effected in all decision-making under the bill. Government amendment No. 8, in relation to the best interests principle, retains this requirement. This principle continues to contain a broad range of factors that may be relevant to decision-making. Importantly,

it makes it clear that keeping a child or young person safe from harm or the risk of harm is one of the factors that must always be considered when making a decision about a child or young person.

When the safety and best interests principles are read together, the amended safety principle will provide the additional clarity decision-makers require in circumstances where they are making a decision about the removal of a child to ensure children are kept safe and protected from harm.

The Hon. T.A. FRANKS: This has been, of course, one of the debates in regard to how this legislation is formulated, with no paramount principle in this bill, unlike other jurisdictions, and competing, if you like, safety and best interests principles as a result. The original government wording in April was that:

> It is a principle of this Act (the safety principle) that children and young people are to be kept safe and protected from harm (and, despite any other provision of this Act, the safety of the child or young person must take priority in determining whether or not to remove the child or young person under section 83(1)).

That was part of the negotiations. The current amendments we have before us have added a word, and that word is quite an important one: 'always'. 'Must always be' the priority has been added as opposed to 'must' be the priority. Can the government explain in the negotiations how that change came about and on whose advice that was?

The Hon. C.M. SCRIVEN: As I have alluded to earlier tonight on a number of occasions, there has been broad consultation. There have been a diverse number of views put in particular in regard to this aspect of the bill, and all of those have been considered. As we have said previously, coming to a compromise position means that not everyone will be 100 per cent happy with every aspect of wording in the bill, but that is what a compromise is.

The Hon. C. BONAROS: Just following on from the question asked by the Hon. Tammy Franks, does the minister acknowledge, though, that the discussions that were being had with us in relation to this particular proposal did not include the words that have actually ended up on this page today? The words that were the subject of discussions that we were having in good faith with the government were 'must take priority' versus the words that we now have in this amendment, which are 'must always be the priority'. There is a substantial difference in those words. Can she explain how that occurred in the period between our last discussion with the government and these amendments being filed in this place?

The Hon. C.M. SCRIVEN: I refer back to my previous answer about the consultation throughout the period on this bill and proposed amendments.

The Hon. C. BONAROS: The minister has made reference, on more occasions than I can count, to the discussions that have taken place with the Hon. Tammy Franks and me in relation to this set of words, and I am telling her that this is the first time that I have seen them. I think this is the first time that the Hon. Tammy Franks and the Hon. Jing Lee and the Hon. Sarah Game and the Hon. Ben Hood have seen them. They are the discussions that she has made numerous references to in terms of getting to this point, so it should not be that hard to answer how we got from 'must take priority' to 'must always be the priority' between our last discussion and today.

The Hon. C.M. SCRIVEN: I think what is clear is that we, the government, have never changed our commitment to children's safety. I have talked in this place about the various diverse views that have been taken into account, and the outcome of all of those views over many, many months has resulted in what we have before us today.

The Hon. C. BONAROS: I find that answer a bit difficult to understand given the good faith that we keep referring to this evening but, notwithstanding that, can the minister confirm whether in the absence of those words or another set of words, a child cannot be removed under the best interests principles based on safety? Is there anything preventing a child being removed on the best interests principles based on safety—safety in the context of there being an imminent safety risk to a child? Is there anything preventing that child, under the best interests principles, from being removed from their family?

The Hon. C.M. SCRIVEN: As we have said throughout debate on this bill over many weeks, we want absolute clarity about the priority for workers who have to make the difficult decision about

whether or not to remove a child from their family. That has been the commitment that we have made throughout this debate.

The Hon. T.A. FRANKS: I just want to say that I do have concerns about the wording here being changed in the past few weeks. I just want to note the words of Uniting Communities, who have written to some of us saying, 'However, I wanted to draw your attention to a small but significant change the government has made to their original wording to this clause which in effect makes it even more draconian.' I guess they had hoped we had not noticed this but if it is to get voted through it needs to revert to the government's original wording when it first proposed this change in April when it was numbered clause 11 and, as I have outlined, the words have changed from 'must take priority' to 'must always be the priority'. There is no wriggle room here in regard to safety even if it is in the judgement of the person that that may not be the best decision. I find that somewhat curious.

The other thing I wanted to draw to members' attention is the concerns from the guardian in particular that without a paramount principle and with the fact that you actually still have competing principles here now, this is actually going to lead to more confusion. The safety principle, as this government has proceeded with, does leave us out of step with other jurisdictions and with other areas of family law and the like.

Jurisdictions that thought that they were doing the right thing, as some of us here voted for under the previous Weatherill government, have come to realise that that safety principle, while well meaning, actually has had unintended consequences. I am concerned that this will still continue to have unintended consequences, and I reiterate the basic premise here that the best interests of the child contain safety; however, safety does not always contain the best interests of the child.

The Hon. C. BONAROS: I echo the sentiments just raised by the Hon. Tammy Franks in relation to this particular provision and also remind members that this scenario is actually no different from the scenario that we were in some weeks ago when the government proposed an alternative amendment at that point. I cannot remember what the wording was, but in effect the net effect of that amendment was that it was saying the exact same thing, just in a different way. We have a repeat of that precise situation in this instance.

I think it is also worth all honourable members knowing that there were not a lot of words between this. Words are very important; every single word is very important. This is one of those areas that has been a sticking point in relation to this bill. Initially, when we had discussions around this, it was 'must take priority' versus 'must take into consideration'. There were lots of options that we were trying to put on the table to land on a tiny but very important set of words that could deal with the concerns of all the sectors involved.

I know the minister says she has gone to great lengths to consult on this bill and that people want this done. We all want this done and we all want kids to be safe. That is the bottom line. Nobody in here is suggesting for a moment that if a child is unsafe they should not or would not be removed. That is not the intent of these discussions around this particular provision. However, when you are, in good faith, trying to reach a compromise, then the least you can do is ensure that the parties you are apparently trying to reach that compromise with know what the words that you have settled on are. Those words were very open and very fluid up until a given point in time and there was not a lot between them, but here we are with this particular set of words now, an entirely new set of words to what we had previously.

The Hon. Tammy Franks is quite right: there is nothing—in fact, safety is included in the best interests principles. Anyone practising in family law knows that the best interests principles are paramount in the family law setting, and indeed safety is one of the issues that is considered in that context without any issues at all.

The idea that we are going to leave a child in an unsafe situation because we are looking at this in the context of best interests I think has been ventilated well by everybody involved. I think that the government, frankly, has not been willing to move that far because the minister has said she will not resile from her position previously. There are others who will not resile from their positions either and they have maintained, as the Hon. Tammy Franks has just pointed out, that this will continue to have those unintended consequences that none of us want to see.

I also note that we are in the exact same scenario, just with a different set of words, as we were some weeks ago. So I am a bit baffled how it is that we have come to this compromise and ended up with a different set of words which do exactly the same. All those discussions that we have had over recent weeks seem to have evaporated into thin air and we are now considering a brand-new set of words that I had not contemplated before I received the draft set of amendments. I remain concerned over this particular provision for the reason that the sectors do.

I have just remembered the point that I wanted to make, and I think it is one that is being overlooked. The minister talks, on behalf of the minister responsible, about everybody who has been consulted. We all want to move on and people want clarity, but in so doing we are actually ignoring the voices of many people who are at the coalface of child protection. They have not just looked at this from an academic perspective and exercise and said this is a bad idea, these are the people who are on the ground and they are working in this space and they are the ones who are telling us that this is problematic. That is how we got to this point. So to suggest that they have all somehow got it wrong does not sit well with me and to suggest that there are others who are better in the know does not sit well with me.

All of us want kids to be safe. They want kids to be safe. They are the ones who are dealing on the ground with the fallout of these systems on a day in, day out basis and are often having to pick up the pieces when things go wrong. At the end of the day, these are a set of words on a piece of paper and we know that there is a lot more that needs to happen in child protection for our kids to be safe than just a set of words on a piece of paper. But we cannot ignore or dismiss or undermine the importance of all those voices that have contributed to this debate around the concerns they have over the sets of words that we are actually talking about now.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10.

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

Amendment No 7 [PrimIndRegDev–2]—

Page 21, lines 2 to 6—Delete clause 10 and substitute:

10—Safety principle

It is a principle of this Act (the *safety principle*) that children and young people are to be kept safe and protected from harm (and, despite any other provision of this Act, the safety of the child or young person must always be the priority in determining whether or not to remove a child or young person under section 83(1)).

Amendment carried.

New clause 10A.

The Hon. T.A. FRANKS: I move:

Amendment No 4 [Franks–3]—

Page 21, lines 2 to 6—Insert new clause 10A:

10A—Best interests of children and young people paramount

(1) For the purposes of this Act, the best interests of children and young people must always be paramount.

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

(3) In considering what is in the best interests of a particular Aboriginal or Torres Strait Islander child or young person, regard should be given to such of the following as may be relevant in the circumstances:

(a) the need to comply with the Aboriginal and Torres Strait Islander Child Placement Principle;

(b) the child rearing practices of Aboriginal or Torres Strait Islander people;

(c) the need to provide the child or young person with the opportunity to maintain and build their identity, as well as their connections to their Aboriginal or Torres Strait Islander family, community, culture and Country;

(d) the child or young person's need to have an environment in which they—

(i) feel safe and supported to express their culture and spiritual and other belief systems; and

(ii) are supported by a carer who respects their identity as an Aboriginal or Torres Strait Islander child or young person and who nurtures and encourages their sense of self and identity in respect to their family, community, culture and Country;

(e) any other matter prescribed by the regulations.

(4) In addition to subsection (1) and (2), in determining what decision to make or action to take in the best interests of a child or young person, consideration must be given to the following, where they are relevant to the decision or action:

(a) the need to give the widest possible protection and assistance to the parent and child or young person as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child or young person;

(b) the need to strengthen, preserve and promote positive relationships between the child or young person and their parents, family members and other persons significant to them;

(c) the need, in relation to an Aboriginal or Torres Strait Islander child or young person, to protect and promote their cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal or Torres Strait Islander family and community;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(r) any other relevant consideration.

This inserts a paramount principle of best interests of children and young people. It has been based, in particular, on the Victorian model, a model that has been tested for some period of time. Many of the submissions that were made to the inquiry into this bill suggested the Victorian model or the Queensland or New South Wales model. The Victorian model was settled on after negotiations with many of the stakeholders as an appropriate one. It has certainly in our consultations been the one that we have held to.

I understand the government has now come up with another one. That certainly did not have the support of stakeholders in the meetings that we held. At least they have come some way in having a best interests principle, but the fact that it is not a paramount principle does actually go against the UN Convention on the Rights of the Child. It does actually go against the overwhelming response on this bill and it has been quite an extraordinary process where almost every single stakeholder supported a paramount principle for best interests of the child, noting that safety is included in that.

Indeed, it is not exclusive of safety. In fact, it does embed safety, but it certainly goes further, taking into consideration the adverse outcomes that have happened over the last many years about how the safety principle had been applied to the detriment of children in care. The stories that were presented by the guardian and others in response to the inquiry into this bill were really disturbing in terms of a government that has implemented something thinking it was well meaning and it had adverse outcomes.

It was quite concerning to have the chief executive officer say that those issues had never been raised with her when they clearly had. Issues such as children not being able to be in their school photos, even when their birth parents knew that they were at that school and it would not have identified them; being excluded from school camps; not being able to have sleepovers at friends' places without police checks.

Those sorts of things have been the adverse impact of having the safety principle to date. That is why having at least best interests now in the legislation will go a long way, but having it as a paramount principle was actually what 95 per cent of stakeholders asked for. I understand the sector is very worn down and just wants this bill done. Tonight, we will be advocating yet again for the paramount principle being best interests of the child for this legislation.

The Hon. C.M. SCRIVEN: The government has an alternative amendment, and therefore will not be supporting this amendment, and I am happy to speak to that alternative when I move it.

The CHAIR: If passed, this will actually become new clause 10A. I am going to put it that new clause 10A as proposed to be inserted by the Hon. T.A. Franks be so inserted.

The committee divided on the new clause:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Game, S.L.	El Dannawi, M.
Henderson, L.A.	Martin, R.B.

New clause thus negatived.

Clause 11.

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

Amendment No 8 [PrimIndRegDev–2]—

Page 21, line 7 to page 22, line 22—Delete clause 11 and substitute:

11—Best interests principle

(1) It is a principle of this Act (the *best interests principle*) that the best interests of each child and young person are to be upheld and effected in all decision making under this Act (and a reference in this Act to a particular decision being in the best interests of a child or young person will be taken to be a reference to the decision being made in accordance with the best interests principle)

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

(3) In addition to subsection (1) and (2), in determining what decision to make or action to take in the best interests of a child or young person, consideration must be given to the following, where they are relevant to the decision or action:

(a) the need to support the child or young person's family to ensure the child or young person's safety and wellbeing within their family and community;

(b) the desirability of the child or young person's family having primary responsibility for the child or young person's upbringing, protection and development;

(c) the emotional, social and psychological needs of the child or young person, including—

(i) the need to be heard and have their views considered; and

(ii) the need for love and attachment; and

(iii) the need for the child or young person to be given the opportunity to achieve their full potential;

(d) the need to strengthen, preserve and promote positive relationships between the child or young person and their parents, family members and other persons significant to them;

(e) if the child or young person is able to form their own views on a matter concerning their care—the need to support them to express those views freely in accordance with the developmental capacity of the child or young person and the circumstances, and for those views to be given due weight;

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

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

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

(i) a child or young person is only to be removed from the care of their parents in accordance with section 83 or an order of the Court;

(j) if the child or young person is removed from the care of a person—the need to place the child or young person in a safe, nurturing, stable and secure environment;

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

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

(m) in respect of case planning for the child or young person—

(i) the desirability of placing, so far as may be appropriate, the child or young person with the following persons in the following order:

(A) a person who is a member of the child or young person's family (including the child or young person's siblings);

(B) a person with whom the child or young person has an existing relationship;

(C) a person who is willing and able to encourage and support the child or young person to develop and maintain contact with the child or young person's parents, siblings and other family members, and with other people who are significant to the child or young person (subject to any decisions made under this Act in relation to such contact); and

(ii) the desirability of siblings being placed together when they are placed in care; and

(iii) the desirability of connection between the child or young person and their family being maintained;

(n) if the child or young person has been removed from their parents or family—the need to ensure that they have the ability to know, explore and maintain their identity and values, including those relating to their culture, language or religion;

(o) if the child or young person has a disability—the need to ensure that the child or young person is treated in a way that preserves their identity and respects their developing capacity;

(p) if a child or young person with a particular cultural identity is placed in care with a person who is not a member of that cultural community—the desirability of the child or young person retaining a connection with their culture;

(q) the desirability of using family group conferences to make informed decisions as to the arrangements for the care of the child or young person;

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

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

(t) any other relevant consideration.

(4) In considering what is in the best interests of a particular Aboriginal or Torres Strait Islander child or young person, regard should also be given to the matters set out in section 48.

This amendment amends the best interests principle. The bill introduces a best interests framework for child protection decision-making for the first time in more than nine years. It is a key feature of the government's legislative reform and therefore it is not surprising that there has been significant engagement and advocacy about the articulation of this principle. It is crucial, as we move forward together with this legislative framework, that those working in the child protection and family support system have a shared understanding of what is in a child's best interests.

The amended wording of the best interests principle ensures we have such a framework. The amended best interests principle reinforces the need to keep children and young people safe

from harm and the risk of harm, to protect their rights and to promote their development, taking into account their age and stage of development as factors that must always be considered when determining a child's best interests. I am advised that discussions with the crossbench, and particularly with the Hon. Tammy Franks and the Hon. Connie Bonaros, have been crucial to this. That is not, however, to imply that they necessarily 100 per cent support every aspect of this but that there has been considerable input.

There are a number of new considerations articulated in the principle. The need to consider the effects of cumulative harm on a young person's safety and development has been incorporated. The inclusion of this consideration in the principle reinforces the already expanded definition of 'at risk of harm' and 'at risk of significant harm' in clause 5, which requires that regard be given to the impact of cumulative harm on a child and young person when determining if a child or young person is likely to have suffered harm or significant harm.

The desirability of assessing the reunification of a child or young person with their parent has been inserted. This reinforces the focus on reunification in existing clauses in the bill, including clause 99, where reunification must be considered before making an application for an order, and clause 129, which requires case plans to include a part setting out a reunification plan.

