LEGISLATIVE COUNCIL

Thursday, 21 August 2025

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Office of the Guardian for Children and Young People, The Training Centre Visitor: Special Report into the use of Isolation at the Adelaide Youth Training Centre, July 2025

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

Department for Child Protection Guardian for Children and Young People Inquiry into the Establishment, operations and outcomes of the Finding Families Initiative

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

Regulations under Acts—
Education and Care Services National Law
Adelaide Cemeteries Authority Charter 2025
Adelaide Film Festival Charter 2025
Direction to the South Australian Water Corporation Cape Jaffa Anchorage Essential Services Period
Direction to the South Australian Water Corporation SA Water augmentation charges for 2025-2026 period
Kadaltilla Adelaide Park Lands Authority Adelaide Park Lands Management Strategy Towards 2036
Minister Boyer's Interstate Travel Report 12 June to 13 June 2025 prepared pursuant to the Public Sector Act 2009
Minister Boyer's Interstate Travel Report 16 June 2025 prepared pursuant to the Public Sector Act 2009
Minister Cook's Travel Report 7 June to 16 June 2025 prepared pursuant to the Public Sector Act 2009
Minister Michaels' Interstate Travel Report from 5 June to 7 June 2025 prepared pursuant to the Public Sector Act 2009
Minister Szakacs' Travel Report 7 June to 14 June 2025 prepared pursuant to the Public Sector Act 2009

Question Time

SOUTH COAST ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding Dr Anderson.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday in this place, the minister insisted that Dr Anderson had not been asked to refrain from speaking to the media. Yet this morning, on FIVEaa, presenters recounted that Dr Anderson had initially agreed to appear but then became, and I quote, 'entirely unavailable' after contact with PIRSA and the government. Given this contradiction, my question to the minister is: has Dr Anderson at any point been directed to not speak with the media other than when standing with government representatives?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): I thank the honourable member for her question. I do wonder: is she aware of the media conference that Dr Anderson did today after the Harmful Algal Bloom Taskforce meeting? Members may recall that each week, after the Harmful Algal Bloom Taskforce, there is a press conference in order to update the media, and therefore the South Australian community, about any most recent testing, about any new developments. He was obviously available for that. He was available for questions, and I think that is very helpful.

At the task force meeting this morning, we heard from Dr Anderson, talking about his experience in the United States with harmful algal blooms and also the experiences elsewhere around the globe. He used examples from Russia and Alaska, as well as two different examples in the United States, referring to both the things that have behaved as expected and those that have not.

As we have said on numerous occasions, this harmful algal bloom is unprecedented in terms of its scale and its duration. That is why we continue to engage with experts around the globe, as well as elsewhere around the country, in what can be learnt both through this bloom but also from experiences elsewhere. I would like to thank Dr Anderson for making himself available. He has had multiple meetings this week with, for example, SARDI scientists, with other government departments, as well as others who are experts in the field.

SOUTH COAST ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: has Dr Anderson been available to media at any time other than with government officials?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): That would be a question for Dr Anderson. I know that he has had a very full schedule. Obviously, when an expert comes to South Australia, his main goal is to be able to meet and talk with those who have been part of the algal bloom investigation and response, to be able to share his expertise, but also to have discussions with multiple individuals who might also be able to provide input.

I think those opposite, again, want to focus on all sorts of minutiae, instead of actually addressing the difficult circumstances that so much of South Australia is experiencing. What we are focused on is getting the best input we can in terms of the science. What we are focused on is providing support for our fishing industries. What we are focused on is supporting our coastal communities. I suggest that if those opposite were keen to do any of those things, then we would all get along far better and achieve even more.

SOUTH COAST ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): Final supplementary: has Dr Anderson been able to have these so-called discussions with the media outside of government press conferences?

The PRESIDENT: At the end of the day, I don't know that the minister touched on anything to do with press conferences and government officials. They were certainly in your questions. They were not in the minister's answers, okay, so I am going to call you for your second question, please.

SOUTH COAST ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): I seek leave to make a brief explanation prior to asking a question of the Minister for Primary Industries and Regional Development regarding algal bloom.

Leave granted.

The Hon. N.J. CENTOFANTI: At midday today, Dr Anderson presented to media at a press conference and stated very clearly that there is nothing unprecedented about this algal bloom. Given that this algal bloom is not unprecedented, and that there have been numerous examples of outbreaks of this same species around the globe for many years, my question to the minister is: could have, and should have, the government reached out to Dr Anderson earlier when the bloom was first brought to the government's attention to understand what he refers to as 'control and mitigation technologies'?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): First of all, I think the honourable member is misrepresenting what was said by Dr Anderson. He said that this was a significant event. He said it wasn't extraordinary in response to a specific question from the media. When we have talked about it being unprecedented, certainly Dr Anderson has not contradicted that in any shape or form. It is unprecedented for Australia to have a bloom of this duration and of this scope. Now here we—

The Hon. N.J. Centofanti: That's not what you've been saying.

The Hon. C.M. SCRIVEN: It's exactly what we've been saying. Now here we have those opposite again trying to get some sort of, you know, gotcha moment instead of actually focusing on what we can do—

The Hon. N.J. Centofanti: Unprecedented means it has never happened, Clare.

The Hon. C.M. SCRIVEN: It has never happened here in South Australia. We have never had an algal bloom of this type in Australia. Now those opposite are being, unfortunately, quite ridiculous. Here in this place, I have said on multiple occasions we have had previous algal blooms here. I have referred to Coffin Bay in 2014. In terms of control and mitigation, again I would suggest that the honourable member listen carefully to what Dr Anderson said. He talked about, for example, the clay approach, which has not been used on anything like the scale of the bloom that we have here. I spoke earlier in the week about the different aspects of various potential mitigation measures.

As a government, we of course are keen to investigate any that might be possible and applicable here in South Australia. Of the various types that have been used elsewhere, they haven't been trialled in an area such as South Australia. Even in the United States, where Dr Anderson was referring to the clay approach, he said that they are only now getting approval to even trial that in the area he is working in.

It is understandable that those opposite would like a simple answer that can blame the government. The reality is that algal blooms are complex. The reality is that algal blooms have been occurring, but not at this scale and at this duration, here in Australia, and we have continued to engage and reach out to various experts in the field. We have continued to look at ways that this could potentially be mitigated.

What Dr Anderson said was that into the future perhaps there may be other aspects that could be utilised, but they need to be trialled. We need to be confident they are not going to have other unintended consequences that may be equally or more devastating than the bloom itself. It is tempting, I am sure, for those opposite to want to be simplistic. The reality is that it is far more complex than that when it comes to something that is a naturally occurring event that is having such a significant impact on South Australia.

SOUTH COAST ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): Supplementary: given that clay flocculation or other technologies can't be used on large algal blooms, should the government have engaged with experts sooner?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): We have been engaging with experts since the beginning. Dr Anderson, who is the Director of the United States National Office for Harmful Algal Blooms, is here in Adelaide, exactly so that we can draw on his expertise, and he can also learn more by talking with those who have been involved in this in South Australia.

Again, I will stress that the technology is entering a trial phase in the United States, where approval authorities have been cautious. It is absolutely appropriate that we investigate any possible mitigation approaches. It is also absolutely essential that we investigate them fully and don't create

more problems or difficulties. It is a matter of being open to whatever information we are able to draw on and continuing as we go forward in terms of how this might be approached if we have a similar algal bloom in the future.

DROUGHT ASSISTANCE

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

Leave granted.

The Hon. N.J. CENTOFANTI: The *Stock Journal* recently reported on the government's ongoing lack of transparency in relation to the expenditure of the drought relief package, an issue that the opposition has also consistently raised. The article stated:

> The *Stock Journal* has asked Primary Industries Minister Clare Scriven on multiple occasions over several weeks to provide a breakdown of the funds spent so far in each of the programs. The details have not been forthcoming.

My questions to the minister are:

1. Why has the minister not provided a clear breakdown of expenditure within her own portfolio when repeatedly requested?

2. Is the minister withholding this information from farming communities across the state and, if so, why?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): I thank the honourable member for her question. The uptake of the drought support package has been huge. We have been really, really pleased. In terms of the On-farm Drought Infrastructure Rebate, the last figures we released I think referred to, from memory, over 2,600 successful applications for on-farm drought infrastructure.

In terms of the Connecting Communities Events, there have also been, as of 7 August, 135 events approved and 90 already held across the state. What we have had in terms of the hay runs, which have been very significant, has been a large number both of farmers assisted and also areas assisted. That has been in terms of a number of the smaller charities who have done small hay runs—they perhaps have gone a little bit under the radar—in addition, for example, to the Need For Feed hay run that came from Western Australia and was a significant benefit.

The Active Club Program has had, according to my information here, 630 regional sport and recreation clubs supported. There have also been many assisted by the rural financial counselling support program, the small business support program and rebates on the emergency services levy. Members might recall there are, I think from memory, over 20 streams of the drought support package, and so I am very glad that we have had very positive feedback. I have certainly been at a number of events where farmers have said that they have been successful in the on-farm infrastructure drought rebates and how much it has meant in terms of their ability to deal with the current drought.

DROUGHT ASSISTANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: when will the minister provide the breakdown of the funds spent within these programs, and why is she withholding that information?

The PRESIDENT: The minister actually didn't touch on breakdown of—

The Hon. N.J. Centofanti: That's because she didn't answer my question.

The PRESIDENT: Again, if you are going to ask a supplementary question it has to arise from the answer.

Members interjecting:

The PRESIDENT: Order!

COUNTRY FIRE SERVICE PERIOD PACKS

The Hon. R.P. WORTLEY (14:35): My question is to the Minister for Emergency Services and Correctional Services on the topic of Country Fire Service period packs. Will the minister inform the council about the recently launched CFS period pack initiative?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:35): I thank the member for this question and I really appreciate his interest in supporting this initiative. From this month, the South Australian CFS is providing free period products to all members, with over 1,000 packs being provided across vehicles, accommodation rooms and training facilities.

This initiative is about dignity, inclusion and ensuring that every member of our emergency services family feels supported in their role no matter where they are and what they are facing. Vehicle kits will include pads, tampons and disposable bags designed for emergency use and easy storage. Wall-mounted dispensers will be installed at state headquarters, regional headquarters and training facilities, stocked regularly and available to anyone who needs them.

These products are biodegradable, individually wrapped, and designed with the realities of emergency service work in mind, including limited access to waste disposal. Our government knows that being caught without access to period products can be distressing, especially in remote, high-pressure environments like the fireground. That is why these products will be available to all bathroom areas to support all individuals with respect and care.

With 21 per cent of CFS volunteers being women, this initiative ensures that our volunteers and staff can work with confidence knowing that their basic needs are considered and met. Our CFS volunteers tirelessly support their communities and we want to address barriers that can impact their valued contribution. Making these products widely available recognises a basic health need and I am pleased to see a more inclusive environment across this organisation.

It is sometimes small changes that can make a big impact, and this is exactly one of those. I am glad our government is thinking about how to make this a more inclusive workplace. It sends a clear message that no-one should feel embarrassed or excluded just because of their bodily functions.

