LEGISLATIVE COUNCIL

Tuesday, 17 June 2025

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, notices of motion and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

SOCIAL WORKERS REGISTRATION (COMMENCEMENT OF ACT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 June 2025.)

The Hon. J.M.A. LENSINK (11:02): I rise to speak to this piece of legislation which amends the commencement provisions of the Social Workers Registration Act 2021 so that the scheme will commence by proclamation rather than automatically on 1 July 2025. While the change appears technical its purpose is to delay the operation of the statutory registration scheme for social workers and allow additional time for implementation work to be completed.

This statutory registration scheme is a significant reform. It is the first of its kind in Australia and involves a range of regulatory matters which I will detail in a moment, but I would also like to speak briefly to the history of this legislation and to pay tribute, in so doing, to the work of the Hon. Tammy Franks, who has long fought for social workers to be included in some form of registration scheme as we have for a number of allied health professionals, who initially were registered under state statutory schemes and who then transferred to the commonwealth government via the Australian Health Practitioner Regulation Agency (AHPRA).

We have supported registration for social workers for some time. It was very disturbing to me to learn, I think in the lead-up to 2018 or perhaps even earlier, that someone could have a non-bachelor degree qualification and, as we say, hang up a shingle and call themselves a social worker, which in the common understanding carries a lot more rigorous training and qualifications than some of the courses that people use—or maybe even no training at all—to call themselves a social worker. We do not tolerate it for a whole range of other professionals who operate in a similar space. As someone who has once been registered as a physiotherapist, I think we all understand why those things are important. I have worked side-by-side with social workers in the health system at the Repat hospital, before the Labor Party closed it the first time around.

We certainly value their work and their professionalism. They play an incredibly important role, which I think is better recognised these days in that we better understand that the social supports for people—whichever part of the health system they may be in—are incredibly important not just to their wellbeing but to ensuring that they are able to recover safely at home. Without social workers those aspects of a multidisciplinary team could be ignored, so I certainly support measures for social workers.

It has been a complex journey. As a minister in the Marshall term of government, we had attempted to ensure that there was a national scheme which would mirror what happens with other health professions. That turned out to be too difficult, so we have had a South Australian scheme since 2021. It has been quite a complex process, including decisions about title protections, scope of practice, qualifications and regulatory oversight. It is unfortunate that there is considerable work still to be done in 2025 to finalise these details. I would have thought that the minister—who has a much narrower portfolio than other ministers—might have actually been able to make this one work, but that was not to be.

I understand that the Social Workers Registration Board has been engaging with stakeholders over recent months, and that work is ongoing. While there has been useful consultation, this delay highlights that the government has not adequately prepared for commencement within the legislated timeframe. That is very unfortunate and I think reflects poorly on the minister.

However, we do recognise that having an incomplete or unclear regulatory scheme is a risk to others. On that basis, we do not oppose this measure but will continue to monitor the government's progress and hope that they will put this into acceleration mode and listen appropriately to the relevant stakeholders.

The Hon. J.S. LEE (11:07): I rise today to speak on the Social Workers Registration (Commencement of Act) Amendment Bill 2025. This is a very technical bill that seeks to amend the Social Workers Registration Act 2021 so that the scheme commences on the day fixed by proclamation.

Honourable members would be well aware that the Social Workers Registration Scheme was originally set to commence on 1 July 2025, only a few short weeks away. This bill will provide an extension of time before the commencement but does not set a specified date. The minister has not provided any kind of indicative timeline as to when the scheme might be expected to come into operation.

Firstly, I want to acknowledge the tremendous amount of work that the Social Workers Registration Board has undertaken in terms of consultation, research and benchmarking for this important scheme. It has broad support and will be the first of its kind in Australia, enabling the Social Workers Registration Board to oversee the social work profession in South Australia to both protect the public and uplift the sector by establishing codes of conduct, professional standards and ethical guidelines, enhancing accountability and professionalism.

However, it has become apparent in recent weeks and months that the scheme is not ready, with the board yet to release the scope and the guidelines for the scheme, let alone information about the policies and processes for registration. There have been significant concerns in the sector about the negative impact that the new registration scheme may have on existing workers and fears that experienced domestic violence and child protection workers could leave the sector, which is already struggling with workforce shortages.

It is clear that this is a complex area with unique challenges. The social work sector is incredibly diverse, with a wide range of cohorts working in varied roles with different needs and requirements. As the minister has highlighted, a range of pathways are required to recognise relevant qualifications and experience, and it is vital that we get the settings right so that this nation-first scheme works in the interests of the sector, individual workers and all the clients they serve so diligently.

I take this opportunity to acknowledge a letter I received from the Australian Services Union. I just want to quote a statement from the letter highlighting the issues here:

> Over the past year, our members have raised concerns about the complexity of the proposed registration process, including its potential impact on workforce retention, recognition of existing experience, cost, and accessibility. We were particularly concerned for peer-support workers and those who are hired because of their lived experience or cultural knowledge, rather than an academic qualification. We have repeatedly conveyed these concerns directly to the Social Workers Registration Board, the Attorney-General, the Minister for Child Protection, the Minister for Human Services and the Premier's office.

These are a range of issues that I think ought to be addressed.

On a personal note, I have been told by close family members who are employed as social workers that there has been a growing sense of uncertainty and stress in the sector. As the 1 July deadline looms, the lack of detail provided by the board to date has exacerbated this uncertainty. I am sure there will be many sighs of relief that the commencement of the scheme is being postponed until these issues can be resolved.

It is essential that this scheme is not rushed and that this time extension is used for further consultation and engagement across the sector to ensure that we get pathways and settings right, not only to strengthen the social work sector but also to protect the vulnerable clients who rely on its essential services and support. With those remarks, I commend the bill.

The Hon. T.A. FRANKS (11:11): I rise today to support this bill, with great reservation, because this is not the first time this bill has needed an extension, and this is not the first time this minister has not ensured that the homework was done. In fact, it is not the first time this minister has come before this place asking for such an extension because she has not done the work that is required for the important work of the registration of social workers.

Members would be well aware that this has been a live issue in this parliament since 2018. The bill that we debate today looks to an act that comes from 2021. This is a further extension, with no end date on it, on a previous extension that was asked for in 2023 that saw this bill and this act meant to come into force on 1 July this year.

In fact, in March 2025, Professor Wendt of the Social Workers Registration Board informed the Budget and Finance Committee that she remembers the day, sitting in parliament, when the proclamation day was set for 1 July 2025. She always thought, she told the Budget and Finance Committee, that this was achievable. She informed that committee that the Social Workers Registration Board has worked efficiently and with a really quality team to ensure that the scheme is ready to go on 1 July 2025. Indeed, she informed the parliament that all progress had been reported to the board and to the government and that they were tracking well for 1 July.

But lo and behold, last sitting week, this minister, Minister Hildyard, yet again not having done her homework, rams through the lower house, suspending standing orders, yet another extension for the Social Workers Registration Scheme. This extension that she is asking for does not even have an end date. I flag that I will be seeking an amendment that there be an end date and that this important body of work commences on 1 December this year. We were informed in March 2025 that everything was on track for 1 July this year. I look forward to the government explaining why they will not be able to support a start date of 1 July this year.

I note that Cindy Smith of the Australian Association of Social Workers has had great frustration dealing with this government and, in particular, this minister, and that her correspondence of 11 June 2025 to the Social Workers Registration Board, which invited anyone with questions to ask them, outlined a range of questions that I will seek the government to answer on the record, because the social workers association is still waiting for an answer to these particular questions.

So my questions to the government are: what model did the Social Work Registration Board recommend to government? Which workforces are proposed to be impacted, included or excluded? When did the Social Workers Registration Board first propose its model to government? Which aspects of the proposed model did government oppose? What pathway options are being considered for nonqualified people? How much were the proposed registration fees and what was the fee structure? How much of the $4.7 million commitment is remaining to deliver the scheme? Has government committed to fund any further outlay or shortfall?

What actions have you taken to advocate for national registration of social workers? Have you advocated to the SA health minister and Premier for national registration through the National Registration and Accreditation Scheme (NRAS)? What new consultation processes will occur? Will the Social Workers Registration Board consult on regulations on the act before the commencement of the scheme? Did the Social Workers Registration Board include a requirement for registered social workers to hold professional indemnity insurance? Why did two Social Workers Registration Board members resign?

AHPRA publishes announcements regarding board members, resignations, retirements and appointments on its website. Why was this not communicated in this case? There are now nine months (this was dated June) until the 2026 March state election, eight months before the government enters caretaker mode. Has the SA government provided the Social Workers Registration Board with any commitment that the scheme will be delivered in this term of government and was a regulatory impact assessment undertaken?

I note also the concerns raised by the ASU and sent to, I believe, all members of the upper house, and I acknowledge their concerns because, while they and their workers have long advocated for social work registration, there were so many questions still unanswered, not just in March this year but in April, May and now June this year, about how this social work registration scheme will work.

Advocates for a social work registration scheme have long been confused about why this government and the previous government have allocated this portfolio to child protection. Social workers work across a range of fields and health or human services have always been the preferred portfolios. So I also ask the government, in addition to the questions of the AASW: will this government move social work registration into the portfolio of a competent minister in either the health or human services portfolios? With that, I look forward to those questions being answered, not just for this council but for the people of South Australia and those who will be affected by this scheme.

The Hon. R.A. SIMMS (11:17): I rise very briefly to indicate my support for the bill. I do not propose to speak at length, because I think the key arguments have already been raised by others. In indicating my support, in particular I reference the advocacy from some of the key organisations that work in this space. I note that I received a letter—the honourable member previously referred to it—from the Australian Services Union, in which they welcome the government's decision to delay the commencement of the registration scheme to allow for further refinement and consultation.

I also note a submission made by the South Australian Council of Social Service in December of last year, a submission to the Social Workers Registration Board on draft definitions of social work services and scope of practice. In that submission, on page 4, they note:

> …we do not believe that the proposed definition of Social Work Services…and the Scope of Practice…proposed are workable or likely to support the effective regulation of social workers. If implemented as proposed we believe there will be significant disruption and dislocation of the workforce that will impact on access to high quality care and services by some of the most vulnerable people in South Australia.

There is obviously broad support for the need to register social workers in our state, but it is clear from some of the concerns of the sector that we need to get that right and, in that context, providing the government with a bit more time to work through those issues makes sense. I do want to impress upon the government the importance of seeing this resolved, and of course I do not want to see this matter being kicked into the never-never. It is an important issue that should be resolved. In light of the stakeholders' feedback, I am supportive of the government's bill.

The PRESIDENT: I have the Hon. Ms Bonaros listed. What I will do is go to the minister to conclude the debate, but if the Hon. Ms Bonaros would like to make a contribution she can do it at clause 1.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (11:20): I would like to thank honourable members for their contributions: the Hon. Ms Lensink, the Hon. Ms Lee, the Hon. Ms Franks and the Hon. Mr Simms. I appreciate the comments that have been put onto the record, including the importance that this is not rushed, because of the complexity. I would reinforce the sentiments that I think have been mentioned here today, which are how important it is that we do get this right. Further refinement and consultation, as was quoted by the Hon. Mr Simms from a stakeholder, I think really does capture what is intended by this bill. I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I refer the minister to the correspondence of Cindy Smith of the Australian Association of Social Workers in response to an invitation by the Social Workers Registration Board in an email of 12 June 2025, entitled 'Communiqué and invitation to answer questions'. The range of questions I have already read out, but I will do them one by one. I note that when Cindy Smith, the Chief Executive Officer of the Australian Association of Social Workers, responded to that communiqué and invitation to ask questions by the Social Workers Registration Board in their regular updates, she received a response from Minister Hildyard's office. An unnamed person in the office of the Hon. Katrine Hildyard MP noted:

> The Social Workers Registration Board has forwarded your correspondence on to the office of the Hon. Katrine Hildyard MP for consideration.
>
> Once again, thanks for your email.

So my question to the minister is: what model did the Social Workers Registration Board recommend to government?

The Hon. C.M. SCRIVEN: I am advised the following: the registration of social workers in the Australian context is highly complex, as I think we have all acknowledged here. The Social Workers Registration Board (SWRB) has conducted significant consultations with government, non-government, peak bodies, unions and people in New Zealand and England to understand the opportunities the South Australian legislation provides. The government, through the SWRB, intends to publish draft pathways to registration, should this bill pass, for further discussion with the sector.

The Hon. T.A. FRANKS: I am not sure what question that answered but it was not the question that I asked. What model did the Social Workers Registration Board recommend to government?

The Hon. C.M. SCRIVEN: To clarify, the government, through the board, intends to publish draft pathways to registration, should this bill pass. Obviously, discussions around models is the final decision of this government.

The Hon. T.A. FRANKS: I would like to do my questions first because I feel like it is important. That has not been answered. Perhaps you could take on notice what model the Social Workers Registration Board recommended to government, or the multitude of models there could be. Obviously, there has been extensive consultation. I imagine there was a model that was recommended to government and, given Minister Hildyard has offered to answer these questions, I would hope that an answer will be forthcoming today.

The Hon. C.M. SCRIVEN: I am happy to provide information that is not precluded through cabinet-in-confidence provisions.

The Hon. T.A. FRANKS: Which workforces were proposed to be impacted, included or excluded? I will note in asking these questions, while this might be cabinet-in-confidence information at some stage, a social work registration scheme, by its very nature, will have to be public at some stage. We have been waiting years now. We have already given the government an 18-month extension on the many years that this minister already had to do her homework and has not yet done, so: which workforces were proposed to be impacted, included or excluded?

The Hon. C.M. SCRIVEN: To respond to the comment about it being public, of course that is the case, which is why I alluded, in the answer to the previous question, that the intention is to publish draft pathways once they are refined. As we have mentioned, the registration of social workers is highly complex and hence the importance of information sharing, of discussion, of refinement over a period to enable the workforce to be ready for registration is highly important and that needs to occur without disrupting vital services to vulnerable families. The government's intention is that there not be an impact to any workforces.

The Hon. T.A. FRANKS: Which workforces?

The Hon. C.M. SCRIVEN: Any workforces engaged with social work services.

The Hon. T.A. FRANKS: When did the Social Workers Registration Board first propose its model to government?

The Hon. C.M. SCRIVEN: I am advised that this is cabinet-in-confidence information.

The CHAIR: I have given the Hon. Ms Bonaros the opportunity to make her contribution at clause 1 before we can continue on; is that okay?

The Hon. J.M.A. LENSINK: Yes, but I am finding the line of responses frustrating as well.

The CHAIR: The Hon. Ms Bonaros, if you can make your contribution, then we will continue on.

The Hon. C. BONAROS: I apologise, particularly to honourable members, for missing that opportunity at the second reading stage but do rise to echo the sentiments that have been expressed today and the frustrations that have been expressed today. It probably has helped, listening to some of these answers, because Rachel Sanderson was still a member of parliament when we had the inquiry into this issue. I served on that committee and it was a great outcome in terms of a committee process.

It was unusual to have a minister serving on committees, but she insisted she go on that committee so that she could be abreast of all the issues that we were going to be considering, and well done to her for doing that because it resulted in a report, and it resulted in, ultimately, what has led to this piece of legislation. The fact that we have been waiting since 2021 to come today to hear things like, 'this is a highly complex area' and 'once they are refined' and 'open-ended proposals'—

The Hon. T.A. Franks: 'The dog ate my homework.'

The Hon. C. BONAROS: —and the rest of it, it is not just laughable; in fact, it is not laughable, it is a slap in the face to everyone who has worked so hard to get to this point. I acknowledge the work, of course, of the Hon. Tammy Franks and the Hon. Michelle Lensink in this area and others who have put in the hard yards.

I remember the meeting I had last year with Minister Hildyard's team and her in my office saying, 'We just need a bit more time. We just need a little bit more time.' Well, we gave them that little bit more time and now they are back saying, 'We need more time. It's open-ended.' Those conversations went along the lines of, 'You have to do this before the next election.' Leaving this open-ended now gives nobody any comfort or certainty that it is going to happen before the next election.

We started under a Liberal government with this proposal. We are getting towards the end of what is—

The Hon. T.A. Franks: It started under Weatherill.

The Hon. C. BONAROS: Yes, well before that, but at least we were moving forward. There was a path, and the only roadblock in that path since this government came into power appears to be Minister Hildyard. I do not know how highly complex an area this could be. I am sure if you ask the stakeholders who have been engaged with this they do not know how much more highly complex this could be, but I will tell you what: it does smell a bit like, 'We've put this on the back burner and not done a lot in the intervening months.'

You cannot come to me—whenever it was at the end of last year—and say, 'We're nearly there. We're nearly there. We're nearly there,' and now possibly be saying, 'We need an open-ended change to the bill.' The reason a date was put in the legislation in the first place is that there was a level of mistrust in terms of actually being serious about getting this off the ground and up and running. Here we are today having this debate, which confirms all the concerns that we have had previously.

We have just had a child protection debate. The Hon. Tammy Franks went to great lengths during that child protection debate to ask about these particular issues. When we talk about things that are highly complex, the only thing that seems to be highly complex is wrapping our heads around Minister Hildyard's priorities when it comes to these issues. That is lost on all of us, and it continues to be lost on all of us.

I am not going to rub it in. I think I have made my point; it is at clause 1. I have made my point. I agree with the sentiments and frustrations that have been raised. I certainly do not support an open-ended bill. If there is a date that is proposed, I am willing to contemplate inserting a new date, but it better be a reasonable one; it better be a reasonable proposal.

I think the minister is now on notice that she needs to do better in this space. People deserve better. The people who have put in the hard yards on this—it is not us—deserve better, because all we have done right now is string them along, at least since 2021, that something is coming, and now we do not even know what the recommended models are that we should be following. It is not good enough. It is not good enough in here and it is certainly not good enough for the people who have put in the hard yards to be told that, 'We're just not there yet.' That is all I wanted to say.

The Hon. J.M.A. LENSINK: I would like to unpack a bit the response of the minister in this place. I acknowledge that it is not her portfolio area. She is clearly aware that there is a lot of frustration from the Liberal opposition and crossbench members about this issue, which has been very well articulated as going on for several years, but I do not think it is fair to hide behind cabinet-in-confidence, because the correspondence has been submitted to the minister. I am sure the Association of Social Workers is happy for the model that it has submitted to the government to be placed on the public record in this place, so I again put to the minister: can she respond in some detail about what that model was?

The Hon. C.M. SCRIVEN: I am not sure that I can provide the exact information the honourable member is requesting, but what I can do is discuss some of the potential pathways that have been put forward. I think the key point here is that these are still being refined. I think almost everyone mentioned in their second reading contribution the need to ensure the consultation with the sector. The various voices—I do not want to put words in anyone's mouth—within the sector need to be confident that what we end up with, which is after all going to be nation-leading registration, is going to work.

It has been commented several times that there would be a preference for a national scheme, and I think that is probably reasonably well and widely held. Obviously, whilst a national scheme can be developed independently, it would be fair to expect that, should such a scheme progress, they will look to what will likely be the only jurisdiction that has a registration scheme in place to inform that process. I think that is why it is so important that we have the right model in every aspect that is important.

Whilst I cannot provide the full details that the honourable member has indicated, some of the things that need to be concerned with are the various levels of registration. Obviously, where someone has the full social work bachelor or other qualification, that might be relatively clear, but what we have are situations where people have worked in the sector for a long period of time: for example, one suggestion was that if someone had been in the sector for six years then that might be an appropriate level for an alternative pathway, a provisional registration through that experience.

Qualification and experience could also be a separate strand of that model: for example, those working in social work but are enrolled in one of the prescribed social work qualifications. That could then lead to a provisional registration. Once that qualification was completed, then potentially that would result in full registration.

There could also be a limited registration pathway for those who do not have that level of practice experience which is considered sufficient or are not currently enrolled but are providing services, but obviously with conditions because the whole point of this legislation and registration is to be able to ensure confidence in the services that are being provided and so that we know, if you like, what we are getting when it comes to someone who is saying that they are a social worker, that, after all, as was alluded to in the second reading contributions, was the whole point of this.

They are some of the potential pathways, but because there is still a lot to be done so that we do have that confidence, so that those within the sectors can be very sure that their voices have been heard, their concerns have been listened to, that is why it is important that we actually get to that stage before saying it will be this, this and this.

The Hon. J.M.A. LENSINK: I would just like to respond because this minister—and I acknowledge it is not her portfolio—is valiantly trying to defend someone else's work or lack thereof. While we have said that this is a complex matter, it is a lot less complex than lots of other areas of public policy that we manage to resolve within a shorter space of time than this. In some ways I think we feel compelled to support this because it may well be a risk to people who work in this space to proceed because, quite frankly, the minister has not done the work.

I would have thought that there would be other jurisdictions overseas where learnings could be adopted here in Australia. Indeed, if we compare to an area where there are levels of complexities it is nursing registration because we have a range of qualifications, whether it is enrolled nurses, registered nurses, midwives—who have additional training—or nurse practitioners, there are multi-layers there. That is probably not 100 per cent comparable, but certainly they could lend themselves to this space and could potentially be adopted, so I do not accept that it has taken this long at all.

The Hon. T.A. FRANKS: Which aspects of the proposed model did government oppose?

The Hon. C.M. SCRIVEN: I think I have just outlined some of the potential features of a model but it would not be, I guess, accurate to say—the government is the final decision-maker on any model. Obviously we are not opposing our own model; this is all part of the development process.

The Hon. T.A. FRANKS: What pathway options are being considered for non-qualified people?

The Hon. C.M. SCRIVEN: I think I just outlined in the response to the Hon. Ms Lensink some of the features that could be part of that, but, importantly, as I mentioned earlier, through the board the government would intend to publish draft pathways to registration should this bill pass and then those can be further discussed with the sector.

The Hon. T.A. FRANKS: Noting this scheme was meant to start in just over two weeks, how much were the proposed registration fees and what was the fee structure?

The Hon. C.M. SCRIVEN: A final subscription structure is yet to be decided on, but I think it is fair to say that a good part of the government's thinking around this was not wanting to introduce a new cost at this point in time. Obviously, hardworking South Australians are struggling with cost of living at present in any case and so that was part of the thinking.

The Hon. T.A. FRANKS: So is the government saying this is a cost-of-living measure to cut costs to social workers by not registering them?

The Hon. C.M. SCRIVEN: No, that is not what I am saying. What I am saying is that the final cost structure is yet to be determined.

The Hon. T.A. FRANKS: Given this scheme was meant to start in around about two weeks, what was the ballpark figure of the registration scheme fees?

The Hon. C.M. SCRIVEN: I do not think it is accurate to say that we can say a ballpark figure. Obviously, with various models that could have various features for the types of pathways that I mentioned as possibilities earlier they would have a variety of potential fees.

The Hon. T.A. FRANKS: There was $4.7 million committed to deliver this scheme. How much of that $4.7 million is currently expended and what are the plans going forward?

The Hon. C.M. SCRIVEN: I am advised that the Social Workers Registration Board is working within its budget. That is the extent of the information that I have at this time. Clearly, the intention of the government is to progress this, and that will be funded appropriately.

The Hon. T.A. FRANKS: Is the government considering additional funding, given they are needing an additional timeframe to deliver this scheme?

The Hon. C.M. SCRIVEN: As I said, currently the board is working within its budget.

The Hon. T.A. FRANKS: Has the government committed to fund any further outlay or shortfall?

The Hon. C.M. SCRIVEN: At this stage, that would be a hypothetical because, according to my advice, the board is currently working within its budget.

The Hon. T.A. FRANKS: What period of time was that $4.7 million allocated over?

The Hon. C.M. SCRIVEN: I have been provided with some advice, which I hope may answer the honourable member's question. The budget for the social worker registration scheme was allocated to the Department for Child Protection as part of the 2022-23 Mid-Year Budget Review. The original budget was $4.7 million over four years. I am advised that a delay in the commencement of the act will not impact the overall resources required for the scheme, particularly given the first two years were focused on the implementation and establishment that we have been discussing.

The Hon. T.A. FRANKS: What actions has the government undertaken to advocate for a national registration of social workers scheme, noting indeed that the then minister, Jack Snelling, first advocated for this back in the Weatherill era?

The Hon. C.M. SCRIVEN: I am advised it is in many ways a very broad question. As the honourable member referred to, it was actually advocated for by a previous Minister for Health, Jack Snelling, some years ago. My understanding is that the matter has been raised in a number of different forums, likely by a number of different ministers over time, including recently.

As was mentioned certainly in the contributions on the original bill, I think there is a reasonably widespread acceptance in South Australia that ideally we would have a national scheme. If a national scheme had progressed in the timeframes that many would have liked, we would not be here today. However, given that has not progressed in the timeframe that many would have liked, it is the responsibility of the state government to do what we can within this state parliament and with our legislative instruments, hence the bringing forward and successful passing of this act. I think it is probably fair to say that various ministers will continue to advocate at a national level.

The Hon. T.A. FRANKS: Is there anyone who would advocate for a national registration scheme for social workers being housed within a child protection portfolio?

The Hon. C.M. SCRIVEN: As I mentioned, I think there has been advocacy from various ministers at many points in time over many years.

The Hon. T.A. FRANKS: My question was: does anyone advocate that this be housed within a child protection portfolio at a national level? I have never heard it advocated for. I would imagine that anyone who does advocate for this might be an outlier, so I am wondering if there is somebody advocating for a national registration scheme for social workers to be housed within the child protection portfolio.

The Hon. C.M. SCRIVEN: I think, from my experience of government, the first issue is whether we can get in this case a national scheme. If we get to that stage then there would be discussions about where that might be housed.

The Hon. T.A. FRANKS: With respect, though, these national meetings do happen in portfolio silos, and surely they would be better housed in a health or human services silo if you are going to look at registration of social workers. I cannot imagine child protection is going to take the lead on this. That is why my question was: who was advocating for it to be housed within child protection? I imagine the answer is no-one, and I would hope that would be the answer, but I will leave it for the minister to come back if that is in fact the Malinauskas government position at a federal level or whether indeed the position is to house this within health or human services. In regard to regulations for this act when it finally does commence, if it does commence, will the Social Workers Registration Board consult on those regulations?