Importantly, the amended principle retains key considerations already included in the bill. The government particularly recognises the advocacy of the Hon. Robert Simms in ensuring the requirements to treat children and young people with disabilities in a way that preserves their dignity and respects their developing capacity, along with the placement hierarchy for all children to promote the placement of a child or young person in care with members of their family, including their siblings. That was to ensure that those requirements have been retained.

By way of an example of how the safety principle and best interests principle will apply to decision-making, I will use the example of a child or young person participating in school photos, which is an example which has been used a number of times throughout the public debate on these clauses. Of relevance to the decision about the participation of a child or young person, the decision-maker must consider if the participation is in a child or young person's best interests. It is always in a child's best interests to be kept safe, and, in determining the best interests of a child in accordance with the amended best interests principle in all decisions, the need to keep a child safe from harm and the risks of harm to protect their rights and to promote their development must be considered.

Other factors explicitly set out in the principle may also be relevant, including at clause 11(3)(c) pertaining to the emotional, social and psychological needs of the child or young person, and 11(3)(e), which requires that if a child or young person is able to express their own views on a matter concerning their care there is a need to support them to express their views freely in accordance with their developmental capacity and for those views to be given weight, amongst other considerations which may be relevant.

In this decision-making exercise, while an assessment of safety must be undertaken in accordance with clause 10(3), the safety principle does not apply as this is limited to decisions about the removal of a child or young person.

The Hon. T.A. FRANKS: I indicate I will support this. It is not as good as it should be. It is not a paramount principle, but it is at least a step forward. I also welcome the recognition particularly of siblings and the rights of siblings. It has been an ongoing concern that the current legislation does not support contact between siblings at times and that complaints are being made by young people that they wish to access their siblings in the system, and they have no rights of recourse when those requests are not actioned, not just for months but for years in some cases. It is very disappointing that no independent review process or investigation process is going to come out of this bill. That would have been the very sort of issue that would see that young person able to take action to have their rights effected, but this is at least a step forward.

The Hon. C. BONAROS: I rise to indicate, for the same reasons as have just been highlighted by the Hon. Tammy Franks, that this is a step in the right direction. It is much better than what we had originally. It is more consistent with the discussions that we had around what best

interests should look like. Whilst it is not 100 per cent, I do support the principle as articulated in this particular amendment.

Amendment carried.

New clause 11A.

The Hon. T.A. FRANKS: My amendment No. 6 [Franks-3] is in regard to the active efforts and is consequential.

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

Amendment No 9 [PrimIndRegDev–2]—

Page 22, after line 22—Insert:

11A—Principle of active efforts and standard of active efforts

(1) Each person or body involved in the operation and administration of this Act must act in accordance with the principle of active efforts in performing functions under this Act.

(2) For the purposes of this Act, the principle set out in this section constitutes the *principle of active efforts* (and a reference to a person or body making active efforts will be taken to be a reference to the person or body acting in accordance with that principle).

(3) Under the principle of active efforts, active efforts must—

(a) be timely; and

(b) be practicable, thorough and purposeful; and

(c) address the grounds on which a child or young person is considered to be at risk of harm; and

(d) conducted, to the greatest extent possible, in partnership with the child or young person and the family, kin and community of the child or young person; and

(e) be culturally appropriate; and

(f) comply with any other requirements prescribed by the regulations.

(4) Without limiting a preceding subsection, active efforts include—

(a) assisting with access to support services and other resources; and

(b) if appropriate services or resources do not exist or are not available—considering alternative ways of addressing the relevant needs of the child or young person and their family, kin or community; and

(c) activities directed at finding and contacting the family, kin and community of the child or young person.

(5) The requirements under this section do not limit any other ways in which active efforts can be made when making a decision under this Act.

(6) For the purposes of this Act, a reference to something being done to the *standard of active efforts* will be taken to be a reference to it being done in a way that accords with the principle of active efforts.

This amendment introduces a new clause, which establishes the principle of active efforts for all children, while retaining the standard of active efforts. Every child deserves a safe, supportive and nurturing environment to grow in. This principle set out the proactive steps that should be taken for all children to prevent harm and support families.

Crucially, the proposed new clause maintains the current position in the bill that the Aboriginal and Torres Strait Islander Child Placement Principle must be applied to the standard of active efforts. The Aboriginal and Torres Strait Islander Child Placement Principle was developed nearly 40 years ago to address the growing rate of over-representation of Aboriginal children in care. It was created by Aboriginal communities and leaders to change the way child protection systems value culture and embed the right of Aboriginal children to be part of decision-making about Aboriginal children and young people's care and protection.

All Australian jurisdictions, including South Australia, have agreed that more needs to be done to fully embed the Aboriginal and Torres Strait Islander Child Placement Principle in legislation as part of efforts to reduce the over-representation of Aboriginal children and young people in care. The shared commitment, which was developed in collaboration with Aboriginal partners, is contained in target 12 of the recently refreshed Closing the Gap agreement. The achievement of target 12 is also the key focus of the Aboriginal First Action Plan and general action plan under Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031.

All five elements of the Aboriginal and Torres Strait Islander Child Placement Principle are articulated in clause 44(2), and the bill, together with a parliamentary recognition that the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts is the key mechanism by which the best interests of Aboriginal and Torres Strait Islander children and young people and their families can be realised.

Finally, I note that there is no change to existing clause 44(4), which sets out a number of examples of how elements of the Aboriginal and Torres Strait Islander Child Placement Principle might be complied with to the standard of active efforts.

New clause inserted.

Clause 12 passed.

New clause 12A.

The Hon. T.A. FRANKS: I move:

Amendment No 7 [Franks–3]—

Page 22, after line 27—Insert:

12A—Principle of early intervention

It is a principle of this Act (the *principle of early intervention*) that State authorities whose functions and powers include matters relating to the safety and welfare of children and young people must have regard to the fact that early intervention in matters where children and young people may be at risk is a priority.

This creates a new clause on page 22 after line 27 and inserts 12A—Principle of early intervention. Early intervention has certainly been a missing piece of this puzzle, and it continues to be while we have a bill that focuses more on the acute end, rather than preventing the harm that we have discussed so much tonight.

The Hon. C.M. SCRIVEN: The government is opposing this amendment, as it is unnecessary because the bill already includes a number of provisions which acknowledge the need for early intervention. The amended best interests principle provides that consideration must be given to the desirability of making decisions as expeditiously as possible and the harmful effect of delay in making a decision or taking an action.

Clause 12 of the bill introduces a principle of effective intervention. It has been included at clause 12, which provides that decisions made, actions taken and support offered to a particular child should be timely, direct and fit for purpose, given the circumstances of the child. State strategy is to set out the roles and responsibilities of prescribed bodies in reducing risk factors that lead to child abuse and neglect and in the provision of targeted assistance to children and young people and their families (clause 62(2)(c)(i) and (ii)), and the children and young people safety and support plans of prescribed state authorities must set out how those objectives are to be implemented (clause 67).

The Hon. B.R. HOOD: The opposition will be supporting this amendment, as it affirms early intervention as a foundational principle for protecting and supporting families.

The committee divided on the new clause:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.

New clause thus negatived.

Clause 13.

The Hon. T.A. FRANKS: I move:

Amendment No 8 [Franks–3]—

Page 22, after line 37—Insert:

(1a) Without otherwise limiting subsection (1), a person or body referred to in that subsection must—

(a) offer the child or young person a reasonable opportunity to present their views in person to the decision maker; and

(b) if the child or young person wishes to present their views in person, take reasonable steps to facilitate that prior to the prescribed decision being made.

This at clause 13 inserts subclause (1a). Put simply, this is putting the voice of the child into this legislation.

The Hon. C.M. SCRIVEN: The government will support this amendment as it is identical to the one that we had also filed. It ensures the voices of children and young people are heard in prescribed decisions that affect them. It was set out without limiting the ways in which a child or young person's voice may be heard, including presenting their views in person, and this amendment further elevates the voices of children and young people by inserting a requirement that they be offered a reasonable opportunity to present their views in person and, where they wish to do so, requiring that reasonable steps be taken to facilitate that.

The Hon. B.R. HOOD: The opposition supports this amendment as it strengthens children's right to be heard by requiring a practical opportunity to participate.

The Hon. R.A. SIMMS: I also support the amendment. Other speakers have outlined the sensible rationale for the proposal.

Amendment carried.

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

Amendment No 11 [PrimIndRegDev–2]—

Page 23, line 9 [clause 13(4)(a)]—Delete subclause (4)(a)

This amendment deletes clause 13(4)(a) of the bill. Clause 13 of the bill requires that each person or body involved in the operation and administration of the act take reasonable steps to ensure that the voices of young people are heard in prescribed decisions which affect them and includes a requirement to provide children and young people with information or documents reasonably necessary to inform their views. Clause 13(4)(a) provides that clause 13 need not be complied with

if the person or body determines that it would not be in the child or young person's best interests to do so.

This subclause is deleted to respond to feedback that it could lead to children's voices not being heard in relation to prescribed decisions. As stated, and as was on the record from our previous amendment, that is not the intention of the government. We wish to elevate the voices of children in decision-making that affects them.

The Hon. T.A. FRANKS: I will be supporting this amendment.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 9 [Franks–3]—

Page 23, line 15 [clause 13(6)]—Delete 'do not wish to do so' and substitute 'express a desire to not do so'

I note that this, again, was from some feedback. The amendment ensures that there is greater certainty that provides that a child or young person not be required to participate in a particular decision if they have expressed a desire not to do so.

The Hon. C.M. SCRIVEN: Again, the government will support this amendment because it is identical to the amendment the government put on the record, and we are keen to ensure that where a child has expressed their desire to not participate in a particular decision that is respected.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it ensures that children's choices are genuinely and clearly expressed.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 10 [Franks–3]—

Page 23, line 20 [clause 13(7), definition of *prescribed decision*, (b)]—After 'preparation' insert 'or review'

This amendment clarifies that a child or young person's voice must be heard in a decision relating to the review of a child's case plan. This is in addition to the existing requirement for their voices to be heard in the preparation of that case plan. I thank groups such as the ALRM for providing feedback that saw these amendments made.

The Hon. C.M. SCRIVEN: This amendment was also filed as a government amendment, and we will therefore be supporting it.

The Hon. B.R. HOOD: The opposition will be supporting this amendment also as it ensures that children's views are considered throughout the life of their case plan and not just at the outset.

Amendment carried; clause as amended passed.

Clause 14.

The Hon. T.A. FRANKS: I move:

Amendment No 11 [Franks–3]—

Page 24, line 1 [clause 14(3)]—After 'preparing' insert ', altering'

This amendment inserts a requirement for the guardian to consult when altering the Charter of Rights for Children and Young People in Care.

The Hon. C.M. SCRIVEN: This is an identical amendment to a government amendment and therefore we will be supporting it. It requires the guardian to invite submissions from and consult with interested persons when altering a charter in addition to the existing requirement around preparing a charter.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it extends consultation obligations to any future changes to the charter of rights.

Amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 12 [Franks–3]—

Page 24, lines 8 to 11 [clause 14(5)]—Delete subclause (5) and substitute:

(5) The Minister may, on receiving the Charter for approval and after consultation with the Guardian for Children and Young People, require an alteration to the Charter before approval (however, such alteration must be consistent with Part 2).

(5a) The Minister must, within 30 days after receiving the Charter, or the Charter as altered, (whichever is the later) approve the Charter.

This inserts a 30-day timeframe within which the minister must approve the charter of rights for children and young people.

The Hon. C.M. SCRIVEN: This is identical to a government amendment and therefore the government will be supporting it.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it increases transparency and ensures the timely ministerial approval of the charter.

Amendment carried.

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

Amendment No 16 [PrimIndRegDev–2]—

Page 24, lines 18 and 19 [clause 14(9)]—Delete ', to the extent that it is consistent with section 10 to do so in a particular case,'

This amendment is consequential on amendment No. 7 and therefore I seek the chamber's support.

Amendment carried.

The CHAIR: We are still at clause 14. Amendment No. 13 [Franks-3].

The Hon. T.A. FRANKS: This is consequential on the safety principle arguments.

Clause as amended passed.

Clause 15.

The Hon. T.A. FRANKS: I move:

Amendment No 14 [Franks–3]—

Page 24, lines 27 to 36—Delete clause 15 and substitute:

15—Chief Executive must provide copy of Charter etc to children and young people in care

(1) The Chief Executive must, as soon as is reasonably practicable after a child or young person is placed in the custody, or under the guardianship, of the Chief Executive under this Act, provide to the child or young person—

(a) a copy of the Charter; and

(b) an explanation of the content and effect of the Charter; and

(c) information about, and the contact details of, the Guardian for Children and Young People.

(2) If a child or young person is unlikely to be understand the information and documents referred to in subsection (1) (whether by reason of cognitive or physical disabilities, language differences or difficulties, literacy challenges or otherwise), the Chief Executive must make such alternative arrangements as may be necessary to ensure that the information is, if it is reasonably practicable to do so, communicated to the child or young person in a way they are capable of understanding.

(3) However, the Chief Executive need not comply with this section if the Chief Executive is of the opinion that the child or young person is not reasonably capable of understanding the information referred to in subsection (1).

This deletes clause 15 and substitutes instead that the 'Chief Executive must provide copy of Charter etc to children and young people in care' and then details how that is to occur.

The Hon. C.M. SCRIVEN: This is an identical amendment to one filed by the government and we will therefore be supporting it.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it ensures that children are informed of their rights in a way that is understandable and accessible.

Amendment carried; clause as amended passed.

New clause 15A.

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

Amendment No 18 [PrimIndRegDev–2]—

Page 24, after line 36—Insert:

Division 5A—Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System

15A—Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System

(1) The Minister must prepare and maintain a *Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System*.

(2) The Minister must review the Statement at least every 5 years.

(3) In preparing or reviewing the Statement, the Minister must—

(a) invite submissions from, and consult with, the persons or bodies (if any) prescribed by the regulations (and may consult with any other person or body the Minister considers appropriate); and

(b) comply with any other requirements set out in the regulations.

(4) The Minister must cause the Statement to be published on a website determined by the Minister.

(5) The Minister must, within 6 sitting days after approving the Statement, cause a copy of the Statement to be laid before both Houses of Parliament.

(6) Each person or body engaged in the administration, operation or enforcement of this Act (other than the Court or SACAT) must perform their functions so as to give effect to the Statement.

(7) However, the Statement does not create legally enforceable rights or entitlements.

This amendment legislates the preparation, maintenance and review of a Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System. It is critical that children and young people are always at the centre of our child protection decision-making. This clause provides for the preparation of the Statement of Commitment to Children and Young People in Contact with Child Protection and Family Support System. Through the development of the statement, the government will seek to build a mutual understanding of what children and young people can expect when interacting with the child protection and family support system.

The development of a statement of commitment will be informed by consultation with key stakeholders, which will, of course, include children and young people with a care experience to ensure their voices are captured and privileged. Recognising this will be a living document that should evolve over time. This clause provides that the statement of commitment be reviewed every five years through a collaborative process.

The Hon. T.A. FRANKS: I indicate my support for this amendment.

The Hon. B.R. HOOD: The opposition will be supporting this amendment.

New clause inserted.

Clause 16.

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

Amendment No 19 [PrimIndRegDev–2]—

Page 25, lines 12 and 13 [clause 16(6)]—Delete ', to the extent that it is consistent with section 10 to do so in a particular case,'

This amendment is consequential on amendment No. 7 and therefore I seek support from the chamber.

Amendment carried; clause as amended passed.

Clause 17.

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

Amendment No 20 [PrimIndRegDev–2]—

Page 25, lines 31 and 32 [clause 17(6)]—Delete ', to the extent that it is consistent with section 10 to do so in a particular case,'

This is also consequential on amendment No. 7. I seek the chamber's support.

Amendment carried; clause as amended passed.

Clause 18.

The Hon. C. BONAROS: My amendments Nos 8 to 12 are consequential.

Clause passed.

Clause 19.

The Hon. T.A. FRANKS: I move:

Amendment No 15 [Franks–3]—

Page 27, after line 35 [clause 19(4), definition of *prescribed State authority*]—Insert:

(da) the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Courts Administration Act 1993*; and

(db) the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *South Australian Housing Trust Act 1995*; and

(dc) South Australia Police; and

This amendment is under the section where the minister may direct chief executives of certain state authorities to meet to discuss interagency approach and adds three new prescribed state authorities, those being the administrative unit of the Public Service that is responsible for assisting a minister in the administration of the Courts Administration Act, the administrative unit of the Public Service that is responsible for assisting a minister in the administration of the South Australian Housing Trust Act and SAPOL. So the police, housing and the courts would be added to this important process.