I commend the CFS and TABOO for their partnership, as well as the work of the member for Reynell, Minister for Women, Katrine Hildyard; the Hon. Connie Bonaros; and the Hon. Irene Pnevmatikos, who have obviously advocated strongly in this space. I look forward to seeing this initiative grow and inspire similar actions across other sectors.

ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE REPORT

The Hon. C. BONAROS (14:38): I seek leave to make a brief explanation before asking the Attorney-General and/or the Minister for Consumer and Business Affairs in another place and the Minister for Women and the Prevention of Domestic, Family and Sexual Violence questions regarding the recommendations from the Royal Commission into Domestic, Family and Sexual Violence.

Leave granted.

The Hon. C. BONAROS: The royal commission, as we know, has reported. It was tasked with uncovering the drivers of violence, listening to victim survivors, and charting a path for prevention and reform. Its findings make clear that this is not a private issue, but one that demands urgent government leadership and systemic change.

Among its many recommendations, the commission identified gambling harm as a serious commercial determinant of violence that requires strong regulation and national action. Recommendations 132 and 133 read respectively:

> The South Australian government advocate for the Australian government to accept and progress the recommendations made by the House of Representatives Standing Committee on Social Policy and Legal Affairs in the You Win Some, You Lose More report, including, but not limited to, the phased approach to a comprehensive ban on all forms of advertising for online gambling.

And:

> The Minister for Consumer and Business Services:

a. progress amendments to section 3 of the Gambling Administration Act 2019 (SA) so that the paramount object of the Act is the minimisation of harm and potential harm associated with the misuse and abuse of gambling activities, consistent with the changes to the Liquor Licensing Act 1997 (SA)

b. undertake a review of the available regulatory levers under the Gambling Administration Act 2019 (SA) to ensure that gambling regulation is occurring in a way that achieves the paramount consideration of harm minimisation and progress further reform as appropriate.

My questions to the Attorney are:

1. Is the government committed to implementing these recommendations and, if so, when?

2. What steps is the government taking to address the royal commission's call for stronger restrictions on gambling advertising, particularly to protect families most at risk of financial abuse and violence?

3. How is the South Australian government working with the commonwealth to ensure the recommendations outlined, including the one on phasing out gambling advertising, are implemented without delay?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:41): I thank the honourable member for her questions in relation to recommendations in the Royal Commission into Domestic, Family and Sexual Violence that was handed down earlier this week. The honourable member has referenced two of the recommendations that appear on page 616 of the report in relation to gambling, recommendations 132 and 133, and there is also very useful commentary that precedes those. I think one of the great strengths of the report is before the recommendation or sets of recommendations there is significant commentary that allows a greater understanding of the issues concerned and why the recommendations are being made.

I know that the Premier and Minister Katrine Hildyard have spoken a number of times about the royal commission since it was handed down earlier this week. There are a number of recommendations that have been immediately agreed to, which are enabling recommendations to look at implementing further recommendations. I think there have been statements that we will look to respond to the rest of the recommendations by the end of the year. Certainly, recommendation 132 is not something we have direct control over. It suggests advocacy from the South Australian government. Recommendation 133 is directed at the Minister for Consumer and Business Affairs, but I will certainly make sure that the Minister for Consumer and Business Affairs, the Premier and Minister Hildyard are aware of the commentary and concerns raised in the Legislative Council today.

GREYHOUND RACING

The Hon. R.A. SIMMS (14:42): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Recreation, Sport and Racing on the topic of greyhound racing.

Leave granted.

The Hon. R.A. SIMMS: This week, the Tasmanian Premier, Jeremy Rockliff, pledged to wind up greyhound racing in the state by 30 June 2029, citing concerns about the welfare of participants and greyhounds. The move comes after a champion greyhound was euthanised after suffering cervical spinal injuries from a fall in a race last month, the second racing death in Tasmania this year. The Tasmanian government have indicated that they will establish a parliamentary committee to oversee the transition and to map out the pathway forward. Greyhound racing was banned in the ACT in 2018, and last year it was also banned in New Zealand.

My question to the Minister for Recreation, Sport and Racing, therefore, is: given the inherent cruelty of greyhound racing, when will the South Australian government finally commit to banning it here in South Australia?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:43): I thank the honourable member for his question. The state government has made it very clear when it comes to the greyhound raising industry that they must reform and continue to close that gap to be able to keep up with community expectations but provide a safe environment for everyone involved.

As you would be aware, the Graham Ashton recommendations were brought through not only this parliament but also it has been very broadly known within the community about the fact that we have done an independent review and we now have put an independent body into this process to make sure we can follow these recommendations because we do not just want to have recommendations be made available but then not have any oversight of them as well.

We know that this is an important point. We are at the year mark already and I think 41 recommendations have been met. There is a long way to go and the industry knows that they need to meet these recommendations and that the industry is in their hands.

GREYHOUND RACING

The Hon. R.A. SIMMS (14:45): Supplementary: what timeframe has the minister set for the implementation of these recommendations and what action will she be taking if the recommendations are not implemented?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:45): As was part of the recommendations that were put forward, they had two years to achieve those recommendations. We are just at the year mark, so they are halfway through. They have another year to achieve those recommendations.

As I said earlier, it is up to the greyhound industry to work through them, with oversight from the integrity body, to make sure they are being delivered. Some of the things they have achieved are that I understand Greyhound Racing SA has recently announced that Andrew Baker, a former ICAC Director of Investigations with a strong background in animal welfare and compliance, has been appointed as the organisation's new general manager for welfare and we are now the first state to ban artificial insemination as well. So there have been things that have been achieved because of these recommendations. They have a long way to go, but they know, more than anyone, that this industry is in their hands.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (14:46): I seek leave to make a brief explanation before addressing some questions to the Minister for Primary Industries regarding the giant pine scale outbreak.

Leave granted.

The Hon. J.M.A. LENSINK: In May this year, I asked the minister about giant pine scale and in her response the minister advised that the government has committed $1 million to revegetation works at the Hope Valley Reservoir. She also stated and I quote:

> …we are aiming to eliminate all known detections of the pest…

Further that:

> The priority of the response program is really twofold: it's to protect amenity tree plantings through the urgent removal of infested trees, as well as to protect, to the extent possible, our forest industries.

My questions to the minister are:

1. Can the minister confirm whether there are giant pine scale-infested trees within the Hope Valley Reservoir that have not yet been removed?

2. If so, when was the infection first detected and how many trees are affected?

3. Is the government proceeding with revegetation or other works, such as footpath installation, at the Hope Valley Reservoir and when are these works anticipated to begin?

4. Have there been any additional detections outside of the currently identified sites of the Highbury Aqueduct, Silverlake Reserve, Elliston Reserve, Hope Valley Reservoir and the Supashock site and, if so, where, when and are those trees still in place?

5. Has the government undertaken, or does it intend to undertake, any communication with the local community about giant pine scale to increase the likelihood of detection in a similar way to fruit fly?

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. Giant pine scale is native to the eastern Mediterranean region and causes a number of different impacts: branch dieback, gradual desiccation and eventually tree death. It feeds exclusively on plants from the pine family, such as pines, firs, and spruces.

As I think I have mentioned in this place before, giant pine scale is a threat to both the softwood forestry industry and wood processing industries in South Australia, as well as to the trees that are pines and similar in our urban landscape. Giant pine scale in Australia is now considered to be endemic, so no longer an exotic pest, and as such management of the pest rests with land managers, landowners and industry. In South Australia, people are obliged to report infestations to PIRSA as doing so allows potentially affected stakeholders to assess new detections and to decide on actions.

Giant pine scale has been detected in metropolitan Adelaide on three recent occasions. The 2023 detections at Hope Valley Reservoir and Elliston and Highbury Aqueduct reserves resulted in the removal of 913 trees. It is important to note that the majority of those trees were not infested themselves, but they were removed to create a buffer to prevent the spread of giant pine scale.

A comprehensive surveillance program supported by our forest industries recently surveyed thousands of trees across North Adelaide, Adelaide, Hope Valley, Highbury and the suburbs in between. As part of this surveillance, giant pine scale was detected in 2024 on trees at the Highbury Aqueduct Reserve and Hope Valley Reservoir Reserve as well as nearby Silverlake Reserve and on private land at Holden Hill. Trees at Highbury Aqueduct Reserve, Silverlake Reserve and Holden Hill were removed in April of this year, with tree removal at Hope Valley Reservoir pending.

A total of about 500 trees are anticipated to be removed at Hope Valley soon. The majority of these are not infested but, again, are removed to create a buffer. It is important to note that a buffer is the only known way to effectively prevent the spread. The timing of removal operations takes into account the life cycle stages of the pest to ensure a new generation does not hatch and spread to adjacent sites or trees.

Giant pine scale has only been found in areas adjacent to the 2023 control areas, so that suggests the pest is not becoming more widespread and that it can be eradicated here in South Australia. That is certainly a very positive aspect that I am able to report. Once the operations are complete, if no further giant pine scale is detected in Adelaide for two years, it can then be considered locally eradicated.

The removal of the affected trees remains the best known option for eliminating giant pine scale and is regarded as the quickest and most effective eradication method against the pest. Best practice control involves creating a 50-metre buffer around infested trees, which means that susceptible nearby trees are also removed. This prevents undetected scale from remaining as they can crawl up to 50 metres to find another host. It is probably worth pointing out that when we talk about removal in that 50-metre buffer zone, that is only of pine trees or the same type of trees. As I mentioned, they are the pine family: pines, firs and spruces.

I think it is fair to say that when people see reasonably widespread felling of trees it can be quite distressing. Certainly, communication is an important aspect of that. Communications have been continuing, and indeed I was part of a community get-together probably 2½ months ago. They are talking about the revegetation of one of the areas. We will continue to work with industry and with local landowners and land managers to attempt to eradicate giant pine scale from Adelaide and therefore South Australia.

GIANT PINE SCALE

The Hon. J.M.A. LENSINK (14:52): Supplementary: can the minister confirm whether there are any infected trees within the Hope Valley Reservoir that have not yet been removed?

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 and bring back a response.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I go to the Hon. Mr Ngo, I would like to welcome our guests from Kangaroo Island. Welcome, great to have you here.

Question Time

FLINDERS RANGES EDIACARA FOUNDATION

The Hon. T.T. NGO (14:53): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about the Flinders Ranges Ediacara Foundation's sixth birthday celebrations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:53): I thank the honourable member for his question and interest in this area. It was a pleasure to recently attend the sixth birthday celebration of the Flinders Ranges Ediacara Foundation, held at the South Australian Museum at the end of July.

The event brought together scientists, supporters, educators and advocates, all with a shared appreciation of one of South Australia's most remarkable national treasures, Nilpena Ediacara National Park, located on the traditional lands of the Adnyamathanha people. Reflecting on that evening, it was very easy to be struck by just how far the foundation has come in six short years. What started as a bold vision to protect and to promote the Ediacara fossils has become a world-class example of collaboration between science, government, traditional owners and community.

During the night we heard about the increasing demand for guided tours, now offered five days a week by a dedicated team of three staff, visitor numbers having doubled and feedback, especially from events such as Tasting Australia and visits from leaders in academia, has been overwhelmingly positive. It was especially fascinating to hear about the continued upgrade to the park: new geological timeline, improvements to the shearer quarters and the installation of fossil bed sponsorship plaques on these projects, deepening the visitor experience and ensuring the site is well supported into the future.