The Hon. C.M. SCRIVEN: Yes.

The Hon. T.A. FRANKS: Did the Social Workers Registration Board include a requirement for registered social workers to hold professional indemnity insurance? This has been an ongoing issue of some concern and I would hope that there is an answer here.

The Hon. C.M. SCRIVEN: My understanding is that legal advice, or advice, is being sought by the board on this type of matter.

The Hon. T.A. FRANKS: Is it the intention of government that there will be a requirement for registered social workers to hold professional indemnity insurance under this scheme?

The Hon. C.M. SCRIVEN: That would depend on the outcome of the advice that might be received.

The Hon. T.A. FRANKS: So the government does not have a position; it is just going to wait for legal advice to tell it what the government's position is? Is that the answer of the government?

The Hon. C.M. SCRIVEN: As the honourable member would be aware, government takes into account various advice before making a decision. At this stage, the only information I have is that which I have communicated. Obviously, any decision will be communicated when available.

The Hon. T.A. FRANKS: Why did two members of the Social Workers Registration Board resign and why was this not more formally communicated, as happens in other similar bodies?

The Hon. C.M. SCRIVEN: I am advised that it is not for the government or the Social Workers Registration Board to disclose reasons for member changes. As I have discussed in other debates in this place, members can have many reasons for why they may cease to continue in a particular role. My understanding is that normally AHPRA publishes announcements regarding board member resignations; what AHPRA therefore does is obviously not for me to comment on. One could speculate that given the board and the office are in an implementation period perhaps that may have played into it, but obviously that is just a speculation.

The Hon. T.A. FRANKS: There are now nine months until the March 2026 state election and eight months before this government enters caretaker mode. Has the South Australian government provided the Social Workers Registration Board with any commitment that the scheme will be delivered in this term of the Malinauskas government?

The Hon. C.M. SCRIVEN: The intention of the government is to be able to ensure that we can bring confidence to the sector that we have listened to their concerns and that we have worked through all of the various matters that are raised, and that therefore they can be comfortable with a scheme that values this important work. Obviously, it is in everyone's interest if that can occur as soon as possible, but the outcome has to be the overriding consideration. We want to get it right.

The Hon. T.A. FRANKS: I am sure we all want to get it right, Chair. Has this government made a commitment to the Social Workers Registration Board, and indeed to social workers, that this will be delivered in this term of the Malinauskas government? It should be a yes or no answer.

The Hon. C.M. SCRIVEN: As I have indicated, the government's intention is to bring confidence to the sector that we have worked through all of their concerns.

The Hon. J.M.A. LENSINK: I will have another go. Is it the intention of the government to implement this before the election?

The Hon. C.M. SCRIVEN: I have just answered that question twice.

The Hon. J.M.A. LENSINK: No, you have not, but anyway.

The CHAIR: Minister, it is up to you.

The Hon. T.A. FRANKS: I asked all these questions in the second reading, so in fact they could have been taken and the answers provided before we had the second reading vote, because these are all the same questions—with a couple of minor exceptions—that I asked in my second reading contribution. Was a regulatory impact assessment undertaken?

The Hon. C.M. SCRIVEN: I am advised that impacts of the scheme that were flagged are cabinet-in-confidence.

The Hon. T.A. FRANKS: I did not ask what was in the regulatory impact assessment; I asked whether one was undertaken.

The Hon. C.M. SCRIVEN: My understanding is that the normal processes involved with preparing a cabinet submission were undertaken.

The Hon. T.A. FRANKS: Do those normal processes involve a regulatory impact assessment as mandatory?

The Hon. C.M. SCRIVEN: My advice is that impacts—I am just conscious of cabinet-in-confidence—were considered, and that advice would have been provided in the normal way.

The Hon. T.A. FRANKS: Were those impacts regulatory and in a regulatory impact assessment mode?

The Hon. C.M. SCRIVEN: I can indicate that I have provided the information that I have to hand, but I think what is also important to note is that it is not as though there is no further consultation on this scheme. It is not as though the consultation has been completed. Any additional information will, of course, be taken into account.

The Hon. T.A. FRANKS: I am clearly not going to get many answers, but I just reiterate that these were not my questions that I came up with today. These were the questions of the Chief Executive Officer of the Australian Association of Social Workers, who has been asking these questions for some time now, who has asked these questions in response to a communiqué that was titled as 'an invitation to have your questions answered about the scheme' and were referred to Minister Hildyard by the board.

I would have thought, if your major stakeholder still does not know how this scheme is going to work, that we are very far away from actually having a scheme that is going to work. Heaven help us. I feel like a national scheme is the only way forward unless this minister is removed from having carriage of this portfolio. I hope the Malinauskas government takes on board the fact that the Australian Association of Social Workers, having attempted to see this scheme come to fruition, still has these questions outstanding and has not been communicated with.

I note that Cindy Smith was waiting all day for a phone call following the Children and Young People (Safety and Support) Bill, when I was assured by the minister's office that the AASW would be communicated with that very day, a couple of sitting weeks ago. Cindy Smith waited by the phone, did not get a call from Minister Hildyard's office, and it is no surprise that the AASW are still waiting for answers on this scheme that is incredibly important to them, that is the thing they are the major stakeholder for.

I find it extraordinary that this minister yet again brings legislation before this place that is more about her inability rather than any effective advocacy for those she should be serving. With that, I do not have any further questions. They are not going to get answers today, and I do apologise to the Australian Association of Social Workers that even the parliament could not get the answers for them today that they have been seeking for so long now.

The Hon. C.M. SCRIVEN: I think it is perhaps worth reiterating the level of work that has gone into this by the sector and by the minister. In terms of consultation, the board was required to describe the scope of practice, define social work services and consult on these. Those definitions enabled the registration options that have been put forward as possibilities. Significant efforts have been made, according to my advice, to provide comprehensive information to those undertaking social work services, employers and the public ahead of the scheme's commencement.

To date, at the time of this being written, 33 face-to-face and live online information sessions have been delivered. They reached approximately 1,250 participants, with an additional 745 people viewing the recorded information session. Targeted consultation conducted from August to September last year focused on the definition of social work services and scope of practice, garnering 472 individual responses and 19 organisational submissions. Insights from people with lived experience were also gathered via three Lived Experience network focus groups, with a total of 29 participants.

The consultation process confirmed strong sector and lived experience support for the registration of social work, and I think we all accept that that is the case. A significant majority of participants, I am advised, endorsed the proposed definition of social work services and description of the scope of practice, and constructive suggestions regarding alternative wording were reviewed, informing the composition of the final definition and description.

A second round of consultation from October to December occurred. Detailed responses were provided to the submissions and follow-up meetings, and there have been numerous meetings since. I do appreciate that there are still some questions to which we are unable to provide further answers, but I think it is worth pointing out how much work has gone into this.

It is something that is important to get right, as I have mentioned, and in addition I am advised that, in relation to one of the particular matters the honourable member raised a moment ago, according to my advice the minister's adviser spoke with Ms Smith in the week commencing 2 June 2025 in relation to the bill, where, again according to my advice, Ms Smith indicated that the bill made sense.

I think it is worth mentioning that one does not assume, whether it be members in this place or stakeholders, that every single aspect of a bill will necessarily have universal and unanimous support, but it is worth putting on the record the large amount of consultation/engagement that has occurred.

The Hon. T.A. FRANKS: With regard to what the minister just said and the purported words of Cindy Smith to the minister's advisers, which bill made sense?

The Hon. C.M. SCRIVEN: My advice is that this amendment bill was the one under discussion.

The Hon. T.A. FRANKS: My comments were about the Children and Young People (Safety and Support) Bill with regard to best interests of the child, where I sought assurances from the minister's office that they would talk to the AASW. The AASW waited for that call and never got it, did not get that communication—it was on the previous bill, which this minister also haplessly brought before this place.

The Hon. C.M. SCRIVEN: I misunderstood the intent of the comment or question from the member.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Franks–1]—

Page 2, line 12 [clause 3, inserted subsection (1)]—Delete 'a day to be fixed by proclamation' and substitute:

1 December 2025

We, yet again, have a social work registration commencement of act extension being requested by Minister Hildyard under her watch, this time with no end date yet again. My amendment deletes 'a day to be fixed by proclamation' and substitutes '1 December 2025', noting that back in March we were told that this scheme was imminent, that the website was created and that they were almost ready to go for 1 July this year. This now sets a start date of 1 December 2025 for this particular act.

Rather than giving the minister a blank cheque, an open-ended lack of deadline, it sets another deadline that will ensure that accountability and scrutiny is applied so we do not see this languish and that it does not spill over into the next parliament and that, if this minister does not do her job, another minister steps in and takes over and gets it done by the end of the year.

The Hon. C. BONAROS: I rise briefly to indicate my support for this amendment, the reasons for it, and I would urge those opposite to do the same. We have heard the reasons we are here today having this debate. There is nothing unreasonable about a 1 December timeframe, given we have already done this before and particularly given some of the responses that have been provided today. I made it very clear when I spoke that I would not support this bill in the absence of a fixed date. The Hon. Tammy Franks has addressed that by providing a fixed date, and it is on that basis—that basis alone—that I am even contemplating supporting this bill.

The Hon. J.M.A. LENSINK: We very reluctantly will not be able to support this amendment. We support the sentiment of the amendment, our heart is definitely with it, but, knowing the way these things work and how close we are to caretaker government, there are potential risks.

I think the parliament's hand is forced because this is a minister who has had nearly four years to implement this, and she could not do it. I do not accept for one minute that it is so incredibly complicated—it is not brain surgery, it is not rocket science. The scope of practice can surely have been defined: we know the scope of how social workers operate and where they practice.

It is consistent with a number of things that this minister has shown. She has dragged the chain on every piece of legislation that has been before this parliament. What we are talking about is our most vulnerable, whether it is in the child protection system, in domestic and family violence or in any of the areas in the scope in which social workers operate in the health system and others. Katrine Hildyard has let vulnerable South Australians down yet again.

The Hon. C.M. SCRIVEN: The government will not be supporting this amendment for the reasons that I have already outlined: the intention and the overriding principle needs to be about getting this right and bringing confidence to the sector that all of their concerns have been heard, and that they are as comfortable as they can be with a scheme that values their important work. So getting it right has to be the predominant factor here.

The Hon. T.A. FRANKS: I want to indicate my disappointment that the Liberal opposition is not supporting this amendment. I have had some communications with the portfolio holder in the other place, and he seems to think that the government must take responsibility for their actions here. I would say that a deadline would ensure that responsibility and play the proper role of parliament to ensure accountability.

A 1 December deadline would in fact require, should the government still not have progressed far enough with this registration scheme, that the parliament would again be able to have the scrutiny that we are currently having to give some semblance of understanding to the sector about what truly was happening behind the scenes. That would happen, presumably, at the end of November this year, and at least we would have some transparency from government.

So I would just remind the opposition—and I understand the Hon. Michelle Lensink is not the lead portfolio holder here—that we are here to hold the government to account. If the opposition thinks the government is going to hold themselves to account, you might need to look for a new line of work.

With that, I note that the UK, New Zealand and other jurisdictions in the English-speaking world right across the globe have registration schemes for social workers. Indeed, an Australian social worker heading over to New Zealand or the UK would have to comply with those schemes. This is not rocket science. It has been done in other jurisdictions. Limiting the scope would allay the concerns of those who do not easily fit within a scheme, and working with the Australian Association of Social Workers would go a long way to ensuring that next time we have a debate like this—which the Liberals are certainly not going to support at this point, but perhaps before the Budget and Finance Committee—we actually get some answers for those people who are going to be most affected.

The committee divided on the amendment:

Ayes 4
Noes.....13
Majority 9

AYES

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

NOES

Bourke, E.S.	Centofanti, N.J.	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.	Scriven, C.M. (teller)	Simms, R.A.
Wortley, R.P.		

Amendment thus negatived; clause passed.

Remaining clause (4) and titled passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (12:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BIODIVERSITY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 June 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (12:14): I rise today as the lead speaker on the Biodiversity Bill 2025, but before I speak to the second reading motion of this bill, I move:

to leave out all words after 'that' and insert—

the bill be withdrawn and referred to the Natural Resources Committee.

While we recognise the importance of protecting our environment and conserving biodiversity, this bill, in its current form, represents a sweeping and heavy-handed legislative overreach that threatens to undermine landholders' rights, recreational access and the practical management of South Australia's natural environment.

Let me be very clear: no-one in this place is arguing against the need to protect and enhance our state's biodiversity, but good intentions do not automatically make good legislation. This bill, at 175 pages, affecting more than a dozen pieces of existing legislation, raises serious and legitimate concerns about fairness, about practicality, about enforcement and about the potential for perverse outcomes.

From the outset, the sheer complexity of this bill should give us pause. It repeals the Native Vegetation Act 1991. It modifies the Fisheries Management Act, the Mining Act, the Planning, Development and Infrastructure Act and even the Fire and Emergency Services Act, just to name a few. Yet, for all its complexity it lacks the one thing it most desperately needs, and that is clarity. The government has failed to adequately explain how all of these moving parts will work together, particularly in real-world, real-time situations, such as fire emergencies or routine land management.

In its current form, the bill does not reflect a careful balance between environmental protection and the rights and responsibilities of landholders. Instead, it reflects an expanding bureaucracy that risks criminalising ordinary responsible activity, activity that supports not just food and fibre production but also regional livelihoods, tourism and recreational pursuits.

I am moving to refer the Biodiversity Bill to the Natural Resources Committee, because it is clear that a wide range of stakeholders—including landholders, recreational users, conservation groups and primary producers—have raised serious and substantive concerns about the current

form of the legislation. These concerns range from the scope of regulatory powers to the lack of clarity around definitions and potential unintended consequences for land use and access.

Given the significance of this bill and its potential impact across sectors, it is imperative that these issues are thoroughly examined through a proper inquiry process to ensure the final legislation is robust, balanced and fit for purpose. We firmly believe that the Natural Resources Committee, which is a standing committee of this parliament, is the right committee to inquire into this particular bill.

Let me start with what this bill potentially means for the people on the land: our farmers, our graziers and our regional communities. These are the people who live and breathe the natural environment, and they do not need a lecture on conservation from the city. They need legislation that supports, not punishes, their role as stewards of our landscape. Primary Producers South Australia, which represents more than 15,000 businesses and over 78,000 full-time equivalent jobs, is just one group that has raised serious and measured concerns with this bill.

They have been deeply engaged in this reform process, providing a detailed submission outlining 22 specific recommendations, essentially advocating for legislation that balances biodiversity conservation with food and fibre production. However, the final bill presented to this parliament contained few of their recommendations. In fact, some changes, such as the addition of the precautionary principle, have further increased regulatory uncertainty for landholders.

Primary producers care deeply about the condition of their land. They are already delivering positive environmental outcomes across vast areas of this state, but they do need certainty and they do need clarity and they do need support, not complexity and compliance risk. Primary Producers South Australia continue to seek incentive-based approaches over punitive ones when it comes to biodiversity, transparent and science-based regulation, and alignment with emerging biodiversity markets so that landholders can fully participate in stewardship opportunities. In their submission PPSA also rightly pointed out that the expanded definition of a native plant to include any species indigenous to Australia, regardless of whether it naturally occurs in South Australia, will unnecessarily complicate land management and discourage revegetation efforts.

The so-called 20-year rule, which restricts the clearance of native vegetation that was intentionally planted more than 20 years ago, is a perverse disincentive. It will actively discourage farmers from planting native species for windbreaks or paddock regeneration out of fear that they or future owners will be trapped by rigid bureaucratic obligations.

But it is not just the farmers, it is also the conservation groups that have raised some concerns with several aspects of this bill. Although they welcome the modernising of the South Australian threatened species listing process, they recommend that a Scientific Committee should be making threatened species listings. They are also concerned about the map of the regulated clearance areas, which is currently in the Native Vegetation Act, and the proposal in this bill is that the minister will determine this map via a deposited plan in what they say is a dramatic step backwards and sets itself up to be prone to interference from vested interests rather than the public interest.

Recreational users of our natural environment—four-wheel drivers, fishers, campers and hunters—should also be alarmed by the sweeping powers this bill confers. It enables authorised officers to enter private land, inspect vehicles, seize properties and even demand access to recreational equipment, all under the broad banner of biodiversity enforcement. This is disproportionate, intrusive and even somewhat chilling.

The questions need to be asked: will recreational fishers face prosecution for inadvertently disturbing aquatic vegetation? Will four-wheel drivers be fined for crossing terrain that might contain fungi or algae deemed to be ecologically significant? These are actually not far-fetched scenarios, they are logical outcomes of an overreaching law that includes algae and fungi in its definition of a plant and creates criminal offences for non-trivial biodiversity harm.

We must also consider the imposition of a new general duty, an obligation on every South Australian to avoid what is again termed non-trivial harm to biodiversity. But the question has

to be: what constitutes non-trivial harm and what constitutes reasonable measures? There is no clarity in the bill, no examples, no thresholds; instead, landholders, fishers, four-wheel drivers and even suburban residents may find themselves subject to potential prosecution based on vague and subjective standards.

This lack of legal certainty is exacerbated by the expansion of third-party enforcement rights. Under the bill, individuals or organisations, regardless of their connection to the land, will be able to launch legal proceedings against landholders for alleged breaches. Let's be blunt: this opens the door to activist litigation. We could see frivolous, ideologically driven legal action that undermines responsible land use and ties up producers in costly, stressful and protracted disputes. This is not environmental stewardship; this is bureaucratic overreach with a courtroom sting in its tail.

Then there are the enforcement powers granted to authorised officers. Under clause 102, officers may enter and inspect any land, stop vehicles, board boats, seize property and demand documentation, all without a warrant. These powers exceed those of our own police force in some respects and they are being granted to undefined officials whose training and oversight remains unclear. This should raise red flags for every South Australian concerned with civil liberties and the right to peaceful enjoyment of one's property. We are giving sweeping powers to enforce laws so ambiguous that even experts are struggling to define them.

I want to speak to the impact again on recreational users, because they too are stakeholders in our state's environment. In fact, on communications with the president of the Four Wheel Drive South Australia association they were unaware of this piece of legislation. Given the potential impact that this piece of legislation could potentially have on four-wheel drive enthusiasts, the fact that they were not consulted on this bill is absolutely outrageous because the legislative reality is that four-wheel drive clubs, recreational fishers, campers and even bushwalkers should all be concerned that their access to public and even private land may be restricted under this new regime.

Will crossing a seasonal creek or bush track require clearance approvals if algae and fungi are present? Will a family driving to a remote fishing spot risk being in breach of biodiversity protection simply because their route traverses 'critical habitats'? Let's be clear: this bill gives the minister sweeping powers to declare areas of land, inland water or marine spaces as critical habitats with very little recourse for review and if you happen to find yourself in one of those areas, knowingly or not, you could be subject to penalty.

The bill also creates real risk for the viability of popular outdoor activities like hunting and fishing, especially where native animals are given new layers of protections without exemptions or practical management tools. Emergency management is another major red flag. In the heat of bushfires in South Australia every second counts, but this bill creates confusion over who can authorise vegetation clearance during fire events, raising the risk that vital action will be delayed while operators wait for written approvals. This is not just bad policy, it is actually dangerous.

Let's talk about the so-called balanced governance this bill proposes. The Native Vegetation Council will be dissolved. In its place, a series of new advisory bodies will be appointed but without guaranteed representation from either primary producers or pastoralists. Those who manage over half of the state's land mass may be excluded from the decision-making processes that directly affect them. This is not reform; it is regression. It replaces practical management with process and local knowledge with centralised control. It makes criminals out of landowners for doing what they have always done: manage their land sustainably and responsibly, with an eye to future generations.

The bill also imposes new and increased penalties, up to $500,000 for individuals and $1 million for body corporates. That is an extraordinary level of liability in an environment where rules are vague, the definitions are unclear, and the obligations are not well communicated.

There are also major gaps around how this legislation interacts with existing frameworks like the Landscape South Australia Act and the Fisheries Management Act or recreational access legislation. Will this create overlapping permit systems? Will this create more red tape or higher fees? No-one seems to know, and the bill does not say.

We were told that this bill will foster transparency, yet it centralises decision-making powers in the hands of the minister and does so without adequate safeguards, checks or guarantees of

community representation. This is not democratic accountability; this is centralised control. We in this chamber have a duty to not just protect the environment but to protect the people who live within it. That includes ensuring that recreational users can continue to enjoy our state's parks and landscapes, that landowners are not punished for planting trees, and that local councils are not bankrupted by roadside vegetation clearance permits.

We cannot protect biodiversity by alienating the very people who live on the land and manage it every single day. We cannot build trust enforcing regulation through surveillance, intrusion and threat of litigation, and we certainly cannot deliver sustainability if we suffocate innovation, investment and responsible land stewardship under a blanket of red tape.

If this bill is not referred to the Natural Resources Committee, which we believe is a sensible place to publicly inquire into this bill, to inquire into this huge amount of issues, then let me be clear: we will not be supporting the Biodiversity Bill 2025 in its current form. I call on the government to take seriously the concerns of industry and the concerns of regional communities and of everyday South Australians.

I urge the government to pause, to listen and to reconsider. I urge the government to support the motion for an inquiry because once this law passes this place without significant amendment the damage it may do to communities, industries and livelihoods could take decades to undo. This is not how we want to build sustainable futures. It is how we build resentment, red tape and retreat from what this bill is aiming to achieve, which is responsible environmental management.

The Hon. B.R. HOOD (12:30): I rise today to speak on the Biodiversity Bill before the chamber. This bill is approximately 175 pages of centrally driven legislation that reflects a metro mindset and will have sweeping consequences for regional South Australians, people who already shoulder the responsibility of environmental stewardship. Nobody is more invested in the long-term health of the environment than our farmers, our graziers and our regional landholders. They live in it, they manage it and they depend on it, yet this bill treats them not as custodians but as liabilities, an attitude that is fundamentally out of touch.

Powers given to authorised officers under clause 102 are of particular concern. They allow for entry onto private land, inspections of vehicles, seizures and a broad range of discretionary actions. This goes far beyond what is reasonable in an environmental management framework. The opposition amendments, which my honourable colleague has spoken to and which ensure that authorised officers are protected from personal liability if acting in good faith, help to address this concern. It gives confidence for those doing the right thing and sets a limit on the legal exposure created by vague enforcement powers.

Likewise, the opposition amendment requiring the minister to reimburse councils when their officers are appointed as authorised officers is a practical measure. Councils should not be carrying the financial burden of enforcing state legislation. This is a matter of fairness and of good governance.

The significant issue in this bill is its definitional overreach. The inclusion of fungi, algae and any part of a plant, however small or incidental, within the meaning of 'native plant' creates a situation where nearly every parcel of land could fall within the scope of regulation. The opposition amendments that properly define fungi and algae and clarify what constitutes a native plant of a relevant kind will help avoid confusion. They bring more precision to a bill that, as drafted, reads more like a trap for the unknowing than a road map for responsible land management.

There is also a matter of restoration, an idea that, while noble in intent, needs clear boundaries in the law. The opposition amendment defining restoration of biodiversity as efforts to return diversity to pre-1400 levels, while acknowledging that this may not be achievable, is a welcome inclusion. It adds historical context but recognises the practical limitations of modern land use.

Another concern is the extraordinary level of control handed to the minister, including who gets appointed to key advisory committees. The opposition amendment that requires the minister to keep requesting nominees from peak bodies until a suitable candidate is found is a basic but important safeguard. It ensures that those most affected by this biodiversity policy have a seat at the table and are not overridden by ministerial preference.

Importantly, consultation obligations have been strengthened. The opposition amendment that requires notification and feedback from key organisations, including Primary Producers SA, the LGA and the Conservation Council, before a biodiversity policy is implemented brings the sort of structure that should have been baked into the bill from the start. It means policy will not be made in a vacuum. It means that people on the ground will have their say.

The bill also allows for policy instruments or regulated area changes to be enacted with little or no warning. This creates massive uncertainty for landholders and councils trying to plan ahead. Opposition amendments requiring at least four months' notice before changes take effect are a clear improvement. They ensure communities are not blindsided by sudden regulatory shifts. Other changes to clearance distances, extending fence line and building clearance zones make sense. These small increases reflect real-world conditions and give landholders a margin of safety and workability that the original bill has overlooked.

There also is a broader risk here. Many farmers have spent decades planting native vegetation—shelter belts, windbreaks, buffer zones—not because they had to but because it was the right thing to do. Under this legislation those actions could become a liability. The very people who have done the most to improve biodiversity may end up being punished for it, and that is a perverse outcome that we must avoid.

This bill in its current form still represents a fundamental overreach. It does not encourage conservation through cooperation—it imposes it through control. It hands sweeping powers to bureaucrats, creates confusion through ambiguous definitions and elevates ministerial authority at the expense of community input.

The amendments moved by the opposition go some way to restoring some balance. They are measured, sensible and aimed at improving workability without gutting the bill. They will not solve every issue but they make this legislation less hostile, more transparent and a little more in touch with the reality on the ground in regional South Australia. If this government is serious about genuine environmental management, not just symbolism, then they should adopt these amendments in full.

We do not protect biodiversity by alienating those who manage it—we do it by working with them. Right now, this bill fails the test. I cannot support this bill in its current form, but I thank the Hon. Nicola Centofanti for her efforts to improve it through these opposition amendments. I urge the government to take these proposals seriously. Regional South Australians deserve no less.

The Hon. T.A. FRANKS (12:36): I rise to support the Biodiversity Bill before us. This well-intentioned bill recognises the importance of biodiversity and seeks to bring South Australia in line with other jurisdictions by responding to the current inadequate protections.