The Hon. C.M. SCRIVEN: The government opposes this amendment as it is unnecessary because by virtue of clause 19(4)(e) it is already possible to prescribe other state authorities as a prescribed state authority by regulation.

The Hon. B.R. HOOD: We will be supporting this amendment as it ensures that key agencies are included in the collaborative information sharing under the act.

The Hon. C. BONAROS: I am also supporting this amendment.

The committee divided on the amendment:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.

Lee, J.S.	Lensink, J.M.A.

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.

Amendment thus negatived; clause passed.

Clauses 20 to 22 passed.

Clause 23.

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

Amendment No 21 [PrimIndRegDev–2]—

Page 29, after line 34 [clause 23(1)]—Insert:

(da) a part setting out, in relation to the reporting year—

(i) the number of family group conferences convened by the Chief Executive under the Act (including information identifying how many of the family group conferences related to Aboriginal and Torres Strait Islander children and young people); and

(ii) any other information required by the regulations;

This amendment introduces additional reporting obligations and requires that the minister's annual report includes the number of family group conferences convened by the chief executive, including information identifying how many family group conferences related to Aboriginal and Torres Strait Islander children and young people have occurred.

The Hon. T.A. FRANKS: I will be supporting this amendment. This certainly came around from the consultation and the original crossbench and government process and so we welcome it.

The Hon. B.R. HOOD: The opposition will be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 24 to 25 passed.

Clause 26.

The Hon. T.A. FRANKS: I move:

Amendment No 16 [Franks–3]—

Page 31, after line 41 [clause 26(1)]—Insert:

(ab) the following information in respect of Aboriginal and Torres Strait Islander children and young people:

(i) the extent to which case planning in relation to such children and young people includes the development of cultural maintenance plans with input from local Aboriginal and Torres Strait Islander communities and organisations;

(ii) the extent to which agreements made in case planning relating to supporting the cultural needs of such children and young people are being met (being support such as transport to cultural events, respect for religious laws, attendance at funerals, providing appropriate food and access to religious celebrations);

(iii) the extent to which such children and young people have access to a case worker, community, relative or other person from the same Aboriginal or Torres Strait Islander community as the child or young person; and

This has come from extensive consultation, particularly with groups like the ALRM and others who have advocated very strongly for the Aboriginal Child Placement Principle to be better implemented than it currently is.

The Hon. C.M. SCRIVEN: This amendment is opposed as, pursuant to clause 23(1)(d), the minister is already required to report on the operation of part 4 of the act. This includes reporting on clause 58, relating to case planning for Aboriginal children and young people.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it enhances accountability for cultural support services.

The Hon. C. BONAROS: I will also be supporting the amendment.

The committee divided on the amendment:

Ayes 8
Noes.....8
Majority 0

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Ngo, T.T.	Pangallo, F.
Scriven, C.M. (teller)	Simms, R.A.	

PAIRS

Game, S.L.	El Dannawi, M.
Henderson, L.A.	Martin, R.B.

The CHAIR: There being 8 ayes and 8 noes, I cast my vote in the affirmative.

Amendment thus carried; clause as amended passed.

Clause 27.

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

Amendment No 22 [PrimIndRegDev–2]—

Page 32, after line 38 [clause 27(4)(a)]—After subparagraph (i) insert:

(ia) each recognised peak body; and

This amends clause 27(4)(a) of the bill to insert a new subclause (ia) to provide that, before publishing quality-of-care report guidelines, the chief executive must invite submissions from each recognised peak body. This amendment is related to amendment No. 24, which allows the minister to recognise entities as recognised peak bodies. This is consistent with the government's commitment to work with peak bodies to improve the child protection and family support system.

Amendment carried; clause as amended passed.

New clause 27A.

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

Amendment No 23 [PrimIndRegDev–2]—

Page 33, after line 15—After clause 27 insert:

Division 3A—Management of complaints and feedback

27A—Complaints and Feedback Management Guidelines

(1) The Chief Executive must publish guidelines (the *Complaints and Feedback Management Guidelines*) relating to the receipt and handling of complaints and feedback relating to the administration of this Act.

(2) The Complaints and Feedback Management Guidelines must set out—

(a) the matters in relation to which the Complaints and Feedback Management Guidelines apply; and

(b) how, and by whom, complaints may be made and feedback may be given; and

(c) the process by which complaints and feedback are to be assessed; and

(d) the actions which may be taken in response to a complaint or feedback; and

(e) the ways in which procedural fairness is to be afforded in relation to a complaint or feedback; and

(f) information about alternative independent complaints and feedback mechanisms and bodies; and

(g) any other information required by the regulations,

and may contain any other provisions the Chief Executive thinks fit.

(3) Subject to the regulations, the Chief Executive must ensure that procedural fairness is provided in the course of any action taken in response to a complaint or feedback.

(4) Before publishing the Complaints and Feedback Management Guidelines, the Chief Executive must—

(a) invite submissions from, and have regard to any submissions made by—

(i) the Commissioner for Children and Young People; and

(ii) the Commissioner for Aboriginal Children and Young People; and

(iii) the Guardian for Children and Young People; and

(iv) each recognised peak body; and

(v) any other peak bodies prescribed by the regulations; and

(vi) Aboriginal and Torres Strait Islander people and organisations; and

(vii) people, including children and young people, who have experiences of being in care under this Act or a repealed Act; and

(viii) any other person or body prescribed by the regulations; and

(b) comply with any other requirements set out in the regulations.

(5) The Chief Executive must cause the Complaints and Feedback Management Guidelines to be published on a website determined by the Chief Executive.

(6) Each officer or employee of the Department involved in the receipt and handling of complaints and feedback to which the Complaints and Feedback Management Guidelines apply must comply with the Complaints and Feedback Management Guidelines.

(7) However—

(a) the Complaints and Feedback Management Guidelines do not create legally enforceable rights or entitlements; and

(b) in the event of an inconsistency between a provision of the Complaints and Feedback Management Guidelines and a provision of this Act, the provision of the Complaints and Feedback Management Guidelines is, to the extent of the inconsistency, void and of no effect.

This amendment inserts a new division into the bill that requires the chief executive to publish guidelines in relation to the receipt and handling of complaints and feedback. The complaints and

feedback management guidelines must set out the matters to which the guidelines will apply, how complaints may be made, the process by which complaints are to be assessed, the action which may be taken in response to a complaint, the ways in which procedural fairness is to be afforded, and information about alternative complaints mechanisms and bodies.

The chief executive is required to invite submissions from and have regard to submissions made by a range of oversight and peak bodies, including the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People, the Guardian for Children and Young People, each recognised peak body, any other peak body prescribed by regulation, and Aboriginal and Torres Strait Islander persons or organisations and people, including children and young people who have experiences of being in care.

Any person involved in the receipt or handling of complaints must comply with the guidelines. This amendment responds to submissions which called for a legislative framework for the handling of complaints. It allows for the detail of the guidelines to be developed in consultation with stakeholders, oversight bodies and peak bodies. This approach ensures that guidelines will be developed that are flexible, responsive and contemporary and underpinned by legislative requirements to ensure the process is fair and transparent.

New clause inserted.

Clauses 28 to 34 passed.

New clause 34A.

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

Amendment No 24 [PrimIndRegDev–2]—

Page 38, after line 20—Insert:

Division 5A—Recognised peak bodies

34A—Minister to recognise peak bodies

(1) The Minister may, by notice in writing, recognise an entity as the *recognised peak body* for a particular section of the community for the purposes of this Act if satisfied that the entity—

(a) represents the interests of that section of the community; and

(b) agrees to be the recognised peak body for that section of the community.

(2) Without limiting subsection (1), the Minister must recognise an entity as the recognised peak body for the following sections of the community:

(a) children and young people and their families;

(b) Aboriginal and Torres Strait Islander children and young people and their families;

(c) carers under this Act.

(3) The recognition of an entity as a recognised peak body—

(a) may be conditional or unconditional; and

(b) has effect for the period specified in the notice; and

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

(4) The Minister may, by notice in writing and in accordance with any requirements set out in the regulations, vary or revoke the recognition of an entity as the recognised peak body for a particular section of the community.

This amendment inserts a new division 5A into the bill, which provides that the minister may recognise peak bodies to represent the interests of particular sections of the community. The minister must recognise peak bodies for the following sections of the community: children and young people and their families, Aboriginal children and young people and their families, and carers.

This amendment responds to feedback to enshrine peak bodies in the legislation and acknowledges the important role they play in advocating for the interests of the communities they

represent. By virtue of related amendments Nos 22 and 23, the chief executive must invite submissions from, and have regard to, any submissions made by each of the recognised peak bodies prior to publishing quality of care report guidelines and complaints and feedback management guidelines.

New clause inserted.

Clauses 35 to 39 passed.

Clause 40.

The Hon. T.A. FRANKS: I move:

Amendment No 23 [Franks–3]—

Page 41, line 9 [clause 40(b)]—After 'families' insert 'UN Declaration on the Rights of Indigenous Peoples'

This amendment at clause 40—Objects of Act relating to Aboriginal and Torres Strait Islander children and young people, under the series of points adds the UN Declaration on the Rights of Indigenous Peoples. It is obviously an important human rights contribution to this piece of legislation that is currently sadly lacking.

The Hon. C.M. SCRIVEN: This amendment is opposed as it is unnecessary, because clause 9(8) of the bill already recognises the UN Declaration on the Rights of Indigenous Peoples as a document which informs the administration and operation of the act.

The Hon. B.R. HOOD: The opposition will be supporting this amendment, as it appropriately recognises UNDRIP as the relevant interpretive instrument for decisions affecting Aboriginal and Torres Strait Islander children.

The Hon. T.A. FRANKS: Just to add to my comments, I note that the government said that it exists elsewhere, but part 4, of course, was a very important part that the Aboriginal and Torres Strait Islander community had feedback into. Particularly groups such as the First Nations Voice will be very disappointed to hear that their feedback has not been taken on board.

The committee divided on the amendment:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.

Amendment thus negatived; clause passed.

Clause 41.

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

Amendment No 25 [PrimIndRegDev–2]—

Page 41, lines 38 and 39 [clause 41(1)]—Delete '(and, in particular, nothing in this Part can be taken to displace section 10)'

Amendment No 26 [PrimIndRegDev–2]—

Page 42, line 4 [clause 41(2)(a)]—Delete 'except where to do so would be inconsistent with section 10,'

Amendments Nos 25 and 26 are consequential on amendment No. 7, and I seek the chamber's support.

Amendments carried; clause as amended passed.

New clause 41A.

The Hon. T.A. FRANKS: I move:

Amendment No 24 [Franks–3]—

Page 42, after line 11—Insert:

41A—Right of legal representation and cultural support in proceedings and meetings etc

(1) This section applies to the following matters (however described) relating to an Aboriginal or Torres Strait Islander child or young person:

(a) family group conferences;

(b) meetings relating to the preparation of the case plan of the Aboriginal or Torres Strait Islander child or young person held for the purposes of—

(i) ascertaining the views of the Aboriginal or Torres Strait Islander child or young person, and their parents and family; or

(ii) allowing the participation of such persons in the preparation of the case plan;

(c) meetings relating to the determination of contact arrangements in respect of the Aboriginal or Torres Strait Islander child or young person;

(d) reviews of a determination of the Chief Executive in respect of the contact arrangements of the Aboriginal or Torres Strait Islander child or young person by a panel under section 141;

(e) reviews of the circumstances of the Aboriginal or Torres Strait Islander child or young person under section 142;

(f) meetings relating to the preparation of a leaving care plan under section 169;

(g) internal reviews under section 198; or

(h) proceedings before the Court or SACAT under this Act; and

(i) any other matter prescribed by the regulations,

(2) Subject to this Act, an Aboriginal or Torres Strait Islander child or young person, and their parents and family, are entitled to be represented in matters to which this section applies by a legal practitioner engaged by or on behalf of the family to do so.

(3) The reasonable legal costs of the legal practitioner in representing an Aboriginal or Torres Strait Islander child or young person, and their parents and family, under this section may be the subject of an application for legal assistance under the *Legal Services Commission Act 1977* which is to be determined in accordance with that Act.

(4) An Aboriginal or Torres Strait Islander child or young person, and their parents and family, are, in any matters to which this section applies, entitled to be supported by a cultural support person chosen by them (and, to avoid doubt, the cultural support person is entitled to be present at the proceedings).

(5) This section is in addition to, and does not derogate from, any other provision of this Act.

This inserts 41A—Right of legal representation and cultural support in proceedings and meetings etc, and goes on to detail (1), (2) and (3), which are similar to the government's amendments but far more comprehensive. I thank again groups such as the ALRM for their feedback on this.

This came about, of course, from the feedback that we have had with stakeholders since both the select committee and the round table that was convened by the Liberal opposition and some crossbenchers of this place. Understandably, the ALRM certainly have an interest in this area but also have the expertise in this area and could see where the gaps currently are that fall very far short of ensuring that we do not continue to take Aboriginal and Torres Strait Islander children away from their families in proportions that are actually as bad, if not worse, than the stolen generations.

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

Amendment No 27 [PrimIndRegDev–2]—

Page 42, after line 11—Insert:

41A—Right to cultural support in certain proceedings and meetings

(1) The Governor may, by regulation, establish a scheme providing for cultural support to be provided to Aboriginal or Torres Strait Islander children and young people for the purposes set out in the regulations.

(2) Without limiting the generality of subsection (1), the regulations may provide for—

(a) the appointment of cultural support persons (including by limiting who can be a cultural support person); and

(b) the right of a cultural support person to be present at specified proceedings or other interactions under this Act.

(3) This section is in addition to, and does not derogate from, any other provision of this Act.

Given that there is a government competing amendment, we will not be supporting the Franks' amendment. Government amendment No. 27 introduces a scheme to be established by regulation for cultural support to be provided to Aboriginal and Torres Strait Islander children and young people. It provides the legal framework for the appointment of cultural support persons and enables the details of the scheme to be developed in regulations through consultation with key stakeholders, including peak bodies. The government considers that introducing this provision, enabling by regulation those matters to be introduced, will provide greater flexibility and therefore be more appropriate and flexible going forward.

The committee divided on the Hon. T.A. Franks' new clause:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.

The Hon. T.A. Franks' new clause thus negatived; the Hon. C.M. Scriven's new clause inserted.

Clauses 42 and 43 passed.

Clause 44.

The CHAIR: We have amendment No. 25 [Franks-3].

The Hon. T.A. FRANKS: That one is consequential, Chair. I move:

Amendment No 26 [Franks–3]—

Page 43, line 5 [clause 44(2)(a)]—Delete 'should' and substitute 'must'

Amendment No 27 [Franks–3]—

Page 43, line 10 [clause 44(2)(b)]—Delete 'should' and substitute 'must'

Amendment No 28 [Franks–3]—

Page 43, line 18 [clause 44(2)(c)]—Delete 'should' and substitute 'must'

Amendment No 29 [Franks–3]—

Page 43, line 31 [clause 44(2)(d)]—Delete 'should' and substitute 'must'

Amendment No 30 [Franks–3]—

Page 43, line 37 [clause 44(2)(e)]—Delete 'should' and substitute 'must'

These amendments all delete the word 'should' and substitute' must', taking away that discretionary ability.

The Hon. C.M. SCRIVEN: The government opposes these amendments. Clause 44(3) already provides that each of the elements of the Aboriginal and Torres Strait Islander Child Placement Principle must be implemented to the standard of active efforts. Further, before making an order the court must be satisfied that the ATSICPP has been implemented to the standard of active efforts.

The Hon. B.R. HOOD: The opposition will support these amendments, as they strengthen and mandate compliance with the Aboriginal Child Placement Principle and related cultural planning requirements.

The Hon. C. BONAROS: I rise to indicate that I support these amendments. One of the points that was made by stakeholders a lot in relation to this debate was the wishy-washy language, for want of a better term, and the strength of that language in this bill. These amendments certainly seek to address that issue. One of the other points made in relation to that was the fact that there are some good concepts and proposals and policies that have been put into this bill, but then we back down with this soft language. The amendments the honourable member has moved are intended to address just that.

The committee divided on the amendments:

Ayes 8
Noes.....9
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	

NOES

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

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.

Amendments thus negatived.

The Hon. T.A. FRANKS: Amendments Nos 31 to 35 are all consequential. I will not be proceeding with 36 or 37.

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

Amendment No 28 [PrimIndRegDev–2]—

Page 45, lines 16 and 17 [clause 44(6)]—Delete subclause (6)

This amendment deletes clause 44(6) of the bill. Clause 44 of the bill embeds all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle and requires that each of the elements that are relevant to the decision be implemented to the standard of active efforts.