It was also pleasing and encouraging to hear the integration with our First Nations knowledge and understanding, with Adnyamathanha stories and understanding currently part of the offering and looking to see how it could continue to be integrated. Of course, the star of the storytelling remains the Alice's Restaurant fossil bed, a breathtaking centrepiece in the restored blacksmith's shop, brought to life through cutting-edge audiovisuals, the name being a nod to Arlo Guthrie's famous line, 'You can get anything you want at Alice's Restaurant'. Indeed, that particular fossil bed gives an amazing display from deep time diversity preservation of the Ediacaran fossils.

The recent event at the Museum was a reminder that, while Nilpena may only be some hundreds of kilometres away, the story it holds belongs to all South Australians. I have been fortunate to visit the site a number of times over recent years and, while being impressed at the richness and history of the rock bed, I was also impressed by the way Adnyamathanha culture, language and stories have been intertwined into the site. The foundation work ensures that those stories are not only preserved but shared in classrooms, communities, research papers and in spaces like the Museum, where people of all ages can connect with our very ancient past.

As we celebrate six years of the Flinders Ranges Ediacara Foundation, I acknowledge the incredible vision and commitment of everyone involved. What has been built is something that will continue to be built on in the future. It is not just about rocks and fossils, it is about legacy, learning and the land. We are looking forward to the next six years of the foundation and beyond.

ROYAL COMMISSION INTO DOMESTIC, FAMILY AND SEXUAL VIOLENCE REPORT

The Hon. T.A. FRANKS (14:56): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of the Royal Commission into Domestic, Family and Sexual Violence Report.

Leave granted.

The Hon. T.A. FRANKS: At chapter 8 of the royal commissioner's report, it reads:

Sex workers.

> The Commission heard from the Sex Industry Network Incorporated (SIN) that people who work in the sex industry, and who are experiencing domestic, family and sexual violence, often feel dehumanised and judged when seeking support. This is particularly problematic in jurisdictions such as South Australia where sex work is still criminalised.
>
> The push to decriminalise sex work has a long history in South Australia, failing to achieve a majority support in the South Australian Parliament, despite the introduction of multiple Bills over the years to do so.
>
> The Commission recognises that sex work has been decriminalised in other jurisdictions…and the resulting stigma that is attached to sex work, creates barriers to reporting violence in the sex industry.

The observation in chapter 8 is accompanied by the section where the commissioner urges further law reform in a number of areas.

I note that the Northern Territory, Queensland, Victoria and NSW have all moved to decriminalise sex workers in those jurisdictions, and it is a measure that removes not just stigma but violence in the lives of those workers. My questions to the Attorney-General are:

1. Is he aware of these concerns that criminalising people makes them more vulnerable to criminals and to violence?

2. What options will the Malinauskas government take to ensure that we provide not just a safe workplace but safer domestic lives for these South Australians?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58): I thank the honourable member for her question and acknowledge the great deal of work she has done on this topic over many years. The area of the royal commissioner's report that the honourable member refers to is at page 644, and the honourable member somewhat modestly missed a part of what she read out that recognises the work that she herself has done and the legislation she has put forward. I might actually read that out, seeing that the honourable member somehow forgot to mention that part. The royal commission notes that:

> The most recent Bill, the Statutes Amendment (Decriminalisation of Sex Work) Bill 2025, was introduced in the South Australian Parliament on 2 April 2025 by the Hon Tammy Franks…

It goes on to give a couple of quotes of the honourable member in relation to that particular bill. I think a great deal of satisfaction should be taken from the fact that the royal commission report specifically acknowledges the Hon. Tammy Franks' work in this area. Of course, the last quote that the honourable member read out is worth repeating. On page 644 of the royal commission report it states:

> The Commission recognises that sex work has been decriminalised in other jurisdictions and that criminalisation, and the resulting stigma that is attached to sex work, creates barriers to reporting violence in the sex industry.

I think that is a very powerful statement that—if we are tackling violence and sexual violence, domestic violence and family violence—needs to be reported. If there are barriers to it being reported, that is something that needs to be looked at and deserves to be addressed. My views on these issues are very well known, and they are very similar to the Hon. Tammy Franks' views and the views of a number of others in this chamber who have voted previously when bills have come forward that have been conscience votes for the major parties.

I am sure that we will see further legislation, as we have seen some that touched on this area during this term of parliament, in the next term of parliament. I am hopeful that we will see reform in this area in the not-too-distant future. It's not just for the reasons, outlined in the royal commission's report, that create barriers to reporting, which of course then makes it much more difficult to address that sort of violence, but, as the honourable member mentioned briefly, it is about safety at work and the basic premise that you deserve to have a regulated work environment that provides a safe working environment.

This work occurs. It is going to occur. It always has and it always will. Not providing a safe work environment means that the usual protections that we have through our industrial system don't always apply in the same manner. Again, I thank the honourable member for the work that she has done, probably more so than the other members of this chamber, in attempts to reform this area. The honourable member should be proud that it has been specifically recognised in this report, and I am certain that, in the next parliament, it will be taken up by others as well.

NORTH ADELAIDE GOLF COURSE

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about the North Adelaide Golf Course redevelopment.

Leave granted.

The Hon. F. PANGALLO: The government's YourSAy online newsletter last Wednesday called for feedback on the cultural heritage and financial impact of digging up the existing golf courses for Premier Peter Malinauskas' $45 million *Caddyshack* development for LIV Golf. For this tokenistic effort the minister gave a week's notice. His decision on a starting date for the works is due today, except that responses would only be taken from people who identify as Aboriginal and Torres Strait Islander, eliminating everyone else in the state from having any input. The consultation paperwork asks various questions. Perhaps the quirkiest is: will the project provide you with any direct or indirect benefits; for example, cultural, financial or personal? The obvious answer for Indigenous respondents would be no.

A 2023 report by noted anthropologist Associate Professor Neale Draper, for the Adelaide City Council's proposed minigolf project on a much smaller footprint of land, warns that this is a significant cultural heritage site sacred to the Kaurna, with the likelihood of many remains and artefacts being disturbed.

Senior South Australian of the Year, Uncle Charlie Jackson, a regional member of the Voice, told me that neither he nor fellow regional Voice members were consulted by the government on the redevelopment or told that the remains of possibly hundreds of ancestors would be disturbed, desecrated and their sacred site bulldozed. Nor had they been briefed on the Premier's rushed legislation to snatch 20 per cent of our Parklands for the use of squillionaire LIV golfers. My questions to the Minister for Aboriginal Affairs are:

1. Why wasn't the full membership of the Voice—all the regions—consulted about the project, and/or briefed, and given an opportunity to assess and discuss the rushed legislation before it was tabled in parliament?

2. Was the Voice area covering Kaurna land informed of the proposed redevelopment that would disturb their ancestors' remains before the Premier made his announcement at the LIV Golf tournament in April, or has the minister and the Premier met since then with them and other Voice members?

3. Why has the minister and his government deliberately discriminated against non-Indigenous persons, including Adelaide residents, for their feedback regardless of any legislative obligation?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:05): I thank the honourable member for his question. What the honourable member is referring to is an application that's made pursuant to the Aboriginal Heritage Act 1988 under section 23, an application for authorisation to damage or disturb Aboriginal heritage. Section 13 of that act governs the consultation process. I think it's section 13(1)(d), (e) and (f) that talk about those who are to be consulted with.

I think the honourable member has confused himself in relation to the application of the Aboriginal Heritage Act. What the Aboriginal Heritage Act does is talk about consultation with the South Australian Aboriginal Heritage Committee, traditional owners and other Aboriginal persons who have a particular interest, in that matter. The process that's underway is specifically an Aboriginal heritage consultation process under the Aboriginal Heritage Act. In relation to his questions as to why wasn't everyone, including non-Aboriginal people, consulted, the reason is it was about Aboriginal heritage and these are the processes that the Aboriginal Heritage Act provides.

I think the honourable member has confused himself and thinks that there may have been one day of consultation. I am happy to unconfuse the honourable member. There were an initial four weeks of consultation, including a public meeting, in relation to this particular application. At the request of traditional owners, that was extended by a further three weeks—which is beyond the normal consultation period for such applications—to a total of seven weeks. From the best of my memory, that closes today.

In relation to consultation with local Voice bodies, the honourable member specifically asked: was the local Voice body that covers the Kaurna area consulted in relation to this? I am pleased to inform the honourable member, yes, they were. There was a specific meeting held with the Central Region Local Voice to discuss this, and to allow input and feedback from them specifically, as well as the session that has been held more broadly for any interested people, particularly Kaurna people, as well as the ability to put in submissions during that seven-week period.

NORTH ADELAIDE GOLF COURSE

The Hon. F. PANGALLO (15:07): Supplementary. The question was as well: why haven't you conducted or looked for feedback on your YourSAy website from other people—affected people—including Adelaide residents?

Members interjecting:

The Hon. F. PANGALLO: No, you haven't.

Members interjecting:

The Hon. F. PANGALLO: I know that, but why aren't you seeking feedback from others, minister?

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 am happy to remind the honourable member. As I say, I think he has confused himself or doesn't understand the operation of the Aboriginal Heritage Act, which has been in place since 1988. This is in relation to Aboriginal heritage and the processes are in relation to Aboriginal people's heritage.

Members interjecting:

The PRESIDENT: Order!

NORTH ADELAIDE GOLF COURSE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:08): Supplementary: on what date were members of the Voice consulted on this bill?

The PRESIDENT: You mentioned consultation.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:08): Yes. Any Aboriginal person who has an interest has been able to be part of the consultation. I am happy to go and get the exact date, but certainly there was a specific request within the last couple of weeks from the Central Region Voice and within the last week a specific meeting was held for the Central Region Voice to put forward their views.

NORTH ADELAIDE GOLF COURSE

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:09): Supplementary: so you are confirming that the Voice was not consulted before the bill went through this parliament?

Members interjecting:

The PRESIDENT: Order!

NORTH ADELAIDE GOLF COURSE

The Hon. F. PANGALLO (15:09): Final supplementary: it was in my original question—

The PRESIDENT: No, arising from the original answer.

The Hon. F. PANGALLO: —and the answer—which wasn't answered, as is typical. It is typical: you don't answer those questions. All I want to know—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo!

Members interjecting:

The PRESIDENT: Sit down!

Members interjecting:

The PRESIDENT: Order! I will listen to your supplementary question, which must arise from the original answer. Let's listen to it, the Hon. Mr Pangallo.

The Hon. F. PANGALLO: Were all members of the Voice—the full membership of the Voice—consulted on the legislation before it entered parliament? Did they have an opportunity to have their say before it was entered into parliament, as the Voice was supposed to do?

The PRESIDENT: Minister, I will adjudicate on this, not you. The minister didn't touch on that in his answer, the Hon. Mr Pangallo. We are going to move on to the Hon. Mr Wortley.

SANFL WOMEN'S LEAGUE

The Hon. R.P. WORTLEY (15:10): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the council about the 2025 SANFL Women's League grand final?