Globally, biodiversity loss and ecosystem degradation are major concerns. Species extinction is at previously unimaginable levels. Human health is positively and directly impacted not only by biodiversity but by the quality of biodiversity. Whilst we often fail to recognise the extent to which we depend upon them, the ecosystem services are invaluable to the provision of clean air, water and food. Indeed, when we fail to protect biodiversity we fail to protect those very resources that are so fundamental to all life on earth—and all our lives on earth.

Evidence shows that exposure to a range of plants within a landscape, whether it be natural or created, may contribute both directly and indirectly to reductions in both acute and chronic health effects of air pollution such as allergies, asthma, cardiovascular diseases and premature death. Not only do we benefit from biodiversity as humans but the higher the quality of biodiversity the more we benefit.

It is absolutely in our best interests as a species to better protect biodiversity. Indeed, evidence shows that the loss of species from an ecosystem can significantly impact the capacity of that ecosystem to deliver these critically important ecosystem services, whether those services mitigate heat, noise or air pollution, or mediate human health and wellbeing.

It is great to see that recognition also of First Nations knowledge is embedded in this bill. This sees, as far as practicable, First Nations knowledge sought, considered and applied in a range of instances. In what is a groundbreaking move for South Australian legislation, the bill recognises a

much broader range of animal species, with invertebrates being included, many of which play crucial roles in our ecosystems.

While there have been concerns expressed about the Native Vegetation Act being absorbed by this bill, it does put into place stronger requirements than the existing Native Vegetation Act. For instance, it requires evidence that the mitigation hierarchy has been worked through by those applicants who seek to remove native vegetation. The current Native Vegetation Act has no such requirement.

This bill requires that not only is the Native Plants Clearance Assessment Committee satisfied that the mitigation hierarchy has been applied with respect to the proposed clearance but also that they take into account the potential cumulative impacts, both direct and indirect, that are reasonably expected to result from the proposed clearance. There are many across the state who will be pleased to hear this, as there has been a developing community awareness of the cumulative impacts of losses such as we see with these.

Those who have advocated for stronger tree protections have cited cumulative impacts as being fundamentally missing from the decision-making process. I also commend the government on the requirement for the Native Plants Clearance Assessment Committee to be convinced that the mitigation hierarchy has been exhausted before accepting the need for an applicant to pay into an offset fund, rather than carry out that offset planting themselves.

For clearances that relate to safety and fire prevention, the bill explicitly spells out the circumstances under which such clearances are permitted. They are much clearer than what has been seen elsewhere regarding emergency removal of protected trees, whether native or exotic, for instance. It is this level of clarity that removes the wriggle room that has for far too long allowed the removal of large native trees under questionable circumstances.

There will be amendments to this bill to further improve it, ensuring, for instance, that native vegetation clearances designed purely for primary production properties apply only to those properties, rather than applying to significant parts of the metro area. I also will see amendments that increase transparency and accountability and look forward to supporting those, such as that consultation is not solely at ministerial discretion but remains part and parcel of reviews of the bill to become an act.

We intend, of course, in the debate to bring back the capacity for the Conservation Council to nominate a representative for the environment sector to the Native Plants Clearance Assessment Committee. As the peak body for the environment in this state, it is fitting that the council is able to nominate a representative. I also intend to use my vote to ensure that all native vegetation clearances, from application through to approvals, are listed on the PlanSA portal in addition to any other sites where they may be required to be listed.

The PlanSA portal is part of the state's new Planning and Design Code and was sold to us as being the one-stop shop for all development applications and approvals. Native vegetation clearances are inevitably tied to development of some kind, so it makes sense to include them in this portal. This will also ensure that the register of clearances would be more accurately updated.

Finally, the bill concentrates much power in the hands of the Minister for Environment. Indeed, entire areas can be carved out either temporarily or permanently or the act suspended for a period of time.

This bill has much to recommend it, and I do commend the Malinauskas government and the department for the work that has gone into it. I would also like to acknowledge the significant community input that was received during the consultation period, which was extensive. This is a key aspect of participatory democracy and has ultimately led not just to this bill but to an improved bill and, hopefully, to support for the amendments that I have outlined.

On that note, I would like to thank my adviser, Joanna Wells, for the extraordinary level of effort she has put into supporting me on the debate on this bill and, indeed, also Emily Gore in Minister Close's office for the fine work that she has done and continues to do as we work through the amendments that are tabled. I recognise in particular the good work of the EDO, which has made quite an extensive submission to this bill, and Michael Cornish, who I know has gone above and

beyond in lending his expertise to ensuring that the debate on this bill sees the best bill this parliament can produce at this time. With that, I look forward to the committee stage.

The Hon. J.S. LEE (12:43): I rise today to speak on the Biodiversity Bill 2025, which aims to modernise the protection of native animals, plants and ecosystems in South Australia and consolidate and replace the Native Vegetation Act 1991 and components of the National Parks and Wildlife Act 1972. Currently, biodiversity is regulated through a patchwork of laws across a range of acts, and this bill intends to simplify and consolidate existing laws into one unified approach and streamline decision-making processes.

At the same time, the new biodiversity act intends to strengthen biodiversity protection by expanding the definition of native plants and protected animals, recognise and protect habitats that are critical to the survival of threatened species and embed First Nations knowledge into environmental management. It will also improve enforcement mechanisms, strengthen penalties, facilitate increased restoration and enhance transparency with increased access to state biodiversity data. These are worthy considerations and aspirational goals, recognising both the importance of protecting increasing biodiversity in South Australia and the need for more streamlined, transparent and practical legislation.

As other honourable members have outlined, this is an immensely complicated bill, which not only consolidates and modernises a patchwork of existing legislation but also makes a wide range of significant changes, which have regulatory implications for stakeholders across our community and industries, from farming and primary production to Aboriginal communities, housing and infrastructure development, mining and local government.

Some of the key changes and new provisions in the legislation include a new general duty to take reasonable and practical measures to prevent or minimise harm to biodiversity. This duty applies broadly across industries and activities and, while failure to comply will not constitute an offence, it may trigger compliance, reparations and other regulatory orders. New governance structures, such as the Biodiversity Council, the Native Plants Clearance Assessment Committee and advisory bodies such as an Aboriginal Biodiversity Committee and the Scientific Committee, will oversee regulations and policy development and implementation.

There is the introduction of a new State Biodiversity Plan that will be developed by the minister, with input from the council and committees, that will shape decision-making, including restoration targets, biodiversity indicators and conservation priorities. The bill also expands the scope of current environmental protections to include all native plants indigenous to Australia, not just South Australia, and recognises algae, fungi, threatened invertebrates, amphibians and fish. This brings a wider range of vegetation under regulation and will increase requirements for clearance approvals, including native plant species that were intentionally planted and/or more than 20 years old.

The areas where unauthorised clearance is prohibited will be increased to include all public land within South Australia. All native animals will be protected from interference by default, with exemptions to be made specifically in the regulations. New critical habitat areas that are deemed essential for the survival of a threatened species or ecological communities can be declared by the minister. Where a plant is part of a declared critical habitat, the Native Plants Clearance Assessment Committee must not approve clearance unless satisfied that the activity will not cause or contribute to an increase in the risk of extinction or collapse of a threatened species of an ecological community.

I want to focus now on a range of concerns that have been raised across the community, particularly from the within the development sector, about the impacts of the new legislation. Significant elements of the legislation are to be addressed in the regulations, including any transitional provisions. This lack of clarity in the bill creates significant uncertainty for businesses, developers and the community. Peak bodies, such as the Property Council of Australia and the Urban Development Institute of Australia, raised concerns during the public consultation on the draft bill that the lack of transitional provisions is particularly concerning for those with projects in planning or currently seeking approval. There is no indication of how such proposals may be affected by the legislation.

The lack of consultation with the development sector on key elements, such as the significant environmental benefit (SEB) scheme, has also been highlighted in the feedback on the bill. The SEB is enshrined in the legislation, but will be developed by the minister following the passage of the bill and will ensure offsets generally compensate for the impacts and loss and leave biodiversity in a better state. While the minister has stated that the SEB policy will be developed with significant consultation and that the policy will have regard to the practical implications for business and industry, the bill does not specify that the development sector must be involved in the consultation at all.

The government has stated that the new biodiversity act will help streamline approval processes and improve existing links to current legislation, such as the Planning, Development and Infrastructure Act 2016. However, concerns have also been raised that infrastructure development and residential subdivisions may be required to seek native plant clearance approvals from both the Native Plants Clearance Assessment Committee and also as part of any development approvals under the Planning, Development and Infrastructure Act. If this is the case, it creates duplications and increases regulatory processes rather than streamlining and reducing red tape as the bill intended. Ecological assessment to identify controls to mitigate the risk of harming biodiversity or native plants or animals could significantly affect project timelines and budgets.

The Local Government Association also raised concerns about the bill's proposal to expand the spatial application to include public land. The LGA has strongly urged for consultation with councils directly affected by this change to ensure that they can still undertake necessary maintenance and act in the best interests of public safety.

The LGA has raised further issues about road safety, maintenance and management. The bill states that consent can be given by the Native Plants Clearance Assessment Committee for 'clearance of native plants incidental to work being undertaken by or on behalf of the Commissioner of Highways', and the LGA has asked for similar provisions to be applied to roads that are under the care and control of local councils.

Further, the LGA has highlighted that there are longstanding issues with accessing rubble pits for suitable road base for road construction purposes. The cost of transporting road base material for roads over long distances is prohibitive and significantly increases the cost per kilometre of road building and maintenance. The LGA suggests that the SEB scheme should facilitate the use of rubble pits, with native plant considerations accounted for in an efficient manner.

Further feedback from the LGA recommends that expert input from road safety advisory bodies should be considered to harmonise road safety and native plant management requirements on roadside verges. Where native plants that exceed two metres in height pose a risk of personal injury or property damage, an assessment by a plant health expert is required for clearance approval.

The LGA has also stated that councils rely on qualified and experienced staff to make informed risk-based decisions about tree management and that local government being required to seek expert reports would be unnecessary and oppressive. These are the areas that the LGA would like government to consider.

Finally, I note that, during the consultation on the draft bill, a range of stakeholders raised concerns about the lack of an appeal or review process in relation to decisions about the clearance of native plants. I understand this has now been addressed in the final version of the bill before us, but I remain concerned that the review process may not be transparent or adequately able to cover these issues.

I note that a range of amendments by many honourable members in this place has been filed. I will consider the merits of all the amendments during the committee stage of the debate. I will also give my consideration to the proposition by the Liberal opposition to refer the bill to a committee. I would like to hear explanations given by various members before decisions are made.

The Hon. T.T. NGO (12:53): I rise on behalf of the government to speak on the Biodiversity Bill. The Malinauskas Labor government made an election commitment to South Australians to introduce this bill. It brings together the Native Vegetation Act and key biodiversity provisions from the National Parks and Wildlife Act, ensuring that they work together to provide stronger and clearer protections for nature.

South Australia's landscapes and seascapes are very much a part of our identity, our economy and our future prosperity, yet we know that biodiversity is under increasing pressure. This legislation meets that challenge head-on. The state's first Biodiversity Bill consolidates a range of laws into one coherent framework, making the rules clearer, stronger and easier to apply.

The World Wildlife Foundation's 2024 Living Planet Report found an average 73 per cent decline since 1970 in global populations of mammals, fish, birds, reptiles and amphibians. The Malinauskas Labor government knows protection alone is not enough. We must also fix or heal what has been harmed.

The bill mandates a State Biodiversity Plan. This requirement will see the development of a collaborative road map with statewide priorities and measurable targets. New and existing tools, such as biodiversity agreements, sanctuaries and action plans for threatened species will help give greater certainty to private landholders, developers and community groups. This will help clarify biodiversity priorities and guide development and restoration planning.

This bill gives greater certainty to a range of people and groups. Whether you are a farmer, a miner, a developer, a council or conservation volunteer, the bill explains what changes and what stays the same. For example, mining and major projects can retain current vegetation clearance exemptions; however, stricter offset rules where critical habitat is involved will be implemented. The introduction of this new process will identify and safeguard habitat vital for the survival of threatened species.

Agriculture will keep practical exemptions for day-to-day land management while adopting the general duty policy to avoid harm so that all South Australians play a role in protecting biodiversity. The introduction of general duty will require anyone undertaking an activity to avoid non-trivial harm to biodiversity and recognise habitat that is critical to our threatened species. Faster enforcement powers, higher penalties and new third-party civil enforcement provisions will ensure that misconduct is dealt with quickly and decisively.

The conservation sector gains a modern listing process and the power to nominate species for protection. The bill expands the definition of 'native plants' and 'protected animals' to include algae, fungi, threatened invertebrates, amphibians and fish. Aboriginal peoples gain a formal voice through the Aboriginal Biodiversity Committee and retain cultural rights to gather and hunt native species.

Developers and infrastructure providers will see better alignments with planning laws. The bill streamlines decision-making and sets clear boundaries on what is and what is not regulated. It establishes four expert committees: the Biodiversity Council, the Aboriginal Biodiversity Committee, the Clearance Assessment Committee and the Scientific Committee.

In addition, the bill is supported by three dedicated funds aimed to restore and conserve our natural assets. The Biodiversity Restoration Fund and Biodiversity Conservation Fund are largely rolled over from the Native Vegetation Act and National Parks and Wildlife Act respectively. A new Biodiversity Administration Fund will be set up to ensure better transparency and accountability in expenditure of funds.

These structures will place science, Aboriginal knowledge and community voices at the centre of every key decision through this legislation, and we will commit to three simple but profound objectives, and those are: protect what is irreplaceable, repair what is damaged, and, finally, share the responsibility. I therefore commend this Biodiversity Bill to the house and urge members to support it.

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

Sitting suspended from 12:59 to 14:16.

SUPPLY BILL 2025

Assent

Her Excellency the Governor assented to the bill.

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Auditor-General—Report 3 of 2025: Proton Therapy Project: SA Government context and insights

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

The University of Adelaide, Report—2024
Regulations under Acts—
Tobacco and E-Cigarette Products Act 1997—Prescribed Quantities
Determination of the Remuneration Tribunal No. 3 of 2025—
Minimum and Maximum Chief Executive Officer Remuneration
Report of the Remuneration Tribunal No. 3 of 2025—2025 Review of Minimum and Maximum Remuneration for Local Government Chief Executive Officers

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

Rules of Court—
District Court Act 1991—Uniform Civil—No 14
Environment, Resources and Development Court Act 1993—Uniform Civil—No 14
First Nations Voice Act 2023—Uniform Civil—No 14
Local Government (Elections) Act 1999—Uniform Civil—No 14
Magistrates Court Act 1991—Uniform Civil—No 14
Supreme Court Act 1935—Uniform Civil—No 14
Youth Court Act 1993—Uniform Civil—No 14

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

Fees under Act—
Strata Titles Act 1988
Regulations under Acts—
Children and Young People (Oversight and Advocacy Bodies) Act 2016—Consultation
Department for Correctional Services Response to Official Visitor Annual Reports 2024

Question Time

COMMISSIONER FOR DROUGHT SUPPORT IN SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): My questions are to the Minister for Primary Industries and Regional Development regarding the recently announced drought commissioner.

1. Is the drought commissioner a statutory commissioner?
2. What is the scope of the commissioner's role?
3. Who does the commissioner report to, and is he reporting to a subset of cabinet?

4. Does the commissioner hold any formal powers and, if so, what is the legislative and administrative basis for those powers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): I thank the honourable member for her question. I was very pleased to be able to announce, with the Premier, last week the appointment of Mr Alex Zimmerman as the drought commissioner for South Australia. It has certainly been the case that a number of industry groups have been in discussions with the government for some time now about the potential benefits of having a role such as this appointed to South Australia.

Obviously, we made our first drought package back in November last year and followed up with a second package in April and whilst we have seen some rain in some parts of the state it certainly has not been enough to be a drought breaker and we are continuing to work closely with all of the affected industries: the peak bodies, the farmers direct and so on.

It is not a legislated role, obviously, otherwise that would have come to this place. The role will be—or indeed is because the commissioner has commenced—very much involved in the all-of-government oversight of the drought support package, engaging with communities, with drought-affected farmers and continuing and expanding on the work that I have done as minister and the Premier has done in his role, as well as PIRSA.

The drought support package, of course, is across government, not just within PIRSA, but the situation in terms of being able to ensure that that is hitting the ground in the way that we would envisage and that we are continuing to provide the sorts of supports that are helpful for the drought-affected farmers and indeed other regional communities will be a key part of the role of the drought support commissioner, or drought commissioner.

In terms of the other aspects, just to go into a little bit more detail, as I mentioned it is not a statutory commissioner, but Commissioner Zimmerman, I hope everyone would agree, has a very broad range of relevant experience. He undertook a very significant role in the River Murray floods. He will be serving in an advisory capacity, providing his expertise and guidance to government as we continue to navigate the support necessary for drought. He will report directly to me as Minister for Primary Industries and Regional Development and we will certainly look at whether reporting to cabinet as time goes forward would also be appropriate. Clearly, it is early days for him—this is his second day—and we look forward to updating the chamber further.

COMMISSIONER FOR DROUGHT SUPPORT IN SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): Supplementary: can the minister outline to the chamber the potential restrictions of being a non-statutory compared to a statutory commissioner and does the drought commissioner have any formal powers?

The PRESIDENT: I think you did mention the statutory officer part of the question, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): Sure. I had actually approached it from a different aspect. The advantages of being non-statutory and therefore not requiring a legislative change to establish this means that he is able to be on deck more swiftly and he is able to be agile. I outlined the nature of the role in response to the first question and I think that really does go to the purpose of it. In many ways, I guess the role will be broader because it will not be limited by statute.

COMMISSIONER FOR DROUGHT SUPPORT IN SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Final supplementary, Mr President.

The PRESIDENT: Well, I will judge as to whether it is a supplementary question. The honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: In the commissioner's role, what funds and resources will be accessible?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): Secretariat support—or administrative support might be the better way to put it—will be provided by PIRSA.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of varroa mite and the current pollination period.

Leave granted.

The Hon. N.J. CENTOFANTI: The horticultural pollination season is set to begin within days, with crops such as almonds, apples, berries and vegetables all heavily reliant on bee pollination. Industry stakeholders have raised serious concerns about the government's preparedness to meet pollination demands whilst managing the biosecurity threat of varroa mite.

My question to the minister is: given the significant economic risk posed by either a pollination shortfall or indeed a varroa mite incursion, will the minister advise what urgent actions the government is taking to ensure pollination needs are met safely, specifically in relation to maintaining high border restrictions, surveillance at entry points and, most importantly, auditing local hive capacity and industry engagement in regard to that hive capacity and that audit?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I thank the honourable member for her question. To go to the final part of that question first, in regard to engagement, I will just remind members of some of the things that have occurred to date. The 'South Australian Varroa Program: Detection Response & Transition to Management Plan' was released in October last year. The plan was developed in consideration of advice from SAVIAC and also sought both public and industry feedback via YourSAy.

SAVIAC continues to provide advice to PIRSA in response to the expansion of varroa mite into Queensland, Victoria and the ACT, as it is at the moment, and changes in cross-border regulations. The department provides critical information regarding changes in varroa distribution, upcoming events, training resources and financial and wellbeing support services. The information is distributed fortnightly via email and digital media avenues to all registered beekeepers.

Funding has been allocated to support three varroa development officers and one extension and engagement coordinator to work with the state's beekeepers and apiary associations, which is assisting them to prepare and to manage varroa mite over the long term. Since their recruitment in November last year, the varroa development officers have conducted more than 400 engagements with over 750 beekeepers, while a workshop series has delivered our workshops to over 400 beekeepers, with additional workshops being rolled out later this month and also in early July. The support is being provided at least until February 2026. Obviously, we will consider future resourcing at that time.

There are several quarantine stations on main arterial road entry points into South Australia, with quarantine staff trained to look for biosecurity risks to the state, including apiary commodities. Quarantine staff are kept up to date with permit requirements for apiary commodities. In addition to this, a number of random roadblocks are set up at other entry points, including Bordertown, where they perform the same functions as those permanent quarantine stations. I am aware of planned roadblocks occurring at Bordertown in July and August.

PIRSA also utilises target remote surveillance technology to monitor alternative routes into the state in case of illegal movement of apiary commodities. PIRSA can also request access to information received by static traffic cameras run by the Department for Infrastructure and Transport for investigations into illegal movements of apiary commodities. The PIRSA apiary unit is, further, finalising a more streamlined process for the processing of permits for apiary commodities entering the state to redirect resources into active field surveillance in favour of manually processing permits and desktop auditing of paperwork.

We, as a state, of course, have committed to implementing the national varroa response plan and the subsequent transition to management program which aims to slow the spread of varroa across Australia. That is supported through a permitted entry process that focuses on risk-based movements, pre-entry and post-entry treatments, and surveillance conditions for bees and bee commodities originating from other jurisdictions. These same conditions also apply to SA beekeepers returning from interstate.

In terms of auditing and assessing local hive resources, SAVIAC is providing advice from its members to PIRSA on the number of hives required for pollination in 2025. Information received from SAVIAC is that there is currently a shortfall of SA hives available for pollination services this year.

Some SA beekeepers are withdrawing from providing these services due to a range of reasons but mainly, according to our advice, centring around hives that are in poor condition due to drought and therefore not being fit for service. There are a range of reasons why South Australian beekeepers may not wish to provide hives for pollination services, and ultimately this is a business decision for those apiarists to make.

I understand there are brokers in place who manage the sourcing of hives between pollination-dependent industries and apiarists, and that varroa development officers are supporting beekeepers with advice and assistance to monitor for varroa mite to aid in its earliest possible detection.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: what is the minister, and indeed the government, doing about that shortfall of hives for pollination in the current year, and in particular for any safe movement of hives for the horticultural industry and agricultural industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): The second part of that question I have already answered today. The first part I have answered to some degree, which is that there are brokers in place who manage the sourcing of hives between pollination-dependent industries and apiarists. These are businesses; obviously, they are able to source hives from a variety of different locations around the country—subject, of course, to the national varroa response plan and the permits that I mentioned.

BUSHFIRE PREPAREDNESS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): I seek leave to make a brief explanation prior to addressing a question to the Minister for Emergency Services regarding bushfire preparedness.

Leave granted.

The Hon. N.J. CENTOFANTI: In times of emergencies, such as bushfire or a fire that spreads to cropping areas, rural and regional landholders are not only the first line of volunteer defence that steps up to help but they also make their resources available for use, such as dam water and farm fire units.

Given the drought has emptied thousands of dams and tanks across the state and water is an incredibly precious commodity in the season ahead, my question to the minister is: what alternative plans are being made for a bushfire season with extending drought conditions and little access to on-farm water assets, with people's dams and tanks running dry?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:37): I thank the honourable member for her question. As she has rightly highlighted, we know that our emergency services responders play a significant role in supporting our communities, and particularly finding ways to provide that support. I know that there have been many discussions about how we can continue to provide that support.

This has been a long, dry summer and different learnings have come about from that experience. It is my understanding that our emergency services have been working with SA Water

and DEW on what that could look like going forward. As I understand, those discussions have been had and will continue to happen, because we know that there are always learnings when it comes to bushfire management and how we can best protect our community. They are ongoing discussions, and important ones at that.

BUSHFIRE PREPAREDNESS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Supplementary: is the minister being briefed on a regular basis about those discussions with SA Water and DEW?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:38): As I said in my answer, there are many ongoing discussions about all forms of fire support, emergency support, fire prevention, and what we can be doing and learning from—not only our experiences here in South Australia but also around the world. Those discussions are ongoing and will continue to be ongoing.

BUSHFIRE PREPAREDNESS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Final supplementary: are there contingencies in place in the case where there is insignificant water available through either SA Water or DEW for the upcoming firefighting season?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:39): I don't know how many times I have to repeat the same answer I am giving you. There are many different ways of providing support in regard to responding to a fire.

An honourable member interjecting:

The Hon. E.S. BOURKE: Well, there are many different forms. It is really important that we have professionals who have been put in place in our community who know how to respond to our fires. They do have ongoing conversations. They do need to learn from what has happened around the world, and they will continue to find new ways of supporting our community.

LOWITJA O'DONOGHUE EXHIBITION

The Hon. R.P. WORTLEY (14:40): My question is to the Minister for Aboriginal Affairs regarding the Lowitja O'Donoghue exhibition. Will the minister inform the council on the inaugural launch of the Dr Lowitja O'Donoghue exhibition in Adelaide?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:40): I thank the Hon. Russell Wortley for his question. I recently had the pleasure to attend the launch of the exhibition *Lowitja—A Life of Leadership and Legacy* at the Kerry Packer Civic Gallery at the University of South Australia, City West Campus. Running from 4 June to 25 July, this free exhibition offers a tribute to the late Dr Lowitja O'Donoghue AC CBE DSG, one of Australia's most influential leaders.

Visitors can engage with videorecordings of Dr O'Donoghue's landmark speeches and interviews, offering a dynamic perspective on her life experience, advocacy and impact. The exhibits are organised around pivotal themes such as stolen generation, Aboriginal nursing and health, and her leadership roles in organisations like the Aboriginal and Torres Strait Islander Commission, highlighting her multifaceted contributions.

The inclusion of never-before-seen photographs, as well as newspaper clippings and personal correspondence, enriches the narrative of her life and legacy. The exhibition coincides with the Lowitja Institute's fourth International Indigenous Health and Wellbeing Conference, which I had the privilege of helping open last night.

Experiencing this exhibition on opening night was profoundly moving. It not only honours Dr O'Donoghue's legacy but also serves as an educational platform, inspiring continued advocacy for Aboriginal and Torres Strait Islander peoples. I highly recommend this exhibition to gain a deeper

understanding of Dr O'Donoghue's extraordinary contributions to Australian society. I understand that there are many school groups that are taking advantage to visit this exhibition.