Clause 44(6) provides that a failure to comply with the Aboriginal and Torres Strait Islander Child Placement Principle does not of itself affect the invalidity of a decision under the act. The deletion of this subclause as proposed by this amendment responds to feedback expressing concern that the subclause would have the effect of removing the accountability that had been built into the bill, requiring the implementation of the principle.

The Hon. T.A. FRANKS: I welcome the government's amendment and will be supporting it.

Amendment carried; clause as amended passed.

Clause 45 negatived.

Clause 46.

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

Amendment No 30 [PrimIndRegDev–2]—

Page 45, lines 39 and 40 [clause 46(b)]—

Delete 'it is unlikely that the child or young person and their parents will be able to be reunified' and substitute:

reunification of the child or young person and their parents is not viable

This amendment strengthens the wording of clause 46(b) relating to the reunification of Aboriginal and Torres Strait Islander children and young people and their families. It maintains the requirement that the chief executive make active efforts to explore the ways in which a child or young person and their parents can be unified. Amendments 41, 45 and 47 also amend the position in regard to reunification by deleting the word 'likely' in relation to the assessment of reunification and substituting the word 'viable'. I will therefore speak to the rationale for all these changes at this clause.

In the context of reunification, the word 'likely' means that reunification is not just possible but probable based on a parent's current situation, ability to care for a child safely and demonstrated progress. It suggests that at the time of the assessment the risk is already manageable, protective factors are strong and it is expected to happen soon.

Factors which may be relevant to an assessment that reunification is likely include that the parent has made significant and sustained progress to address the child protection concerns, case plan goals and actions are achieved, the child and the parent have a positive relationship and attachment and contact is increasing, and there is a plan for reunification that is moving toward completion with the child reunified.

The amendments deliberately change the word to 'viable', as this is broader and indicates that there is the possibility the child could return home safely in the future if the right conditions have been met; that is, the identified risks are not insurmountable and the parents have the potential to

meet the child's needs. It recognises that, particularly after a child is first removed, the parents may require time, relevant services and opportunities to change.

Factors relevant to the assessment may include that the parent is engaged and committed to addressing the child protection concerns; the parent is working towards meeting the case plan goal and fulfilling the case plan actions; the parent shows capacity to make change and is engaged with relevant support services as agreed with child protection; and contact between the child is safe, positive and increasing over time.

Importantly, assessment of whether reunification is viable is not open-ended and the government recognises the importance of stability for a child. An assessment of the viability of reunification must still be an assessment of whether it is realistic for a child to return home. There must be evidence that reunification is feasible and can realistically succeed in the child's best interests.

Where the chief executive considers reunification is not viable as opposed to unlikely then active efforts must be made to identify or locate members of the child or young person's family or community with whom they might be placed. I thank the Hon. Rob Simms for his advocacy for these changes around reunification.

The Hon. T.A. FRANKS: I indicate that I support this amendment.

Amendment carried; clause as amended passed.

Clause 47.

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

Amendment No 31 [PrimIndRegDev–2]—

Page 46, lines 32 to 34 [clause 47(3)]—Delete subclause (3)

Amendment carried; clause as amended passed.

Clause 48.

The CHAIR: I have an amendment in the name of the Hon. Ms Franks, amendment No. 39 [Franks-3]. So you are opposing the clause, the Hon. Ms Franks?

The Hon. T.A. FRANKS: I will just vote no.

Clause passed.

Clause 49.

The Hon. T.A. FRANKS: I move:

Amendment No 40 [Franks–3]—

Page 48, lines 16 to 34 [clause 49(6), definition of eligible entity, (b) and (c)]—Delete paragraphs (b) and (c) and substitute:

(b) an entity that provides services to Aboriginal or Torres Strait Islander people in this State where—

(i) the chief executive of the entity (however described) is a person with the attributes set out in paragraph (a); and

(ii) the governing body of the entity consists of a majority of—

(A) Aboriginal or Torres Strait Islander people; and

(B) people who have relevant knowledge of, or expertise in, child protection; and

Note—

For example, an Aboriginal community controlled organisation providing services in the area of child protection.

(iii) in the case of a body corporate—each director of the entity (however described) is a person—

(A) who is not a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*; and

(B) in relation to whom a working with children check has been conducted within the preceding 5 years; and

(iv) the entity complies with any other requirements set out in the regulations; or

This again responds to feedback from the Aboriginal and Torres Strait Islander advocates and stakeholders in this area on how they wish to see the appropriate entities so defined.

The Hon. C.M. SCRIVEN: The government opposes this amendment as it replicates the eligibility criteria for eligible entities, which is already provided for in clause 49(6).

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it sets clear and appropriate eligibility requirements for Aboriginal organisations involved in the service provision.

Amendment negatived; clause passed.

Clauses 50 to 52 passed.

Clause 53.

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

Amendment No 32 [PrimIndRegDev–2]—

Page 51, lines 5 and 6 [heading to clause 53]—

Delete 'Chief Executive to offer and convene family group conference in certain circumstances' and substitute:

Family group conference to be convened

Amendment No 33 [PrimIndRegDev–2]—

Page 51, lines 16 to 18 [clause 53(1)]—

Delete 'in accordance with any requirements set out in the regulations, offer to convene a family group conference under section 94 in respect of the child or young person' and substitute:

as soon as is reasonably practicable and in accordance with any requirements set out in the regulations, cause a family group conference under section 94 to be convened in respect of the child or young person

Amendment No 34 [PrimIndRegDev–2]—

Page 51, lines 19 to 22 [clause 53(2)]—Delete subclause (2)

Amendment No 35 [PrimIndRegDev–2]—

Page 51, lines 34 to 36 [clause 53(4)]—Delete subclause (4)

I speak to these amendments together as they are interrelated and amend clause 53 of the bill relating to family group conferencing for Aboriginal or Torres Strait Islander children and young people. Clause 53 of the bill provides that the chief executive must offer to convene a family group conference in relation to Aboriginal and Torres Strait Islander children and young people in the circumstances set out in subclause (1). Subclause (2) provides that, if an offer to convene a family group conference is accepted, the chief executive must convene a conference as soon as is reasonably practicable.

In effect, as currently drafted, clause 53 sets out a two-step process: firstly, for the chief executive to offer a conference and, secondly, if the offer is accepted, for the chief executive to convene the conference. The effect of amendments Nos 32, 33 and 34 is to require the chief executive to cause a family group conference to be convened in the circumstances set out in subclause (1), namely, where an assessment of an Aboriginal or Torres Strait Islander child or young person is carried out under section 75, or the chief executive becomes aware that a child or young person in care is an Aboriginal or Torres Strait Islander child or young person, or a family member of an Aboriginal or Torres Strait Islander child or young person in care requests one.

This, in effect, removes the first step of the process of the offer and responds to feedback that it should not be the role of the chief executive to offer families a family group conference but

rather referral should be made external to the department where the circumstances set out in subclause (1) are met.

It should be noted that clause 54 of the bill requires that the coordinator of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person must, unless not unreasonably practicable or in prescribed circumstances, be an Aboriginal or Torres Strait Islander person and must not be an employee of the department.

The effect of these amendments, in conjunction with clause 54, will mean that family group conferences convened under this clause will be referred to external bodies which will make the necessary arrangements and conduct the conference.

Amendment No. 35 deletes clause 53(4) of the bill. Clause 53(4) provides that a failure to hold a family group conference in accordance with this section does not, of itself, affect the validity of an application for an order of the court under the act or any such court order. The deletion of this subclause responds to feedback expressing concern that the subclause would have the effect of removing the accountability that had been built into the bill requiring that a family group conference be held prior to the making of court orders.

The Hon. T.A. FRANKS: I note that I originally had that this clause would be opposed but I think this is a much more progressive step and so welcome the amendment, although I do hope there will be further information and more time to process this, but at this stage it does look like a more positive step.

Amendments carried; clause as amended passed.

Clauses 54 and 55 passed.

Clause 56.

The CHAIR: I have amendments in the name of the Hon. Ms Franks and the minister and they are identical.

The Hon. T.A. FRANKS: I am happy for the minister to move.

The CHAIR: So, the Hon. Ms Franks, you are withdrawing yours.

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

Amendment No 36 [PrimIndRegDev–2]—

Page 53, lines 17 and 18 [clause 56(4)]—Delete subclause (4)

This amendment deletes clause 56(4) of the bill. Clause 56 requires the Youth Court to be satisfied that the Aboriginal and Torres Strait Islander child placement principle has been implemented to the standard of active efforts before certain court orders are made. Clause 56(4) provides that a failure to comply with section 53 does not of itself affect the validity of a decision under the act. The deletion of this subclause responds to feedback expressing concern, as mentioned in previous amendments, that the subclause would have the effect of removing the accountability that had been built into the bill.

Amendment carried.

The Hon. T.A. FRANKS: Amendment No. 43 [Franks-3] is consequential.

Clause as amended passed.

Clause 57.

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

Amendment No 37 [PrimIndRegDev–2]—

Page 53, line 21 [heading to clause 57]—Delete 'offered' and substitute 'convened'

Amendment No 38 [PrimIndRegDev–2]—

Page 53, lines 25 to 28 [clause 57(1)]—Delete 'offered in relation to the child or young person and either—

(a) the offer to convene a family group conference was not accepted; or

(b) a family group conference is convened in relation to the child or young person.' and substitute:

convened in respect of the child or young person.

Both of these are consequential on amendment No. 33, and I seek the chamber's support.

Amendments carried.

The CHAIR: The Hon. Ms Franks, you were going to move that clause 57 be opposed. Are you still going to head down that path?

The Hon. T.A. FRANKS: Chair, the government has made significant improvement to the clause, so I will no longer be moving that it be opposed.

Clause as amended passed.

Clause 58.

The Hon. T.A. FRANKS: My amendment to this clause is consequential.

Clause passed.

Clauses 59 and 60 passed.

Clause 61.

The Hon. T.A. FRANKS: I move:

Amendment No 46 [Franks–3]—

Page 55, after line 33—Insert:

(ba) the panel must—

(i) notify each parent of the child or young person of the review and give them a reasonable opportunity to make submissions to the panel for the purposes of the review; and

(ii) have regard to the submissions of the parents in respect of the care of the child or young person;

The Hon. C.M. SCRIVEN: The government will be opposing this amendment. It is not in the best interests of children and young people for there to be a rigid legislative approach to the participation of parents in annual reviews as there may be occasions where their participation is not appropriate or safe. At a practice level, a child or young person's case worker is responsible for inviting relevant participants to contribute to the child or young person's annual review.

DCP's Manual of Practice prompts a case worker to consider family members' participation, either through attendance at the annual review meeting or through a submission to the panel, notify members of the child's family of the annual review and, where possible, follow up with them to discuss the annual review process and their participation. If family members indicate they would like to participate, but it is assessed that it is not appropriate for them to attend the annual review meeting, provide family members with a copy of an annual review survey or provide other opportunities to share their views.

In relation to Aboriginal and Torres Strait Islander children and young people, the Manual of Practice recognises that an invitation to parents and extended family and kin to participate in annual reviews for children and young people in care supports continued opportunity for family-led decision-making. Clause 142(9)(b) of the bill requires the chief executive to provide a copy of the annual review report to each parent of the child or young person, except where it would be inappropriate to do so.

The Hon. B.R. HOOD: The opposition will be supporting this amendment as it ensures procedural fairness by keeping parents informed and involved in key review processes that affect their children.

Amendment negatived; clause passed.

Clause 62 passed.

Clause 63.

The Hon. B.R. HOOD: On behalf of the Hon. Ms Game, I move:

Amendment No 1 [Game–3]—

Page 57, after line 11 [clause 63(2)(a)]—Insert:

(via) approved carers; and

The Hon. C.M. SCRIVEN: I indicate that the government will be opposing this amendment. The government is committed to consultation with carers, consistent with the statement of commitment which is now enshrined in legislation in clause 17 of the bill.

In relation to clause 63, consultation on the state strategy with peak bodies must already occur pursuant to clause 63(2)(a)(v). Of relevance to this debate is government amendment No. 24, which has been inserted to require the minister to recognise peak bodies for a number of sections of the community, including a peak body for carers. This is in addition to peak bodies for children and young people and their families and Aboriginal and Torres Strait Islander children and young people and their families. The government acknowledges the important role that peak bodies play in advocating for the communities they represent and considers they are best placed to advocate on behalf of carers about the content of the state strategy.

Amendment negatived; clause passed.

Clauses 64 to 70 passed.

Clause 71.

The CHAIR: We have amendment No. 9 in the name of the Hon. Ms Bonaros.

The Hon. C. BONAROS: Consequential. The same with amendment No. 10.

Clause passed.

Clause 72.

The CHAIR: And consequential?

The Hon. C. BONAROS: The same with amendments Nos 11 and 12.

Clause passed.

Clauses 73 to 77 passed.

Clause 78.

The Hon. C. BONAROS: I move:

Amendment No 13 [Bonaros–1]—

Page 67, line 8 [Clause 78(1)]—Delete 'may' and substitute 'must'

The amendment deals with the issue of alcohol or drug testing. It basically seeks to change the position from one in which 'the chief executive may' direct a person to undergo drug testing in the circumstances prescribed for an approved drug or alcohol assessment to 'the chief executive must'.

This is an amendment that has come about predominantly through discussions with Belinda Valentine. If people recall back to when little Chloe died, the former honourable member of this place Nick Xenophon at that time sought to insert these provisions that actually required the drug testing. There was a lot of debate at that time about whether that should be mandatory or discretionary in all circumstances. I think we were lucky at the time to get those provisions into the bill. The only way we were able to do that was to have it basically as a discretionary provision.

This amendment would make it mandatory in the circumstances that are set out in clause 78 of the bill. I do appreciate, though, having moved this amendment—and I foreshadow what the government might say with respect to this—that there are issues around flexibility that are offered to families where there may be drug use. Certainly, nobody wants to set people up for failure in those instances, and that is a concern. There may be instances where you are not necessarily testing

somebody because they may have told you, 'I've smoked a joint,' or whatever else the case may be, and they would fail a drug test, and that would set them back in their course as it relates to their children.

That has to be balanced against the requirement or the desire to have drug testing in the first place and to ensure that kids who are in homes where drug use is an issue, a health issue, are not being adversely impacted. So that is the balance that this particular amendment presents. It is discretionary rather than mandatory. It is something, I should say, that many people do feel very passionate about.

During this debate, we have questioned the minister as to whether drug tests have or have not been undertaken on families that ought to be undertaken because of resourcing issues. I appreciate the minister has gone to great lengths to convince us that resourcing has nothing to do with how often drug tests are used. I think others remain not as confident as the government with respect to the answers that have been provided. So it has been an ongoing issue that we should be drug testing more and we simply are not, because of resourcing issues and the like.

This amendment, as I said, is certainly something Belinda feels very passionate about, given the situation her family found themselves in. As I have said previously, Belinda had a child who was being watched by DCP and a grandchild who was under the watch of DCP as a result of the mother's actions, including drug taking. So it is a fine balance—I acknowledge that—but that has to be weighed against the best interests and, indeed, the safety of the child at the centre of those discussions.

I am going to leave it at that. I appreciate that this may be a difficult one for some members who appreciate both sides of the perspective. There are kids living in homes where drug use is rife, and it is completely inappropriate for kids to continue. Just last week, I spent time with individuals who work in this area. Certainly, anecdotally, I heard appalling cases of walking into houses that effectively were like meth sheds. They were terrible, and those kids had not been removed.

For the life of the people who were involved, they could not understand how children could be allowed to live in those sorts of houses. I am not talking anecdotally like one person off the street: I am talking about—and I am not going to name them, because I have not asked them—people who have eyes on vulnerable kids and do lots of work with them, and it is beyond their comprehension how some kids can be left in the sorts of homes that they are left in.

That, again, has to be balanced against everything we have discussed today, but certainly I think most of us would agree that you cannot have kids in those circumstances without some sort of circuit breaker. Mandatory drug testing is one of those, in terms of ensuring that parents are undergoing the assessments that they ought to be undergoing if children are remaining in those homes.

I say that because a lot of this discussion we have had has been about reunifying families, keeping children with their families, and that is what we all want, but we do so knowing and hoping that it is in the best interests of those children and that they are safe, as part of that, in staying in those households as well, We know that there are households where kids just should not be living. Nobody is disputing that. There are kids in South Australia, sadly, living in terrible conditions and they are, in large, also the kids who I say fall through the cracks.