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 member for their question and interest in the success of women in sport in South Australia. This year's SANFLW grand final was a contest both on and off the field. The SANFLW GF played between the Panthers and the Eagles had plenty of people guessing who would take home the flag. We all know that the member for Reynell, Katrine Hildyard, is a proud Panthers fan and, like many from the Yorkes, I back the Eagles. Needless to say, there was plenty of friendly banter in the grandstand for this grand final.

While it might not have been the team colours I was wearing that took home the flag, it was a big win for the Panthers, claiming their fourth premiership in just eight years. This remarkable achievement underscores not only the Panthers' success on the field but also the growing strength, skill and visibility of elite women's sport in our state.

The grand final, played at Glenelg, saw South Adelaide defeat Woodville West Torrens by 23 points. From the first bounce, the Panthers took control of the match, kicking the opening two goals inside the first seven minutes. This victory is part of a sustained period of success for the club, having previously won back-to-back premierships in 2018 and 2019 and again in 2024. It is an extraordinary record that cements their reputation as a powerhouse in the SANFLW competition.

The game was notable for the outstanding performances of several players. Congratulations to best on ground, Emma Charlton, and acting Panthers captain, Tiffany King, on securing this pivotal win. This success extends beyond the players on the field. It reflects the dedication of coaches, trainers, volunteers and the broader network of supporters who give their time and energy to women's football. The Panthers' achievement is a testament to what can be accomplished when there is a strong club culture, clear pathways for talent development, and a community united behind its athletes.

The crowd numbers at the grand final are further evidence of the growing support for women's sport in South Australia. More young girls than ever before are lacing up their boots, inspired by the skills, courage and leadership they see at an elite level. This government is committed to ensuring those aspirations are matched by opportunity.

Not only are there new women's change rooms under construction for our premiership team, but the Power of Her initiative is central to this effort, a program that invests directly in female participation, leadership and infrastructure. Submissions for the latest round have just closed, with over $9 million available in the largest round to date. I look forward to seeing the successful projects delivered and the importance they will have in creating more inclusive, family-friendly spaces across our sporting community.

South Adelaide's 2025 premiership is not just a victory for clubs; it is a celebration of how far women's sport has come in our state. It shows the strength of our competitions, the depth of our talent and the potential that lies ahead. I congratulate the players, coaches and all involved on their historic achievement and look forward to seeing women's sport in South Australia reach even greater heights as the years go on.

PUBLIC HOSPITALS, MULTICULTURAL PATIENTS

The Hon. J.S. LEE (15:14): I seek leave to make a brief explanation before asking a question of the Attorney-General, representing the Minister for Health, about multicultural patients in public hospitals.

Leave granted.

The Hon. J.S. LEE: The 2024 SA Health Measuring Consumer Experience report revealed a concerning gap in culturally responsive care. Over 71 per cent of culturally and linguistically diverse (CALD) respondents reported not being asked about their religious or cultural beliefs that may impact their treatment. Of those who were asked, only 4.4 per cent were asked prior to admission, missing a critical opportunity to plan and deliver culturally sensitive care from the outset.

This lack of engagement has real consequences. When cultural and religious needs are overlooked, patients may experience distress, miscommunication, or not get culturally responsive care. It also undermines trust in the public health system and can lead to poorer health outcomes, particularly for vulnerable communities. My questions to the minister are:

1. Given that over 71 per cent of CALD patients reported not being asked about cultural and religious beliefs, what is the government's understanding of why this information is so rarely collected?

2. What measures will the government implement to ensure CALD patients are proactively engaged about their needs upon admission to public hospitals?

3. Does the minister acknowledge that this gap reflects a systemic issue in how our public hospitals approach equitable care, and, if so, what steps will be undertaken to address this problem?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:16): I thank the honourable member for her question. I will pass that on to the minister in another place and bring back a reply.

THRIVING KIDS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:16): I seek leave to make a brief explanation prior to addressing questions to the Minister for Autism regarding support for children and young people.

Leave granted.

The Hon. H.M. GIROLAMO: Yesterday, the federal Minister for Disability and the NDIS, Mark Butler, announced Thriving Kids, a new program outside of the NDIS to support children with mild to moderate developmental delays in autism. He said, and I quote:

> Diverting this group of kids over time from the NDIS is an important element of making the scheme sustainable and returning to its original intent. Access and eligibility changes will be made to do that once [it] is fully rolled out.

A number of families over the last six months have reported that their children have already been reassessed and deemed ineligible for the NDIS, and at the same time concerns have been raised on the impact a program like Thriving Kids will have on teachers and the education sector as well. My questions to the Minister for Autism are:

1. How many South Australian children are NDIS participants within the education system?

2. Can the minister guarantee that no child will be worse off because of the federal government's change to the system?

3. Who did federal minister Mark Butler consult with regarding the Thriving Kids program within your team here in South Australia?

4. How much funding did the South Australian government commit to foundational supports?

5. Will this funding now be redirected to Thriving Kids?

6. What support will be put in place to support teachers and schools with the rollout of this program?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:18): I thank the member for her question. As she has highlighted, this was announced yesterday by the federal government through Minister Butler, who is the new responsible minister for the NDIS. As has been highlighted, it is a very new announcement. My understanding is that yesterday Minister Butler announced that $2 billion for the Thriving Kids program would start to roll out from 1 July 2026.

We know that there have been many discussions throughout a number of years about foundational supports and what that may look like. My understanding is they have now put forward the Thriving Kids program, and, like many, I am looking forward to receiving more details about what this will look like and how it will work in the community.

I understand an advisory group will be established to support that discussion and what this can look like. I think there is obviously a lot of interest. The NDIS has helped a lot of people, and people are looking forward to seeing what this program will mean for them. But I also know that in South Australia we have been able to achieve some incredible outcomes, starting from Inklings, where we know people had been seeking information about wanting to know earlier.

Even Minister Butler pointed to Inklings as a program that has captured the interest of many people. It has achieved success in giving people that knowledge as early as possible, between six to 18 months of age. That started here in South Australia. It is a free program that we can refer people to. They can self-refer themselves as well—obviously the babies can't; the parents can. People can get that information as early as possible—that they might have a communication difference.

There are things like that going right through to our education area, where we are having autism inclusion teachers in our public primary schools and a now pilot, because of the success of that program, in our high schools. It is also in the broader community about what we are doing for employment.

There is a lot happening in the space. We know a lot more needs to happen, but I think it's also important to put on the record a quote that was given by Minister Butler. I want to provide that reassurance to members of the community. I will just read this out. As Minister Butler himself has stated, 'if your child is on the NDIS nothing I said yesterday will change that'. To quote his exact words, 'Kids are not going to be taken off the NDIS because of what I said yesterday.' That is what we have been provided by him through the media. We look forward to those further discussions with him.

THRIVING KIDS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:21): Supplementary: in regard to the commencement time of 1 July 2026, how will this work within a school environment, given that will be midway through the year as well?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:21): I really appreciate the honourable member's feedback. I think these are good questions to be discussing and working through over this period. As I said earlier, this was announced yesterday. There will be an advisory group made available. Good feedback should always be provided directly to the minister. I am happy for it to be provided to myself as well to forward on. As I said, these discussions happened yesterday, and we've got some time now to look at what that will look like.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:23): I move:

That standing orders be so far suspended as to enable me to move a motion without notice concerning the appointment of members to the Crime and Public Integrity Policy Committee and the Budget and Finance Committee.

Motion carried.

The PRESIDENT: I note the absolute majority.

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:23): I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. T.A. Franks be appointed to the committee in place of the Hon. L. A. Henderson (resigned).

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:23): I move:

That the Hon. R.P. Wortley be appointed to the committee in place of the Hon. M. EL Dannawi (resigned) and that the Hon. Hon. R.A. Simms be appointed to the committee in place of the Hon. B.R. Hood (resigned).

Motion carried.

Bills

UNCLAIMED GOODS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:24): Obtained leave and introduced a bill for an act to amend the Unclaimed Goods Act 1987 and to make a related amendment to the Local Government Act 1999. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:25): I move:

That this bill be now read a second time.

I am pleased to introduce the Unclaimed Goods (Miscellaneous) Amendment Bill 2025. This bill makes much-needed updates to the Unclaimed Goods Act 1987, primarily aimed at modernising and easing the regulatory burden on businesses and others who hold goods on bailment.

When a person comes into possession of goods belonging to another, it is expected that they retain and take reasonable care of the goods pending their collection by the owner. The act prescribes a process by which the person in possession of the goods, currently referred to in the act as the bailee, may lawfully sell or dispose of goods that are abandoned or have not been collected by their owner, referred to in the act as the bailor. A bailee who disposes of unclaimed goods without the consent of the bailor and who does not follow the process set out in the act risks the bailor taking legal action against them.

The act may have application in a wide variety of circumstances, for example, where goods are left with a business by a customer for a specific purpose, such as for inspection, storage, cleaning, repair or other treatment; where goods are given to a friend or family member for temporary safekeeping; or where goods are abandoned on premises, such as in a private car park or left behind by a former housemate or employee.

A person in possession of goods belonging to another may be considered a bailee under the act even if they did not agree to the bailment. In certain circumstances, there may be other lawful ways for a bailee to dispose of uncollected goods. For example, the Residential Tenancies Act 1995 provides a process for landlords to dispose of property that has been abandoned by a tenant after the landlord regains possession of the premises. The act does not affect a bailee's right to dispose of goods in accordance with any other act.

Since the commencement of the act in 1987, the legislation has remained substantially unchanged; however, over that almost 40-year period there have been significant advancements in electronic communications, as well as changes in the way that businesses and consumers interact.

The government has received repeated feedback that the waiting periods prescribed in the act which require unclaimed goods to be retained for lengthy periods of time place an unreasonable burden on businesses and other bailees, and that the notice requirements and prescribed methods of disposing of unclaimed goods are overly cumbersome, often resulting in undue cost and inconvenience.

If the regulatory burden imposed by the act is too onerous, bailees may be discouraged from acting in accordance with the law despite any risk of legal action. On the other hand, bailors may have legitimate reasons for failing to collect goods or being uncontactable. It is therefore necessary for the legislation to maintain an appropriate level of protection for bailors of goods. The bill makes a number of changes to modernise the act and to ensure that the processes prescribed under the act are reasonable, practicable and readily understood.

The language in the act is updated in the bill, including the replacement of the term 'bailee' with 'recipient' to refer to a person who is left in possession of the goods and the replacement of the term 'bailor' with 'provider' to refer to a person who leaves the goods in the possession of another. The bill also refers to the owner of goods where that person is different from the provider. For simplicity, I will use the updated terms to explain the changes contained in this bill.

Under the act, goods are classified as scale 1, 2 or 3 goods based on their value. The act prescribes differing requirements for the sale and disposal of goods depending on which scale the goods fall within. The bill provides that where multiple goods are unclaimed, the relevant scale has to be determined by reference to the cumulative value of the goods in the bailee's possession. This provides clarity and is expected to achieve a fairer result where the individual items, such as individual pieces of jewellery within the collection, are of low to moderate value but their cumulative value is considerable.