The South Australian government is a proud sponsor of this important exhibition. I would like to congratulate all those involved, particularly Ms Deb Edwards and her family for their hard work in going through boxes and boxes of archives of photos and newspaper clippings that make this exhibition so personal and so special. I would also like to congratulate the Lowitja Institute, the Lowitja O'Donoghue Foundation, the Hawke centre and the University of South Australia.

LOCAL GOVERNMENT CENSORSHIP

The Hon. F. PANGALLO (14:42): I seek leave to make a brief explanation before asking the Minister for Primary Industries, representing the Minister for Local Government in the other place, a question on the matter of local government censorship.

Leave granted.

The Hon. F. PANGALLO: A disturbing trend is emerging among certain councils where the administration, through mayors, seek to silence criticism and/or innocuous posts on social media by councillors with legal threats, under the guise of causing mental health harm to staff. In December 2024, the Whyalla council adopted a very heavy-handed and undemocratic approach to muzzle one of its councillors and deputy mayor, Tamy Pond. A compassionate Ms Pond, conscious of the turbulence at the Whyalla Steelworks, job losses and the impact it was having on businesses and general confidence, simply reached out to her community, offering support in a heartfelt Facebook post. It is what any elected person is obliged to do. I seek leave to table that post by Tamy Pond, the deputy mayor.

Leave granted.

The Hon. F. PANGALLO: Ms Pond's post was met with a threatening email by Whyalla mayor, Phill Stone, muzzling her and those who had made comments on her page. The glass-jawed mayor did not like any negativity, accusing Ms Pond, saying that her views may be misinterpreted and could contradict those of the mayor and the council. To any reasonable person, they do not. His council works for the people of Whyalla who have a right to know, and I seek leave to table that email.

Leave granted.

The Hon. F. PANGALLO: With the threat of legal action for defamation, even though a public body cannot sue, Ms Pond was forced to take down the post. Similar notices have been sent to other critics. This is tantamount to censorship, the erosion of free speech and the democratic process. What followed next is just as alarming. Requests under freedom of information for the correspondence was denied, and then the rejection was reviewed by the Deputy Ombudsman. However, in an extraordinary determination, the Deputy Ombudsman, Megan Carter, found it was not in the public interest to release it. It now raises the serious question of the Deputy Ombudsman's judgement about what constitutes public interest disclosure. My questions to the minister are:

1. Is he concerned that ratepayers' money is being spent to shut down the democratic rights of ratepayers and elected representatives to have an opinion?

2. Is the minister concerned that the Deputy Ombudsman's determination undermines the integrity agency's role in being a guardian of transparency in government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I will refer the question to the minister in the other place and bring back a response.

MENTAL HEALTH SUPPORT FOR FARMERS

The Hon. T.A. FRANKS (14:46): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of mental health supports for farming communities.

Leave granted.

The Hon. T.A. FRANKS: In a study that focused on data from the period 2009 to 2018, the average suicide rate in farmers was almost 59 per cent higher than non-farmers. This rate increased to 94 per cent higher than non-farmers in 2018 when the country was gripped by drought. While recent announcements of financial supports and the announcement of a commissioner are welcome for those facing drought, we cannot underestimate, despite the importance of financial support, that mental health supports are also something that farmers have been crying out for.

I am given to understand that advocates have been in contact with Minister Scriven's office on more than one occasion, asking for the contact numbers of support services such as Lifeline, Beyond Blue and Suicide Call Back Service, to be placed front and centre on websites such as the PIRSA website. These are commonly used by farmers and it would be a very small cost to place a banner front and centre on the PIRSA website so that those people who are not actively seeking support may be prompted to do so, with the barrier of knowing about these services having been removed. It would be a tiny, almost insignificant action in terms of cost, but one which would be quite profound for those lives it may change.

Destigmatisation is a really important tool in combating and ensuring good mental health, and particularly for those people who do need help to be able to seek that help sooner and before the need becomes more acute. My question to the minister is: will her department place mental health supports on the current PIRSA website with regard to a potential mental health crisis that is currently facing us?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): I thank the honourable member for her question. Mental health is absolutely a significant concern in regional communities, particularly the drought-affected communities across the state, and of particular concern to the Malinauskas government. As a regional resident, I am certainly very aware of the implications not only for an individual who dies through suicide and their family and friends but their entire communities. I know as a regional person myself that, even if you don't know the person directly, chances are you know their extended family or community in a very direct way.

I appreciate the honourable member talking about the importance of this in the context of drought, and destigmatisation is absolutely an important point to make. I am not aware of the issue that she has mentioned being raised. It certainly hasn't been raised in any of the many forums that I have been part of, but I am happy to follow that up.

In terms of mental health more generally within the package, we have a significant commitment to drought mental health. We are supporting individuals and communities through the delivery of mental health awareness support; community-based activities to improve social connection, which is important, and to reduce isolation; counselling to respond to mental health needs; and culturally safe services for Aboriginal communities, newly arrived migrants and seasonal workers as well.

Representatives from SA Health continue to engage industry stakeholders in regard to the initiatives within the support measure, which comprise general health and wellbeing support, mental health counselling and suicide prevention activities. Specific actions being progressed within this measure include expanding the non-government organisation mental health services, finalising arrangements for community-led mental health activities and events, and developing a communications campaign around supporting mental health awareness, which includes a range of farmer-friendly resources.

A total of $3½ million is committed to mental health and wellbeing through the drought support package: $2½ million through the Department for Health and Wellbeing for those more direct services, as well as $1 million through PIRSA, where they have been engaging closely with particularly some of the smaller farmer-led organisations.

It is absolutely crucial that we continue to reach out to our farmers and farming communities, and regional communities more broadly; that we continue to let them know that they are heard and that they are supported; and that we continue to ensure that there is no stigma about reaching out for support and that it's something that we can all do for each other.

MENTAL HEALTH SUPPORT FOR FARMERS

The Hon. T.A. FRANKS (14:51): Supplementary: will that reaching out go to the minister's own departmental website?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): As I said in my response, I am happy to look at that. This is the first time that I have heard of that suggestion. I also refer to the communications plan around mental health that is under development at the moment and whether that would be a good option to include. I thank the member for raising it here.

MENTAL HEALTH SUPPORT FOR FARMERS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:51): Supplementary: how much of the mental health funding that the minister spoke about has actually hit the ground in our farming communities around the state?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I am happy to take that on notice as I don't have those figures in front of me.

AUTISM STRATEGY

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:52): I seek leave to make a brief explanation before asking questions of the Minister for Autism regarding the autism and autistic community.

Leave granted.

The Hon. H.M. GIROLAMO: Paige Carter was front and centre at the launch of the Labor Party's Autism Strategy. Yet, during an interview on *ABC Drive*, she stated that she now feels used by the Labor Party. Speaking on ABC radio on Wednesday 11 June, Ms Carter said that many in the autism and autistic community were initially overjoyed—finally, someone appeared ready to listen. But her optimism has turned to disappointment. She said, and I quote:

> I strongly believe they did it to win. They didn't do it to help our children. They did it because there's a large Autistic community out there that needed help and would cling to hope.

When asked if she felt used, her response was clear:

> Absolutely. I feel like my son who was four at the time was used by the Government.

My questions to the minister are:

1. What is being done to address the real concerns raised by Paige Carter and others within the autistic and autism community who feel that this government, the Office of Autism and the education department have let their children down?

2. Why did it take Paige going on radio for the minister to reach out to her personally?

3. Does Paige and the community she represents deserve a formal apology from the minister?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:53): Thank you for your question. Do I feel I have used the autistic community, and does the government feel that? Absolutely not. When we were elected, we came into government with a small number of policies. Those policies were developed in opposition and we brought them in when we came to government.

Those policies could have just stayed as that handful of policies that we brought in, but when I became the assistant minister it became very clear—because we worked with the autistic community, as we continue to do—that there was a much bigger role to play here and that just starting and staying with those original policies wasn't going to be enough.

If you have ever been to a community forum of mine, which I know those opposite wouldn't have been because you have only been to a couple that I have been at and you haven't

acknowledged something that the autistic community has actually asked for the opposition to acknowledge, which is to sign a charter that they co-designed.

Members interjecting:

The Hon. E.S. BOURKE: Give me time.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: I will, don't you worry.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: In doing so, those who have signed a piece of paper—to your point—over 2,000 people have been trained now across government and in other areas in our community to have knowledge. Five hundred people in one forum have been trained to have knowledge in autism, who are leaders in our state, leaders who employ many people in our state who now have knowledge in autism so that they can better support people so that when they do apply for a job they might think about different ways of having that job interview.

Going back to your question, in our community we have a lot of change that needs to happen and it is going to take a long time. At these forums that I have been going to, I have acknowledged just that. This is going to take time. This is decades and decades of learning a particular way that needs to be addressed. The only way that we can address that is to start from the beginning, and that is to build knowledge.

I know those opposite might think, 'What is building knowledge?' but we can't say that we need to change the outcomes in our classrooms if we don't actually step in and start providing knowledge, so that is exactly what we are doing. We have done that by: in our first year of coming into this role, over 99 per cent, I believe, of primary schools in our public primary school system had access to an autism inclusion teacher—over 99 per cent. That's not a bad outcome in one year. That's not finding a magical workforce who have knowledge in autism; that is about taking a teacher out of the classroom, backfilling them, giving them time, and a government investing $28.8 million over four years so that that teacher can have time to build knowledge in autism.

What did we find when we did that? We started to find changes. This is a big community. There is at least one autistic child in every classroom. How do we support all of them? It will take time because we have to give that skill set to our teachers so that they can better understand how to use those new skills and new knowledge and that new opportunity that brings understanding. It will take time.

What we know is that we have made a start. Not only have we done that in our classrooms, we have then said to our universities, 'We have teachers coming into our school system.' This was not an election commitment; this has come about because we have done these changes. We have gone to our universities and said, 'Something is not working here. We have teachers coming into our school system without knowledge. How do we go about changing that?' So we have been looking to achieve that as well. We had our four universities come together over two years ago to start putting some of those changes into our teachers' degrees. We have made many policies that have come about from these learnings. This has not been about anyone using anyone. This is about us listening to the community.

In regard to Paige and Oaklan, I met them very early on in this journey, and I've continued to meet with them. I haven't just popped up now, seen them and had a conversation with them right now; I have been having this conversation with them for years. I am not going to stand in here and start talking about what is happening and what's not happening for Oaklan. I will continue to do what I do. I will continue to do what we have done—

The Hon. H.M. Girolamo: Well, she is raising concerns and had to go to the radio—

The PRESIDENT: Order!

The Hon. E.S. BOURKE: —and work with that family, just like we made sure there was a package and support in place before Oaklan even started school. So I am not going to let you lecture me about not providing support because—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: It's not about providing support for an individual. You have suggested that we have used someone and we have not—

The Hon. H.M. Girolamo: I have not suggested that; she has suggested that on the radio.

The PRESIDENT: Order!

The Hon. E.S. BOURKE: I am suggesting there has been a big change because of this policy agenda and we have a long way to go, but there is a start and at least we have started, at least we are willing to sign a charter to say that we are making change and made a commitment to do just that.

Members interjecting:

The PRESIDENT: Order! Sit down. The Hon. Mr Hanson, I am not giving you a supplementary question when your leader is shouting across the chamber.

The Hon. R.P. Wortley: You've got egg on your face, all of you.

The PRESIDENT: No, I don't need you to interact.

Members interjecting:

The PRESIDENT: Order!

DROUGHT ASSISTANCE

The Hon. J.E. HANSON (15:00): My question is to the Minister for Primary Industries and Regional Development. Will the minister speak to the chamber about the hay recently received by farmers across the state through the fantastic work of charities, supported by the government's SA donated fodder transport subsidy scheme?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): I thank the honourable member for his very important question. Last November, the Premier and I announced the first iteration of our state government drought support package. Part of that package was our donated fodder transport subsidy scheme. We were aware of charities delivering donated hay to farmers in need, and we developed this subsidy scheme guided by input from the charities and farmers to assist them in continuing this important work.

Initially, $2 million was committed to this scheme. It was so successful that in April, when we announced our extended drought support package totalling $73 million worth of measures to assist farmers, we allocated a further $4 million to the donated fodder transport subsidy scheme. We are actively working with Need for Feed, Rural Aid, Rapid Relief Team, Farmers Relief Agency and the South Australian Dairyfarmers' Association.

Over the June long weekend, more than 200 tonnes of donated fodder were delivered to farmers across the state, thanks to the fantastic work, firstly, of Need for Feed and the support of the state government's transport subsidy. Need for Feed partnered with the local Lions clubs in Goolwa, Victor Harbor and Port Elliot to coordinate the delivery of 40 truckloads of hay to 86 primary producers in that weekend.

The charity had trucks from four different states, being Victoria, New South Wales, Tasmania and South Australia. They collected their trucks of hay in Cobram (Victoria) and Jindera (New South Wales) before gathering in Deniliquin to head off to South Australia together early on Saturday 7 June. The 40 trucks rolled into the Riverland on 7 June and delivered hay to farmers, stopping for lunch at the Berri Lions Club before continuing on their way to the Fleurieu.

The day culminated in a fundraising Drought Breakers Dinner put on by the Lions Club of Goolwa and the Lions Club of Victor Harbor and Port Elliot, also attended by the member for Finniss in the other place and the federal member for Mayo, Rebekha Sharkie MP. I am advised that nearly $60,000 was raised on the evening through the charity auction and raffles and a contribution by the Lions at Yankalilla.

Over the June long weekend, Need for Feed was not the only charitable organisation busily providing free fodder to farmers around our state with state government support. The Rapid Relief Team was also very active, providing much-needed support to 213 farmers in and around Jamestown. With funding support from the state government, the Rapid Relief Team travelled over 1,700 kilometres with 27 trucks loaded with over 1,500 bales of premium-graded cereal hay.

The charity hosted a Farmers Community Connect event in Jamestown, where farmers could pick up their free hay and enjoy a free barbecue lunch and coffee, as well as access to mental health services, the rural financial counselling services and veterinary services. In the very near future, the Rapid Relief Team is coming to the Eyre Peninsula to distribute 130 tonnes of livestock pellets, made possible with funding from the state government for the transport costs as well as very generous donations from the Lions Club network.

This week, Rural Aid is also headed to Kangaroo Island with more than 150 tonnes of donated hay. Kangaroo Island, of course, presents a particular logistical barrier, and my understanding is that this is the first hay run in this drought that has gone to Kangaroo Island. I am very pleased the government was able to partner with Rural Aid to make this delivery possible. It is set to assist 19 farmers on Kangaroo Island, and the delivery will happen over two days, on 18 and 25 June.

I am very proud to support this fantastic initiative. To partner with these charities with government support for the transport is incredibly important. It is having a real impact on farmers and their livestock, and I thank the charities for their very hard work.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:04): Supplementary: how much of the freight subsidy announced in the April package is remaining, and will the government commit to further funding for freight rebates as required?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I am happy to take that question on notice and bring back a response.

WHOOPING COUGH VACCINATION

The Hon. J.S. LEE (15:04): I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Health and Wellbeing, a question about contagious bacterial infection.

Leave granted.

The Hon. J.S. LEE: According to data obtained from the SA Health website on 16 June 2025, South Australia continues to experience a significant and sustained outbreak of whooping cough with elevated case numbers persisting for over 12 months. Whooping cough is a highly contagious bacterial infection that poses serious risks to infants, pregnant women and those wanting immunity.

Despite the predictable nature of the outbreaks typically occurring every three to four years, this prolonged spike suggests gaps in our public health response, particularly in vaccination coverage and early intervention. My questions to the Attorney-General, representing the minister, are:

1. What is the government currently doing to manage and contain the spread of whooping cough in South Australia?

2. How is the government ensuring accessibility of vaccinations, especially for pregnant women and young children?

3. What, if any, public awareness campaigns are being implemented, and how are those campaigns being evaluated?

4. Given that this outbreak has been persisting for over a year and that whooping cough cycles are now well understood, why was the government seemingly unprepared, and what additional measures will be put in place to address this public health concern?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:06): I thank the honourable member for her question. I will pass that on to the minister in another place and bring back a reply. One of the important aspects that the honourable member has highlighted in her question is the vital role that vaccinations play in any public health system. In fact, it is one of the most important public health interventions that has ever been undertaken, and it is concerning that we see, not just in this country but in places around the world, misinformation deliberately put out about the role vaccinations have played and how important they are in public health. But in relation to the specific questions about whooping cough, I will ask the health minister in another place and bring back a reply.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. J.M.A. LENSINK (15:07): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding child protection reform and Aboriginal self-determination.

Leave granted.

The Hon. J.M.A. LENSINK: With the recent passage of the Children and Young People (Safety and Support) Bill, the government has stated that it strengthens the Aboriginal Child Placement Principle and promotes Aboriginal-led decision-making. While some advocates have welcomed the bill as a step forward, others, including former Commissioner for Aboriginal Children and Young People, Ms April Lawrie, have raised concerns that the key decision-making power remains with the state.

Ms Lawrie has also expressed concern that the burden continues to fall on parents to object to guardianship transfers and has called for further reform in line with the recommendations in her report, Holding on to Our Future, which was tabled 12 months ago. SNAICC and other stakeholders pointed to data showing that South Australia recorded a 33.5 per cent increase in Aboriginal children in out-of-home care between 2019 and 2023, which is the highest national increase, and have called for greater support for Aboriginal-led early intervention and care. My questions to the minister are:

1. How does the government reconcile its claims of supporting Aboriginal self-determination with the concerns raised by the commissioner?

2. What action has his government taken in relation to Holding on to Our Future?

3. Is the government going to review the guardianship transfer process placing the burden on Aboriginal families?

4. What funding or structural reforms are being pursued to transition more out-of-home care services to ACCOs?

5. What other measures is the government implementing to reduce the over-representation of Aboriginal children in out-of-home care?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:08): I thank the honourable member for her questions. In relation to issues that specifically deal with out-of-home care and services that are provided, I am happy to pass them on to the minister in that portfolio area, the Hon. Katrine Hildyard, the member for Reynell, in another place.

In relation to what the government is doing in transferring what governments do to ACCOs (Aboriginal Community Controlled Organisations), one of the things that was a requirement under the objectives and the targets of the Joint Council on Closing the Gap was to do a funding review of what government spends in terms of services specifically for Aboriginal people but also mainstream

services that Aboriginal people access. Unfortunately, in the term of the former Marshall Liberal government that was not commenced nor completed.

I am very pleased that, in this term of government, a huge body of work was undertaken by the Department of Treasury and Finance in terms of that expenditure review and we are no longer one of the few jurisdictions to not meet that requirement of the Closing the Gap targets.

Of course, the first step is to look at what is being spent. The next step—and, again, it is one of the objectives under the Joint Council on Closing the Gap—is to look at how we transform government; that is, the services that are provided by government and government departments to Aboriginal Community Controlled Organisations. Having undertaken that first part in identifying the government spend, that is a priority of this government.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. J.M.A. LENSINK (15:10): Supplementary: how does what the minister has outlined address the specific concerns of former commissioner Lawrie?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:10): I touched on that in my answer, but I am often very generous, particularly to the Hon. Michelle Lensink, who asks some of the most sensible questions from the opposition in relation to public policy. I am happy to again include those in the parts that I take on notice and refer to the minister responsible for the area and bring back a reply.

WINTER FIRE SAFETY

The Hon. T.T. NGO (15:11): My question is to the Minister for Emergency Services and Correctional Services. Can the minister update the council about winter fire safety?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:11): I thank the honourable member for his question. We all think it will never happen to us, that a house fire is something that happens to someone else and somewhere else, but the reality is that house fires can and do happen and the cooler months are when the risk is greatest. As winter sets in, we start pulling out our heaters, lighting the fireplace and switching on electric blankets. It is a comforting routine, but it is also the perfect time for the winter safety check. The best way to protect your home, your family and your future is to be prepared.

Already this year, MFS and the CFS crews have responded to 11 house fires linked to heaters and fireplaces. That is up from eight at this time last year and is a worrying trend and a timely reminder. Fatal house fires are more likely in winter, especially while people are sleeping. It can take just minutes for a fire to spread, and it is often not the flames but the smoke that kills. That is why in this year's state budget we have delivered funding to support specialised structural fire training for CFS volunteers because we know that more and more of their call-outs are not just rural or grass fires; they are responding to structure fires too. This funding helps ensure that they have the training and tools they need to respond safely and effectively no matter where the fire is.

Fire safety does not just start with a truck and a siren; it starts at home. So we are making a simple ask of every household and everyone here in the chamber to check your smoke alarm; inspect your heaters, electric blankets and fireplaces before switching them on; keep anything flammable, especially clothing and bedding, well clear of your fireplace; and never leave heaters running unattended. We know these things, but too often life gets busy and the simple checks get forgotten. We think it will not happen to us, but prevention is the best protection, so please take the time to do your winter checks, stay warm and, most importantly, stay safe.

COUNCIL CEO SALARIES

The Hon. S.L. GAME (15:13): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries and Regional Development, representing the Minister for Local Government, regarding council CEO salaries.

Leave granted.

The Hon. S.L. GAME: The Remuneration Tribunal of South Australia recently announced new minimum and maximum remuneration packages for council CEOs. CEOs' maximum remuneration packages were cut at some councils, while other councils, such as Adelaide Onkaparinga, Charles Sturt and Port Adelaide Enfield, will be allowed to pay their CEOs more.

Adelaide City Council requested an increase to the maximum pay limit for its CEO to $500,000, which is significantly more than our Premier gets paid. The tribunal only agreed to increase the maximum to $458,557. My questions to the Minister for Primary Industries and Regional Development, representing the Minister for Local Government, are:

1. Amid a cost-of-living crisis would the government consider amendments to the Remuneration Act 1990 in order to address community concerns about these remuneration packages?

2. Does the government hold firm to their previous response that these pay increases are necessary in order to attract talent to these positions and therefore that the government believes anyone willing to work for less than, for example, the $458,000 of the Adelaide City Council CEO would not have the talent to be the council CEO?

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

DROUGHT ASSISTANCE

The Hon. B.R. HOOD (15:15): I seek leave to make a brief explanation prior to addressing questions to the Minister for Primary Industries and Regional Development regarding community impact of drought.

Leave granted.

The Hon. B.R. HOOD: Small and family businesses form the economic backbone of country communities, yet many are being pushed to the brink by a combination of worsening seasonal conditions and rising input costs. My questions to the minister are:

1. What assessment has the government made of the drought's impact on cashflow in regional towns, particularly for small businesses whose survival is directly tied to the fortunes of local primary producers?

2. Does the government have a credible plan to support them in any issues they may be facing?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I thank the honourable member for his question. As we have said throughout this drought, both prior to announcing the first drought package back in November last year, through the subsequent times and through to April, when we announced the second drought package, this is about primary producers and farmers but it is also about regional communities. We know that when there are good times in the farming communities that does flow through in terms of increased spending in regional communities in regional businesses, often small businesses in particular, which is a very positive outcome.

When there is a sustained drought, as we are seeing at the moment—and I have said before that in some parts of South Australia they are entering their third year of drought, others their second—it has been an issue that has been building more and more. That is the reason that we announced the $73 million drought support package, which has I think, from memory, more than 20 different streams or initiatives within it.

That includes a number of things of direct relevance to small businesses, and I assume the member is referring to small businesses other than direct farming businesses. There is, first of all, the opportunity for small businesses to apply for the $1,500 grants, which are being administered through Rural Business Support (RBS). That is not limited only to farmers but is accessible also to other small businesses that are affected.

We also implemented the Connecting Communities grants, which was about bringing people together but also about supporting local businesses through that. So whether it be a barbecue and some drinks or another type of community event, that is designed to be able to provide additional business for those small local businesses.

I know that one of the events I have spoken about previously was described as a street party for that particular town. That was about bringing people into the town to ensure that those who are able to will spend locally and those who are not able to still will be able to come to those sorts of events, to have some company, some social outlet, and to have a talk with other people—other farmers—about the drought but also with other people and members of the community about other matters.

In addition to that, there are things such as the sports and recreational grants, which are under the jurisdiction of my colleague the Hon. Emily Bourke. That can be used for a number of different purposes. It might be, on my understanding, something like uniforms for the local footy club or netball club, which we would hope would be sourced locally, or it might be for additional water saving infrastructure, which again we are encouraging people to spend locally. These are just some of the initiatives that are within the drought package which can provide benefits to small businesses in regional communities.

We continue to meet not just with drought-affected farmers directly but also with others such as local government organisations and various others within regional towns and townships to see how they are tracking. It is obviously very difficult for them, as well as directly for the primary producers.

DROUGHT ASSISTANCE

The Hon. B.R. HOOD (15:19): Supplementary: can the minister advise the chamber how many small businesses not directly involved with primary production have applied for the $1,500 grant?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I am happy to see if that information is available and bring back a response.

DROUGHT ASSISTANCE

The Hon. D.G.E. HOOD (15:20): Supplementary: with respect to the $1,500, what is the average turnaround time; that is, how long until they get their money?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for his supplementary question. This is administered through Rural Business Support (RBS). The answer to the question will depend, I think, on the particular pathway that is taken by someone applying for those grants.

There is one option to fully engage with a counsellor and go through things such as individual business cashflow, potentially have advocacy in regard to debts if that is appropriate, and go through that full financial counselling service. The alternative is to engage with another officer—I am sorry, I can't think of the name of the title of the people within RBS—to demonstrate what the impact of the drought has been.

Obviously, the first one is a longer process because it is more holistic, looking at the overall business situation, and the second is more direct, but I know that they have been working very hard. I am also happy to share, again, with the chamber that we provided additional financial support to RBS to be able to undertake this work. I understand there has been strong engagement from RBS with both farming businesses and non-farming businesses.