The amendment, as I said, goes back to that original debate around when we first introduced this concept following little Chloe's death and the inquest into Chloe's death, the changes that we were able to get then and also some of the responses that we have received from government since then about the levels of drug testing that are being undertaken. I know there cannot be 100 per cent agreement, because we have the government claiming that this is not a resourcing issue and people in the sector and in the know saying that absolutely there should be more drug testing than what is occurring and it is not. This is one way to deal with that.

I imagine that the government would say that that is a bit of a sledgehammer approach. I guess sometimes, to drive the point home, we do use sledgehammers, but again I will leave it to members to judge the necessity of this particular amendment. What I would hope, though—and I know that the government will not be supporting this amendment, from what they have told me—is that the government take on board the sorts of criticisms that have been levelled at DCP in relation

to drug testing to date. If there were not those sorts of criticisms, we would not be having this argument about people saying that it is just not being done because DCP does not want to spend any money on it. Yes, there are other factors, but that is one that the government has to combat, not any of us.

The Hon. C.M. SCRIVEN: The government will be opposing this amendment. The effect of the Bonaros amendment is to require the chief executive to direct a parent or guardian to undergo random drug and alcohol testing. The Nyland royal commission considered the issue of drug and alcohol assessments. In particular, Commissioner Nyland noted that a legislative requirement for drug testing:

> …selects drug abuse for special treatment, when what is needed is an assertive response to protect children from all types of abuse and neglect…it is unrealistic to prescribe by legislation when such an application should occur. This is a matter for professional judgement by trained, experienced practitioners under ongoing clinical supervision and supported by clear organisational policy as to the importance of responding to protect children from all types of abuse and neglect. A legislative mandate would mean that workload management efforts would focus on the need to comply with legislation to address particular kinds of risk, potentially neglecting other, equally serious, types of risk.

Recommendation 60 recommended that the legislation should not compel an agency to seek an order requiring a drug or alcohol assessment but instead empower an agency—in this case, the chief executive—to issue a direction requiring a parent, guardian or other person to submit to a drug and alcohol assessment where it is suspected the child is at risk as a result of alcohol or other drugs. I am advised that power is contained both in the current act and in this bill and therefore provides the balance that is sought.

The Hon. B.R. HOOD: The opposition will be supporting this amendment, as it ensures that assessments are mandatory, enforcing the importance of timely and thorough evaluations to protect the best interests of children.

The committee divided on the amendment:

Ayes 6
Noes.....9
Majority 3

AYES

Bonaros, C. (teller)	Centofanti, N.J.	Girolamo, H.M.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.

NOES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Ngo, T.T.	Pangallo, F.
Scriven, C.M. (teller)	Simms, R.A.	Wortley, R.P.

PAIRS

Henderson, L.A.	Martin, R.B.
Game, S.L.	El Dannawi, M.
Lensink, J.M.A.	Maher, K.J.

Amendment negatived; clause passed.

Clauses 79 to 82 passed.

Clause 83.

The Hon. C. BONAROS: Amendments Nos 14, 15, 16, 17 and 18 are consequential.

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

Amendment No 39 [PrimIndRegDev–2]—

Page 69, after line 19—Insert:

(1a) Despite any other provision of this Act, a child protection officer must, in determining whether to remove a child or young person under subsection (1), always prioritise the safety of the child or young person.

Note—

See section 10.

This amendment is consequential on amendment No. 7, and I seek the chamber's support.

Amendment carried; clause as amended passed.

Clause 84.

The Hon. C. BONAROS: I move:

Amendment No 19 [Bonaros–1]—

Page 70, line 39 [clause 84(1)(c)]—Delete 'fifth' and substitute 'third'

Just by way of explanation, this amendment deals with action following removal of a child or young person. These amendments—and there is a series of them—came about at the request or during discussions with the ALRM specifically. Many of them do actually deal with timeframes that are stipulated in the bill.

Under this particular provision it says that, 'A child or young person removed under section 83, or in relation to whom a custody notice is issued under that section, is, by force of this subsection, in the custody of the Chief Executive until' and then it lists three requirements there, whichever occurs first. The last of those, subclause (c), says 'the end of the fifth business day following the day on which the child or young person was removed or the custody notice issued'. It was the view of the stakeholders that I engaged with that that period should be shortened, in short. So the amendment seeks to shorten the period that a child is in custody where they have not already been returned to their parent or guardian from five business days to three.

The Hon. C.M. SCRIVEN: The government opposes this amendment. Five days allows sufficient time for parents to obtain legal advice, which is an important component. It also gives time for urgent assessments of a child to be undertaken, including, for example, medical assessments. Further, it reduces the need for adjournments due to parties not being ready.

Amendment negatived; clause passed.

Clause 85.

The CHAIR: We have amendment No. 47 [Franks-3].

The Hon. T.A. FRANKS: This one is consequential, Chair.

Clause passed.

Clauses 86 to 93 passed.

Clause 94.

The CHAIR: We have amendment No. 48 [Franks-3].

The Hon. T.A. FRANKS: I have 'consequential' for this, Chair.

Clause passed.

Clause 95 passed.

Clause 96.

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

Amendment No 40 [PrimIndRegDev–2]—

Page 76, lines 13 and 14 [clause 96(1)]—Delete ', to the extent that it is consistent with section 10 to do so,'

This amendment is consequential on amendment No. 7, and I seek the chamber's support.

Amendment carried; clause as amended passed.

Clauses 97 and 98 passed.

Clause 99.

The CHAIR: I have amendment No. 49 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with this one, Chair.

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

Amendment No 41 [PrimIndRegDev–2]—

Page 79, lines 4 and 5 [clause 99(5)]—

Delete 'likelihood of reunification occurring and, if reunification is likely,' and substitute:

viability of reunification and, if reunification is viable,

This amendment amends the wording of clause 99(5) so that prior to the chief executive applying for a prescribed court order, the chief executive must assess the viability of reunification as opposed to the likelihood of reunification. The requirement to assess the period within which reunification might occur is retained.

Amendment carried.

The CHAIR: I have amendment No. 50 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with that one, Chair.

Clause as amended passed.

Clause 100.

The CHAIR: I have amendment No. 51 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with that one.

The CHAIR: And amendment No. 52 [Franks-3]?

The Hon. T.A. FRANKS: I will not be proceeding with that one either.

Clause passed.

Clauses 101 to 105 passed.

Clause 106.

The Hon. T.A. FRANKS: My amendments are the same as the government ones because I moved them first quite a while back now. I am happy for the government to proceed, though.

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

Amendment No 42 [PrimIndRegDev–2]—

Page 81, after line 4 [clause 106(1)]—Before paragraph (a) insert:

(aa) the legal practitioner must, in the case of a child or young person who is 10 or more years of age, take reasonable steps to meet with the child or young person;

Amendment No 43 [PrimIndRegDev–2]—

Page 81, after line 15 [clause 106(1)]—Insert:

(ca) the legal practitioner must, in a manner appropriate to the capacity of the child or young person to understand, explain to the child or young person the contents and effect of any documents given to, or orders relating to, the child or young person under this Act;

These amendments relate to the duties of legal practitioners representing children and young people in care and protection proceedings before the Youth Court. Amendment No. 42 requires a legal practitioner to take reasonable steps to meet with the child or young person where they are aged 10 years or above.

Amendment No. 43 requires that legal practitioners explain the content and effect of court documents and orders relating to children and young people to them in a manner appropriate to their capacity. These amendments aim to ensure the views of children and young people as properly ascertained in court processes and they feel supported by the legal practitioner representing them.

Amendments carried; clause as amended passed.

Clause 107.

The CHAIR: We are at 107 and again we have identical amendments in the name of the Hon. Ms Franks and the minister.

The Hon. T.A. FRANKS: I am happy for the government to proceed.

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

Amendment No 44 [PrimIndRegDev–2]—

Page 81, after line 28 [clause 107(2)]—Insert:

or

(c) the child or young person has expressed a desire to not do so.

Clause 107 of the bill ensures that children and young people are given a reasonable opportunity to personally present to the court their views regarding their ongoing care and protection. However, this does not apply where the court is satisfied that the child or young person is incapable of doing so or it would not be in the child or young person's best interests to do so.

This amendment expands the list of exceptions to include where a child or young person has expressed a desire not to do so. This is a response to stakeholder feedback and acknowledges that there are some children and young people who are not willing to personally express their views to the court.

Amendment carried; clause as amended passed.

Clauses 108 to 111 passed.

Clause 112.

The Hon. C. BONAROS: I move:

Amendment No 20 [Bonaros–1]—

Page 84, after line 17 [clause 112(1)]—Insert:

(ja) an order relating to the placement (including removing a child or young person from a particular placement) of a child or young person who is in the custody, or under the guardianship, of the Chief Executive;

(jb) an order providing for contact arrangements (however described) in respect of a child or young person placed under the guardianship, or in the custody of, the Chief Executive or another person under this Act or a repealed Act;

I might just speak to amendments Nos 20, 21 and probably 22 together. I can move them separately, if you wish, but they all effectively deal with the same issue.

The CHAIR: They are on different clauses so you move one per clause, but you can speak to them.

The Hon. C. BONAROS: Clause 111 of the bill sets out the court orders that can be made in relation to a child. Clause 112 then goes on to provide further orders that can be made but it stops short of allowing courts to make orders in relation to the placement of a child, including removing a child or young person from a particular person of a child who is in the custody or under the guardianship of the chief executive, and also an order providing for contact arrangements in respect of a child who has been placed under guardianship or in the custody of the chief executive or another person under this act.

There is a further provision in the bill appearing at clause 114, which expressly prevents the court from being able to make orders in respect of those two things that I have just listed. Again, this

was raised during evidence during the committee stage debate, and it certainly is something that the ALRM has advocated for. The logic as to why a court should not be able to make orders in relation to the placement of a child who is in the custody or under the guardianship of the chief executive, and indeed orders in relation to contact arrangements for that child, was canvassed quite extensively, and there was a lot of criticism as to why the courts themselves could not make these sorts of orders.

As I said, the bill expressly prohibits that. I cannot understand the logic. I know that the minister is going to attempt to give us the department's logic as to why that should be the case, but I guess the long and short of it is that if a court is not duly qualified to make those sorts of orders, then I do not know who is. The government will say that the chief executive is and the department is, and therein lie some of the issues that have already been canvassed extensively throughout the consultation and submission processes.

People lose faith in those sorts of decisions being made by the chief executive, and that is no criticism of the chief executive, but that is just the way the cookie crumbles in this area. The stakeholders, and particularly the ALRM, said that there would be a lot of efficiency and value in having the courts make those orders. Whatever the response and whatever the opposition by the government to these amendments are, the one thing that they cannot say is that the court is not duly qualified to be able to make these orders. That is the long and short of it, because it does not matter how well qualified the chief executive may be, it is very difficult for anybody to argue that the court is not equally, if not more, impartially qualified to make those sorts of orders.

A lot of discussion was also had about the perceived conflicts of interest that apply in relation to these cases. The children are under the care, custody or guardianship of the chief executive, and then you have an impartial body like a court that is unable and in fact expressly prohibited from being able to make orders that relate specifically to the placement and indeed contact arrangements for those children. There have been plenty of examples of this given in evidence and anecdotally where it would make absolute sense and, but for the inability to do so, courts would step in and make those sorts of orders, but they are prevented from doing so.

Amendment No. 21 indicates that I am actually opposed to those provisions. I am opposed to the concept that the court cannot make those sorts of orders. Amendment No. 20 seeks to provide powers to the courts to be able to make the sorts of orders that I have just outlined, in addition to a number of other orders that the court is indeed able to make. We just stop short of allowing them to make decisions when it comes to the placement or the care arrangements or the contact arrangements of those children. That does not make sense to me. It does not make sense to the ALRM. It does not make sense to other stakeholders but particularly members of the legal fraternity who are working actively in this space on a day-to-day basis.

Certainly, the benefits that the court provides, which no department can provide, are doing away with the perceived conflicts and biases that exist within a department. Courts simply do not have those same conflicts and biases that people would point to within the department. It is for those reasons that I moved amendment No. 20. I will just speak to amendment No. 21 now and indicate that I will be opposed to that particular clause.

The Hon. C.M. SCRIVEN: The government will be opposing these amendments. I am advised that consistent with recommendation 9 of the Nyland royal commission, decision-making about placement should be kept as close to the child as possible. Placement decisions may need to be made rapidly, depending on the circumstances and wellbeing of the child.

It is important to remember that placement decisions are about the best interests of the child and not the adult. A person aggrieved by a placement decision may seek an internal review and, if unsatisfied, seek an external review by SACAT.

The establishment of the Contact Assessment Review Panel (CARP) is consistent with recommendation 73 of the Nyland royal commission, which stated that contact arrangements are to be determined by the chief executive. It ensures that contact arrangements are flexible enough to adapt to the changing needs of children, which are almost certain to change across the time they are in care. It is also consistent with the recommendation that decisions are made as close as possible to the child.

The Hon. C. BONAROS: Just before other members, if they are so inclined to, comment on this particular amendment and their positions, I find it rather objectionable that the minister or indeed this government would suggest that the court would not be able to take into account the best interests of the child in making such a decision—in fact, in making any decision that relates to a child. We are talking about the judiciary; we are talking about decisions that are made impartially and without bias. The suggestion that they would not be able to make such a decision potentially without taking into account the best interests of the child is, as I said, rather objectionable.

The Hon. C.M. SCRIVEN: I think the member is mischaracterising what I said. What I said was that placement decisions may need to be made rapidly, depending on the circumstances and wellbeing of the child, and then that it is important to remember that placement decisions are about the best interests of the child and not the adult. That refers back to the comments in regard to rapidity being required.

The Hon. C. BONAROS: And as I said, there is nothing in this amendment to suggest that the best interests of a parent or an adult would be placed by—in fact, it is even more objectionable if we are suggesting that the best interests of an adult would be placed over the best interests of a child by a court.

The Hon. B.R. HOOD: The opposition will be supporting amendment No. 20 [Bonaros-1], with this amendment strengthening judicial oversight and determining a child's placement and contact arrangements. We will also be supporting amendments Nos 21 and 22, although I can speak to them at a later time if needed.

Amendment negatived; clause passed.

Clause 113.

The CHAIR: The next indicated amendment is amendment No. 56 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with these ones. It is quite clear the government is not willing to entertain any of them.

Clause passed.

Clauses 114 to 124 passed.

Clause 125.

The Hon. C. BONAROS: I move:

Amendment No 22 [Bonaros–1]—

Page 88, lines 29 to 38—This clause will be opposed

Again, I am just indicating that I am opposed to this clause. This ties into a similar concept as the ones I have previously raised around the court making particular orders. This one deals specifically with the onus of objectives to prove that an order should not be made, and in effect provides that in proceedings if a person objects to the making of a specified order, the onus is on that person to prove to the court that the specified person guardianship order should not be made. Again, it was raised in the context of those discussions with stakeholders, and particularly the ALRM.

I should say—and I think this is an important point to raise as I understand the government will not be supporting this—it is very shallow to look at these in isolation because when we are moving these amendments we are moving them with a more holistic view of how all this works together. On the face of it, it may not appear apparent to us, but it is certainly apparent to the people who practise in this area, particularly the ALRM, how and why an order should be made in the absence of the person at the heart of it actually having to prove why the order should not be made.

As I said, it goes to the heart of the other two amendments I just moved as well, and I think it would be foolish of us to just look at this in isolation, and not consider it holistically in the context of all these issues combined.

The Hon. C.M. SCRIVEN: The government does not support the Hon. Ms Bonaros on this matter. The reverse onus still applies to specified person guardianship orders because the court has already made a decision that the child or young person cannot return to the care of their birth parents

before they are 18. In these cases, there is no reason for the court to revisit the question of risk. The retention of the reverse onus in these circumstances promotes timely decision-making and is consistent with Nyland royal commission recommendation 154. It is open to parents to bring an application to revoke a guardianship order to the chief executive at any time if there has been a change in circumstances and they are able to demonstrate that the child will no longer be at risk of harm, and that it is in their best interests to return home.

The Hon. D.G.E. HOOD: The opposition supports the amendment.

Amendment negatived; clause passed.

Clauses 126 to 128 passed.

Clause 129.

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

Amendment No 45 [PrimIndRegDev–2]—

Page 90, after line 35—Insert:

(3a) A case plan (including the reunification plan under subsection (4)(g)) for a child or young person must be prepared as soon as is reasonably practicable (and in any case not later than 6 months) after they become a child or young person to whom this section applies.