The bill increases the threshold for scale 3 goods to $20,000, taking into account the onerous obligations placed on recipients before disposing of these goods, including the requirement to seek a court order. Conversely, the upper limit for scale 1 goods is reduced to $200 to complement amendments in the bill which simplify the process for dealing with these goods. To facilitate simpler and expedited processes to dispose of unclaimed motor vehicles which are destined for scrap metal, the bill sets a higher scale 1 upper limit of $1,000.

The various waiting or retention periods described in the act are also reduced. For example, the act currently requires the recipient to hold the goods for a blanket period of three months from the date on which the goods are classified as unclaimed goods before they are permitted to take any further steps in accordance with the act. The bill instead prescribes differing holding periods depending on the value of the goods. A mechanism is also introduced to enable a recipient to apply to the court to dispose of goods earlier than permitted under the act where compliance would be unreasonable in the circumstances.

The bill modernises requirements under the act, including updating the approved methods for service to include electronic forms of communication, abolishing the antiquated public notice requirements and introducing requirements to search the commonwealth Personal Property Securities Register in respect of unclaimed motor vehicles. The bill also introduces a new requirement on recipients to give the provider of the goods and, where known, any owner of the goods—referred to in the bill as a 'relevant person'—notice of their intent to dispose of the goods under the act.

The holding period does not commence until such notice has been given, unless the recipient is unable to obtain that person's contact details despite reasonable attempts to do so. Where the goods remain unclaimed after the holding period ends, the act authorises disposal of the goods through certain approved methods. The bill simplifies these processes, particularly with respect to scale 1 and 2 goods. Under the bill, scale 1 goods are simply vested in the recipient at the expiry of the holding period, meaning the recipient can retain or dispose of the goods as they wish. Scale 2 goods may be sold by public auction or by private sale for fair value or otherwise in accordance with any court order.

The existing requirement to obtain a court order before disposing of scale 3 goods is retained. The bill makes special provision for the disposal of special categories of goods, including rubbish, perishable goods or goods that are likely to cause a risk to health and safety, personal documents and motor vehicles. Where the goods are claimed by the provider or owner of the goods, the act permits the recipient to require payment of certain costs before handing over the goods. Similarly, if

the goods are ultimately sold, the recipient may retain certain costs from the proceeds of sale before depositing the balance with the Treasurer.

The existing right is revised in the bill to ensure that the recipient is not left out of pocket. Significantly, in relation to costs incurred prior to the goods being unclaimed goods, the act only permits the recipient to claim or retain the amount of any lien established over the goods. As a result, recipients who cannot establish a lien over unclaimed goods may not be permitted to demand or retain all of the charges due to them in connection with the goods.

An illustration as to how this may operate unfairly was provided by the Law Society in its feedback to the government during the development of this bill. The Law Society highlighted that no lien is created in South Australia over animals that have been abandoned in agistment, kennels, catteries or pet day care. As a result, a recipient left in possession of an abandoned animal would not be permitted to retain the costs of feeding or sheltering the abandoned animal from the proceeds of sale if those costs were incurred prior to the animal being classified as unclaimed, nor would they be able to demand those costs before handing the animal back to the owner. Instead, the recipient would be required to pursue those costs as a debt.

The bill removes the requirement to establish a lien over the goods and instead permits the recipient to demand or retain the amount agreed—or, in the absence of an agreement, such amount as is reasonable—as the charges due for any inspection, carriage, storage or maintenance of the goods or for any repair or other treatment or work done in connection with the goods.

The bill also expands the rights of third parties, such as those with a security interest over the goods, to establish their interests in unclaimed goods. Currently, the only remedy available under the act to third parties who claim an interest in unclaimed goods is to make a claim with the Treasurer for payment from the proceeds of sale. The bill introduces a mechanism for any person who claims an interest in unclaimed goods to apply to the court to declare their interest and to determine how the goods should be dealt with. A number of other amendments to the act are made, including:

- making explicit in the act that it only applies to the extent that there is no existing agreement between the parties about how unclaimed goods may be disposed of, which will allow businesses to set conditions regarding the disposal of unclaimed goods prior to agreeing to any goods being left in their possession;
- the introduction of record-keeping requirements;
- clear protection from civil or criminal liability for taking action in good faith in accordance with the act;
- new provisions that regulate how the proceeds from the sale of unclaimed goods are dealt with by the Treasurer, for greater consistency with the Unclaimed Money Act 2021; and
- the inclusion of a declaration in accordance with section 73(2) of the commonwealth Personal Property Securities Act 2009 to clarify the priority of rights between the recipient and third parties with a security interest in the goods.

I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Unclaimed Goods Act 1987*

3—Amendment of long title

This clause makes a minor consequential amendment to the long title.

4—Substitution of section 3

This clause substitutes new definitions for the purposes of the measure and clarifies that the Act does not apply to the disposal of unclaimed goods to the extent that an agreement or understanding between the provider and the recipient deals with the disposal of the goods.

5—Amendment of section 5—Unclaimed goods

This clause:

- changes terminology used (to replace references to a 'bailee' of goods with references to a 'recipient' of goods and to replace references to a 'bailor' or goods with references to a 'provider' of goods);
- makes changes to facilitate an expedited process for disposal of unclaimed goods that are perishable or rubbish;
- makes changes to ensure reasonable attempts are made to contact the provider or an owner of the goods and to shorten the time period before the goods become 'unclaimed' from 42 days to 14 days from the date of a request to collect the goods.

6—Substitution of sections 6 and 7

This clause substitutes new sections as follows:

5A—Special requirements relating to motor vehicles

If unclaimed goods consist of or include a motor vehicle, it will not vest in the recipient and may not be disposed of under the measure unless a search of the PPS register has been undertaken and registered interest holders notified.

6—Vesting of scale 1 unclaimed goods in recipient

This provision specifies when the recipient of unclaimed goods (other than personal documents) the value of which lies within scale 1 (ie not more than $200 or, in the case of a motor vehicle, not more than $1,000) will be taken to be vested with a good title to those goods.

6A—Disposal of scale 2 or 3 unclaimed goods

This provision specifies when the recipient of unclaimed goods the value of which lies within scale 2 (ie more than $200 but not more than $20,000 or, in the case of a motor vehicle, more than $1,000 but not more than $20,000) or scale 3 (ie $20,000 or more) may dispose of the goods.

6B—Disposal of unclaimed goods that are personal documents

This provision imposes special requirements in relation to the disposal of personal documents.

6C—Disposal of unclaimed goods that are rubbish etc

This provision provides an expedited procedure for the disposal of goods that are rubbish or are perishable or likely to cause a risk to the health or safety of a person.

6D—Court may order disposal of unclaimed goods earlier than permitted under Act

This provision allows the Court (being either the Magistrates Court or the District Court, depending on the value of the unclaimed goods) to order that unclaimed goods vest in, or may be disposed of by, the recipient without compliance with a provision of the measure if it is satisfied that compliance with the provision would be unreasonable in the circumstances.

7—Claim by owner or provider before goods disposed of etc

This provision provides a mechanism for a recipient of goods to claim reasonable expenses where the provider or owner claims goods after they have become unclaimed goods under the measure but before they are vested in, or disposed of by, the recipient.

7A—Determination of claims by interest holders

This provision allows a person who claims an interest in unclaimed goods to apply to the Court (being either the Magistrates Court or the District Court, depending on the value of the unclaimed goods) for an order declaring their interest in the goods at any time before the goods are vested in, or disposed of by, the recipient.

7—Amendment of section 8—Proceeds of sale

This clause:

- updates terminology;
- makes some clarifying amendments;

- declares the costs and charges of the recipient in relation to goods sold under the Act to be statutory interests to which section 73(2) of the *Personal Property Securities Act 2009* of the Commonwealth applies (have to have priority over all security interests in relation to the goods);
- makes other provisions consistent with the *Unclaimed Money Act 2021*.

8—Insertion of sections 8A, 8B and 8C

This clause inserts new sections as follows:

8A—Treasurer may pay money to lawful claimant

This provision allows the Treasurer to pay money to a claimant who had an interest in goods that have been sold pursuant to the Act (or who have an interest in the proceeds of such a sale).

8B—Record keeping

This provision requires the keeping of certain records by a recipient who disposes of unclaimed goods under section 6A or pursuant to an order under section 6D.

8C—Protection from liability

No liability attaches to a recipient for an action taken in good faith in accordance with the Act.

9—Amendment of section 9—Purchaser's title to goods sold under this Act

10—Amendment of section 10—This Act does not affect bailee's remedy under other Acts

These clauses update terminology.

11—Insertion of sections 10A and 10B

This clause inserts a new provision specifying the manner of giving notices and a provision making it clear that the Treasurer can delegate functions.

12—Amendment of section 11—Regulations

This clause allows regulations to be made specifying what constitutes taking reasonable steps for the purposes of any provision of the Act.

Schedule 1—Related amendment and transitional provision

Part 1—Amendment of *Local Government Act 1999*

1—Amendment of section 237—Removal of vehicles

This clause makes a consequential amendment.

Part 2—Transitional provision

2—Application of Act as in force before commencement

The principal Act as in force before the commencement of the clause, continues to apply to any goods that became unclaimed goods before the commencement of this clause.

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

LEGAL PRACTITIONERS (DISCIPLINARY MATTERS AND FIDELITY FUND) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:34): Obtained leave and introduced a bill for an act to amend the Legal Practitioners Act 1981, and to make a related amendment to the Notaries Public Act 2016.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:35): I move:

That this bill be now read a second time.

Today, I introduce the Legal Practitioners (Disciplinary Matters and Fidelity Fund) Amendment Bill. This bill makes key changes. It amends the Legal Practitioners Act 1981 to transfer the functions of the Legal Practitioners Disciplinary Tribunal to the South Australian Civil and Administrative Tribunal

(SACAT). It enhances and clarifies the powers of the Legal Profession Conduct Commissioner, and it increases the cap on the Fidelity Fund under the Legal Practitioners Act. I will address each of these three issues in turn.

Firstly, the Legal Practitioners Disciplinary Tribunal. The Legal Practitioners Disciplinary Tribunal is established under the Legal Practitioners Act 1981. The tribunal is an independent body which hears allegations of unsatisfactory professional conduct or professional misconduct made in relation to legal practitioners. The tribunal also reviews certain disciplinary decisions made against legal practitioners by the Legal Profession Conduct Commissioner.

The Legal Practitioners Disciplinary Tribunal consists of 15 members appointed by the Governor on the nomination of the Chief Justice, ten of whom are legal practitioners practising as solicitors or barristers in South Australia. The remaining five members are required to be persons who are not legal practitioners but who are familiar with the nature of the legal system and legal practice.

The Legal Practitioners Disciplinary Tribunal does important work in ensuring that the South Australian legal profession maintains rigorous standards of professional conduct. I would like to thank the presiding member of the tribunal, Ms Maurine Pyke KC, and all those current and past members for their work on this important body. However, the government believes it is timely to transfer the functions to SACAT.

Already, SACAT deals with disciplinary matters for a range of other professions, including medical and other health professions under the Health Practitioners Regulation National Law and conveyances under the Conveyancers Act. This transfer will improve efficiency of tribunal proceedings, make use of existing facilities and processes of SACAT and further strengthen SACAT's role as a one-stop shop for such matters.