VOLUNTARY ASSISTED DYING

The Hon. R.P. WORTLEY (15:21): My question is to the Attorney-General regarding the VAD Day of Reflection. Will the Attorney-General inform the council about the recent Day of Reflection hosted by the Voluntary Assisted Dying Review Board?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:21): I thank the honourable member for his question. It was a distinct honour to attend the Voluntary Assisted Dying Review Board's moving Day of Reflection recently, at the end of May. The pathway for voluntary assisted dying was made available to eligible South Australians in January 2023 and is now in its third year of operation. It has provided dignity and peace of mind to hundreds of people suffering from incurable conditions.

As the legislated reporting and analysing body, the Voluntary Assisted Dying Review Board held their inaugural Day of Reflection last year, which was repeated this year, where friends, family and care navigators of loved ones who had used the VAD process could come together and honour their loved ones and share in a unique reflection of the process.

Throughout the morning of this year's event, we had the absolute privilege of hearing some of the incredibly moving accounts from loved ones who had decided to end their suffering on their own terms via the voluntary assisted dying pathway. Those who were brave enough to share their story included the children of older parents who had been suffering chronic cancers, and husbands of late wives whose quality of life had deteriorated so rapidly from the terrible incurable diseases they had been afflicted by.

Aged persons sharing their experiences spoke of the total assurance that their loved ones had given them of their choice to follow the pathway of VAD, particularly at times where those family members were not always so similarly at ease with the thought of their loved one leaving this world. That was certainly one of the concerns that has been raised in every Australian jurisdiction: that people will have pressure put on them to use voluntary assisted dying. Certainly, the evidence suggests—and the views from that morning were—that once the decision was made by someone to use VAD it is their loved ones who often try to talk them out of it, for not wanting to lose their loved ones.

Particularly touching were the reflections of the final moments, where people described it as 'a beautiful death', which is a very rare thing to describe in an end-of-life experience. One particular man described the role of VAD care navigators who, on the morning the substance was used in hospital, had organised a piano and a violin to play outside the hospital room where the man and the woman got married, finally, before she passed away. This is the remarkable work that VAD care navigators and those who support families—like liaison nurse Mandy Kocher and medical practitioner Dr Laureen Lawlor-Smith—do to support clients.

I would like to take this opportunity particularly to pay tribute to Associate Professor Melanie Turner, the Presiding Member of the Voluntary Assisted Dying Review Board, and to the rest of the review board, including our former colleague the Hon. John Dawkins, for organising such a special event and for the ongoing work to ensure voluntary assisted dying remains a smooth and accessible pathway for South Australians.

Bills

BIODIVERSITY BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. S.L. GAME (15:25): I rise to speak on the government's Biodiversity Bill 2025. The initial engagement and consultation for this bill goes back to January 2023. Since this date, there has been extensive review, investigation, workshops, discussions, policy development and some amendments throughout early 2025, until May this year, when the bill arrived in the other place before passing through to this chamber in its current form.

Given such a long period of preparation, you would expect to see a polished, balanced, well-considered, well-supported proposal, fully equipped to achieve its stated objective of simplifying and streamlining existing processes and clearly defining regulated and excluded activities related to the protection and restoration of biodiversity in this state. Unfortunately, what we have before us is the South Australian arm of an international environmental movement, backed up by 175 pages of

incredibly complex policies and procedures, accompanied by an administrative and regulatory framework that will be implemented and enforced by an increasingly powerful executive bureaucracy.

Not surprisingly, there has been resistance from industry and stakeholders, many of them concerned about duplication of existing compliance measures under current legislation, as well as ongoing concerns about government encroachment of landowners' rights and the potential impact on the future of the South Australian economy.

While I appreciate that this bill is intended to fulfil this government's election promise to the South Australian people, and I share the government's commitment to protecting our native plants, threatened species and habitats, there remains widespread concern about the potential consequences of this proposal, which indicates that more work is needed before sending this bill out into the community.

Many stakeholders and industry representatives remain concerned about the lack of clear guidelines regarding the determination of critical habitats and species declarations, as well as expressing the need for further consultation before such declarations are made. The South Australian Chamber of Mines and Energy and Livestock SA have also raised concerns about the general biodiversity duty, with SACOME calling for greater clarity regarding compliance expectations and better alignment with existing approval processes to avoid unnecessary duplication.

Livestock SA also noted that under the objects of this bill there was no recognition of the contribution made by this state's primary producers to the conservation and restoration of biodiversity, despite 170 years of managing close to 50 per cent of South Australia's land mass. In contrast to this, the important role of First Nations people to this state's biodiversity is explicitly recognised, along with requirements to incorporate First Nations knowledge and entities into the decision-making process. There is some uncertainty about how this knowledge will be applied and its impact on livestock producers, as well as concerns about exactly how the penalties for breaching this general duty will be enforced.

The significant increase in penalties includes fines of up to $500,000 for noncompliance, which reflects the need to deter breaches of environmental protection measures. However, it should also be noted that such penalties could disproportionately impact small and medium-sized businesses and create unintended economic consequences.

In addition to this, my office received concerns that council workers and other authorised officers might inadvertently breach the provisions of the act in the course of carrying out their duties. No doubt similar concerns have been communicated to other members of this chamber, and the Hon. Nicola Centofanti has moved several amendments, including a sensible insertion of clause 106A, which is intended to exclude authorised officers acting in good faith from criminal and civil liability.

There are numerous and widespread concerns about this bill, and this is further confirmed by the amendments moved across the political spectrum in this place. Although there has been limited time to consider these amendments in detail, I am inclined to support any measures that offer some restriction or check on the broad powers given to the minister under this bill. I am also inclined to support any measures designed to prevent the minister from controlling membership of proposed committees or councils, as well as any measures that will ensure the inclusion of input from a wide range of expertise and industry representatives.

The Hon. R.A. SIMMS (15:29): I rise to speak on the Biodiversity Bill 2025 on behalf of the Greens, and in so doing I indicate that I will of course be supporting the bill with some amendments. I also understand that the Leader of the Opposition will be moving to refer this matter on to a committee, as she indicated in her second reading remarks. I indicate that I will not be supporting that.

Whilst I recognise that this bill is one of some complexity, I do not accept that it is necessary to refer the bill on to a committee at this time. In particular, I am concerned that to do so could burden a committee that already has quite a full workload at the moment and also potentially kick this bill down the road and prevent there being action on this important area before the election. I think that would be a regrettable outcome.

I note the comments of the Hon. Ms Game. I welcome the fact that she has freed herself from One Nation. I do encourage her, now that she is free of the shackles of that political party, to think more deeply on these issues, because a number of the statements that she has made about the impact of this legislation in creating some master bureaucracy that does not deliver real outcomes are simply not true. I urge her to think again with respect to some of these issues now that she is no longer wedded to the toxic One Nation brand.

Biodiversity is one of the most important elements of environmental protection. This bill gives an opportunity to make a huge impact on protecting our natural environment. Since colonisation here in Australia, it is estimated that in South Australia 73 species—41 plants and 32 animals—have become extinct. That is devastating when we consider that South Australia is home to many unusual species of flora and fauna as a result of our unique climate and environment. These extinct species were destroyed as a result of that colonisation, and they have been wiped out in the last 200 years.

The 2023 State of the Environment Report paints a harsh picture. The report states that, unless urgent measures are taken, the climate emergency and biodiversity losses will become crises for the environment and our communities. Our remaining native ecosystems are collapsing under the combined weight of habitat destruction, climate change, invasive species and pollution. Globally we are witnessing what scientists are now referring to as the sixth mass extinction event. This era is defined as a rapid decline in biodiversity driven by human activity.

Previous mass extinction events have been caused by natural phenomena. The sixth mass extinction is caused by the unsustainable use of land, water and energy, combined with the change in climate. Unless we act decisively, as called for by the State of the Environment Report, we will see further destruction of our biodiversity in the future.

Not only is this a matter of protecting our precious environment, there is also, of course, an important economic argument as well. South Australia's unique environment is a tourism drawcard and allows us to have a healthy agricultural sector when paired with regenerative farming practices. Our approach to date, however, has not fully considered the importance of critical habitats or the long-term value of our native flora and fauna. Our laws to date have been too easy to get around, poorly enforced and easily overcome by those with vested interests in making money from our state's precious resources.

We invest a fraction of what is needed in conservation, while we subsidise those very industries that drive habitat destruction. The Greens have been calling for many years for the Labor Party to end subsidies to the fossil fuel industry, because we know that those industries are driving climate change and driving the extinction of some of our native flora and fauna. Let's not forget the catastrophic algal bloom event that we have seen in recent months and the destruction that has caused.

The bill before us today brings a positive approach to protecting our biodiversity. It puts the responsibility on all of us to promote biodiversity. By introducing a general duty on everyone to not harm or potentially harm biodiversity, this bill makes clear that we do not accept any excuses when it comes to protecting our environment.

Importantly, the bill also embeds First Nations knowledge and care for country. As custodians of this land for millennia, First Nations people have been the most successful environmental managers on these soils. Their traditional ecological knowledge offers proven pathways to living sustainably within natural limits. This bill ensures that First Nations people are consulted in changes, ensures their strong connection to the land is considered and also enables cultural practices to continue, which of course is appropriate.

A number of statutory bodies are established in this bill to oversee the administration of the act, and we are pleased to see that many of these functions are conferred on those with sufficient experience, not simply those who shift their positions in light of the political environment of the day. This will ensure we have strong protections that are consistent and unable to be eroded by poor decision-making.

This is a significant bill, so I will not go into all the detail about all the individual provisions. I understand we are going to have a bit of time to do that at the committee stage. I do want to

acknowledge, however, that this bill establishes some good governance for our biodiversity moving forward. We do, however, think there could be some improvements, and it is for that reason that the Greens will be advancing a number of amendments. I will talk through some of those in general terms now, but of course I will have an opportunity to go through those in more detail during the committee stage.

Firstly, we believe that climate change is key to this bill, so we will be moving an amendment that inserts into the objects of the act a clause that requires biodiversity to be linked to climate change and that notes that addressing biodiversity is important in addressing climate change.

Secondly, we aim to insert a principle that biodiversity should not be lost to new gas projects. We have seen, in the Lock the Gate campaign, that people in rural areas, in particular, have strong opposition to gas exploration on their properties. It is equally important that we protect native vegetation and habitat from incursion by gas exploration. The Greens have long stood against new gas exploration, as our country already produces far more than our domestic need. We do not need to allow the export of gas to ruin our environment.

We will also move to ensure that the minister responsible for the Commissioner of Public Works Incorporation Act and the Motor Vehicles Act cannot be given this new act to administer. If we are going to carve out the Minister for Planning and the Minister for Mining, we should also consider the conflict that could arise if the minister is undertaking major transport infrastructure projects and also taking responsibility for this act.

We do not see why we need to have a member on the Biodiversity Council who is recommended by the South Australian Chamber of Mines and Energy. This is going to create a serious conflict as there are often tensions between the need to protect biodiversity and the desire to derive profits from resources that govern the focus of these companies. We will move amendments that replace that member of the Biodiversity Council with someone who is recommended by the South Australian First Nations Voice to Parliament. We believe that the First Nations Voice should have a seat at the table when the Biodiversity Council is providing advice, preparing guidelines and administering the biodiversity fund.

The environment sector have asked us to consider that the Scientific Committee are best placed to make listings under section 6 of the bill, rather than the minister. I agree with that assessment, and so I will be moving a series of amendments to bring that into effect. It is important to make sure we have clear, evidence-based decision-making when it comes to these matters. Our amendments will ensure that lists maintained to protect threatened species are not subject to the whim of political leaders; instead, the Scientific Committee will be charged with making those decisions.

The cost of ecosystem collapse could result in failed harvests, water shortages, climate disasters and the mass extinction of species. The cost of such collapse is much higher than if we take action now to prevent those ecosystems from failing. Every species we save is worth it. Future generations will judge us not by the short-term profits that are generated but by the world we leave behind. Every time we make a decision that harms our environment we are further from leaving this place better than we found it. We hope that the changes in this legislation provide sufficient protection to promote further biodiversity across our state.

Before concluding my remarks, I want to acknowledge the leadership of the Deputy Premier and environment minister, the Hon. Susan Close, in bringing this bill forward. I know that the minister is passionate about environmental protection, and I welcome this matter coming before the chamber today. I also want to thank the minister's office for the collegial way in which they have engaged with my team, in particular Emily Gore, who I understand has been providing assistance to my office. I also want to acknowledge the work of Melanie Selwood, my adviser, who has been working through the details of this over the last few weeks. With that, I conclude my remarks and look forward to the committee stage.

The Hon. F. PANGALLO (15:39): I indicate that I will not be supporting this bill without it first being referred to the Natural Resources Committee, and I will be supporting the amendments filed by the opposition, but I reserve my judgement on the ones by the Greens. I will briefly outline my concerns about this bill. It is quite complex and imposes quite stringent measures in the name of

restoration of biodiversity and environmental protections. It contains aspects that have merit in the protection of native plants, protected species of animals, marine animals and their ecosystems, habitats, and tackling organised crime in wildlife—no doubt, the trafficking of these creatures.

You can tick off on many of those, of course; however, there are many things also buried in there which to me look like booby traps or back doors to stopping activities close to the minister's heart—pardon the pun.

Let's start with the potential Trojan Horse that seems designed to ban the hunting of birds like ducks and quail. The department has already moved in that direction by imposing hefty new permit fees, which are designed to deter hunters from coming across the border to take part in the shooting season, should the minister decide to declare one, and we know that if she can pull the trigger on that, she will.

The permit fees have caused a lot of angst in that community and also interstate. There is a view that it will actually prevent many shooters from coming across the border and I am told that they actually contribute quite a considerable amount to the local economy. That is the sort of first step that the government has done to get to its end game of banning duck shooting, quail shooting, even though there was a recommendation in the select committee last year, which I was a member of, which supported it ongoing.

In part 10, clauses 167 and 169 I find particularly troubling, and I would like a proper explanation from the government about these clauses. Clause 167 deals with hunting by Aboriginal persons, and it states that Aboriginal persons can hunt without a permit if it is for non-commercial, cultural or spiritual practice, which includes consumption of the animal. That is fine, and I have no objection to that; however, why does this also not include the rights of non-Aborigines to be able to hunt animals for the same purpose? Why the discrimination?

Non-Aboriginal people also hunt for cultural reasons and for consumption. Does the minister believe this cultural desire only applies to Indigenous people? Indigenous people were most supportive of contemporary methods of hunting for food like ducks and quail, and appeared before the committee saying as much.

Clause 169 is worrying because this is the Trojan Horse the minister has built into this hefty bill to get her way into eventually imposing a ban on using firearms to hunt birds and animals. All it would take would be a proclamation by the Governor at the behest of the government to restrict or prohibit the use of firearms or taking devices. By that it could mean anything from traps to specially trained hunting dogs used in duck and quail hunting—'for the taking of specified species of animals or for the taking of animals generally'.

The minister will not give an ironclad guarantee that it will not affect the current duck and quail hunting seasons, but I bet the government will move on this after the 2026 election. Who is to say there will not even be restrictions on fishing in our already troubled gulfs? I see they also want to establish four committees to make decisions. They will be funded, but how? Who will appoint them?

I will point out here that I have received calls from concerned Kangaroo Island farmers about native vegetation growth on verges to the edge of the roads and the huge penalties they face if they even dare trim them back from their properties. It must be pointed out that the native vegetation on roads helped contribute to the spread of the wildfires on Kangaroo Island in 2020.

These farmers fear they will be watched, impeded and even heavily penalised by overzealous government officials. It is already threatening. It is already happening over on Kangaroo Island, with threats being made over dams that may not have been built with some kind of development approval.

I can see problems and unintended consequences arising from new provisions applying to mining—major projects could be impacted and it could also add to the costs of developing these resources—to development and housing infrastructure, agriculture and primary production. All I can see here are roadblocks and traffic jams, adding unnecessary costs and the likelihood of litigation.

I agree with the Hon. Nicola Centofanti's sentiments about the threat this bill poses to landowners, particularly the agricultural sector and the regions of South Australia. Another disturbing aspect is the government's position on conservation areas and national parks, where it is now supporting preventing access to declared national parks, like on Lake Eyre, based on vague native title considerations. Many believe that this is also creating divisive policy. With that, I look forward to the debate on the bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:47): The Biodiversity Bill is a crucial piece of legislation that will modernise and strengthen protections for South Australia's biodiversity. The passing of this bill will be a testament to this government's commitment to arresting biodiversity loss, restoring habitat and capitalising on a nature-positive green future for South Australia. I am pleased to hear that there is also support for this bill from a number of other members in this chamber.

The government will be introducing some further amendments which do not change the scope or intentions of the bill but clarify references to existing provisions to avoid doubt. I note that further amendments are being proposed by the Hon. Rob Simms, the Hon. Tammy Franks and the Hon. Nicola Centofanti, and I look forward to traversing these amendments further during the committee stage. I thank honourable members for their contributions thus far to the debate, and I also thank the very dedicated officials who supported the development of this bill, including extensive stakeholder and community engagement. I commend the bill to the house.

The PRESIDENT: Before I ask that the bill be read a second time, I note the Hon. Ms Centofanti's amendment. The question is that the words proposed to be struck out stand as part of the question.

The council divided on the question:

Ayes 9
Noes.....8
Majority 1

AYES

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

NOES

Bonaros, C.	Centofanti, N.J. (teller)	Game, S.L.
Girolamo, H.M.	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Pangallo, F.	

PAIRS

El Dannawi, M.	Henderson, L.A.
Martin, R.B.	Lensink, J.M.A.

Question thus agreed to; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: I would like to go to the points I made when I was addressing the chamber relating to, firstly, part 10, clause 167, Hunting by Aboriginal persons. I have made it quite clear that I have no objections. In my speech, I made references to certain sections of the legislation:

part 10—Miscellaneous, at clause 167, which is Hunting by Aboriginal persons. As I have pointed out, I have no objections to that clause whatsoever, but I was wondering why non-Aboriginal persons are not included in there who may actually have a need for hunting for non-commercial and cultural purposes?

The Hon. K.J. MAHER: I thank the honourable member for his question. I can certainly answer some of it from my own understanding of how other bits of particularly commonwealth legislation interact. Certainly, there are specific provisions under the Native Title Act and native title rights for traditional hunting that, by definition, are only enjoyed by traditional owners for that particular area as there are no other groups who are traditional owners who have those millennia of traditional hunting in those areas. So I am aware that there are certain rights that Aboriginal people have as traditional owners of particular areas in terms of traditional cultural practices and hunting.

The Hon. N.J. CENTOFANTI: Can the minister indicate whether this legislation will override the mining or energy approvals on existing agricultural land?

The Hon. K.J. MAHER: My advice is that it will be subject to the same approvals as under the Native Vegetation Act.

The Hon. N.J. CENTOFANTI: Can the minister give an outline as to what engagement has occurred with local government regarding roadside vegetation maintenance and also rubble pit access?

The Hon. K.J. MAHER: My advice is that there has been consultation with local government and my advice is that there is a commitment to work with local government in relation to updating guidelines in relation to roadside vegetation.

The Hon. N.J. CENTOFANTI: Can the minister outline what mechanisms exist to review or revoke designations like critical habitats or threatening processes?

The Hon. K.J. MAHER: I might just get the honourable member maybe to explain the question a bit further. Is there a particular section—

The Hon. N.J. CENTOFANTI: I guess it is in regard to critical habitats, which is outlined in the bill, and whether or not there is a mechanism there to review designations like critical habitats and potentially revoke them.

The Hon. K.J. MAHER: I am advised that, yes, there is the ability to do that under clause 84(4)(b).

The Hon. N.J. CENTOFANTI: Can the minister outline how the bill will interact with native title, especially where Aboriginal land use rights might conflict with conservation designations?

The Hon. K.J. MAHER: My advice is this bill does not impact on native title rights, which is a commonwealth creature and statute.

The Hon. N.J. Centofanti interjecting:

The Hon. K.J. MAHER: No, it does not impact on it. We cannot override native title.

The Hon. N.J. CENTOFANTI: Thank you. Finally for clause 1, can the minister indicate how the bill will ensure that bushfire preparedness activities are not delayed by red tape?

The Hon. K.J. MAHER: My advice is that the ability to clear for bushfire mitigation or preparation does not change; what is proposed here does not change from native veg regulation at the moment.

The Hon. N.J. CENTOFANTI: Just to confirm, what is there currently under native vegetation will not change in regard to bushfire preparedness activities?

The Hon. K.J. MAHER: My advice is, yes, that is correct.

The Hon. N.J. CENTOFANTI: And then, again, in regard to bushfire response activities and the making of breaks and things?

The Hon. K.J. MAHER: My advice is that also does not change.

The Hon. F. PANGALLO: I would like to take the Attorney to part 10, clause 169(1):

> The Governor may, by proclamation, restrict or prohibit the use of firearms, ammunition or taking devices of a specified class for the taking of specified species of animals or for the taking of animals generally.

Firstly, what is the definition of 'taking devices'? Do they have descriptions of what taking devices are, and do they also include hunting dogs?

The Hon. K.J. MAHER: My advice is that this particular aspect has been carried over from section 66 of the National Parks and Wildlife Act 1972. I am advised it introduced an ability to restrict certain types of ammunition, in addition to firearms generally, should it be necessary in the future to lessen the effects of certain ammunition types known to have significant environmental effects.

The Hon. F. PANGALLO: Regarding 'taking devices', can you give me a definition of what is a taking device? What are they?

The Hon. K.J. MAHER: My advice is that taking is defined in the act as capturing or killing an animal, so it is a device that does that.

The Hon. F. PANGALLO: Does a hunting dog used for the purposes of duck and quail hunting and other purposes fall under 'taking device', because that is what they do?

The Hon. K.J. MAHER: My advice is that that is not the intention.

The Hon. F. PANGALLO: Does the minister see that it could actually be an unintended consequence here that taking devices could also include hunting dogs?

The Hon. K.J. MAHER: As I have said, my advice is that that is not the intention.

The Hon. F. PANGALLO: Does the government view this section as a way of banning duck and quail hunting?

The Hon. K.J. MAHER: My advice is, frankly, no. As I have said, this clause, clause 169, is carried over from the relevant provision, section 66, of the National Parks and Wildlife Act 1972. So I guess if the honourable member thinks that when that came into force that was a way to do it, which clearly has not happened, then that is the only way you could interpret that this new clause, which carries over from what already exists, could do that.

The Hon. F. PANGALLO: Can the government give assurances that duck and quail hunting will not be impacted by this bill, should it pass, and this clause, 169?

The Hon. K.J. MAHER: As I have said, the bill carries over what is already there. As I am advised, this is not introducing new provisions; it is carrying over what already exists.

The Hon. F. PANGALLO: I would like to draw the Attorney-General to page 17 of my copy of the bill here.

The CHAIR: The Hon. Mr Pangallo, just before we do that, are these issues that we should be dealing with at the clause when we get to it?

The Hon. F. PANGALLO: This is my last one, Chair, if you are okay with it.

The CHAIR: Okay, let's do it.

The Hon. F. PANGALLO: It is just a curious question I have.

The CHAIR: We love your curiosity, the Hon. Mr Pangallo.

The Hon. F. PANGALLO: Thank you very much. I am actually quite curious about page 17 at line 30:

> native animal means—
>
> (a) an animal of a species that is indigenous to Australia or was present in Australia before 1400 AD…

I just wonder how the government settled on that specific date?

The Hon. K.J. MAHER: I am advised that this is to keep consistent with the commonwealth EPBC Act and many other states in terms of how we do that. It is not something, I am advised, that we have come up with ourselves in South Australia.

The Hon. F. PANGALLO: What native species from before 1400 AD are still present today?

The Hon. K.J. MAHER: My advice is this is designed to be those animals that were indigenous to Australia and have not gone extinct since then at that sort of date since Europeans started landing on the shores—I think sometime in the 1400s, on the coast of WA from memory—and since then. So it is those animals that were here at that time, which would obviously include many of the animals we see today, like kangaroos and emus and wombats, etc.

The Hon. C. BONAROS: I have one question for the minister and it is more a point of clarification. I am trying to remember the name of the bill, but I cannot. Just as a matter of the record, the minister responsible has previously said in recent months that if there is going to be a ban on hunting it will be dealt with in a special-purpose piece of legislation, not through any of the other bills that we are debating.

Can the Attorney actually confirm that that is the case—that this will not be used for those purposes, as the minister responsible did when we had that previous debate on that bill? Can someone help me with the name? I do not remember what it was called.

The Hon. K.J. MAHER: As I previously answered to the Hon. Frank Pangallo, the provisions in relation to this are largely carried over from provisions in previous legislation, so this is not what this bill is about. This bill carries over provisions in relation to restriction on use of certain devices. As I have said, it is clause 169 and it has largely been carried over from section 66 of the National Parks and Wildlife Act 1972.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. N.J. CENTOFANTI: Can I ask some questions of the minister in regard to clause 3 first, please, before moving my amendment?

The CHAIR: Tear into it.

The Hon. N.J. CENTOFANTI: Thank you. Can the minister clarify why the definition of 'native plant' includes species indigenous to Australia rather than being limited to South Australia, and whether this captures plants that are potentially considered weeds in South Australia currently?

The Hon. K.J. MAHER: I am advised there is a mechanism within the bill before us to effectively unprotect any species—for example, species that are indigenous to Australia but from outside South Australia that may pose a risk to South Australia.

The Hon. N.J. CENTOFANTI: Can I ask how that is done through this bill?

The Hon. K.J. MAHER: My advice is there is an ability, in terms of clearance, to clear non South Australian species unless there is a large tree, but there is an ability to remove completely by regulation.

The Hon. N.J. CENTOFANTI: Just for the record, those regulations are yet to be drafted?

The Hon. K.J. MAHER: That is my advice, but there is also an ability to promulgate further regulations into the future, not just in the immediate future.

The Hon. N.J. CENTOFANTI: Given that fungi and algae are included in the definition of plant in this bill, does that mean that activities that are disturbing soil or water, such as a fire track or even potentially recreational fishing, could require assessment and, potentially, a permit?