This amendment inserts a requirement that a child or young person's case plan, including their reunification plan required to be prepared under subsection (4)(g), be prepared as soon as reasonably practicable after coming into care and, in any case, no later than six months. The introduction of this legislative timeframe ensures timely decision-making consistent with the principle of active efforts. It specifically responds to stakeholder feedback and the advocacy of the Hon. Robert Simms around the need for reunification to be considered at an early stage, noting that clause 129(4)(g) requires that a child or young person's case plan includes a part setting out a reunification plan.

Amendment carried; clause as amended passed.

Clause 130.

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

Amendment No 46 [PrimIndRegDev–2]—

Page 91, line 31 [clause 130(1)]—Delete ', to the extent that it is consistent with section 10 to do so,'

This amendment is consequential on amendment No. 7, and I seek the chamber's support.

Amendment carried; clause as amended passed.

Clause 131 passed.

Clause 132.

The CHAIR: We have amendment No. 57 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with this one.

Clause passed.

Clauses 133 to 138 passed.

Clause 139.

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

Amendment No 47 [PrimIndRegDev–2]—

Page 95, line 26 [clause 139(3)(a)]—Delete 'likely' and substitute 'viable'

Amendment No 48 [PrimIndRegDev–2]—

Page 95, lines 30 and 31 [clause 139(3)(b)]—

Delete 'is not satisfied that a reunification is likely, or is satisfied that a reunification is unlikely' and substitute:

is satisfied that a reunification is not viable

These amendments amend the wording around 'reunification' from 'likely' to 'viable', consistent with amendments Nos 30 and 41.

Amendments carried.

The CHAIR: We are still at clause 139. The Hon. Ms Bonaros, you have amendment No. 23 [Bonaros-1].

The Hon. C. BONAROS: I believe that is consequential.

The CHAIR: So you are not moving that?

The Hon. C. BONAROS: No, I am not moving that.

Clause as amended passed.

Clause 140 passed.

Clause 141.

The Hon. C. BONAROS: I move:

Amendment No 24 [Bonaros–1]—

Page 97, line 12 [clause 141(2)(a)]—Delete '14' and substitute '60'

I just point out to members that there are a series of amendments that seek to delete timeframes and replace them with others. This one does seem, on the face of it, a rather large timeframe compared with the others, but the reason for that is consistency above everything else. Clause 141 of the bill deals with 'Review by Contact Arrangements Review Panel'. In effect, it provides that there are certain individuals who can apply to the Contact Arrangements Review Panel for a review of a determination of the chief executive under section 139 regarding contact arrangements relating to a child or young person. It then goes on to provide that an application must be made within 14 days after the chief executive's determination and then goes on to provide the rest of the requirements around that.

The amendment seeks to replace 14 days with 60, and there are other provisions that seek to expand the timeframes from 30 days to sixty, which I will canvass when we get to them. Again, this is one of those amendments that has come up in discussions with stakeholders, and particularly the ALRM, around the ability to make decisions within the timeframes that the government has stipulated. Fourteen days was certainly not considered reasonable.

Sixty days may seem like a long period, but I think you need to consider that in the context of what we are actually considering here, and also the individuals who may be involved, particularly where you are dealing with vulnerabilities and a person's ability to be able to make decisions, to take actions and lodge applications for reviews and so forth within such a short timeframe. Again, if you consider that holistically and in the context of what might be going on in somebody's life, 14 days is certainly a very short timeframe and, for the sake of consistency, I have sought to change all those timeframes to 60 days.

The Hon. C.M. SCRIVEN: The government opposes these amendments. Clause 141(2)(a) already allows for such longer periods as the Contact Arrangements Review Panel may allow, noting the importance of timely decision-making of whether it is appropriate to accept an application after 14 days is undertaken.

The Hon. B.R. HOOD: The opposition will be supporting this extension as it provides families with more time to challenge decisions regarding children's contact arrangements.

Amendment negatived.

The CHAIR: Now we have amendment No. 25 [Bonaros-1] on clause 141.

The Hon. C. BONAROS: This is consequential.

Clause passed.

Clause 142.

The CHAIR: I have amendment No. 58 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with that, Chair.

The CHAIR: And amendment No. 59?

The Hon. T.A. FRANKS: I will not be proceeding with that one.

Clause passed.

Clause 143.

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

Amendment No 49 [PrimIndRegDev–2]—

Page 100, line 17 [clause 143(2)]—Delete '25' and substitute '26'

Clause 143 of the bill allows the chief executive to provide financial and other assistance to carers to meet the cost of caring for children and young people. This amendment extends the period the chief executive can provide assistance from the age of 25 years to the age of 26 years.

The Hon. T.A. FRANKS: I have been waiting for this one because I do actually have amendment No. 60 [Franks-3] at clause 170 that does the same thing. I note that, in previous clause 1 discussions, when I had asked why the government had reduced the age from 26 down to 25 I was told that they had not. So it is really exciting to see the government not only supporting an amendment that I have coming up a bit later on but also actually addressing an issue that they previously denied existed.

I had found it quite curious that the government had denied that it existed, because in fact it was brought to my attention by Professor Leah Bromfield of the Australian Centre for Child Protection, who had not been appropriately consulted with in regard to this in terms of the government's previous position. So, while we welcome your newfound support for those young people living in care into further adulthood, as used to exist, I do note that you were forced in to this position.

Amendment carried; clause as amended passed.

Clause 144 passed.

New clause 144A.

The Hon. B.R. HOOD: On behalf of the Hon. Ms Game, I move:

Amendment No 1 [Game–2]—

Page 100, after line 32—After the heading to Part 13 insert:

Division A1—Certain costs and expenses to be borne by Crown

144A—Certain costs and expenses to be borne by Crown

(1) Such costs and expenses as may reasonably be incurred by—

(a) an approved carer providing out of home care to a child or young person placed with the approved carer under section 131(1); or

(b) a person providing out of home care to a child or young person placed with the person under section 132(1),

are to be borne by the Crown.

(2) Without limiting the generality of subsection (1), the Crown must bear the costs of the following in relation to a child or young person referred to in that subsection:

(a) any medical or dental treatment provided to the child or young person, or that is reasonably required by the child or young person;

(b) in the case of a child or young person with disability—any supports or services reasonably required in respect of the disability;

(c) if the particular early development and educational needs of the child or young are not reasonably able to be met by the public education system—such early development and educational services (however described) as may reasonably be required to ensure the child or young person receives appropriate early development and education opportunities.

(3) For the purposes of subsection (2), a reference to particular costs will be taken not to include a reference to any amount payable by, or recoverable from, the Commonwealth, an insurer or other person or body in respect of the relevant services.

Note—

This would include, for example, Medicare rebates, or amounts payable under private health insurance.

(4) In this section—

out of home care has the same meaning as in section 146.

The Hon. C.M. SCRIVEN: The government will be opposing this amendment. Clause 143 of the bill already provides that the chief executive may provide financial assistance in relation to the care and maintenance of a child or young person to an approved carer of a child; to other people with whom the child has been placed under the act—for example, temporary carers; and to a person who is in the custody or under the guardianship of the chief executive pursuant to the Adoption Act. In accordance with government amendment No. 49, this clause allows assistance to be provided until a young person turns 26.

A carer subsidy is paid fortnightly to general foster carers, specialist foster carers, kinship carers and specific child only carers to help cover the day-to-day, ordinary costs of caring for a child or young person in an out-of-home care placement. Subsidies are also made weekly for respite and emergency care placements. Subsidies are not considered a wage or salary but, rather, a financial contribution to the carer for the everyday costs of caring for a child, such as food, clothing, recreation, basic medical costs, education, etc.

Carer payments and loadings vary according to age and need and take into account the growing needs of teenagers. Loadings are paid to help compensate carers for the extra expenses associated with caring for a child or young person with special needs. Where assessed as required and appropriate, DCP will consider additional support payments above the fortnightly carer payment and loadings.

To support carers with cost-of-living pressures, carer payments were increased by 1 per cent in the 2022-23 state budget and 4.8 per cent in the 2023-24 budget, and we are building on this with a further increase of 2.5 per cent in the 2024-25 budget. This is in addition to the 2023-24 budget's provision of an additional $50 per fortnight increase to the carer payment for children under the age of 16, noting that for young people over 16 years of age the average carer payments in South Australia already were in line with or higher than other jurisdictions. Eligible carers are also receiving flexible respite payments of $800 per year to pay for services such as gardening, cleaning and transport of children.

The overall increase from the 2023-24 state budget was as follows: 16.8 per cent for children up to four years of age; 15.7 per cent for children between five and 12 years of age; 12.7 per cent for children between 13 and 15 years of age; and 4.8 per cent for children aged 16 and above. In terms of dollars, this was $7.5 million in 2023-24 and a total of $32 million across the forward estimates in funding, bringing payments closer to the national average.

Following an extensive consultation process where more than 400 people had their say, we have made changes to DCP's respite model to ensure it can be more flexible to the needs of carers. A new flexible respite support payment of $800 a year was introduced to help eligible carers pay for services such as gardening, cleaning or transport for children. Carers are able to direct the flexible respite payment towards services that help meet their individual needs. The changes do not affect traditional respite care, which will still be available to kinship and foster families. This initiative

expands the opportunities for South Australian carers to access respite-like help and ensure they are well supported in the critical role they play caring for children and young people.

The Minister for Child Protection has heard directly from carers on their experiences, the support they need—for example, more respite services—and how they would like to work with DCP and our contracted foster care agencies. The government will continue to listen to carers to ensure we provide the support they need, whether this is financial or service support. Listening to carers is how DCP brings to life the Statement of Commitment to Foster and Kinship Carers. This statement recognises the importance of working in partnership with our carers and valuing them as an essential and respected part of the care team for children and young people.

We value the incredibly important contribution all South Australian carers make by providing vulnerable children and young people a safe place to call home, and we are actively working to improve the support they receive.

New clause negatived.

Clauses 145 to 169 passed.

Clause 170.

The Hon. T.A. FRANKS: My amendment No. 60 [Franks-3] does the same thing that the government will do in terms of deleting the age of 25 and raising it back up to 26. I will not be proceeding with my amendment, but I do note that it was my amendment.

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

Amendment No 50 [PrimIndRegDev–2]—

Page 114, line 10 [clause 170(6), definition of *eligible care leaver*, (a)]—Delete '25' and substitute '26'

Clause 170 of the bill requires the chief executive to cause assistance to be offered to certain care leavers for the purposes of making their transition from care as easy as reasonably practicable. This amendment extends the upper age limit in the definition of an eligible care leaver from 25 years to 26 years.

Amendment carried; clause as amended passed.

Clause 171 passed.

Clause 172.

The Hon. C. BONAROS: I move:

Amendment No 26 [Bonaros–1]—

Page 116, line 6 [clause 172(1)]—Delete '30' and substitute '60'

Clauses 170, 171 and 172 are all interrelated provisions in this bill and, as the Hon. Tammy Franks has just stated, talk about what the requirements are for the chief executive to provide assistance in the first instance to eligible care leavers. We have just changed the upper age limit of an eligible care leaver back to 26, so it is care leavers aged between 15 and 26 and those who were in custody or under guardianship of the chief executive for a period of six months or more and are effectively leaving care. That is who we are talking about.

Clause 171 sets out certain documents that the chief executive must ensure that that care leaver receives, which are in the possession of the chief executive. They include things like birth certificates, religious certificates, education and training reports, passports, health records, photographs or any other kind of document prescribed by regulation. The provision then goes on to state that in some circumstances where the department has actually refused to provide a document in full they may provide redacted documents—I am summarising this now—and where the department indeed does not consider it necessarily appropriate in the circumstances they can provide those documents to other people, like medical health practitioners.

The amendment that I am moving at clause 172 seeks to change the timeframe within which an eligible care leaver can apply to the chief executive for a review of a decision to refuse to provide a document or information or to provide a document in redacted form, within 30 days to 60 days. In

effect, I am saying that somebody who has had one of those decisions made should be able to have up to 60 days to make that application.

Can I just say, I have a bit of a problem with these provisions, personally, in fact, because ultimately you can be talking about people who are aged up to 26 years old and there are documents which relate to that person and their life. We are not talking about random documents. We are talking about documents that relate to that person's life. In various circumstances, we have provisions which say a determination is made that we are not going to give that document to that person because we are concerned about how it may impact them. You might be concerned at 15, but you are going to have a harder time justifying that position when the person is aged 23 or 24 or 25, and therefore we give it to them in a redacted form or otherwise.

You may not give them documents in their entirety at all, but it does raise a lot of questions. I would have thought a better approach to this would be, if the government says that a child under the age of 18 is not as well equipped mentally or emotionally to receive that information, that there is one set of rules for them and a different set of rules for children who are above 18. I would be stuffed if anybody told me that over the age of 18 I am not eligible to receive documents that relate to my care or to me as a person.

These are things that we know shape a person, especially at the exit point where someone is trying, potentially, to get their life back on track. I cannot understand how we consider it appropriate not to give somebody those sorts of documents. These are documents that relate specifically to their identity as a person. Yes, horrible, horrible things may have happened to that person, and inevitably have happened because they have resulted in these orders in the first place, but at some point we have to accept that people may want them—that can be quite a cathartic exercise, I imagine, as well. Who are we to say that they cannot have them?

I have a personal objection to that as is, but to then suggest that it has to be done within 30 days and that we cannot extend it to 60 days: I am waiting with bated breath to hear what is the objection by the government to say that somebody should not have 60 days to make that application to the chief executive where they want a review of a decision to refuse to provide a document or information or to provide a document in redacted form that concerns that person's life and that person's life alone. Yes, other people will be involved, but we are talking about a person. Why we would be setting those sorts of limits on them is beyond me.

I do note that there are further provisions in there that say that the chief executive can vary, confirm or reverse the decision. I also note that, if the chief executive fails to determine an application within 14 days, it will be taken to have been confirmed by the chief executive the decision in respect of which the review is sought. Give them an adequate timeframe: 60 days is not a lot to ask for, and there is absolutely no reason, no plausible reason—and I am appealing to the people at the back of the chamber now—that we should be saying to those people that they cannot have 60 days to lodge one of those applications.

The Hon. C.M. SCRIVEN: Clause 172(1) requires an application to be made within 30 days or such longer period as the chief executive may allow. I am advised that that particular part of the provision, 'or such longer period as a chief executive may allow', is new and did not appear in the previous or the existing act. It was included to allow an extended time period where appropriate and needed. I would note that 'such longer period as the chief executive may allow' means that it would not be limited to 60 days either—there is the potential for a further period than 60 days also.

The Hon. C. BONAROS: My question is to the minister is: what if the chief executive refuses to allow? Who makes that decision? The chief executive makes that decision, and what if they refuse? What recourse does that person have then?

The Hon. C.M. SCRIVEN: My advice is that the person would be able to apply through the Ombudsman's office if they were dissatisfied with the chief executive's decision.

The Hon. C. BONAROS: I cannot wrap my head around this one. This should be the amendment that is the least offensive to the government of all these amendments. We are asking for 60 days. Those who have suggested these amendments clearly know something more than this minister or potentially that minister and me about why we would be extending that timeframe. I am

going to insist on this, and I note for honourable members who are going to be voting on this amendment that the two can coexist: it can be 60 days or as long as the chief executive allows.

But why on earth would we send someone down that rabbit hole of having to apply to the Ombudsman to get access to documents or to get a decision on access to documents that apply to them as human beings? That makes no sense to me, and I certainly know it makes no sense to the stakeholders who have raised this issue. If the minister can provide some more sense as to why 30 days is such a big deal in the context of everything we have debated in this place tonight, I would love to hear it.

The Hon. C.M. SCRIVEN: I do not have anything to add to the answer I have already provided.

The Hon. C. BONAROS: Luckily, Chair, it is not you or me or the minister that these provisions relate to, but I remind members, before they indicate how they are going to vote, that they do relate to some of our most vulnerable cohort of care leavers. And there is no logical reason, which would explain why the minister cannot provide a justification for not extending this to 60 days. There is absolutely no logical reason for this whatsoever. I indicate that I will be dividing on this amendment.

The Hon. B.R. HOOD: The opposition will be supporting this amendment, as it ensures better access to information, promoting transparency and accountability in the child protection system.

The committee divided on the amendment:

Ayes 7
Noes.....8
Majority 1

AYES

Bonaros, C. (teller)	Centofanti, N.J.	Franks, T.A.
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.		

NOES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K.
Ngo, T.T.	Pangallo, F.	Scriven, C.M. (teller)
Simms, R.A.	Wortley, R.P.	

PAIRS

Lensink, J.M.A.	Martin, R.B.
Henderson, L.A.	El Dannawi, M.
Game, S.L.	Maher, K.J.