The transfer is intended to address concerns about growing backlogs in Legal Practitioners Disciplinary Tribunal cases, with pending decisions sometimes dating back several years. That backlog is largely attributed to difficulties in securing the availability of the legal practitioner members to hear matters. They are not full-time tribunal members and they have their own busy legal practices to work around. Most interstate general, civil and administrative tribunals already have disciplinary jurisdiction in respect of legal practitioners.

In amending the Legal Practitioners Act to transfer the functions of the tribunal to SACAT, the bill takes the approach of removing provisions governing tribunal practice and procedure that are no longer required because the equivalent provisions are contained in the SACAT Act. The bill is also drafted to ensure SACAT's powers and procedures in dealing with legal practitioners disciplinary matters are consistent to the greatest extent possible with SACAT's existing powers and procedures for dealing with disciplinary matters relating to other occupations.

The transitional provisions in the bill provide for a two-year run-off period for the Legal Practitioners Disciplinary Tribunal to complete any part-heard matters, after which any residual matters would need to be transferred to SACAT for completion.

In relation to the Legal Profession Conduct Commissioner, the bill also contains a number of amendments to the Legal Practitioners Act to expand the disciplinary powers of the commissioner in certain areas that the commissioner has found wanting in past investigations. These amendments are:

- to broaden the commissioner's disciplinary powers in respect of former legal practitioners, including those who may have been struck off the Supreme Court roll, beyond a power to impose a fine—to include a power to reprimand, to order the former practitioner to apologise and/or to pay the costs of having work the subject of an investigation redone and/or the costs of having the former practitioner's files and records examined;

- to expand the Legal Profession Conduct Commissioner's powers to require the production of documents under schedule 4 of the Legal Practitioners Act to include documents held by people other than the legal practitioner or legal practice under investigation; and

- to empower the commissioner to require a legal practitioner to undergo a medical or psychological health assessment if the commissioner reasonably believes, because of a notification or for any other reason, that the practitioner may have an impairment. The bill will also consequentially enable the commissioner to apply to the Supreme Court for orders requiring a health assessment or suspending or cancelling a legal practitioner's practising certificate if the practitioner fails to comply with the commissioner's requirement to undergo a health assessment or to undertake treatment for an identified impairment.

Another amendment to the bill will address the possible risk arising from a recent South Australian Supreme Court (Court of Appeal) decision—in the Legal Profession Conduct Commissioner v A Practitioner [2024] SASCA 102—that could have allowed the commissioner's disciplinary regime under part 6, division 2 of the Legal Practitioners Act to be bypassed and for complaints to be lodged directly with SACAT. The amendment makes it clear that the commissioner's disciplinary regime is to be invoked before lodging a complaint with SACAT. However, the amendment ensures that the commissioner still has the power to lay a charge directly to SACAT in special circumstances.

An example of this could include where the commissioner considers there is evidence of practitioner misconduct sufficient to be tested in formal proceedings before SACAT but not sufficient for the commissioner to be satisfied of what conduct did occur and whether it can be adequately dealt with by the commissioner's disciplinary powers. The bill will also increase the maximum fines that can be imposed by the commissioner in exercise of the commissioner's disciplinary powers, with commensurate increases in maximum fines that may be imposed by SACAT in disciplinary matters under the Legal Practitioners Act.

In relation to the Fidelity Fund: finally the opportunity is taken to include in this bill an amendment to increase the cap on the Legal Practitioners Fidelity Fund. The Law Society of South Australia administers the Fidelity Fund, with oversight by the Attorney-General. Income paid into the Fidelity Fund includes a proportion of practising certificate fee revenue and interest from the combined legal practices' trust account.

Part 4 of the Legal Practitioners Act sets out the purposes for which the Fidelity Fund may be used, which includes compensating clients who have suffered financial loss as a consequence of default by a legal practitioner and funding the investigation of complaints and disciplinary action against legal practitioners. No payment can be made from the Fidelity Fund without the authorisation of the Attorney-General.

The balance of the fund is capped, with excess funds over the cap directed to the Legal Services Commission, or as otherwise agreed by the Law Society and the Attorney-General. In practice, the Fidelity Fund is predominantly used to fund the work of the Legal Professional Conduct Commissioner and the Law Society Ethics and Practice Unit, as well as the Legal Practitioners Disciplinary Tribunal.

These expenditures, combined with low interest rates, caused the Fidelity Fund balance to decline over a period between 2014 and 2022. That decline gave rise to concerns about the viability of the fund. Various measures were introduced to address those concerns, including the imposition of a financial levy on the legal profession itself to bring the fund back into a surplus.

With a significant percentage of its revenue historically generated by interest, the Fidelity Fund is particularly vulnerable to low-interest rate environments. The increases in official interest rates in more recent years have led to significant Fidelity Fund growth. The Fidelity Fund account cap was reached in early 2025 for the first time since the 2009-10 financial year. There is now a growing accumulation of excess funds. Increasing the cap will support the ongoing viability of the Fidelity Fund by ensuring investment returns can produce enough revenue to reduce the fund's vulnerability to interest rate fluctuations. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Legal Practitioners Act 1981*

3—Amendment of section 5—Interpretation

This clause inserts and amends various definitions for the purposes of the measure.

4—Insertion of section 20AL

This clause inserts new section 20AL as follows:

20AL—Court may require practitioner to undergo assessment etc

Proposed section 20AL empowers the Supreme Court to make an order requiring a legal practitioner to undergo a health assessment, undertake treatment, receive counselling or participate in a program of supervised treatment or rehabilitation designed to address behavioural problems, substance abuse or mental impairment. If the practitioner refuses or fails to comply with such an order, the Court may make an order suspending or cancelling their practising certificate.

5—Amendment of section 23AA—Employment of disqualified person

This clause deletes subsection (6), which sets out how the Legal Practitioners Disciplinary Tribunal is to be constituted for the purposes of a hearing under the section, as proposed section 78 sets out how SACAT is to be constituted for proceedings under the Act. The clause also updates internal cross-references.

6—Amendment of section 56—Statutory interest account

This clause amends subsection (6), which sets out the method for calculating the cap on funds that may be retained in the Fidelity Fund, to provide that, if at any time the amount of the Fidelity Fund exceeds an amount calculated by multiplying $11,500 by the number of legal practitioners who held practising certificates on the last preceding 30 June, the Society must hold the excess in the statutory interest account.

7—Amendment of heading to Part 6

This clause makes a consequential change to the heading of Part 6.

8—Amendment of section 67B—Application of Part

This clause amends section 67B to provide that Part 6 does not apply to the conduct of a member of SACAT (who is a legal practitioner or former legal practitioner) acting in their capacity as a member of SACAT insofar as they are exercising a function under the principal Act.

9—Amendment of section 72—Functions

This amendment is consequential.

10—Insertion of Part 6 Division 2 Subdivision 1A

This clause inserts new Subdivision 1A as follows:

Subdivision 1A—Assessment of fitness to practise

77AA—Commissioner may require practitioner to undergo assessment etc

Proposed section 77AA empowers the Commissioner to, in specified circumstances, require a legal practitioner to undergo a health assessment by a medical practitioner or psychologist. A medical practitioner or psychologist may, for the purposes of conducting a health assessment under the proposed section, require the legal practitioner to provide information reasonably required, and to attend at a specified time and place, for the purposes of the assessment. The proposed section sets out the actions the Commissioner must take, and the orders the Commissioner may make with the consent of the legal practitioner, following the receipt of a report of the health assessment from the medical practitioner or psychologist. If a legal practitioner refuses to comply with a requirement of the Commissioner or refuses to consent to an order of the Commissioner, the Commissioner may apply to the Supreme Court for an order under section 20AL or 20AD.

11—Amendment of section 77J—Powers of Commissioner to deal with certain unsatisfactory professional conduct or professional misconduct

This clause amends subsections (1) and (2) to increase the maximum fines the Commissioner may order a legal practitioner pay in certain circumstances if satisfied that there is evidence of unsatisfactory professional conduct or professional misconduct by the practitioner. In addition, the clause amends subsection (3) to expand the Commissioner's powers following an investigation into a former legal practitioner's unsatisfactory professional conduct or professional misconduct. The clause also makes various amendments to update terminology.

12—Repeal of section 77K

Section 77K is repealed.

13—Amendment of section 77L—Commissioner must lay charge in certain circumstances

14—Amendment of section 77M—Commissioner to provide reasons

15—Amendment of section 77O—Commissioner may conciliate complaints

These amendments are consequential.

16—Insertion of Part 6 Division 2 Subdivision 6

This clause inserts new Subdivision 6 as follows:

Subdivision 6—Review of certain decisions by Tribunal

77P—Review of certain decisions by Tribunal

Proposed section 77P confers SACAT with jurisdiction to deal with matters consisting of the review of specified decisions of the Commissioner.

17—Substitution of Part 6 Division 3

This clause substitutes Division 3 as follows:

Division 3—Constitution of Tribunal

78—Constitution of Tribunal

Proposed section 78 sets out how SACAT will be constituted for proceedings under the Act and requires SACAT to establish panels of assessors.

18—Insertion of sections 79, 80 and 81

This clause inserts new sections 79, 80 and 81 as follows:

79—Complaints

Proposed section 79 allows the Attorney-General, the Commissioner or the Society to lodge a complaint alleging unsatisfactory professional conduct or professional misconduct on the part of a legal practitioner or former legal practitioner with SACAT. The Commissioner may not lodge a complaint under the proposed section unless they are satisfied that, in the circumstances of the case, special reasons exist that justify the lodgement, or they have investigated the conduct of the practitioner to whom the complaint relates and are satisfied that there is evidence of unsatisfactory professional conduct or professional misconduct by the practitioner and that the conduct cannot be adequately dealt with under section 77J. Except in specified circumstances, a complaint may not be lodged more than 5 years after the day on which the person lodging the complaint became aware of the conduct to which the complaint relates.

80—Hearing by Tribunal

Proposed section 80 requires SACAT to, on the lodging of a complaint, conduct a hearing for the purpose of determining whether the matters alleged in the complaint constitute grounds for disciplinary action. The proposed section also sets out specific powers SACAT may exercise during the hearing of a complaint.

81—Disciplinary action

Proposed section 81 sets out the orders SACAT may make on the hearing of a complaint and sets out the actions SACAT must take following the determination of proceedings under the proposed section.

19—Repeal of section 82

Section 82 is repealed.

20—Amendment of section 83—Notice of inquiry

These amendments are consequential.

21—Repeal of section 84

Section 84 is repealed.

22—Amendment of section 84A—Proceedings to be generally in public

This clause amends section 84A to provide that, except where the *South Australian Civil and Administrative Tribunal Act 2013* provides otherwise, proceedings before SACAT under Part 6 Division 4 must be heard in public. The deletion of subsection (2) and the amendment of subsection (3) are consequential.

23—Amendment of section 85—Costs

This clause deletes subsections (3) and (4) as the enforcement of monetary orders made by SACAT is dealt with by section 89 of the *South Australian Civil and Administrative Tribunal Act 2013*. The clause also makes various consequential amendments.