The Hon. K.J. MAHER: In relation to fungi or algae, my advice is they would need to be prescribed. My advice is it is likely only if they were threatened species would they be prescribed.

The Hon. N.J. CENTOFANTI: Just to confirm and for the record, I am assuming they are prescribed by regulations.

The Hon. K.J. MAHER: That is my advice, yes.

The Hon. N.J. CENTOFANTI: Is the minister able to step me through the rationale for including fungi and algae in the definition of plant?

The Hon. K.J. MAHER: My advice is this is in terms of a drafting choice. Fungi and algae are included in plant so they do not have to be replicated every time 'plant' is used throughout the bill.

The Hon. N.J. CENTOFANTI: Can the minister provide evidence to justify the inclusion of seeds, seed pods or other minor plant elements under the enforceable provisions?

The Hon. K.J. MAHER: I am advised that is a carryover from existing legislation that includes all parts of plants.

The Hon. N.J. CENTOFANTI: Going back to the fungi and algae, and not to harp on about them: how does the government propose that landholders distinguish between prescribed fungi and prescribed algae versus non-prescribed fungi and non-prescribed algae?

The Hon. K.J. MAHER: My advice is, like everything we do and prescribe in terms of how we regulate in all sorts of bills, that will be a communication and education campaign.

The Hon. N.J. CENTOFANTI: Is the minister able to step us through what that communication campaign might look like, given that these are significant changes, and whether there will be any grace period for landholders within these changes?

The Hon. K.J. MAHER: My advice is that they will become apparent because they will be listed on the biodiversity register, and I am advised the government will give consideration, particularly with industry groups, to how that is communicated.

The Hon. N.J. CENTOFANTI: I think it is important to point out that probably most landowners will not be looking up a biodiversity register, so it is worth the government considering a significant communication and education campaign around these changes. Has the government undertaken an audit of how much land will now be affected by the broader native plant definition?

The Hon. K.J. MAHER: My advice is that, as far as it relates to the clearance of native plants, it is intended to be a carryover from what the existing legislative scheme protects under the Native Vegetation Act.

The Hon. N.J. CENTOFANTI: To confirm, you are suggesting that there will be no increase in land that is now affected by the broader native plant definition; is that correct?

The Hon. K.J. MAHER: Yes, that is my advice.

The Hon. N.J. CENTOFANTI: Given the fact that you are broadening the definition of 'native plant', albeit then stepping through plants that are exempt within the regulations, if those regulations have not been drafted yet I am not sure how you can guarantee that there is not more land now affected by this broader native plant definition.

The Hon. K.J. MAHER: There is that regulation-making power, but initially the intention is to carry over the same area.

The Hon. N.J. CENTOFANTI: To confirm, it is not the government's intent to increase the plant species that may be deemed now a native plant under that broader definition; is that what the minister is telling me?

The Hon. K.J. MAHER: My advice is that it is not the intention that it extend to more land but that it could include more vegetation that is on that land.

The Hon. N.J. CENTOFANTI: So if there is more vegetation that is on the land and that is being captured, can the minister outline what land is not involved? My understanding is that both public and bits of private land are also part of this bill. I am just a little bit confused with that answer, so if we could clear that up that would be good.

The Hon. K.J. MAHER: I hope this will clear it up: my advice is that the use of the terminology 'public land' and 'private land', when they are brought together in this bill, is not intended to increase the amount of land but is intended to capture definitions from both the South Australian National Parks and Wildlife Act and the Native Vegetation Act. I am bringing those two together, and that is why we have a change in the way it is described in this one act—it is because we are bringing both of those acts together under the one act.

The Hon. N.J. CENTOFANTI: Thank you, minister. I appreciate that, but I guess I am still confused as to why the government is suggesting that they do not need to undertake an audit of how much land will now be affected, given the fact that you have broadened the definition of what a native plant is. If you have a landholder who has a piece of scrub and within that piece of scrub there is a native plant that is now defined as being native but previously was not—that it is now defined under the broader scope of native plants—it is clear, is it not, that that landholder is now going to be subjected to the provisions of this bill?

The Hon. K.J. MAHER: My advice is that doing an absolute and complete audit of where things might be is not a possible task. As I have said, the way it is described is because we are bringing together two different pieces of legislation.

The Hon. N.J. CENTOFANTI: So then to go back to my question of whether the government has undertaken an audit of how much land will now be affected by that broader native plant definition, the answer to that is no.

The Hon. K.J. MAHER: My advice is that would be an impossible task to do so.

The Hon. N.J. CENTOFANTI: Can the minister inform the chamber as to whether any assessment has been done, and, if so, what assessment has been done to ensure consistency with federal environmental law and, in particular, I guess, the EPBC Act?

The Hon. K.J. MAHER: My advice is we have taken into account that federal legislation to ensure that this works as best it can.

The Hon. N.J. CENTOFANTI: Can the minister just clarify the term I think you used, 'as best as it can be'?

The Hon. K.J. MAHER: My advice is this takes into account federal legislation and ensures that it works in harmony with that federal legislation.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 13, after line 9 [clause 3(1)]—After the definition of *Adelaide Dolphin Sanctuary* insert:

algae means a polyphyletic grouping of primarily aquatic eukaryotic plant-like organisms;

This amendment introduces a precise and standalone definition of 'algae' within the interpretation section of the bill. Algae was implicitly included under the broader definition of 'plant', which obviously currently reads:

plant includes—

(a) fungi; and

(b) algae; and

(c) flowers, seeds or any other part of a plant;

There was no scientific definition provided, so this amendment fills that gap by clearly defining algae as 'a polyphyletic grouping of primarily aquatic eukaryotic plant-like organisms'. This definition is in line with modern biological understanding, recognising that algae are not a single evolutionary lineage but a grouping of organisms that share similar ecological and morphological characteristics.

This definition ensures that when the term 'algae' is used throughout the act, it has a consistent scientific meaning, reducing the risk of ambiguity or misinterpretation. It also brings the legislation into alignment with the way algae are treated in biodiversity science and policy.

This amendment provides technical precision and legislative clarity by defining algae as a distinct group of aquatic organisms and whilst algae was previously captured under the term 'plant', this formal definition ensures that their unique biological and ecological characteristics are explicitly recognised within the act's framework.

The Hon. K.J. MAHER: I rise to indicate the government will not be supporting this amendment. It is the government's preference to leave algae undefined so that the bill will rely on ordinary interpretation. The government considers this to be sufficiently broad and the most flexible approach to ensure the bill can keep up to date with scientific understanding.

The Hon. R.A. SIMMS: I am persuaded by the government's arguments in relation to this amendment, so I will not be supporting the amendment.

Amendment negatived.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 2 [Centofanti–1]—

Page 16, after line 13 [clause 3(1)]—After the definition of *forest reserve* insert:

fungi means any species of the fungus kingdom, whether alive or dead, and includes—

(a) lichen; and

(b) sporing bodies, mycelia and any other part of a fungus;

I think I know where the numbers are going to lie with this one as well. This amendment adds a clear and comprehensive definition of 'fungi' to the interpretation section of the Biodiversity Bill 2025, Although, as we know, fungi were broadly captured under the definition of 'plant', there is again no standalone or scientifically precise definition of what constitutes a fungus. The amendment addresses that gap, as I previously explained with my similar amendment regarding algae, by providing a definition that reflects current biological understanding and ensures clarity throughout the operation of the act.

The Hon. K.J. MAHER: The government will not be supporting this amendment for the aforementioned persuasive arguments per se.

The committee divided on the amendment:

Ayes 7
Noes.....9
Majority 2

AYES

Centofanti, N.J. (teller)	Game, S.L.	Girolamo, H.M.
Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Pangallo, F.		

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Scriven, C.M.	Simms, R.A.

PAIRS

Henderson, L.A.	El Dannawi, M.
Lensink, J.M.A.	Martin, R.B.

Amendment thus negatived.

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

Amendment No 1 [Franks–3]—

Page 16, line 38 [clause 3(1), definition of *infrastructure*, (d)]—Delete paragraph (d)

Amendment No. 2 [Franks-2] is consequential to this, I will note. This deletes 'social infrastructure' from the definition of infrastructure. The inclusion of social infrastructure means that infrastructure exempt from the act is significant. Specifically, this removes the scope for social infrastructure—such as the wide range of infrastructure thus defined, including schools, arts, recreation, housing and so much more—to be used as a way of overriding the ordinary considerations relating to the clearance of substantially intact stratum of native plants. I note that there are also government amendments following that will reinstate the definitions for schedule 2, and so I anticipate perhaps that there will be support for this.

The Hon. K.J. MAHER: In relation to amendment No. 1 [Franks-3], which I understand we are on the moment, the government will be supporting this amendment. I understand the motive for this amendment is related to the inclusion of the reference to social infrastructure in the broader definition of infrastructure, and its effect on matters relevant to application for the clearance of native plants contained within clause 51, and more specifically subclauses (11)(c) and (d).

The effect is that the proposal to clear native plants relevant to social infrastructure will no longer be constrained by the rules concerning intact stratum of native plants. This has been identified as being inconsistent with the current arrangements under the Native Vegetation Act 1991, though this is not the intent of the bill and therefore this amendment is supported on the basis that similar interpretations are instead inserted into schedule 2, which the government intends moving as an amendment, and which I will explain when we get to it.

The Hon. R.A. SIMMS: I indicate that I will also be supporting the amendment and, in the interests of time, I might use this opportunity to indicate that I will be supporting all of the amendments from the Hon. Ms Franks.

The Hon. N.J. CENTOFANTI: We will not be opposing this amendment. We think it is a pretty sensible amendment, but I would like to make the point that I do hope our amendment, in regard to another sensible amendment in regard to native vegetation and road safety, will be supported because, similarly, that is a pretty sensible amendment. I just put that on the record.

Amendment carried.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 3 [Centofanti–1]—

Page 18, line 5 [clause 3(1), definition of *native plant*]—Before 'but' insert:

and includes a native plant of a relevant kind

This amendment inserts the phrase 'and includes a native plant of a relevant kind' immediately before the world 'but' in the definition of native plant. Whilst 'native plant of a relevant kind' was previously defined, it is not explicitly included in the broader definition of native plant under clause 3(1). This amendment fixes that by linking the two definitions ensuring that all relevant kinds of native plants are conclusively covered under the general term 'native plant'.

This avoids ambiguity in enforcement and consent provisions around several sections of the act, particularly those dealing with regulated acts, clearance permits and regulated trees. Essentially, by inserting this language, the amendment ensures that relevant kinds of native plants are legally recognised as native plants for the purpose of the regulation, protection, offence provisions and exemption clauses.

The Hon. K.J. MAHER: The government will not be supporting this amendment. It is the government's view that it is unnecessary and could change the intended meaning of the defined terms. By its definition 'native plants' will always include native plants of a relevant kind because native plants of a relevant kind is a narrow subset of native plants. It is the government's view that it is clearer for interpretation within the act to keep these defined terms separate and any possible confusion between the terms can be addressed in the development of communication materials to support the operation of the act.

Amendment negatived.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 4 [Centofanti–1]—

Page 20, after line 35 [clause 3(1)]—After the definition of *reserve* insert:

restoration of biodiversity—see subsection (8);

Mr Chairman, with your indulgence, can I speak to both amendment No. 4 and amendment No. 5?

The CHAIR: Yes, 4 and 5 are a set.

The Hon. N.J. CENTOFANTI: Essentially, this amendment creates a formal statutory definition of 'restoration of biodiversity' as it is used throughout the bill. These amendments together define what is meant by restoration of biodiversity, which is a key object of the bill and particularly seen through clauses 7 and 8.

'To restore' are words that are really key and underpinning for the Biodiversity Act. We believe understanding their definition in the context of this act is crucial for anyone attempting to interpret the act, so in consultation the common question was: what is meant by restoration? What exactly does that term mean? If, for instance, you had an old limestone farmhouse that was built in the 1800s and you restore it, does that mean that you do not have power, running water or flushing toilets? I think we really need to define the term 'restoration', so amendments Nos 4 and 5 create a definition for 'restoration', which again is a key term that is applied 75 times in the Biodiversity Bill that we are currently dealing with, yet is not actually defined itself.

However, I think agreeing on a definition in the spirit of the intention of the bill presented some difficulty, because obviously it is difficult to try to determine what we are restoring it to, essentially. The definition we have provided creates a knowing for those working with the act. A confidence in terms of that can lead to better intended outcomes, noting that it was difficult as it is important to understand that it is not an arrival point but an endeavour to improve or increase biodiversity and obviously it does not just apply to plants, or it should not just apply to plants.

The Hon. K.J. MAHER: The government will not be supporting amendment No. 4 [Centofanti-1] and amendment No. 5 [Centofanti-1]. It is the government's view that restoring biodiversity in today's age will require novel approaches and it is likely that in many situations achieving the naturalness as defined by pre-European colonisation standards will not be possible and, in some cases, may not even be desirable. The preference is for the Biodiversity Bill to rely on the ordinary meaning of 'restoration', which in a conservation context includes restoring ecosystem functions regardless of whether those ecosystems look exactly as they did prior to European colonisation.

Amendment negatived.

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

Amendment No 1 [Franks–1]—

Page 21, line 3 [clause 3(1), definition of *SEB policy*]—Delete '175(4)(c)' and substitute:

175(4a)(a)

As I said before, this reflects an interpretation of the amendment that requires the Biodiversity Council to make a biodiversity policy relating to both significant environmental benefits, the SEB policy, and environmental benefit credits. Under the Native Vegetation Act, the power to set the price of environmental offsets through the significant environmental benefits policy and the environmental benefits credit policy sits with the independent Native Vegetation Council.

It is important that this price-setting power continues to sit with an independent body, in this case the Biodiversity Council, rather than with the minister, as the bill is currently drafted, as the price of an environmental offset needs to reflect the true cost to government of delivering it, rather than be influenced by any short-term political priorities. The idea of an independent price-setting authority is not dissimilar to the approach used to set interest rates, for example, by the Australian government and the Reserve Bank of Australia. With that, I commend the amendment.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting this and the more than a dozen further amendments that relate to this; as I understand, it looks like 20 through to almost 39 that relate in the series that revises one of the functions of the Biodiversity Council so it becomes responsible for making the policies for significant environmental benefits and environmental benefit credits rather than simply providing advice on these policies. The government considers the change allows for appropriate oversight from both the independent council and government for these important policies to be provided. We will be supporting this and the significant number of amendments that relate to this.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition will not be supporting this series of amendments.

Amendment carried.

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

Amendment No 2 [Franks–3]—

Page 21, lines 14 to 18 [clause 3(1), definitions of *social infrastructure* and *social services*]—Delete the definitions of *social infrastructure* and *social services*

This is consequential on amendment No. 2 [Franks-2]. It removes the definitions of social infrastructure and social services from the bill and tidies up the definitions relating to the removal of social infrastructure from the bill and is consequential on that first amendment in this set of Franks-3 amendments.

Amendment carried.

The CHAIR: The next indicated amendment was consequential. It is amendment No. 5 [Centofanti-1] which you spoke to but did not move because you could not.

The Hon. N.J. CENTOFANTI: I will withdraw that amendment, as it is consequential.

Clause as amended passed.

Clauses 4 to 6 passed.

Clause 7.

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

Amendment No 2 [Franks–1]—

Page 24, after line 36—After paragraph (c) insert:

(ca) to promote halting and reversing biodiversity loss; and

This requires that the objects also, quote, 'promote halting and reversing biodiversity loss'. The first goal within the Global Biodiversity Framework under the United Nations Convention on Biological Diversity, as signed by the Australian government back in 2022, was about halting and reversing biodiversity loss. The vision contained within Australia's subsequent Strategy for Nature is that 'Australia will halt and reverse biodiversity loss by 2030'.

Along with other states and territories, South Australia as a government has committed to this strategy and indeed, given there are international, national and South Australian government commitments to halting and reversing biodiversity loss, there should be no objection to the inclusion of this proposed object in the bill. It would be concerning, of course, if a biodiversity act were not about stopping the extinction of our unique nature. I welcome, hopefully, the government's affirmation of their support not just in word but indeed in the actual legislation that governs this in our state.

The Hon. K.J. MAHER: I rise to indicate that the government supports this amendment. This proposed additional object is similar in nature to an object stated at subclause (c) of this clause; however, we appreciate that the phrasing better reflects the national and international intentions regarding biodiversity, so we will be supporting it.

Amendment carried.

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

Amendment No 1 [Simms–1]—

Page 24, after line 39—After paragraph (d) insert:

(da) to ensure that biodiversity management takes into account the importance of biodiversity in addressing climate change; and

This inserts a new section into the objects of the act, which is to ensure that biodiversity management takes into account the importance of biodiversity in addressing climate change.

The Hon. K.J. MAHER: I can indicate that the government will be supporting this amendment. It will be important in our solutions in responding to climate change that we are cognisant of the important role that biodiversity plays.

The Hon. N.J. CENTOFANTI: I rise to indicate that the Hon. Mr Simms has a number of amendments, but the opposition will not be supporting them.

Amendment carried; clause as amended passed.

Clause 8.

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

Amendment No 2 [Simms–1]—

Page 25, after line 26—After paragraph (e) insert:

(f) that biodiversity should not be lost for new gas projects.

This amendment makes it clear that biodiversity should not be lost for new gas projects. We know that gas exploration has adverse consequences for our environment and, indeed, for flora and fauna. This amendment provides another layer of protection against the impact of gas.

The Hon. K.J. MAHER: I rise to indicate that, despite a lot of love being felt so far in the chamber for some of the amendments, the government will not be supporting this amendment. The principles set out at clause 8 are intended to operate as guiding principles for those tasked with administrating the act; that is, they guide how to make decisions and are not intended to pre-empt or limit decisions at the outset. The proposed amendment is considered by the government to be inconsistent with the scope of clause 8. Any new gas project will be subject to the operative provisions of the bill that consider the impacts on biodiversity.

The Hon. N.J. CENTOFANTI: I have already indicated that I am supporting the Hon. Rob Simms' amendments.

Amendment negatived; clause passed.

Clauses 9 and 10 passed.

Clause 11.

The Hon. N.J. CENTOFANTI: In relation to general duty, can the minister outline what constitutes non-trivial harm under this clause, and will it be defined in regulations or through policy?

The Hon. K.J. MAHER: My advice is that it is not intended to define exactly what non-trivial is, but non-trivial is given guidance by:

having regard to—

(a) the extent and scale of the impact; and

(b) the sensitivity of the affected environment; and

(c) any matter that may be prescribed by regulations or a biodiversity policy.

Those things will be given consideration to, so there is guidance about what non-trivial is by having regard to those factors.

The Hon. N.J. CENTOFANTI: Can the minister understand the difficulty in not defining what constitutes non-trivial harm, particularly when it comes to recreational users and landholder users on their own land, and that that lack of clarity could create a level of quite significant anxiety for recreational users and landholders?

The Hon. K.J. MAHER: I will say that this is not a novel approach in any way, shape or form. We regularly put in our legislation things that have various levels of consequence. Certainly, in the criminal law, 'serious' is regularly used. We do not define what 'serious' means but leave that up to the interpretation of the application, with changing circumstances and changing behaviours. The fact that you do not define every single term that you ever use in legislation is often done throughout our statute books very deliberately, so as not to limit what you are doing. As I have said, particularly in the criminal law statutes, 'serious' is used exceptionally frequently without having it often defined in there. I do not accept that 'non-trivial' creates a problem because you have to use the ordinary definition of it.

The Hon. N.J. CENTOFANTI: I appreciate what the minister is saying. I might try this another way. Will existing land uses, such as grazing and cropping, automatically comply with the general duty, or must farmers seek independent verification of that?

The Hon. K.J. MAHER: Is the Leader of the Opposition asking, 'Will a farmer have to go to someone to understand what non-trivial means every time they do something on their land?' Is that the question?

The Hon. N.J. CENTOFANTI: The clause refers to a general duty to avoid harm. I am asking whether existing land uses, such as grazing or cropping, will automatically comply with the general duty, or will the farmer have to independently verify whether or not that is a definition of harm?

The Hon. K.J. MAHER: If they are operating reasonably as they have previously, my advice is that they will comply, so there will not be a need to apply.

The Hon. N.J. CENTOFANTI: On that, could a farmer be penalised under this clause for unintended impacts caused by, let's say, potentially drought, weather or natural pests?

The Hon. K.J. MAHER: My advice is, no, they could not be.

The Hon. N.J. CENTOFANTI: In regard to satisfying the duty to protect biodiversity, will compliance with industry best practices, such as those under Grain Producers SA's framework or Livestock SA's framework, satisfy the duty to protect biodiversity?

The Hon. K.J. MAHER: My advice is that that is the intention, to write policies to support current practices for those sorts of industries.

The Hon. N.J. CENTOFANTI: Finally, how will the government ensure that decisions are based on peer-reviewed science rather than ideology or activism?

The Hon. K.J. MAHER: Can the honourable member elaborate on what decisions she is referring to?

The Hon. N.J. CENTOFANTI: General duty, clause 11(4) provides:

> A person will be taken not to be in breach of the duty under this section if they are acting—
>
> (a) in accordance with a requirement under this Act or another Act; or
>
> (b) in accordance with a permission, right or entitlement under this or another Act; or
>
> (c) in prescribed circumstances; or
>
> (d) in compliance with a biodiversity policy…

My question is: how will the government ensure that the decisions made in regard to those breaches are based on peer-reviewed science rather than ideology or activism?

The Hon. K.J. MAHER: I am not entirely sure what the question means, but perhaps I can answer by saying that, in my experience, those involved, whether it is the environment, primary industries or a whole lot of other areas, rely on the best possible science, not on any sort of particular view of the world that is outside science. That is my very strong experience with the very dedicated public sector in South Australia.

Clause passed.

Clause 12 passed.

Clause 13.

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

Amendment No 3 [Simms–1]—

Page 28, after line 5—After paragraph (b) insert:

(c) the Minister administering the Commissioner of *Public Works Incorporation Act 1917*;

(d) the Minister administering the *Motor Vehicles Act 1959*.

This amendment adds the Public Works Incorporation Act and the Motor Vehicles Act to the list of ministers who cannot administer the act. In other words, a number of exclusions are included within the act. This amendment includes the minister who administers the Commissioner of Public Works Incorporation Act 1917 and the minister administering the Motor Vehicles Act 1959. The intention behind the amendment is to seek to reduce some of the conflicts of interest.

The Hon. K.J. MAHER: I indicate that the government will not be supporting this amendment as it does not consider the amendment necessary. Unlike the other acts specified in this clause, the Commissioner for Public Works Incorporation Act 1917 and the Motor Vehicles Act 1959 do not contain mechanisms that require or would allow for those making decisions under those acts to have a direct negative impact on biodiversity, so we will not be supporting this particular amendment.

Amendment negatived; clause passed.

Clause 14 passed.

Clause 15.

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

Amendment No 4 [Simms–1]—

Page 29, lines 9 to 11 [clause 15(4)(c)]—Delete paragraph (c)

This amendment removes the requirement for a member of the Biodiversity Council to come from the Australian Chamber of Mines and Energy. I am concerned that a recommendation from the Chamber of Mines and Energy would give them a seat at the table on the Biodiversity Council, which has the potential to lead to a skewed decision around reducing biodiversity in order to enable mining operations. I see no reason for a representative from that sector to be included.

The Hon. K.J. MAHER: The proposed amendment is not supported by the government. Nominations by the identified bodies are not made on the basis of being representative of the respective organisations; they are nominated by the relevant sector body based on the specified skills for that sector. The role of a nominee on the council is not to represent a sector but to act in accordance with the purposes and objectives of the council.

Amendment negatived.

The Hon. N.J. CENTOFANTI: Can the minister outline to the chamber why peak bodies, such as the Conservation Council and Primary Producers South Australia, were not guaranteed a role in nominating members to the Biodiversity Council?

The Hon. K.J. MAHER: Can you repeat the question, Nicola?

The Hon. N.J. CENTOFANTI: Why are peak bodies like PPSA and the Conservation Council not guaranteed a role in nominating members to the Biodiversity Council—or are they? My understanding is that they are not.

The Hon. K.J. MAHER: Clause 15(4)(a) provides that:

(a) 1 member must be a person selected by the Minister from a panel of 3 persons nominated by the Conservation Council of South Australia…'

If you go down three more paragraphs, paragraph (d) provides:

(d) 1 person must be a person selected by the Minister from a panel of 3 persons nominated by Primary Producers South Australia…

The Hon. N.J. CENTOFANTI: On that, why is it that if the minister does not agree with the three persons who are put forward—whether it be the Conservation Council, the local government or Primary Producers—the minister can instead recommend for appointment to the council any person whom the minister considers to have the required skills, knowledge and experience?

The Hon. K.J. MAHER: I am advised that, when taken in conjunction with amendments that have been filed for some time and are to be proposed later on, if the minister does not consider that any of the three persons put up by one of those groups possesses the necessary required skills, knowledge or experience, the minister may ask that particular organisation to recommend three more people. That is an amendment that comes later on, to put that in, and that is what the government will be supporting.

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

Amendment No 5 [Simms–1]—

Page 29, after line 18 [clause 15(4)]—After paragraph (e) insert:

(f) 1 member must be a person selected by the Minister from a panel of 3 persons nominated by the State First Nations Voice established by the *First Nations Voice Act 2023* for the purposes of subsection (2)(b)(ix).

This amendment replaces the requirement that the Chamber of Mines and Energy will make a recommendation for appointment. It instead replaces this with a representative from the First Nations Voice. New paragraph (f) would read:

1 member must be a person selected by the Minister from a panel of 3 persons nominated by the State First Nations Voice established by the *First Nations Voice Act 2023*…

I do not feel that it is appropriate for the Chamber of Mines and Energy to be able to recommend someone for inclusion here, but I do think that a representative of the First Nations Voice would add real value, so I urge the government to consider this.