Amendment thus negatived; clause passed.

Clauses 173 to 197 passed.

Clause 198.

The Hon. C. BONAROS: I move:

Amendment No 27 [Bonaros–1]—

Page 126, lines 34 and 35 [clause 198(1)]—Delete subclause (1) and substitute:

(1) A person who is aggrieved by a decision of the Chief Executive, a child protection officer or a panel of members of the Contact Arrangements Review Panel under this Act may apply to the Chief Executive for an internal review of the decision under this section.

The amendment that I am moving in relation to this effectively changes who can apply for an internal review of a decision, and what sorts of decisions they can apply for a review of. The current provision provides that only a prescribed person is entitled to apply for an internal review under this section, and those decisions that are subject to review are prescribed in the regulations.

This amendment would seek to delete that provision altogether and say a person (so any person, not a class of people who are prescribed by regulation), if they are aggrieved by a decision of the chief executive—it might be a decision around the 30 days over the 60 days—a child protection officer or panel of members of the Contact Arrangements Review Panel under this section may apply to the chief executive for an internal review of the decision under this section.

We are effectively seeking to open it beyond the scope of just prescribed persons and just prescribed decisions. If you are aggrieved, and you are aggrieved by a decision that has been made by the chief executive, then this amendment would allow you to be able to apply for an internal review of that decision.

This amendment does tie in to a couple of the other amendments that I am about to move shortly in relation to what decisions we allow also to be reviewed by SACAT and what decisions must go through an internal review process before they can be considered by SACAT, but in the first instance the amendment just seeks to lift those two limitations, namely, that it only applies to a cohort of persons prescribed by regulation and to a cohort of decisions prescribed by regulation. If you have a decision that is made by the chief executive and you are aggrieved by it, then this amendment says you should be able to apply for an internal review of that decision.

Much of this debate has been centred on the fact that people were unhappy about decisions made by the chief executive. Much of this debate has centred on the fact that courts do not have powers over the chief executive. Much of this debate has focused on the fact that the chief executive is making decisions that many think that person is conflicted in so making, so this amendment is intended to deal specifically with that issue.

You have a beef, and it is not going to be something frivolous or vexatious. You have a problem with a decision that has been made in relation to the chief executive—we are not dealing with minor or trivial matters here, we are dealing with kids—and you want to apply for an internal review. What this amendment is saying is that there should not be limitations on the cohort of people or the sorts of decisions that can be the subject of an internal review.

The Hon. C.M. SCRIVEN: I speak to amendments Nos 27 to 34 and amendment No. 40 together as they are related. We will be opposing these amendments. The effect of these amendments is to expand the scope of decisions that can be internally reviewed to include any decision made under the act by the chief executive, a child protection officer or a panel of members of CARP. A further effect is to include a refusal or failure to make a decision as a decision that may be reviewed and to require an internal review to be completed within 30 days.

Amendment No. 40 deletes schedule 1, which sets out those persons who may apply for internal review. Clause 198 and schedule 1 of the bill responded to feedback regarding the need to provide clear information about who is entitled to apply for an internal review and which decisions are reviewable. The schedule of reviewable decisions inserted at schedule 1 of the bill provides uniformity and clarity in relation to what chief executive decisions are reviewable internally and externally.

It clearly defines which decisions are eligible for internal review (prescribed decisions), what provision each decision is made under and who is entitled to apply for a review in respect of each decision (prescribed persons). The schedule also limits the types of matters which can be reviewed internally and by SACAT. Specifically, the following decisions will no longer be reviewable:

- Decisions under clause 143 to provide financial assistance to carers. This will stop carers who seek significant amounts of money to build or extend new houses from seeking a review, recognising that SACAT is not best placed to review decisions that have significant budgetary and financial implications for the department.

- Decisions pursuant to section 132—Temporary placement of children. This will prevent reviews of decisions to place children with short-term carers while the CE makes inquiries to determine the most suitable long-term placement.

SACAT's jurisdiction in relation to child protection was newly created in the CYPS Act, and there have already been a number of unintended consequences as a result of this new jurisdiction. One of the unintended consequences is that short-term carers have brought reviews in relation to long-term placement decisions, usually with family members. It has not been in the best interests of children, including very young babies, to have long-term placements with families delayed during the review process. It is for this reason that it is only approved carers who have cared for a child for at least six continuous months who will have the right to seek a review.

Consistent with recommendation 74 of the Nyland royal commission, contact arrangements remain reviewable by CARP. The CARP review process has been strengthened by clause 141:

- introducing a four-week period within which a CARP review must be completed;
- requiring that the Chair of CARP not be an officer or employee of the department;
- requiring CARP to have regard to the submissions of the applicant and the CYP; and
- requiring that CARP provides to the applicant within 14 days notice in writing of the decision and the reasons for the decision.

In the case of an Aboriginal CYP, in clause 60, CARP must be constituted of a majority of Aboriginal persons. The presiding member must be an Aboriginal or Torres Strait Islander person. The panel must consult with an Aboriginal or Torres Strait Islander organisation.

The internal review process provides a really important opportunity to resolve a dispute. A 30-day time limit for this review does not provide sufficient time for the decision to be reviewed and for attempts to be made to resolve the matter before an external review. We know that many matters that proceed to SACAT resolve at conciliation conferences. The bill introduces at clause 198 a discretion for the chief executive to use alternative dispute resolution processes at the internal review stage.

Thirty days is not a reasonable timeframe to review the matter, determine if alternative dispute resolution may assist in resolving the matter, and set up and undertake this process. However, the government recognises that a timeframe for the completion of internal reviews is important. That is why government amendment 51 inserts a timeframe of 60 days within which an internal review must be completed. If a review is not completed within that time, the decision under review will be taken to have been affirmed.

The government amendments provide a clear timeframe within which reviews must be completed, which will allow for a careful and thorough review, including participation in alternative dispute resolution methods envisaged by clause 198(3) of the bill. In the event an internal review is not, for whatever reason, completed within the 60-day timeframe, the decision under review will be taken to have been affirmed, providing an applicant the right to make an application to SACAT for an external review of the decision.

The government amendment responds to feedback calling for a legislative timeframe for the completion of internal reviews and pathway to SACAT in the event a review is not conducted in a timely manner. The government amendments balance the rights of carers and families who are an important part of the child protection system with timely decision-making in relation to placements, which is in the child's best interests.

It is also important to note that there are a range of mechanisms that exist to review decisions made in relation to children in care: the department's central complaints unit and additional oversight bodies including the Ombudsman, who has the power to investigate complaints. It is for these reasons that the Bonaros amendments Nos 27 to 34 and 40 are opposed.

Amendment negatived.

The Hon. C. BONAROS: I can move this amendment and I will, even though it will fail. It is not consequential. I move:

Amendment No 28 [Bonaros–1]—

Page 127, line 1 [clause 198(2)(b)]—Delete '30' and substitute '60'

This is seeking, as I said previously, to extend the timeframes. There is a prescribed person who is entitled to apply for a review, namely an internal review, under a decision. The provision provides that that decision is to be made in a manner determined by the chief executive within 30 days after the decision on which notice of the prescribed decision was given to the applicant. This amendment seeks to change that to 60 days.

The Hon. C.M. SCRIVEN: This amendment is opposed.

Amendment negatived.

The CHAIR: Parliamentary counsel are telling us the Hon. Ms Bonaros' amendment No. 29 is consequential.

The Hon. C. BONAROS: Yes. I move:

Amendment No 30 [Bonaros–1]—

Page 127, after line 5—Insert:

(3a) An internal review on an application under subsection (1) must be completed within 30 days after the application is made (and, if the internal review is not completed within that period, the decision will be taken to have been confirmed).

This goes on from the internal review process that we have just spoken to. This amendment seeks to include an additional provision there that provides an internal review on an application under subsection (1) has to be completed or must be completed within 30 days after the application being made, and if the internal review is not completed within that period, the decision will be taken to have been confirmed.

The Hon. C.M. SCRIVEN: The government opposes this amendment, because I plan to move amendment No. 51 standing in my name. The reference, as I spoke previously to previous amendments, is that the government amendment inserts a timeframe of 60 days, which provides for some of those alternatives that I mentioned just a few minutes ago.

Amendment negatived.

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

Amendment No 51 [PrimIndRegDev–2]—

Page 127, after line 5—Insert:

(3a) An internal review on an application under subsection (1) must be completed within 60 days after the application is made (and, if the internal review is not completed within that period, the decision will be taken to have been affirmed).

Amendment carried.

The Hon. C. BONAROS: Amendment No. 31 [Bonaros-1] is consequential. I move:

Amendment No 32 [Bonaros–1]—

Page 127, after line 10—Insert:

(5a) For the purposes of this section, a reference to a decision will be taken to include a reference to—

(a) a refusal or failure to make a decision; and

(b) a determination.

This amendment, again, amends this section in relation to internal reviews. Specifically, it seeks to provide that a reference or decision will be taken to include a reference to a refusal or failure to make a decision and a determination. Subclause (5) provides that the chief executive has to, within 14 days of making a decision, provide to the applicant notice in writing of the decision and the reasons for the

decision. This provision that I have just highlighted goes on from that to provide that a reference to a decision will be taken to include a reference to a refusal or failure to make a decision, and a determination.

The Hon. C.M. SCRIVEN: The government opposes this amendment, and I refer to my previous remarks.

Amendment negatived.

The Hon. C. BONAROS: Amendment No. 33 [Bonaros-1] is consequential.

Clause as amended passed.

Clause 199.

The ACTING CHAIR (The Hon. D.G.E. Hood): We have an amendment in the name of the Hon. Ms Bonaros: amendment No. 35 [Bonaros-1].

The Hon. C. BONAROS: I will not be proceeding with that amendment or amendment No. 36. I move:

Amendment No 37 [Bonaros–1]—

Page 127, lines 30 and 31 [clause 199(1)(a) and (b)]—Delete paragraphs (a) and (b) and substitute:

(a) a decision of the Chief Executive or a child protection officer under this Act;

(b) a decision of a recognised Aboriginal or Torres Strait Islander entity, or a member of a recognised Aboriginal or Torres Strait Islander entity, in respect of a function delegated to the entity or member under this Act;

(c) a decision of a panel of members of the Contact Arrangements Review Panel under Part 12 Division 3;

(d) any other decision under this Act prescribed by the regulations.

We have just been over the fact that there are a number of decisions that are subject to internal review. There are only certain decisions that can also be reviewed by SACAT, and one of the issues that has been raised time and again throughout this debate has been that (a) it is a limited class of decisions that can be subject to review by SACAT, and (b) a person does not have the choice of whether they can have a decision reviewed by SACAT or it is subject to an internal review.

The process requires you to go through the internal review process, like it or not, and then the sorts of issues that can be referred to SACAT for review following that internal review are capped. There is a list, and you cannot have decisions outside of that list that can be reviewed by SACAT. This amendment seeks to substitute that list.

So a decision of the chief executive or a child protection officer under this act, a decision of a recognised Aboriginal or Torres Strait Islander entity or a member of a recognised Aboriginal or Torres Strait Islander entity in respect of a function delegated to the entity under this act, a decision of a panel of members of the Contact Arrangement Review Panel under part 12, division 3, or any other decision under this act prescribed by the regulation would be able to be reviewed by SACAT as opposed to the current decisions, which are limited to decisions made by the chief executive under section 198(4) and any other decision that is prescribed by regulation.

Can I just say for the record—and I am actually a bit disappointed with respect to this particular issue—those discussions that we have talked about today, and certainly the discussions that I was involved with, did try to find some middle ground here. There was a sticking point as to how many decisions ought to be the subject of SACAT reviews versus the internal review.

I think what has fallen on deaf ears with the government specifically in relation to this is the perceived bias and conflict that people attach with decisions being the subject of internal review. We have just had the same decision in relation to courts. It may be that a person says, 'You know what? I don't want to have to go through that internal review process. I want to go straight to SACAT and have them review the merits of this decision.' This amendment would provide that ability in relation to (a), (b) and (c) and (d), as outlined there.

My disappointment comes from the fact that I genuinely thought we were going to get somewhere with this by providing a list to the government, until we had decided that we were just going to press ahead without actually turning our minds to that list. There is no point in saying that we are going to prescribe further things by regulation if the government is not even open to the idea of an internal decision by the chief executive being one that can be subject to a SACAT review.

So I am disappointed if the government's response is that they are not going to consider this, because every indication that they gave me and others who attended those briefings with the government was that there was wriggle room here to provide more decisions to be able to be provided by SACAT as opposed to just the internal review process. Again, the point that seems to be lost on the government in relation to this, the reason that this has been raised and the reason that I am banging on about this, is because, whether they like to admit it or not, people have an issue with being forced to go through an internal review that they consider to be the subject of bias and conflict of interest with the chief executive. It is something that we have heard over and over again.

For the ministers to say that they are now not open to this is bitterly disappointing. They could have worked on a tighter list of decisions that could be the subject of both, and it is important to remember as well that these two provisions are able to coexist. You can say to a person, 'You know what? There's an internal review process. If you want to go with the internal review process, go for it, but if you have those sorts of concerns then you can go straight to SACAT.' Instead of having to go through a SACAT process you can wait for the outcome and, in some circumstances, then review that with SACAT, and in other circumstances you would not be able to review it with SACAT at all.

This is one of those sticking points where I am again bitterly disappointed that the government could not see—in fact, no. I am not going to say that they could not see sense. Right up until yesterday I thought there was lots of sense in actually finding a middle ground on this one, and that middle ground seems to have evaporated overnight. I cannot understand it—well, I can understand it, actually; I can understand it very well. There is absolutely no reason why they could not have continued that discussion in good faith and overcome the issues, which are not raised by me but are the criticisms that are levelled at them and their department about internal reviews and decisions.

The Hon. C.M. SCRIVEN: I am speaking to amendments Nos 37 to 39 together as they are related. We are opposing the amendments for the reasons that I already gave in an earlier contribution. I reiterate that the internal review process is an important step in reviewing and resolving matters. The bill introduces at clause 198 a discretion for the chief executive to use alternative dispute resolution processes at the internal review stage. If matters proceed to SACAT and bypass this important stage, the opportunity to resolve matters by way of alternative dispute resolution at an early stage will be lost.

The committee divided on the amendment:

Ayes 7
Noes.....8
Majority 1

AYES

Bonaros, C. (teller)	Centofanti, N.J.	Franks, T.A.
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.		

NOES

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

PAIRS

Game, S.L.	Hanson, J.E.
Henderson, L.A.	Martin, R.B.
Lensink, J.M.A.	El Dannawi, M.

Amendment thus negatived.

The CHAIR: The next amendment I have is amendment No. 38 [Bonaros-1].

The Hon. C. BONAROS: It is consequential.

The CHAIR: And now amendment No. 39 [Bonaros-1].

The Hon. C. BONAROS: Consequential.

Clause passed.

Clauses 200 to 219 passed.

Clause 220.

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

Amendment No 52 [PrimIndRegDev–2]—

Page 139, after line 21—Insert:

(1a) The Minister must, in the course of the review, consult with the recognised peak bodies.

This amendment is related to amendment No. 24, which enables the minister to recognise peak bodies to represent the interests of particular sections of the community. This amendment requires the minister to consult with recognised peak bodies when undertaking the five-year review of the act. This amendment acknowledges the important role that peak bodies play in advocating for the interests of the communities they represent.

Amendment carried; clause as amended passed.

Schedule 1.

The CHAIR: I have amendment No. 61 in the name of the Hon. Ms Franks.

The Hon. T.A. FRANKS: I will not be proceeding with it, Chair.

The CHAIR: I have amendment No. 62 in the name of the Hon. Ms Franks.

The Hon. T.A. FRANKS: The same.

The CHAIR: At schedule 1, I have amendment No.40 in the name of the Hon. Ms Bonaros.

The Hon. C. BONAROS: It is consequential, Chair.

Schedule passed.

Schedule 2.

The CHAIR: I have amendment No. 63 in the name of the Hon. Ms Franks.

The Hon. T.A. FRANKS: I will not be proceeding with that, Chair.

The CHAIR: I have amendment No. 41 in the name of the Hon. Ms Bonaros.

The Hon. C. BONAROS: What for? No.