24—Substitution of section 86

This clause substitutes section 86 as follows:

86—No internal review by Tribunal of decision under Division etc

Proposed section 86 provides that a decision of SACAT under this Division cannot be the subject of an application for internal review and disapplies section 71(2a) of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to an appeal against such a decision.

25—Repeal of sections 87 and 88

Sections 87 and 88 are repealed.

26—Amendment of section 89—Proceedings before Supreme Court

27—Amendment of section 90AD—Dealing with matter following referral or request by regulatory authority in participating State

These amendments are consequential.

28—Amendment of section 90A—Annual reports

This clause makes a consequential amendment and inserts a new subsection (4) which provides that an annual report of SACAT under section 90A may be combined with a report of SACAT under section 92 of the *South Australian Civil and Administrative Tribunal Act 2013* provided that the reports relate to the same period.

29—Amendment of Schedule 1—Incorporated legal practices

This clause amends Schedule 1 clause 18 by deleting subclause (6), which sets out how the Legal Practitioners Disciplinary Tribunal is to be constituted for the purposes of a hearing under the clause, as proposed section 78 sets out how SACAT is to be constituted for proceedings under the Act. The clause also updates internal cross-references.

30—Amendment of Schedule 3—Costs disclosure and adjudication

This amendment is consequential.

31—Amendment of Schedule 4—Investigatory powers

This clause amends Schedule 4 to allow an investigator to require any person who has or has had control of documents or information that may be relevant to a complaint investigation in relation to a legal practitioner or former legal practitioner to produce or provide a copy of the documents or information.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Notaries Public Act 2016*

1—Amendment of section 8—Investigations, inquiries and disciplinary proceedings

This clause makes a related amendment to the Act specified to replace a reference to the Legal Practitioners Disciplinary Tribunal with a reference to SACAT.

Part 2—Transitional provisions

2—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Legal Practitioners Disciplinary Tribunal to SACAT. The effect of the provisions is that any proceedings before the Legal Practitioners Disciplinary Tribunal in relation to which evidence has already been taken will continue before that Tribunal. Any proceedings in relation to which evidence has not been taken will be transferred to SACAT. Any proceedings which have continued before the Legal Practitioners Disciplinary Tribunal as a result of this clause that are not completed immediately before the day occurring 2 years after commencement of this clause will be transferred to SACAT.

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

GUARDIANSHIP AND ADMINISTRATION (TRIBUNAL PROCEEDINGS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:44): Obtained leave and introduced a bill for an act to amend the Guardianship and Administration Act 1993.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:44): I move:

That this bill be now read a second time.

Today, I introduce the Guardianship and Administration (Tribunal Proceedings) Amendment Bill 2025. This bill will amend the Guardianship and Administration Act 1993 to make changes to procedures and reviews by the South Australian Civil and Administrative Tribunal (SACAT) to help facilitate timely discharge from hospital of patients with impaired decision-making capacity. When patients no longer require hospital care but are kept in a hospital bed waiting discharge to an appropriate place such as an aged-care facility, that extra time they are unnecessarily kept in hospital is not good for the patient and it is not good for the hospital. That is at core the issue this bill seeks to help address.

When a hospital patient lacks capacity to make the decisions required to enable their discharge from a hospital—for example, because they suffer from dementia—another appointed person is needed to make these decisions on the patient's behalf. This could be as a substitute decision-maker under an advance care directive made previously by the patient. Where the patient has not made an advance care directive, it is likely that a guardian or administrator would need to be appointed by SACAT under the Guardianship and Administration Act.

The Guardianship and Administration Act and the principles of procedural fairness applicable to SACAT require that medical evidence is gathered about the patient's decision-making capacity, and then information from family or other persons who know the patient well is understood by SACAT, before a decision is made to appoint a guardian or administrator. Protracted stays in hospital while waiting these appointments and for discharge decisions to be made are not ideal, as previously mentioned, both in terms of the negative impacts on the wellbeing of the patient and in terms of the effects on the hospital itself.

It is accepted that extended stays in hospital awaiting decisions about moving into aged or community care settings are detrimental to the health and wellbeing of patients. Of course, the ability to make timely discharge decisions is only one part of a larger puzzle. Limited availability of commonwealth-funded aged-care places into which these patients can be discharged is also a factor; however, the government is determined to pursue measures within our powers in relation to this problem.

In relation to measures that are contained in the bill, one measure in the bill is that it makes legislative changes to enable SACAT to deal more quickly with applications to appoint a guardian or administrator for a hospital patient. The bill would amend the Guardianship and Administration Act to authorise SACAT to prioritise these hospital applications over other non-urgent applications where necessary. SACAT will be required to deal with guardianship and administration appointments with respect to hospital patients within 14 days of a complete application, which is accompanied by all required supporting information.

For an application where a person may be at risk of imminent personal or financial harm, the Guardianship and Administration Act already provides for urgent without notice SACAT hearings. Hospital patients, however, are often safe and cared for in hospital, so urgent interim orders do not ordinarily apply to that cohort. For hospital and other non-urgent guardianship and administration applications, SACAT's past listing timeframes compared favourably with interstate equivalent tribunals. The new 14-day proposed requirement for hospital applications, coupled with additional funding for SACAT, will facilitate timely hearings for hospital applications even during unusually busy periods.

The bill also proposes to make provision for expedited hearings of hospital applications, (including in less than 14 days) in appropriate circumstances, by allowing SACAT to dispense with the requirement to notify all interested persons or to shorten the usual notification period in appropriate circumstances.

Examples of what could constitute appropriate circumstances is set out in the bill. These include:

- where discharge is proposed to be back to the patient's home, to reside with the guardian or into short-term respite care;
- where the application is for the appointment of the Public Advocate or Public Trustee and no other suitable appointee has been identified by the hospital after satisfying SACAT of reasonable inquiries, or;
- where the hospital has identified a willing and able available relative or supporter of the patient for appointment as guardian and/or administrator, but not identified any other interested persons to be notified after satisfying SACAT of reasonable inquiries.

To address any potential risks that may arise from these expedited proceedings, the bill amends the provisions in the Guardianship and Administration Act that currently allow SACAT to revoke a guardianship order or administration order at any time. These amendments will allow an interested person who is not notified of an expedited proceeding to make an application to vary or revoke an order without needing to satisfy SACAT of a change of circumstances.

Finally, the bill would amend the review provisions of the Guardianship and Administration Act to allow more flexibility in the setting of mandatory review periods of SACAT orders. The maximum review periods for special orders will increase from six months to a maximum of 12 months for the first review and from 12 months to a maximum of three years for subsequent reviews. The maximum review period for other SACAT orders under the act will increase from three to five years. It should be noted that SACAT will still have the discretion to fix a shorter period in either case, where it is considered necessary or desirable.

These proposed changes to review periods would increase SACAT's capacity to deal with applications for orders under the act and streamline imposts on parties arising from frequent mandatory reviews of SACAT orders in circumstances where it is uncommon for the orders to be changed on review.

The measures in this bill are supported by the government providing additional funding to SACAT, with funding of $3.8 million over two years and $1.7 million per annum indexed from 2027-28 being provided to SACAT as part of the 2025-26 budget to support SACAT in achieving the objectives in this bill. There is also increased funding within SA Health to support the transition of people with complex needs into aged-care services. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Guardianship and Administration Act 1993*

3—Amendment of section 33—Applications under this Division

This clause amends section 33(1a) to provide that the qualifications in that section apply except where an application relates to an order that was made at proceedings expedited pursuant to section 65A and the applicant was not given notice of those proceedings by the Tribunal.

4—Amendment of section 37—Applications under this Division

This clause amends section 37 to provide that subsection (1a) does not apply in circumstances where an application relates to an order that was made at proceedings expedited pursuant to section 65A and the applicant was not given notice of those proceedings by the Tribunal.

5—Amendment of section 57—Review of Tribunal's orders

This clause amends section 57 in relation to the times within which the Tribunal must review the circumstances of a protected person as follows:

- in the case of a protected person who is being detained in any place pursuant to an order of the Tribunal—the time for review of the protected person is proposed to be—

- within 1 year of the making of the order or such earlier time as may be specified by the Tribunal in the order; and
- thereafter at intervals of not more than 3 years or such shorter intervals as may be specified by the Tribunal in the order; and

- in any other case—at intervals of not more than 5 years or such shorter intervals as may be specified by the Tribunal in the order.

6—Insertion of section 65A

This clause inserts proposed new section 65A which provides that if an application for a guardianship order, an administration order or an order under section 32 (or a variation of any such order) is made in relation to a person who is an inpatient of an incorporated hospital, the Tribunal must hear the application as a matter of priority (but in any event within 14 days of the application being made and the completion of all preliminary obligations imposed in relation to the application under the *Guardianship and Administration Act 1993* or the *South Australian Civil and Administrative Tribunal Act 2013*).

7—Amendment of section 66—Tribunal must give notice of proceedings

This clause amends section 66 to provide that in relation to proceedings on an application to which proposed new section 65A(1) applies, the Tribunal is not obliged to give notice of the proceedings to a person referred to in section 66(1)(d) and may shorten the time for giving notice of the proceedings to any person referred to in section 66(1) if satisfied that appropriate circumstances exist in the particular case.

For the purpose of determining if appropriate circumstances exist in the circumstances of a case, it is proposed that—

- appropriate circumstances in which the Tribunal may dispense with giving notice to a person referred to in section 66(1)(d) or shorten the time for giving such notice include (without limitation)—
  - where the application is for the appointment of a guardian or administrator for a person and it is proposed that the person is to be discharged from the hospital to reside—
    - in their own home; or
    - with the person who is proposed as the guardian or administrator (as the case requires); or
    - in a short-term funded aged care service or a Transition Care Program (both within the meaning of the *Aged Care Act 2024* of the Commonwealth); or
    - in prescribed circumstances; and
  - where the application is for the appointment of the Public Advocate as guardian for the person and no other suitable person has been identified as a proposed guardian following reasonable enquiries by the applicant or other person as set out in the application; and
  - where the application is for the appointment of the Public Trustee as administrator for the person and no other suitable person has been identified as a proposed administrator following reasonable enquiries by the applicant or other person as set out in the application; and
  - where the application is for the appointment of a guardian or administrator for the person and no other person having a proper interest in the matter has been identified following reasonable enquiries by the applicant or other person as set out in the application; and
- appropriate circumstances in which the Tribunal may shorten the time for giving notice to a person referred to in section 66(1) (other than subsection (1)(d)) include (without limitation) circumstances where the application is for the appointment of a guardian or administrator for a person and it is proposed that the person is to be discharged from the hospital to reside—
  - in their own home; or
  - with the person who is proposed as the guardian or administrator (as the case requires); or
  - in a short-term funded aged care service or a Transition Care Program (both within the meaning of the *Aged Care Act 2024* of the Commonwealth); or
  - in prescribed circumstances.

Debate adjourned on motion of Hon. S.L. Game.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:51): Obtained leave and

introduced a bill for an act to amend various acts within the portfolio of the Attorney-General. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:52): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Attorney-General's Portfolio) Bill 2025. It makes various amendments to several acts committed to the Attorney-General. Part 2 of the bill amends the Bail Act to ensure that electronic monitoring services for people who are fitted with an electronic device as a condition of bail must be provided by a public sector agency within the meaning of the Public Sector Act 2009 or an entity acting pursuant to a contract for service approved by the chief executive officer (i.e. the Chief Executive of the Department for Correctional Services.)