The Hon. K.J. MAHER: I thank the honourable member for his amendment. I understand the honourable member's point of view. The government does not support the proposed amendment. The Biodiversity Bill does set up an Aboriginal Biodiversity Committee and requires two members of the Biodiversity Council to be members of that committee. The honourable member would be very aware of my very strong support for making sure that Aboriginal voices are heard at the very highest levels.

Without having consulted with the First Nations Voice, I would be hesitant to support imposing a further obligation on the First Nations Voice. In meeting frequently with the Voice I see that they do an extraordinary amount of work already. I do not know what the First Nations Voice view would be on undertaking a further role required by statute. However, I appreciate the intent of the amendment, although we will not be supporting it.

Amendment negatived.

The CHAIR: We have competing amendments. The first filed amendment is amendment No. 3 [Franks-3] and then we will have amendment No. 6 [Centofanti-1].

The Hon. T.A. FRANKS: I believe the amendments are identical; is that the case?

The CHAIR: We thought they were almost identical. They are striking out the same thing but the insertions are different, so move your amendment and then we will get the Hon. Ms Centofanti to move hers and then we will put the questions as to how we support.

The Hon. T.A. FRANKS: My riding instructions are that the opposition solves the same problem and it is probably a better solution, but it does not have the support of the government. I move:

Amendment No 3 [Franks–3]—

Page 29, lines 22 and 23 [clause 15(5)]—Delete 'may instead recommend for appointment to the Council any person who the Minister considers has the required skills, knowledge or experience' and substitute:

must request that the body nominate a panel of 3 persons or a panel of 3 different persons (as the case requires)

This is a fail-safe mechanism so that the minister cannot simply outright reject nominees and make their own political appointment. It is important that the Biodiversity Council contains the appropriate knowledge, skills and experience. It is also important that members of the council have access to civil society views and concerns on the management of South Australia's nature.

This amendment seeks to ensure that the minister cannot so easily set aside the nominees provided to them by peak bodies, which, of course, include the LGA, Conservation Council South Australia, and Primary Producers SA. Specifically, if the minister is not satisfied with the initial panel of nominees that they are provided with, the proposed amendment at least provides those peak bodies with the opportunity to provide a new set of names for the minister's consideration before the minister can choose their own separate appointee. I commend my amendment and indicate I do support the opposition as well, but understand procedurally that may not eventuate.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 6 [Centofanti–1]—

Page 29, lines 22 and 23 [clause 15(5)]—Delete 'may instead recommend for appointment to the Council any person who the Minister considers has the required skills, knowledge or experience' and substitute:

must request that the body nominate a panel of 3 persons or a panel of 3 different persons (as the case requires) and must continue to do so until a suitable person has been nominated by the body

I think the important point is that this amendment replaces ministerial discretion with a requirement for continued engagement with stakeholder nominating bodies until a suitable appointment can be made from their panel. It strengthens the representative and participatory nature of the appointments to the Biodiversity Council, enhances stakeholder confidence and limits the potential for politically motivated appointments.

The Hon. K.J. MAHER: Yes, they are similar amendments but the government will be supporting the Hon. Tammy Franks' amendment in relation to this.

The CHAIR: For me to proceed, the first thing we are going to do is put it that the words proposed to be struck out by the Hon. T.A. Franks and the Hon. N.J. Centofanti in subclause (5) stand as printed. So if you are supporting the Hon. Ms Franks and the Hon. Ms Centofanti, you are going to vote no. Then I will put the next question. So the question is that the words proposed to be struck out by the Hon. T.A. Franks and the Hon. N.J. Centofanti in subclause (5) stand as printed. Those for the questions say aye; against, say no.

Question resolved in the negative.

The CHAIR: The next question is that the words proposed to be inserted by the Hon. T.A. Franks in subclause (5) be so inserted. So if you are supporting the Hon. Ms Franks, you are going to vote yes; if you are supporting the Hon. Ms Centofanti, you are going to vote no. I will put the question. Those for the question say aye; against say no.

The committee divided on the question:

Ayes 9
Noes.....8
Majority 1

AYES

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

NOES

Bonaros, C.	Centofanti, N.J. (teller)	Game, S.L.

Hood, B.R.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Pangallo, F.	

PAIRS

Martin, R.B.	Henderson, L.A.
El Dannawi, M.	Girolamo, H.M.

Question thus agreed to.

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

Amendment No 4 [Franks–3]—

Page 29, after line 23—After subclause (5) insert:

(5a) If, after the Minister makes a request under subsection (5), the body fails to nominate a panel, or the Minister considers that none of the 3 persons on a panel nominated has the required skills, knowledge or experience, the Minister may instead recommend for appointment to the Council any person who the Minister considers has the required skills, knowledge or experience.

This is consequential on the amendment we have just voted on. It allows the minister to ensure that an appointment is made once the process has been run through in a more transparent and exhaustive process than would currently be allowed for under the bill as it stands.

Amendment carried; clause as amended passed.

Clause 16.

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

Amendment No 3 [Franks–1]—

Page 29, line 40 [clause 16(d)]—Delete paragraph (d) and substitute:

(d) to make the SEB policy and a biodiversity policy relating to environmental benefit credits and to provide advice in relation to other biodiversity policies;

Amendment No 4 [Franks–1]—

Page 30, line 2 [clause 16(f)]—Delete 'and the SEB policy'

Amendment No. 3 is consequential to amendment No. 1 [Franks-1], which ensures that rather than the Biodiversity Council providing advice in relation to biodiversity policies they would be required to make the SEB policy and a biodiversity policy relating to environmental benefit credits and to provide advice in relation to other biodiversity policies. Amendment No. 4 [Franks-1] is consequential, again, to amendment No. 1 [Franks-1], which removes 'and the SEB policy', as the council now makes this policy.

Amendments carried; clause as amended passed.

Clauses 17 to 24 passed.

Clause 25.

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

Amendment No 6 [Simms–1]—

Page 33, lines 2 to 4 [clause 25(1)]—Delete subclause (1) and substitute:

(1) The primary function of the Scientific Committee is to make final listing decisions and provisional listings in respect of the designated lists.

This amendment transfers the role of listing the threatened species to a Scientific Committee rather than the minister. It is certainly my view that this decision-making should be based on the scientific evidence rather than the whims of the minister of the day.

The Hon. K.J. MAHER: The government will be supporting this amendment revising the primary function of the Scientific Committee, which becomes responsible for making final listing decisions. This, together with the consequential amendment, we think provides for appropriate oversight and strengthens transparency, and we will be supporting it.

The Hon. T.A. FRANKS: I indicate I will be supporting this amendment. Whether native species, ecological communities or the like are threatened or not, and which category or threat they currently face, is a matter of scientific evidence and not appropriate to be a political decision by the minister.

Amendment carried.

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

Amendment No 7 [Simms–1]—

Page 33, lines 11 and 12 [clause 25(2)(c)]—Delete paragraph (c) and substitute:

(c) to review and provide advice on nominations and assessments in relation to listing decisions under Part 6;

I understand this amendment is consequential.

Amendment carried.

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

Amendment No 5 [Franks–1]—

Page 33, lines 15 and 16 [clause 25(2)(e)]—Delete paragraph (e) and substitute:

(e) to make critical habitat declaration decisions under Part 6;

This requires the Scientific Committee to make declarations of critical habitat. Whether habitat is critical or not, as per the definition in the act, is a matter of scientific evidence and not appropriate to be a political decision of the minister, whether it is animal or plant.

The Hon. K.J. MAHER: I indicate the government will not be supporting this amendment and its consequential amendments posed by the Hon. Tammy Franks in part 6 of the bill that would see the Scientific Committee assume the role of making critical habitat declarations rather than the minister. The government does not support those further amendments coming up so therefore does not support this one.

Amendment negatived; clause as amended passed.

Clauses 26 to 41 passed.

Clause 42.

The Hon. N.J. CENTOFANTI: Can the minister indicate how this clause will interact with ordinary day-to-day property maintenance tasks like clearing fence lines, roadside verges and potential firebreaks?

The Hon. K.J. MAHER: My advice is that the activities the honourable member has mentioned are catered for in schedule 2, which, on my advice, make them non-regulated activities.

The Hon. N.J. CENTOFANTI: Will planted native vegetation that is over 20 years old, often used for windbreaks or soil stabilisation, be subjected to the same clearance restrictions as naturally occurring vegetation?

The Hon. K.J. MAHER: My advice is that windbreaks are specifically exempted in schedule 2.

The Hon. N.J. CENTOFANTI: What about plantation for soil stabilisation?

The Hon. K.J. MAHER: My advice is that schedule 2 refers to farm forestry, so it would be dependent on the purpose for which it was originally planted.

The Hon. N.J. CENTOFANTI: So if it was originally planted for soil stabilisation, would it be exempt?

The Hon. K.J. MAHER: It may be captured, is my advice.

The Hon. N.J. CENTOFANTI: So the minister cannot give me a precise example as to whether that would be captured or not under schedule 2?

The Hon. K.J. MAHER: My advice is that that sort of activity covers a huge range of circumstances so you would need to know the exact circumstances in which those activities were undertaken at the time.

The Hon. F. PANGALLO: Has the government consulted with the CFS and MFS about requirements to approve removal of native vegetation in accordance with fire plans?

The Hon. K.J. MAHER: My advice is, as we have traversed already, if it is cleared in accordance with the fire management plan it is not a regulated activity because of schedule 2.

The Hon. N.J. CENTOFANTI: How will landholders obtain permission to remove invasive native species that pose potential operational or safety risks?

The Hon. K.J. MAHER: My advice is that invasive species could be under schedule 2 or under the Landscape South Australia Act.

The Hon. N.J. CENTOFANTI: Finally, has a regulatory impact assessment been done to quantify how many routine activities will now require permits or be restricted under this new legislation?

The Hon. K.J. MAHER: My advice is that there are no substantive changes from how it currently operates, so, no.

The Hon. N.J. CENTOFANTI: Is there the potential for future changes to be made via regulations?

The Hon. K.J. MAHER: My advice is that schedule 2 can be varied by regulation, but there is no current intention to do so, just like this legislation could be varied by a future parliament.

The Hon. F. PANGALLO: I want to go back to my previous question about consulting the CFS and MFS about removing native vegetation. Why has the government not consulted with those authorities, or is it based on what appears in the Native Vegetation Act?

The Hon. K.J. MAHER: My advice is that there has been consultation with the CFS.

The Hon. F. PANGALLO: What did they say? Do they approve of what is in the bill?

The Hon. K.J. MAHER: My advice is that there was broad support for bringing over what already applies in the native veg regulations.

The Hon. F. PANGALLO: In this bill it says 'must not' grant approval, whereas the Native Vegetation Act says 'may grant'. What is the difference in relation to approving the removal?

The Hon. K.J. MAHER: My advice is that the scheme of what you can clear in relation to what you are asking is brought over from what the current scheme is, which is why there is broad support from the CFS.

The Hon. N.J. CENTOFANTI: I want to go back in relation to the Attorney's response to one of my previous questions in regard to the 20-year-old plantings for primary production or forestry. Your response sort of indicated that it depended on what they were planted for. Does that now mean that landholders will need to document the reason for the planting of the trees to essentially ensure that that 20-year rule is exempt?

The Hon. K.J. MAHER: My advice is, no, they will not need to document it.

The Hon. N.J. CENTOFANTI: So how can you determine then whether or not they are creating an offence by chopping down a tree that was planted 22 years ago for a windbreak if it is not then documented and they are just chopping down the tree for any other purpose? What I am essentially asking is: how is this going to be policed?

The Hon. K.J. MAHER: My advice is that it will be taken on a case-by-case basis based on the reasonable position put forward.

The Hon. N.J. CENTOFANTI: Who is going to be the umpire of that?

The Hon. K.J. MAHER: My advice is the Clearance Assessment Committee under this bill.

The Hon. N.J. CENTOFANTI: On that, what criteria will be used by the Clearance Assessment Committee in assessing these applications?

The Hon. K.J. MAHER: My advice is it is whatever information that is put forward that will be assessed.

Clause passed.

Clauses 43 to 61.

Clause 62.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 7 [Centofanti–1]—

Page 53, lines 12 and 13 [clause 62(1)]—Delete 'to refuse to give its consent to the clearance' and substitute 'in relation to the application'

This amendment broadens the scope of decisions that can be reviewed by the Biodiversity Council from just refusals to any decision relating to an application for vegetation clearance. It strengthens the applicant's rights, improves procedural fairness and ensures that conditional or partial decisions by the Clearance Assessment Committee (CAC) can also be scrutinised. So it is really a mechanism for applicants to seek a review of a decision by the Clearance Assessment Committee regarding applications to clear native veg under part 4.

The Hon. K.J. MAHER: The government will not be supporting this amendment. The government does not support it in opening up and significantly widening the review possibilities, for example, in relation to significant environmental benefit (SEB) to be achieved. In terms of this example, SEB payments and requirements are calculated based on a formula, and the government does not view it as efficient or helpful to appeal individual decisions related to SEBs. Instead, the development of any revised SEB formula will involve public consultation, providing an appropriate time for the public and industry to contribute.

Amendment negatived.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 8 [Centofanti–1]—

Page 53, line 17 [clause 62(3)]—Delete 'not'

The Hon. K.J. Maher: Consequential?

The Hon. N.J. CENTOFANTI: Is it consequential?

The ACTING CHAIR (The Hon. D.G.E. Hood): I am advised it is not consequential.

The Hon. N.J. CENTOFANTI: I will take the advice of the Clerk. Apologies, Attorney. This amendment proposes just a simple one word change within clause 62(3), and that is deletion of the word 'not'. So rather than the original wording that the council must not consent to the clearance unless, etc, we are proposing to amend it so that the council must consent to the clearance unless. So really, it is reversing the meaning of the clause, and it is shifting the emphasis from restriction to a more permissive approach, shall we say, and it is intended to reduce red tape and compliance barriers for landholders that are seeking clearance approvals.

The Hon. K.J. MAHER: The government, perhaps unsurprisingly, will not be supporting reversing completely the meaning of a particular clause.

Amendment negatived; clause passed.

Clauses 63 to 72 passed.

Clause 73.

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

Amendment No 8 [Simms–1]—

Page 59, after line 31—After subclause (2) insert:

(3) Before recommending eligibility criteria to be prescribed for the purposes of subsection (1), the Minister must consult with the Scientific Committee on the proposed criteria.

I understand this amendment is consequential to amendment No. 6.

The ACTING CHAIR (The Hon. D.G.E. Hood): Does the government wish to agree that it is consequential?

The Hon. K.J. MAHER: That is closely related, but we support it because we supported the last one.

Amendment carried; clause as amended passed.

Clause 74 passed.

Clause 75.

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

Amendment No 9 [Simms–1]—

Page 60, line 6—Delete 'The Minister may make a *listing decision* in respect of a designated list, being' and substitute:

For the purposes of this Part, a *listing decision* in respect of a designated list is

The ACTING CHAIR (The Hon. D.G.E. Hood): We understand it is consequential, the Hon. Mr Simms.

The Hon. R.A. SIMMS: If that is your advice, I will follow that advice.

Amendment carried; clause as amended passed.

Clause 76.

The Hon. R.A. SIMMS: I had intended to move amendments Nos 10 to 14 en bloc, if that is agreeable.

The Hon. K.J. MAHER: That makes sense.

The ACTING CHAIR (The Hon. D.G.E. Hood): The government has accepted that. That seems fine, the Hon. Mr Simms—and, in fact, even amendment No. 15, I am informed.

The Hon. K.J. MAHER: Yes.

The Hon. R.A. SIMMS: Yes, that is fine. I move:

Amendment No 10 [Simms–1]—

Page 60, line 22 [clause 76(2)]—Delete 'decision' and substitute 'assessment'

Amendment No 11 [Simms–1]—

Page 60, after line 30—After subclause (3) insert:

(3a) Before the Minister rejects a nomination, the Minister must seek the advice of the Scientific Committee.

Amendment No 12 [Simms–1]—

Page 61, after line 4—After subclause (6) insert:

(6a) After the Minister has complied with subsection (6), the Minister must refer the preliminary listing decision to the Scientific Committee for a final listing decision.

Amendment No 13 [Simms–1]—

Page 61, line 5 [clause 76(7)]—Delete 'Minister' and substitute 'Scientific Committee'

Amendment No 14 [Simms–1]—

Page 61, line 5 [clause 76(7)]—After 'decision' insert:

in accordance with any requirements prescribed by the regulations and

Amendment No 15 [Simms–1]—

Page 61, lines 7 to 13 [clause 76(8) and (9)]—Delete subclauses (8) and (9) and substitute:

(8) Before the Scientific Committee makes a final listing decision, the Scientific Committee must consider any submissions received in relation to the preliminary listing decision, insofar as the submissions relate to biodiversity conservation.

(9) The Scientific Committee must cause a statement of reasons for the final listing decision to be published on the Biodiversity Register.

These amendments give the department the power to carry out key functions, with the final decision to be made by the Scientific Committee. In practice, I understand the department will be responsible for the administration process, with the final listing decision resting with the Scientific Committee. This is based on some of the experience that comes from another jurisdiction, New South Wales, where it was recognised that significant resources were required to run the process in that state. As a result of this amendment, it would also be ensured that the minister, upon receiving a nomination, would begin the process for the Scientific Committee to make a decision.

The Hon. K.J. MAHER: The government is supporting this block of amendments, which are closely related to others we have traversed.

Amendments carried; clause as amended passed.

Clause 77.

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

Amendment No 16 [Simms–1]—

Page 61, line 18 [clause 77(1)]—After 'Minister' insert:

and the Scientific Committee

I understand that this is consequential to amendment No. 6 [Simms-1].

The ACTING CHAIR (The Hon. D.G.E. Hood): We agree, the Hon. Mr Simms. Does the government wish to make a comment?

The Hon. K.J. MAHER: It might be that deleting 'Minister' and substituting 'Scientific Committee' on clause 78 goes all the way to, I think, amendment No. 21 [Simms-1]. I wonder if they might be moved en bloc?

The ACTING CHAIR (The Hon. D.G.E. Hood): They are different clauses, though, Attorney, so we are just dealing—

The Hon. K.J. MAHER: So clause 77 and then move this?

The ACTING CHAIR (The Hon. D.G.E. Hood): Yes, that is right.

The Hon. K.J. MAHER: Alright.

The ACTING CHAIR (The Hon. D.G.E. Hood): Let's deal with this first.

Amendment carried; clause as amended passed.

Clause 78.

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

Amendment No 17 [Simms–1]—

Page 61, line 31 [clause 78(1)]—Delete 'Minister' and substitute 'Scientific Committee'

Amendment No 18 [Simms–1]—

Page 61, line 34 [clause 78(1)(a)]—Delete 'Minister' and substitute 'Scientific Committee'

Amendment No 19 [Simms–1]—

Page 61, line 36 [clause 78(1)(b)]—Delete 'Minister' and substitute 'Scientific Committee'

Amendment No 20 [Simms–1]—

Page 61, line 39 [clause 78(1)(c)]—Delete 'Minister' and substitute 'Scientific Committee'

Amendment No 21 [Simms–1]—

Page 62, line 3 [clause 78(1)(d)]—Delete 'Minister' and substitute 'Scientific Committee'

As the Attorney has indicated, these are consequential, relating to amendment No. 6 [Simms-1].

The ACTING CHAIR (The Hon. D.G.E. Hood): And the Attorney is accepting of that? Good.

Amendments carried; clause as amended passed.

Clauses 79 to 83 passed.

Clause 84.

The ACTING CHAIR (The Hon. D.G.E. Hood): The next amendment we have is amendment No. 6 [Franks-1]. We believe it is consequential on amendment No. 5.

The Hon. T.A. FRANKS: I believe it is consequential on amendment No. 5, which failed, so I will not be proceeding with it.

The ACTING CHAIR (The Hon. D.G.E. Hood): The next amendment is amendment No. 7 [Franks-1], which we do not believe is a consequential amendment.

The Hon. T.A. FRANKS: Then I have that amendment No. 18 [Franks-1] is not strictly consequential but should not be moved if amendment No. 7 is not successful, and amendment No. 7 was defined as consequential. If the government could indicate whether they have any support for these, that might help.

The Hon. K.J. MAHER: If it is put, we will not be supporting it.

The Hon. T.A. FRANKS: I will not be proceeding, because they are in some way consequential, even though they are not technically consequential.

The ACTING CHAIR (The Hon. D.G.E. Hood): So you are not proceeding with that one, the Hon. Ms Franks?

The Hon. T.A. FRANKS: Not in clause 84, Chair.

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

Amendment No 22 [Simms–1]—

Page 65, line 6 [clause 84(4)]—Delete 'a listing decision under' and substitute:

the making of a final listing decision of a kind referred to in

I understand this is consequential to that original amendment No. 6 [Simms-1]. There are a few that are related to that.

Amendment carried; clause as amended passed.

Clauses 85 to 97 passed.

Clause 98.

The ACTING CHAIR (The Hon. D.G.E. Hood): In clause 98 we have some suggested amendments from the Hon. Ms Franks.

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

Amendment No 1 [Franks–2]—

Page 72, line 1 [clause 98(7)]—After 'biodiversity agreement' insert:

(the *original agreement*)

Amendment No 2 [Franks–2]—

Page 72, line 2 [clause 98(7)]—Delete 'biodiversity agreement' and substitute:

original agreement

Amendment No 3 [Franks–2]—

Page 72, line 7 [clause 98(7)]—Delete 'biodiversity agreement applied' and substitute:

original agreement applied that, in the opinion of the Council, offers the same or more protection for biodiversity on the land than the original agreement

This replaces 'biodiversity agreement applied' with 'original agreement applied that, in the opinion of the Council, offers the same or more protection for biodiversity on the land than the original agreement'. This is because the original agreement could have also have been a heritage agreement, a management agreement or an agreement of a class prescribed by the regulations, so it simply picks that error up. The three amendments, as I say, are intertwined.

The Hon. K.J. MAHER: I indicate that the government will be supporting this package of amendments for the reasons outlined by the honourable member.

Suggested amendments carried; clause as suggested to be amended passed.

Clause 99 passed.

Clause 100.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 9 [Centofanti–1]—

Page 74, after line 19—After subclause (2) insert:

(2a) If the Minister appoints an officer of a local council to be an authorised officer under this Act, the Minister must reimburse the local council for any reasonable costs incurred by the local council in connection with the appointment.

This amendment inserts a new subclause (2a) into clause 100 of the bill, which deals with the appointment of authorised officers. Essentially, the purpose of the amendment is to ensure cost recovery for local councils when their staff are appointed by the state as authorised officers under the legislation and recognises that using local government resources to enforce or administer a state act may place an additional financial burden on councils and also can create a statutory obligation on the minister to compensate councils rather than leaving reimbursement to discretion or informal agreement.

The Hon. K.J. MAHER: The government will not support this amendment because we do not believe it is necessary. The Biodiversity Bill already requires the consent of a local council prior to an officer of that local council being appointed as an authorised officer. The government's view is that this is considered to provide sufficient opportunity to negotiate the terms of any such appointment, including should local council want as part of the discussion negotiations any requirements for reimbursement.

The Hon. R.A. SIMMS: I will be supporting this amendment from the opposition as I think this is a pretty sensible proposition.

The Hon. C. BONAROS: I will be supporting this amendment.

Amendment carried; clause as amended passed.

Clause 101 passed.

Clause 102.

The Hon. N.J. CENTOFANTI: In regard to entry and inspection powers, can the Attorney outline under what circumstances an authorised officer can enter private land without a warrant? Is there a requirement to notify the landholder in advance?

The Hon. K.J. MAHER: My advice is that the powers under clause 102 bring together the powers that currently exist under the national parks legislation and the native vegetation legislation.

It brings together what already exists. I am advised that it is not giving extra powers to do that. There was a second part to the question that I cannot remember.

The Hon. N.J. CENTOFANTI: I will repeat the question: under what circumstances can the authorised officer enter private land without a warrant, and is there a requirement to notify the landholder in advance?

The Hon. K.J. MAHER: It is again bringing together what already exists. It is in connection with the administration/operational enforcement of the act. The second part of the question was whether you have to give advance notice. My advice is that, no, you do not, and in some circumstances that would be entirely inconsistent with the purposes of the previous two pieces of legislation if you are investigating possible breaches.

The Hon. N.J. CENTOFANTI: Therefore, can officers enter private land for the purpose of potentially inspecting fungi or algae under the new definitions?

The Hon. K.J. MAHER: I am advised that only if it is involved in the breach of the act and it is not giving powers that do not already exist under the current pieces of legislation.

The Hon. N.J. CENTOFANTI: What limits exist on what authorised officers may inspect, remove or photograph on private property?

The Hon. K.J. MAHER: My advice is that it can be read pretty plainly in the first clause:

...as may reasonably be required in connection with the administration, operation or enforcement of this Act…

So it needs to be reasonably required in connection with that.

The Hon. C. BONAROS: I know we get nervous when it comes to the powers of authorised officers, but can we just confirm that these are, in substance, the same as what we would normally see in other pieces of legislation—the Natural Resources Management Act, for instance? So it is a lift from those—

The Hon. K.J. MAHER: There are many pieces of legislation that have authorised officers. Dozens of pieces of legislation, would be my guess, have authorised officers with powers. My advice is that these are powers that come from the national parks legislation and the native vegetation legislation and are put together in this one act.

The Hon. C. BONAROS: Even for those that are not being brought together, is the premise around these broadly consistent with what we normally do around the powers of authorised officers in those other pieces of legislation?

The Hon. K.J. MAHER: Yes, that is my advice. As I said, I suspect there would be dozens of pieces of legislation that have authorised officers in relation to those pieces of legislation.

The Hon. N.J. CENTOFANTI: On that as well, I would note that it also speaks to the fact that the authorised officer can exercise any power prescribed by the regulations. Is it the government's intention to not significantly change those powers through regulations?