The Hon. J.S. LEE: I move:

Amendment No 1 [Lee–1]—

Page 142, after line 25 [Schedule 2 Part 5]—Insert:

5A—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *Guardian for Children and Young People* insert:

> *Independent Children and Young People Investigations Agency* or *Agency* means the Independent Children and Young People Investigations Agency constituted under Part 5A;

The amendment inserts a definition that is consequential to the second amendment, which I will be moving later. This amends the Children and Young People (Oversight and Advocacy Bodies) Act 2016 and would establish the independent children and young people investigations agency as a separate agency that would sit alongside other advocacy and oversight bodies such as the Child Death and Serious Injury Review Committee. Currently, this act is committed to the Minister for Education, and these oversight bodies are constituted within the Department for Education.

This amendment is drafted in such a way as to futureproof the agency from possible machinery of government changes, ensuring that even if the Children and Young People (Oversight and Advocacy Bodies) Act were to be committed to the Minister for Child Protection in the future the investigations agency would automatically be committed to the Minister for Education instead. This ensures that the agency would remain completely independent of the Department for Child Protection and Minister for Child Protection, and this independence would remain effective without the need for future amendments.

The investigations agency would be independent of direction or control by the Crown or any minister or officer of the Crown. The agency would consist of the principal investigator, along with the number of investigators the Minister for Education considers necessary for the proper performance of the agency's functions.

The agency will be responsible for investigating complaints relating to the operation of the Children and Young People (Safety and Support) Act, administering the complaints management system, referring matters of concern to the Minister for Education and the Minister for Child Protection, the chief executive and any other appropriate person or body, and also any other functions assigned to the agency.

In order to carry out these investigative functions, the agency may require a person to provide information or documents the agency reasonably requires for the review, and the provision extends to state authorities or any officer or employee of a state authority. The maximum penalty for refusing or failing to comply with this provision is $10,000. However, it is important to note that this penalty does not apply to a prescribed person in respect of a child or young person, meaning a parent, foster parent or family member of the child or young person.

My amendment will also require the minister to establish a complaints management system to record information relating to the making, assessment, investigation and resolution of complaints. This complaints management system must contain such information as required under the act in relation to each complaint or report and must comply with any requirements set out in the regulations.

I understand that some of these independent investigation propositions or measures were talked to by other members. I know the Hon. Tammy Franks is very passionate about this particular amendment and so is the Hon. Connie Bonaros. I also want to share some concerns about why this particular amendment is being brought for debate today.

Stakeholders have shared concerns with most of the crossbenchers. These amendments are advocated by a vast number of stakeholders who have contacted me and the Select Committee on Children and Young People (Safety and Support) Bill calling for a truly independent complaints investigations body. I have heard from so many passionate and dedicated carers and stakeholders within the child protection sector who feel that their concerns and complaints are routinely constantly dismissed and ignored by the minister and the chief executive of the Department for Child Protection. They feel that they have nowhere to go and no avenue to have their complaints heard by an independent authority.

Carers and stakeholders have told me in no uncertain terms that the current complaints process is woefully inadequate and tightly controlled by the Department for Child Protection. They also mentioned that we need an independent complaints mechanism investigative agency that does not answer to the chief executive or the Minister for Child Protection.

The 2022 investigation by child protection expert Dr Fiona Arney found that there was a lack of independence in the department's internal complaints process. Dr Arney wrote that clearly a process that requires individuals and teams to receive and respond to complaints regarding their own performance, behaviour or decision-making represents a significant conflict of interest and by no means guarantees that the process will be impartial or fair. Dr Arney also went on to state that of significant concern to the inquiry was a number of submissions that included allegations of carers experiencing care concerns, threats or placement changes, bullying and harassment in response to carers raising complaints.

I am deeply disappointed because when my amendments were first proposed the minister's office actually sent advisers. With advisers from the Department of the Premier and Cabinet we had a meeting between the Hon. Connie Bonaros, the Hon. Tammy Franks and the Hon. Sarah Game. We sat around the table with my proposition and at the time the advisers looked at us, straight to our face, and said that my amendments were reasonable and that they were going to support them, but that never happened. Subsequently we never heard from them.

We compared notes and they said, 'Yes, these are reasonable, sensible amendments, we will accept them,' but then nobody came back—the minister did not come back, the office did not come back. I need the minister to answer the question on behalf of the Minister for Child Protection: why has this particular amendment not been considered? Perhaps she can provide some answers to some of the crossbench who have been advocating for this on behalf of stakeholders. We feel that an independent agency would do the job, providing a fair assessment of those complaints. With those remarks, I move my amendment.

The Hon. C.M. SCRIVEN: Amendment No. 1 [Lee-1] is consequential to amendment No. 2 [Lee-1], which inserts a new independent children and young people investigations agency, so I will speak to both amendments together. Government amendment No. 23 inserts the requirement to establish complaints and management feedback guidelines, which includes the requirement to provide information about alternative independent complaints and feedback mechanisms and bodies. That is significant, as while DCP's complaints processes, policies and procedures support that local resolution in the first instance, and where necessary the DCP complaints and feedback management unit acts as an escalation pathway where local level resolution cannot be reached, there are already additional pathways in place, making this proposal unnecessary.

The Hon. C. BONAROS: I rise, first, to indicate my support for the amendments and to echo the sentiments and frustration that has just been described by the Hon. Jing Lee and the Hon. Tammy Franks, who had mirroring amendments to these. The Hon. Jing Lee is quite right—and I take good notes when I attend these briefings and, as of yesterday when I spoke to the minister's advisers, the notes that I recorded are 'we're still talking with stakeholders about these amendments'.

That was in relation to the Hon. Jing Lee's amendments, and that was after thinking that these are the amendments that we were going to actually see get through in this bill. Yesterday that turned into, 'Well, we've got some concerns now, but we're still talking with stakeholders about them.' We have gone from that to the government's position and the pithy answer that has just been given about why we are opposing them.

I do not care what other crossbenchers do in this place—that is not my concern whatsoever—but I do care what the government does. There are members in this place who have invested six months in these discussions with government and in these amendments. It is a slap in the face to everybody who has sat there in good faith with the government and had these discussions, including the mover of these amendments, to find out yesterday at the eleventh hour and to have confirmed today that the amendments that we actually thought were going to be supported, after all those so-called good faith discussions that we have entered into, are not going to be supported.

I know the minister's advisers have gone to great lengths to ensure that the minister comes out of this looking pretty good. We are trying to avoid criticism of the minister here, but when you engage in discussions in good faith for that length of time and you are taking it on face value, only to have this sort of outcome, then it is very hard to have faith or to be able to stand up here and say something positive about what the minister has done.

I will say it again: we have gone to great lengths to ensure there is not much criticism here. These are compromises. 'Compromises' and 'crossbench' have been referred to quite broadly. 'We are going to ensure that the members who have pushed us to this point get their credit.' All that pales into insignificance when you have taken the government at face value—not anybody else. I do not care what the others do: I care what they do. If I am going to invest my time and everybody else is going to invest their time into having those good faith negotiations, then the government can at least be a little bit open, more open and transparent, about its position.

Its position yesterday afternoon was: 'We are still consulting in relation to these.' I would like to know what consultation the government did overnight from the time they spoke to us until they came here today saying that they were going to oppose these amendments that the Hon. Jing Lee has moved, given that these are the actual amendments, in addition to SACAT, that we actually thought were going to get somewhere.

The Hon. T.A. FRANKS: I rise to support the Hon. Jing Lee's amendment, noting that it has a very long history, involving many in the sector and indeed former members of this parliament, in coming to this place. It has been long called for to have some sort of independent complaints investigations option.

I repeat something I said earlier on this evening, I think in clause 1: it was most unedifying to hear the chief executive of the department respond to a question about where the independent complaints mechanisms were up to—this was a question in that Budget and Finance Committee meeting—with the fact that she had placed the investigators next to her office so she could keep a closer eye on them as somehow a panacea for I am not quite sure what, to be honest, because that was hardly either independent or effective.

In fact, it was the opposite, I would have thought, of independence to be then under the watch of the chief executive quite so closely. It was an extraordinary bit of *Hansard* and committee, but not the first and probably not the last from this particular department.

This is a sensible suggestion. It was never rejected in the negotiations that the crossbenchers who have supported it here today have had with government. It is really disappointing that it somehow just dropped off a cliff overnight when, as I say, it has been long called for over many, many years by many, many people. It is deeply disappointing of the government to turn up today and not actually keep their commitment to a truly independent investigations option as well as that agency that I think would quite rightly sit under the other minister rather than the child protection minister in this case.

The Hon. C. BONAROS: Just to be clear, I would like a response from the minister in relation to the question I asked about who was consulted with overnight with respect to these particular amendments.

The Hon. C.M. SCRIVEN: I refer to my previous comments about the various consultations on many aspects of this bill. There were many, many months of consultation and many, many discussions with many, many stakeholders.

The Hon. C. BONAROS: I am going to ask the question again. Yesterday the advice was: 'We are still consulting.' This was yesterday afternoon. I do not care what happened many, many months ago, I do not care what happened a month ago or a week ago: I care what happened overnight. Who did we speak to overnight who convinced the minister to change her position with respect to these amendments? That is what I want to know.

The Hon. B.R. HOOD: I quickly rise to say that we do support the amendments by the Hon. Jing Lee. In all of the consultations the opposition has had with stakeholders, this has really been right at the top of the list. We thank the honourable member for bringing the amendment.

The committee divided on the amendment:

Ayes 7
Noes.....8
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Franks, T.A.
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S. (teller)		

NOES

Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Scriven, C.M. (teller)
Simms, R.A.	Wortley, R.P.	

PAIRS

Henderson, L.A.	Martin, R.B.
Lensink, J.M.A.	El Dannawi, M.
Game, S.L.	Bourke, E.S.

Amendment thus negatived.

The CHAIR: The next indicated amendment is amendment No. 65 [Franks-3].

The Hon. T.A. FRANKS: I will not be proceeding with this as it is consequential on other ones that I said I was not proceeding with.

The CHAIR: And amendment No. 42 [Bonaros-1]?

The Hon. C. BONAROS: No, I will not be proceeding.

The CHAIR: The Hon. Ms Lee's amendment No. 2 is consequential to your first amendment.

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

Amendment No 53 [PrimIndRegDev–2]—

Page 147, after line 32 [Schedule 2 Part 17]—Insert:

31A—Amendment of section 12C—Time within which complaints may be made

Section 12C—after subsection (1) insert:

(1a) Despite subsection (1), the Ombudsman may entertain a complaint under this Act of the following kinds if the complaint is made within 2 years from the day on which the complainant first had notice of the matters alleged in the complaint:

(a) a prescribed child protection complaint (within the meaning of section 28A of the *Health and Community Services Complaints Act 2004*);

(b) a complaint, or complaint of a class, prescribed by the regulations (being a complaint relating to the performance of functions by or on behalf of the Department under the *Children and Young People (Safety and Support) Act 2025*).

(1b) To avoid doubt, subsection (1a)(a) applies whether the prescribed child protection complaint—

(a) is made by the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People or the Guardian for Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*; or

(b) is referred to the Ombudsman by the Commissioner under section 28A of the *Health and Community Services Complaints Act 2004*; or

(c) is made under this Act.

This amends schedule 2, part 17 of the bill and inserts new clause 31A, which amends section 12C of the Ombudsman Act 1972. Section 12C of that act governs the time within which complaints may be made to the Ombudsman. Currently, section 12C(1) of the Ombudsman Act provides that the

Ombudsman must not entertain a complaint if it is made more than 12 months after the complainant first had notice of the matters alleged in the complaint unless the Ombudsman is of the opinion it is appropriate in all the circumstances to entertain the complaint.

This amendment extends the time the Ombudsman has to consider prescribed child protection complaints under the Health and Community Services Complaints Act 2004 and any complaints made relating to the performance of, functions by or on behalf of DCP under the bill to two years. This amendment ensures the timeframe for the Ombudsman to receive complaints is appropriate, having regard to the complexity of the child protection and family support system and to align it with the timeframes set out in the Health and Community Services Complaints Act.

The CHAIR: Just before we go on with this, can I clarify with the Hon. Ms Franks, [Franks-3] 67?

The Hon. T.A. FRANKS: What am I clarifying about [Franks-3] 67?

The CHAIR: Is it consequential?

The Hon. T.A. FRANKS: Yes.

Amendment carried; schedule as amended passed.

Title.

The Hon. T.A. FRANKS: I have an amendment at [Franks-3] 68 to change the title of the bill. I understand the government wishes to go back and recommit clause 1. I will not be proceeding with my amendment.

Title passed.

Bill recommitted.

Clause 1.

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

Amendment No 1 [PrimIndRegDev–2]—

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

This amendment reinstates the title as the Children And Young People (Safety and Support) Act.

Amendment carried; clause as further amended passed.

Clause 26.

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

On page 31 after line 41 to delete new paragraph (ab).

The Hon. T.A. FRANKS: As this was my amendment No. 16 [Franks-3] and inserted (ab)(1), (ab)(2) and (ab)(3), I first seek clarity as to whether you are going to go and delete each, bit by bit?

The CHAIR: No, it is the whole paragraph that we are dealing with.

The Hon. T.A. FRANKS: I remind members that this paragraph ensured better Aboriginal and Torres Strait Islander and young people accountability, including:

- the extent to which case planning in relation to such children and young people includes the development of cultural maintenance plans with input from local Aboriginal and Torres Strait Islander communities and organisations;
- the extent to which agreements made in case planning relating to supporting the cultural needs of such children and young people are being met, being support such as transport to cultural events, respect for religious laws, attendance at funerals, providing appropriate food and access to religious celebrations; and
- the extent to which children and young people have access to a caseworker, community, relative and other person from the same Aboriginal or Torres Strait Islander community.

As the child or young person was the topic of this particular amendment, it was called for by those in these communities. It is deeply disappointing that the government has gone out of its way to recommit this clause to erase that commitment.

The Hon. C.M. SCRIVEN: I remind members that the reason for this is that pursuant to clause 23(1)(d) the minister is already required to report on the operation of part 4 of the act, which includes reporting on clause 58 relating to case planning for Aboriginal children.

The committee divided on the amendment:

Ayes 8
Noes.....7
Majority 1

AYES

Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Scriven, C.M. (teller)
Simms, R.A.	Wortley, R.P.	

NOES

Bonaros, C.	Centofanti, N.J.	Franks, T.A. (teller)
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.		

PAIRS

Martin, R.B.	Henderson, L.A.
El Dannawi, M.	Lensink, J.M.A.
Bourke, E.S.	Game, S.L.

Amendment thus carried; clause as further amended passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (00:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

At 00:34 the council adjourned until Wednesday 4 June 2025 at 14:15.

Answers to Questions

WATER ENTITLEMENTS

434 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (1 May 2025). Can the Minister for Climate, Environment and Water advise:

1. How much water entitlement (gigalitres) is held by the minister?

2. How much water in allocation (gigalitres), which the minister is responsible for, has been utilised?

3. What was the water used for in the following financial years: 2022-23, 2023-24, 2024-25?

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

The Minister for Climate, Environment and Water (the minister) holds 95.5 gigalitres (GL) of water access entitlement on licence across the state. Just over 99 per cent of this entitlement volume (94.6 GL) is for the River Murray prescribed watercourse, with the remaining volume spread across the Lower Limestone Coast, Adelaide Plains, Western Mount Lofty Ranges and Far North.

With respect to the 94.6 GL held by the minister for the River Murray prescribed watercourse, the holdings can be broken down as follows:

1. 45.0 GL of entitlement is held for environmental purposes under The Living Murray (TLM) program (approximately 48 per cent of River Murray holdings).

2. 39.8 GL of entitlement is held for other environmental purposes (42 per cent of River Murray holdings). 37.6 GL of this is held as class 9 entitlement for managing those wetlands within the 1,956 flood boundary that can be managed through a wetting and drying regime. The remaining volume is held as class 3 entitlement and has been set aside to meet environmental requirements associated with the Loveday Basin and Tolderol wetland, respectively.

3. 6.0 GL of entitlement is held for the environment for the purpose of meeting the state's water recovery obligation under clause S-III of schedule 1 of the National Partnership Agreement on Water for the Future (Implementation Plan for Augmentation of the Adelaide Desalination Plant) (6 per cent of River Murray holdings).

4. 3.8 GL of entitlement is held as a strategic water reserve for various purposes (4 per cent of River Murray holdings)—to meet the state's water recovery obligation under clause S-IV of schedule 1 of the National Partnership Agreement (when required); to provide additional dilution flows for Torrens Lake (when required); and to help offset the effects of overuse by consumptive users for the South Australian River Murray prescribed watercourse (when required). To the extent that the volume allocated to the reserve entitlement is not required for these purposes in a particular water year, that allocation volume may be sold back to the consumptive pool (under policies and procedures established for the administration of the reserve).