The Hon. K.J. MAHER: That is my advice—that there is no intention to. Again, similar to many other pieces of legislation, there may be circumstances that none of us have contemplated that would give rise to that. But my advice is that there is no intention to vary it from what already exists.

Clause passed.

Clauses 103 to 106 passed.

New clause 106A.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 10 [Centofanti–1]—

Page 80, after line 35—After clause 106 insert:

106A—Liability of authorised officers

> An authorised officer who takes action under this Act in good faith does not incur any civil or criminal liability for taking that action.

This amendment inserts into the bill new clause 106A, titled 'Liability of authorised officers'. The purpose of this amendment is to provide legal protection to authorised officers acting in good faith under the legislation. During the committee stage debate on this bill in another place, the minister was asked about the exposure to civil liabilities of authorised officers appointed by the minister pursuant to section 100 of the act. The minister's response, unfortunately, was not very reassuring.

The bill in its current form will provide immunity from civil liability to state public servants, and that is obviously appropriate and a common provision in legislation across departments. The reality is that the Biodiversity Bill will have an impact on the work performed by council employees exercising powers and functions under this act and others. That includes, for example, council officers pruning trees on the verge of council roads for road safety purposes, council officers maintaining firebreaks as part of their bushfire prevention and mitigation programs, and council officers maintaining and upgrading railway crossings and other dangerous intersections. Council officers also detain and return to home lost dogs and cats and deal with a wide range of litter and nuisance issues.

The intention of this amendment is to recognise that council employees perform a range of statutory functions to protect and serve local communities. The amendment recognises that council employees are just as deserving of statutory immunity from civil action as their state government counterparts.

The Hon. K.J. MAHER: I thank the honourable member for her contribution. The last part of that we do not disagree with, but we are not going to support this amendment because we do not think it is the appropriate vehicle. Rather than address any liability of authorised officers in a piecemeal way—different act by different act—we would much prefer to work with the Local Government Association on any concerns they have and fix them under the Public Sector Act. If we do it in this act and if there are similar concerns in other acts, we think it risks getting out of kilter as acts change over time.

We do recognise the issue the honourable member has raised, and I advise that the government is committed to working with local government to further understand their concerns, but we are very firmly of the view that the appropriate place to fix this is in section 74 of the Public Sector Act and not by doing it in individual acts.

As the honourable member has pointed out, there may be other acts where local government officers act as inspectors, and we would not want to do something that only gives changes to this one particular act. We recognise the concerns but we think it is much better to progress in the Public Sector Act, which would have the potential to cover all those other acts, not just this one individual act.

The Hon. C. BONAROS: I am just wondering if that view has been relayed to the LGA in advance of this debate, that you are committed to addressing this issue through the Public Sector Act with them so it is consistent across all pieces of relevant legislation?

The Hon. K.J. MAHER: My advice is that it has been communicated to the LGA that we are keen to work with them to further understand the issues, but we are not keen to fix it in one particular act and risk one act standing alone and getting out of kilter. Again, this requires further work, but if there are concerns that need addressing, we are keen to be consistent across all acts that may apply to local government officers and remedy that within the Public Sector Act.

The Hon. R.A. SIMMS: To be honest, I do not find that argument very compelling. I respect the fact that the government wants to address this issue, and I take the Attorney's point that we should have a holistic approach to this, but if there is a gap in this particular legislation then surely we should address that now, and then, of course, it is incumbent on the government to make sure that gap is filled in other pieces of legislation where appropriate. I actually do support the principle the Leader of the Opposition has raised, that workers in the council sector should get the same level of protection as other public sector workers. I think that is a compelling argument.

The Hon. T.A. FRANKS: I am very sympathetic with what the LGA and the Liberal opposition have raised, and I raised it myself with government and sought a briefing, and in that

briefing was given the response that the minister has just given us, which is that this is better placed under the Public Sector Act. My response to that was. 'Great. Put it on the public record so that we can hold you to account in ensuring that this is done through the Public Sector Act.'

So while I do support the intent of the opposition and the LGA's concerns being addressed, I am comforted by the minister's public assurance on the public record that the government will do it not in a piecemeal way but in an appropriate way. I understand they were already seeking legal advice well before I raised the issue with them.

The Hon. K.J. MAHER: My response to that is that it is the case that there has been legal advice sought to see if there is in fact a problem that needs to be remedied, but if it does need to be remedied then I reiterate that the Public Sector Act will then cover all other sorts of acts that the honourable member has mentioned. Some of the things the honourable member has mentioned are specific local government functions, they are not necessarily functions that the state has an inspector for, they are actual local government functions. It may not be something that the state indemnifies local government for what their functions are, but in terms of where acting as inspectors, such as these, we would be very keen to make sure it covers holistically, not in a piecemeal way.

The Hon. C. BONAROS: Can I just confirm or clarify then: in those discussions, and given the commitments that have been made, are we talking specifically about the liability of authorised officers and keeping that contained, as opposed to other issues that may exist that you may not have been so forthcoming in terms of addressing in the Public Sector Act with the Local Government Association?

The Hon. K.J. MAHER: My advice is for the purpose of the specifically authorised officers, but of course there may be other pieces of legislation that authorised officers, for state government purposes, are appointed under. For officers that are conducting things that are solely local government functions, of course we will be happy to talk to them, but it may not be appropriate to offer a state government indemnity for them. I can reassure the honourable member that we are committed—and I know I have had communications with the minister responsible for this legislation, the Deputy Premier—to those conversations in relation to this issue.

The Hon. C. BONAROS: If we are to take that in good faith, then we are talking specifically about, in essence, what we are trying to achieve through this particular amendment. So that is the issue that you are undertaking to address, as far as it extends to local government and whoever else it needs to extend to, but in this instance we are talking about local government authorised officers. So that is what you are willing to address?

The Hon. K.J. MAHER: That is my advice: authorised officers, yes.

The Hon. N.J. CENTOFANTI: Can the minister provide a timeline in and around that commitment that he has just made to the chamber? Will he commit to bringing those changes back as soon as possible, so that they can be corrected before the end of the year?

The Hon. K.J. MAHER: On behalf of the government, I am happy to commit that we will have those discussions as quickly as we can. We regularly have portfolio bills that deal with a whole range of changes that if we can get that resolved we will bring back to the extent that it is necessary. Again, that is why we are seeking further advice, to see the extent that it is necessary. We will be happy to bring it back as soon as we are able to.

The Hon. C. BONAROS: I am just thinking out loud now: in the alternative, if this particular clause were to get up, the concern that remains for you in the meantime is the inconsistency that that provides between this piece of legislation and other pieces of legislation that do not offer the same security?

The Hon. K.J. MAHER: Yes, indeed, that is the case. We want to try to retain that consistency.

The committee divided on the new clause:

Ayes 7
Noes.....8
Majority 1

AYES

Centofanti, N.J. (teller)	Hood, B.R.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Pangallo, F.
Simms, R.A.		

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Wortley, R.P.	

PAIRS

Game, S.L.	Scriven, C.M.
Henderson, L.A.	El Dannawi, M.
Girolamo, H.M.	Martin, R.B.

New clause thus negatived.

Clause 107.

The Hon. N.J. CENTOFANTI: In regard to authorised officers, can the Attorney advise the chamber as to whether third parties can be appointed as authorised officers under this bill?

The Hon. K.J. MAHER: What does the honourable member mean by 'third parties'—someone from a local council as a third party?

The Hon. N.J. CENTOFANTI: I was thinking more in terms of an organisation like the RSPCA. Could they be appointed as an authorised officer under this bill?

The Hon. K.J. MAHER: My advice is that there is the potential for anyone to be appointed as an authorised officer, and I think that is very similar to authorised officers under many other pieces of legislation.

Clause passed.

Clauses 108 to 174 passed.

Clause 175.

The CHAIR: We have a number of consequential amendments from the Hon. Ms Franks. The Hon. Ms Franks, you can move amendments Nos 20 through to 29, which are all consequential.

The Hon. T.A. FRANKS: Alright. I had 20 to 39.

The CHAIR: No, we have one from the Hon. Ms Centofanti in between.

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

Amendment No 20 [Franks–1]—

Page 123, line 40 [clause 175(1)]—After 'Act' insert:

(other than policies relating to the matters referred to in subsection (4a))

Amendment No 21 [Franks–1]—

Page 124, line 1 [clause 175(2)]—Delete 'The Minister' and substitute 'A designated entity'

Amendment No 22 [Franks–1]—

Page 124, line 15 [clause 175(4)(c)]—Delete paragraph (c)

Amendment No 23 [Franks–1]—

Page 124, line 16 [clause 175(4)(d)]—Delete paragraph (d)

Amendment No 24 [Franks–1]—

Page 124, after line 21—After subclause (4) insert:

(4a) The Council must make a biodiversity policy relating to each of the following:

(a) significant environmental benefits (the *SEB policy*);

(b) environmental benefit credits.

Amendment No 25 [Franks–1]—

Page 125, lines 1 and 2 [clause 175(8)]—Delete subclause (8) and substitute:

(8) Before making the SEB policy, the Council must refer the proposed policy to the Minister and take into account any advice provided by the Minister.

Amendment No 26 [Franks–1]—

Page 125, line 4 [clause 175(9)(a)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 27 [Franks–1]—

Page 125, line 5 [clause 175(9)(b)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 28 [Franks–1]—

Page 125, line 8 [clause 175(9)(b)(i)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 29 [Franks–1]—

Page 125, line 10 [clause 175(9)(b)(ii)]—Delete 'Minister' and substitute 'designated entity'

These are indeed consequential to amendment No. 1 [Franks-1] mostly replacing 'minister' with 'designated entity' and should be seen as consequential.

Amendments carried.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 11 [Centofanti–1]—

Page 125, after line 10 [clause 175(9)(b)]—After subparagraph (ii) insert:

(iii) notifying and inviting comment on the proposed biodiversity policy from the following entities:

(A) Primary Producers SA Incorporated;

(B) the Conservation Council of South Australia Incorporated;

(C) the Local Government Association of South Australia;

(D) if the proposed policy relates to pastoral land, the Pastoral Board;

(E) if the proposed policy relates to land within the Murray-Darling Basin, the Minister responsible for the administration of the *River Murray Act 2003*;

(F) if the proposed policy relates to mineral exploration, the Minister responsible for the administration of the *Mining Act 1971*;

(G) any other entity prescribed by the regulations for the purposes of this subparagraph;

This amendment requires that when preparing a proposed biodiversity policy the minister must notify and invite comments from a defined list of key stakeholders. These key stakeholders are to include Primary Producers SA, the Conservation Council of South Australia Inc., the Local Government Association of South Australia, the Pastoral Board if it relates to pastoral land, the Minister for the River Murray if it relates to the basin, the Minister for Mining if it relates to mining, exploration, and any other entity prescribed by the regulations.

The purpose of this amendment is to really mandate formal consultation with key affected sectors and levels of government before finalising biodiversity policy, and ensures that conservation bodies, local government, primary producers and sector-specific authorities have an opportunity to provide input. It introduces transparency, accountability and cross-sector input into biodiversity policy making.

The Hon. K.J. MAHER: I rise to indicate that the government will not be supporting this amendment. The preparation of biodiversity policies already requires public consultation and there is a provision to include consultation requirements for specific stakeholders in regulation. It is the government's view that these prescriptive requirements, in terms of naming particular stakeholders, need to be more flexible than legislation allows and are much better in regulation.

The Hon. R.A. SIMMS: I indicate that I will not be supporting this one either. I do think it is problematic if we go down the path of listing specific organisations in legislation. I think the Attorney makes a persuasive point. What happens if an organisation changes and they have been named in legislation? It potentially creates an unworkable model.

Amendment negatived.

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

Amendment No 30 [Franks–1]—

Page 125, line 11 [clause 175(9)(c)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 31 [Franks–1]—

Page 125, line 13 [clause 175(9)(d)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 32 [Franks–1]—

Page 125, line 15 [clause 175(9)(d)]—Delete 'Minister' and substitute 'designated entity'

Amendment No 33 [Franks–1]—

Page 125, line 16 [clause 175(9)(d)]—After 'it' insert:

, or causing it to be published,

Amendment No 34 [Franks–1]—

Page 125, line 17 [clause 175(10)]—Delete 'the Minister' and substitute 'a designated entity'

Amendment No 35 [Franks–1]—

Page 125, line 18 [clause 175(10)]—After 'made' insert:

by the designated entity

Amendment No 36 [Franks–1]—

Page 125, line 20 [clause 175(11)]—Delete 'The Minister' and substitute 'A designated entity'

Amendment No 37 [Franks–1]—

Page 125, line 24 [clause 175(13)]—Delete 'The Minister' and substitute 'A designated entity'

Amendment No 38 [Franks–1]—

Page 125, line 24 [clause 175(13)]—After 'policy' insert:

made by the designated entity

Amendment No 39 [Franks–1]—

Page 125, after line 26 [clause 175(14)]—Before the definition of *minor amendment* insert:

designated entity means—

(a) in relation to a policy referred to in subsection (4a)—the Council; or

(b) in any other case—the Minister;

This is mostly replacing 'minister' with 'designated entity'.

Amendments carried; clause as amended passed.

Clauses 176 to 184 passed.

Schedule 1.

The CHAIR: I have identical amendments in the name of the Hon. Ms Franks and the Hon. Ms Centofanti. The Hon. Ms Franks, your amendment was filed first.

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

Amendment No 40 [Franks–1]—

Page 131, after line 34 [Schedule 1 clause 1]—After subclause (1) insert:

(1a) The plan or plans deposited under subclause (1) must define the regulated clearance area so that it constitutes the area to which the *Native Vegetation Act 1991* applies at the time the plan is, or plans are, deposited.

Indeed, it is identical to amendment No. 12 [Centofanti-1]. It requires that the map that is deposited match the plan in place under the Native Vegetation Act (i.e. there cannot be suddenly a much smaller area to which it applies.)

The Hon. K.J. MAHER: I rise to indicate the government will support the amendment.

Amendment carried.

The CHAIR: The Hon. Ms Centofanti, your amendment is now superfluous because it has just been agreed to.

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

Amendment No 41 [Franks–1]—

Page 131, after line 40 [Schedule 1 clause 1]—After subclause (4) insert:

(4a) Before varying the Regulated Clearance Area Plan, the Minister must undertake public consultation on the proposed variation in the manner the Minister considers appropriate for a period of at least 30 days.

This requires public consultation to be undertaken on any proposed changes to the regulated clearance area plan (i.e. maps for where the native veg layer applies.)

Amendment carried.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 13 [Centofanti–1]—

Page 132, after line 2 [Schedule 1 clause 1]—After subclause (5) insert:

(5a) A notice referred to in subclause (4) must operate so that the instrument referred to in that subclause takes effect at least 4 months after the notice is made.

This amendment inserts a new subclause (5a) into clause 1 of schedule 1 and mandates a minimum four-month delay between when a notice is made under subclause (4) and when the related instrument takes legal effect.

Those of us who sit on the Legislative Review Committee are well versed with early commencement certificates and simply this amendment ensures that an early commencement cannot occur and that that four-month minimum delay occurs between when the notice is made and when that related instrument takes effect. This will provide affected parties, whether that be councils, industry or landholders, with adequate time to not just understand but to potentially respond to any new obligations or restrictions imposed by the instrument and obviously allow for time consultation, time adjustments and review before the instrument comes into force.

The Hon. C. BONAROS: It goes without saying that I support this amendment.

The Hon. K.J. MAHER: To bring a little bit of joy into the opposition's life, I will put on the record that the government will be supporting the opposition's amendment.

Amendment carried; schedule as amended passed.

Schedule 2.

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

Amendment No 1 [AboriginalAff–1]—

Page 133, after line 7 [Schedule 2 clause 1]—After the definition of *forest vegetation* insert:

infrastructure includes social infrastructure;

This amendment relates to amendment No. 1 [Franks-3] and amendment No. 2 [Franks-3]. It is intended to ensure that, while we have deleted social infrastructure from the definition of infrastructure more broadly, and for the purpose of clause 51 of the bill, clearance can still be undertaken for the purpose of maintaining social infrastructure or for the provisions of social infrastructure in limited circumstances set out in the council guidelines as per schedule 2.

Amendment carried.

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

Amendment No 2 [AboriginalAff–1]—

Page 133, after line 21 [Schedule 2 clause 1]—After the definition of *SAMFS* insert:

social infrastructure means buildings or areas that facilitate the delivery of social services;

social services include health services, disability services, aged care, childcare, education, justice and emergency services, arts and culture, sport and recreation, social housing and any other service provided for community benefit.

This amendment is exceptionally closely related to the one I have just moved and that the opposition did not oppose.

Amendment carried.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 14 [Centofanti–1]—

Page 134, line 34 [Schedule 2 clause 4, heading]—Delete '3 m' and substitute '4 m''

Amendment No 15 [Centofanti–1]—

Page 134, line 35 [Schedule 2 clause 4(1)]—Delete '3 m' and substitute '4 m'

What these amendments do is increase the threshold for that three-metre clearance zone. What we are proposing is to delete 'three' and insert 'four', so increasing the threshold to four metres, which will allow for a more flexible and permissible approach—that is, in regard to clearing vegetation along a fence line, a track or a firebreak. Essentially, it widens the permitted clearance area without requiring formal consent or triggering additional regulatory hurdles. Whilst a one-metre increase may seem minor it can make a significant practical difference not just for landholders but for council officers, etc.

The Hon. K.J. MAHER: I do not think it will surprise the opposition that the government will not be supporting this. The current distance of three metres—

The Hon. N.J. Centofanti interjecting:

The Hon. K.J. MAHER: Sir, I seek your protection from the Leader of the Opposition. The current distance of three metres aligns with rules for clearing trees around dwellings in relation to regulating significant trees under the state's planning system, and we think it is appropriate here.

The Hon. C. BONAROS: Can the Leader of the Opposition just confirm who was consulted with in relation to this particular change? Where did it come from?

The Hon. K.J. Maher: The shadow minister?

The Hon. N.J. CENTOFANTI: The Attorney does make a good point. In terms of consultation, I would probably have to take that on notice, to be honest, because I am not the shadow minister. So I am happy to take that on notice and bring back a reply for the honourable member.

The Hon. T.A. FRANKS: I will not be supporting this amendment. It increases from three to four metres the area where clearance is allowed without permission. Of course, clearance can occur where permission is sought and agreed if it is appropriate.

The Hon. R.A. SIMMS: Ditto.

The CHAIR: One of your better contributions.

The Hon. R.A. SIMMS: I am not supporting it either.

Amendments negatived.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 16 [Centofanti–1]—

Page 139, line 34 [Schedule 2 clause 14(1)(e)(i)(B)]—Delete '1 m' and substitute '2 m'

This amendment modifies clause 14(1)(e)(i)(B) in schedule 2 by changing a clearance measurement from one metre to two metres. Whilst the exact wording of clause 14(1)(e)(i)(B) is not quoted, this provision is really about allowing clearance activities such as vegetation around fence lines and pipelines, firebreaks, maintaining track access or visibility, or ensuring asset protection zones. It doubles the permitted clearance width in the context from one metre to two metres, and again allows greater flexibility for landholders or infrastructure managers to maintain safe and practical access around specified features.

The Hon. K.J. MAHER: The government will not be supporting this. I am advised the current distance of one metre is consistent with the approach currently applied under the Native Vegetation Regulations. We will not be supporting a change.

Amendment negatived.

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

Amendment No 5 [Franks–3]—

Page 145, lines 33 and 34 [Schedule 2 clause 29(1)]—Delete subclause (1)

This ensures that pastoral grazing is not exempt from the need to gain permission to clear, and would see the act revert to the existing policy under the Native Vegetation Act.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting this amendment, along with the following two amendments Nos 6 and 7 [Franks-3], to ensure that the circumstances in which grazing of native plants can occur without the need to apply for a clearance authorisation are treated consistently throughout the state. The government accepts that this will provide greater clarity for graziers.

Amendment carried.

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

Amendment No 6 [Franks–3]—

Page 145, lines 35 and 36 [Schedule 2 clause 29(2)]—Delete 'that is not pastoral land'

Amendment No 7 [Franks–3]—

Page 146, lines 1 and 2 [Schedule 2 clause 29(3)]—Delete 'that is not pastoral land'

These are consequential to amendment No. 5 [Franks-3].

Amendments carried; schedule as amended passed.

Schedule 3 passed.

Schedule 4.

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

Amendment No 42 [Franks–1]—

Page 148, line 20 [Schedule 4 clause 1(b)(ii)]—Delete subparagraph (ii)

This removes the capacity for a landowner to remove a dingo merely on suspicion. Dingoes are apex predators and there is a good amount of evidence to show that they make a huge contribution in controlling the numbers and impacts of feral species such as goats. Mammals form the main part of their diet—especially rabbits, kangaroos, wallabies and wombats—and only when native species are scarce do they hunt domestic animals and farm livestock. In fact, the kangaroo is the species most often taken by dingoes.

The Hon. K.J. MAHER: I am afraid on this occasion the government will not be supporting the amendment. My advice, and the government's view, is that the proposed amendment is not consistent with the South Australian Wild Dog Management Strategy and will not be supported.

The Hon. N.J. CENTOFANTI: I rise to indicate, and it probably does not surprise the member, that the opposition will not be supporting her amendment.

The Hon. R.A. SIMMS: I do support the amendment.

Amendment negatived.

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

Amendment No 43 [Franks–1]—

Page 148, lines 33 to 35 [Schedule 4 clause 1(d)(iii)]—Delete subparagraph (iii)

This removes the capacity for habitat to be removed merely on suspicion. Again, we are going to hopefully have legislation that does not rely on suspicion rather than established fact.

The Hon. K.J. MAHER: The government will not be supporting the amendment. It is the government's view that the current provisions relating to circumstances in which a permit is not required to destroy, damage or disturb protected habitat reflect the current policy settings carefully inserted into the National Parks and Wildlife Act to provide an appropriate pathway to landowners to continue to practically manage their property, especially in relation to the appropriate management of, for example, wombat burrows outside declared habitat protection zones. Within such zones, however, permits will still be required.

Amendment negatived.

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

Amendment No 44 [Franks–1]—

Page 149, after line 15 [Schedule 4 clause 1]—After the present contents of clause 1 (now to be designated as subclause (1)) insert:

(2) The following provisions apply to taking a dingo in accordance with subclause (1)(b):

(a) a person who proposes to take a dingo must provide evidence to the Minister of the need to take the dingo;

(b) non-lethal and targeted methods must be used to take a dingo;

(c) sodium fluoroacetate, strychnine and leg-hold traps must not be used to take a dingo.

In regard to dingoes and requiring that any decisions to remove these dingoes are based on evidence—while that has slightly failed—this would seek to ensure that the methods used to do so are non-lethal, targeted and humane. In fact, 1080, which is far too often used, inflicts a painful death on those animals that consume it and has knock-on effects that are incredibly harmful, so it would eradicate that.

The Hon. K.J. MAHER: While the government appreciates the intention of the honourable member, the government will not be supporting the amendment. For similar reasons to the previous amendment, I think two amendments ago, it is not consistent with the current policy in relation to wild dog management. I am further advised that it is the government's view that such amendments may be better in the Animal Welfare Act, to be replaced by the new Animal Welfare Act, rather than biodiversity conservation matters, but primarily in relation to the wild dog management strategy.

The Hon. N.J. CENTOFANTI: I rise to indicate the opposition will not be supporting the amendment.

Amendment negatived; schedule passed.

Schedule 5.

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

Amendment No 3 [AboriginalAff–1]—

Page 173, after line 19—After Part 29 insert:

Part 29A—Amendment of *State Development Coordination and Facilitation Act 2025*

95A—Amendment of section 19—Interpretation

(1) Section 19(1), definition of *protected area*, (e)—delete '*and Wildlife*'

(2) Section 19(1), definition of *protected area*, (f)—delete 'heritage agreement under section 23 of the *Native Vegetation Act 1991*' and substitute:

biodiversity agreement under the *Biodiversity Act 2025*

95B—Amendment of Schedule 1—Designated Acts

(1) Schedule 1—after the item relating to the *Aquaculture Act 2001* insert:

Biodiversity Act 2025;

(2) Schedule 1—delete the item relating to the *Native Vegetation Act 1991*

This amendment is moved as a consequence of amendments arising from this bill to update references to particular legislation in the recently passed State Development Coordination and Facilitation Act.

The Hon. R.A. SIMMS: I just want to indicate I do not support this amendment. I understand that this bill amends the State Coordinator bill to allow the provisions of this bill to be incorporated within those functions. I spoke at length during the debate about that particular legislation around my concerns and the fact that it was a bill that is being used to enable the dud AUKUS deal and all of the consequences around that. I expressed my concerns at the time that that bill could be used to circumvent existing pieces of legislation. I do not want to see the new State Coordinator being given the power to circumvent or call in some of the functions with respect to this legislation either. I urge members to oppose this provision.

The Hon. T.A. FRANKS: Can the minister explain what this amendment does, please?

The Hon. K.J. MAHER: My advice is, in relation to the State Coordinator bill, it replaces references to the Native Vegetation Act with the name of this act that we are currently talking about.

The Hon. N.J. CENTOFANTI: That was my understanding, so on that basis the opposition are happy to support the government's amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (18:29): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 8
Noes.....7
Majority 1

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Simms, R.A.	Wortley, R.P.	

NOES

Bonaros, C.	Centofanti, N.J. (teller)	Hood, B.R.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Pangallo, F.		

PAIRS

El Dannawi, M.	Game, S.L.
Martin, R.B.	Henderson, L.A.
Scriven, C.M.	Girolamo, H.M.

Third reading thus carried; bill passed.

Sitting extended beyond 18:30 on motion of Hon. K.J. Maher.

At 18:33 the council adjourned until Wednesday 18 June 2025 at 11:00.