These amendments seek to respond to concerns that have been raised about the regulation and oversight of private bail monitoring services following the recent collapse of BailSafe Australia and the implications within Victoria and New South Wales. BailSafe Australia is a private company that provides electronic monitoring services using GPS devices to track people who are fitted with an electronic device as a condition of bail.

While it is standing practice in Victoria and New South Wales for persons seeking bail to be monitored by a private provider, BailSafe Australia did not alert Victorian or New South Wales authorities of its collapse. In response to these concerns, New South Wales has recently enacted legislation to ensure that private electronic monitoring bail conditions can no longer be imposed. Victoria has also announced that it will end the use of private entities for electronic monitoring of bail.

Unlike Victoria and New South Wales, it is not an established practice in South Australia for private entities to provide such electronic monitoring services to people on bail. In South Australia, I am advised that all electronic bail monitoring services are currently provided by public sector agencies. Accordingly, there are currently no private entities providing these services in this state. Notwithstanding, the proposed amendments to the Bail Act will assist to safeguard against any potential future risk of a similar situation in South Australia by ensuring that electronic monitoring services cannot be provided by a private entity without the approval of the chief executive.

Part 3 of the bill amends section 16 of the District Court Act to ensure that a person who resigns from judicial office, or who resigns from their term of appointment, may continue to act in the relevant judicial office for the purposes of completing the hearing and determination of any proceedings that were part-heard before the resignation.

Unlike section 13A(3) of the Supreme Court Act 1935, there is currently no power for a judge or associate judge of the District Court to continue to act for the purpose of completing the hearing and determination of proceedings that were part-heard before their resignation from judicial office. The proposed amendments in the bill will ensure that these judicial officers can complete any proceedings that were part-heard before their retirement or resignation, as the case may be.

Part 4 of the bill will amend section 57 of the Legal Practitioners Act 1981 to allow for the Attorney-General to delegate their functions and powers in relation to the authorisation of payments from the Legal Practitioners Fidelity Fund. The primary purpose of the Fidelity Fund is to provide compensation to people who suffer financial loss arising from an act or omission that involves dishonesty and results in a default of a law practice.

Section 57(5) of the Legal Practitioners Act provides that no payment may be made from the Fidelity Fund without the express authorisation of the Attorney-General. Subject to authorisation, money in the Fidelity Fund may be applied in any of the specified purposes listed in section 57(4) of the Legal Practitioners Act. There is currently no power for the Attorney-General to delegate the powers and functions under section 57(5), even though there may be situations where it is appropriate for this to occur.

Accordingly, the bill amends the Legal Practitioners Act to insert an express delegation power similar to the delegation that applies in relation to the Legal Profession Conduct Commissioner in section 77 to enable the Attorney-General to delegate their functions and powers to authorise the payments from the Fidelity Fund.

A number of safeguards have been included to ensure that any delegation that might be made is subject to appropriate oversight. This includes the requirement for any delegation to be in writing and that any delegation can be revoked at will. There is also flexibility so that a delegation can be made on an absolute or conditional basis; for example, so that a delegate can only authorise payments of a certain kind or up to a certain amount.

Part 5 of the bill inserts a new section 19A into the Legislation Interpretation Act 2021 to provide that an amending act or instrument is to be construed as part of the amended act or instrument. The amendments are intended to provide certainty regarding the validity of listing techniques, which is a common drafting method used by parliamentary counsel to give effect to declarations or designations made under relevant legislation.

The validity of the listing technique was considered by a recent Federal Court case. In that case, the Federal Court affirmed the validity of the listing technique and noted that it is a common useful drafting technique. In confirming the validity of the technique, the Federal Court relied upon the operation of section 11B(1) of the commonwealth Acts Interpretation Act 1901, which provides that every act amending another act must be construed with the other act as part of the act.

There is currently no equivalent provision in South Australia. Accordingly, the bill amends the Legislation Interpretation Act to insert a new provision modelled on section 11B(1) of the commonwealth Acts Interpretation Act to ensure the amending act or instrument is to be construed as part of the amended act or instrument.

Part 6 of the bill proposes to repeal the offence in section 35 of the Summary Offences Act 1953, which restricts certain newspaper reports on descriptive material or leave proceedings related to sexual immorality, unnatural vice or indecent material. The original version of this offence was enacted in 1929 under the repealed Indecent Reports (Restriction) Act 1928. The offence was then later consolidated into the former Police Offences Act 1953, which is now known as the Summary Offences Act 1953.

It appears that the purpose of this original offence was to protect the public from material which at the time was considered to be capable of corrupting public morals due to its obscene or immoral nature. In particular, parliamentary debate from this time suggests that the offence was historically intended to restrict newspapers reporting on activities of an illicit sexual nature, such as homosexuality and sexual relationships outside of marriage.

South Australia and Victoria are the only two jurisdictions that have retained an offence of this kind. All other jurisdictions, including South Australia, have laws which restrict reporting and publishing of certain material in connection with legal pleadings more broadly. In South Australia, part 8 of the Evidence Act 1929 contains a number of offences which restrict reporting on legal proceedings, including offences that restrict reports relating to sexual cases, as well as media reporting on the outcome of some criminal proceedings generally.

These offences carry significant penalties of up to $10,000 in the case of an individual and $120,000 in the case of a body corporate. In addition, section 33 of the Summary Offences Act 1953 makes it an offence to produce, sell or exhibit indecent or offensive material. Given the existing restrictions that already apply to certain reports on sexual cases and legal proceedings, the government considers it appropriate to repeal the historical offence in section 35 of the Summary Offences Act 1953.

Part 7 of the bill amends section 31 of the Surrogacy Act 2019 to postpone the requirement to undertake a statutory review of the act by a further two years so that it must be completed by the eighth anniversary of the commencement of the act—i.e. 1 September 2028. The Surrogacy Act commenced operation on 1 September 2020. It repealed part 2B of the Family Relationships Act 1975 and created a standalone act to recognise and regulate certain forms of surrogacy in South Australia. Section 31 of the Surrogacy Act requires the minister to cause a review of the operation of the act to be conducted and submitted after the fifth, but before the sixth, anniversary of the act. That would be between 1 September 2025 and 1 September 2026.

The Australian Law Reform Commission is currently undertaking an inquiry into surrogacy and is due to report to the commonwealth government by 29 July 2026. As part of its terms of reference, the Australian Law Reform Commission has been asked to identify reforms, including proposals for uniform or complementary commonwealth, state and territory laws, that:

- are consistent with Australia's obligations under international law and conventions; and
- protect and promote the human rights of children born as a result of surrogacy arrangements, surrogates and intending parents, noting that the best interests of children are paramount.

It is anticipated that the South Australian statutory review will likely canvass similar issues and engage similar stakeholders to the Australian Law Reform Commission inquiry. Given this, the bill proposes to delay the requirement to conduct the statutory review of the Surrogacy Act for a further two years so that it must be completed by 1 September 2028. This will ensure that any reforms that are proposed by the Australian Law Reform Commission to improve the operation of surrogacy laws in South Australia can be taken into consideration as part of the South Australian statutory review.

Parts 8 and 9 of the bill amend the Terrorism (Police Powers) Act 2005 and the Terrorism (Preventative Detention) Act 2005 to delay the effect of the expiry and sunset provisions in those acts by a further 10 years, i.e. until 8 December 2035. The Terrorism (Police Powers) Act provides authority for police officers to prevent and investigate terrorist acts. The Terrorism (Preventative Detention) Act provides authority for the temporary detention of terror suspects in order to prevent the occurrence of a terrorist act, or to preserve evidence of, or relating to, a recent terrorist act.

Without legislative amendment to extend the operation of these acts, the Terrorism (Police Powers) Act will expire, and the operative parts of the Terrorism (Preventative Detention) Act will cease to operate, on 8 December 2025. The extension of these acts will ensure that South Australia can continue to use the powers provided for in those acts to prevent and respond to potential terrorist acts and to keep our community safe.

That concludes the matters that are the subject of this bill. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

3—Amendment of section 3—Interpretation

This section amends the definition of *Chief Executive Officer* in section 3 of the principal Act to align with changes to the terminology in the *Correctional Services Act 1982*.

4—Insertion of section 11AA

New section 11AA is inserted into the principal Act as follows:

11AA—Certain electronic monitoring must be conducted by public sector agency etc

The proposed section provides that, if a grant of bail is made subject to a condition requiring the applicant to be fitted with a device for the purpose of monitoring compliance with the bail agreement, any electronic monitoring services in respect of the device must be provided by a public sector agency, or by an entity acting pursuant to a contract for services approved by the Chief Executive Officer for the purposes of the section.

Part 3—Amendment of *District Court Act 1991*

5—Amendment of section 16—Retirement of members of judiciary

This clause amends section 16 of the principal Act to allow a person who resigns from judicial office to continue to act in the relevant office for the purpose of completing the hearing and determination of proceedings part-heard before their resignation.

Part 4—Amendment of *Legal Practitioners Act 1981*

6—Amendment of section 57—Fidelity Fund

This clause amends section 57 of the principal Act to empower the Attorney-General to delegate their functions and powers under the section to a person, including a person performing particular duties or holding or acting in a particular position.

Part 5—Amendment of *Legislation Interpretation Act 2021*

7—Insertion of section 19A

New section 19A is inserted into the principal Act as follows:

19A—Amending Act or instrument to be construed as part of amended Act or instrument

The proposed section provides that an amending Act or legislative instrument must be construed with the Act or legislative instrument it amends as part of that amended Act or instrument.

Part 6—Amendment of *Summary Offences Act 1953*

8—Repeal of section 35

This clause deletes section 35 of the principal Act.

Part 7—Amendment of *Surrogacy Act 2019*

9—Amendment of section 31—Review of Act

This clause amends section 31 of the principal Act to require a review of the operation of the Act to be completed after the seventh, but before the eighth, anniversary of its commencement (rather than after the fifth, but before the sixth, anniversary).

Part 8—Amendment of *Terrorism (Police Powers) Act 2005*

10—Amendment of section 31—Expiry of Act

This clause amends section 31 of the principal Act to provide for expiry of the Act on the thirtieth anniversary of its commencement (rather than the twentieth anniversary).

Part 9—Amendment of *Terrorism (Preventative Detention) Act 2005*

11—Amendment of section 52—Sunset provision

This clause amends section 52 of the principal Act to prevent the continued operation of, or making of, preventative detention orders and prohibited contact orders at the end of 30 years after the commencement of the Act (rather than the current 20 years).

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

CRIMINAL LAW CONSOLIDATION (COERCIVE CONTROL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 June 2025.)

The Hon. J.M.A. LENSINK (16:02): I rise to speak to the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024 and indicate our support for this important piece of legislation. Coercive control is a devastating form of abuse. It does not always leave bruises, but it leaves deep and lasting scars. It is calculated, repeated behaviour that isolates, degrades, intimidates and ultimately controls a partner. It can strip a person of their autonomy, their freedom and their sense of self, and until now our laws have been poorly equipped to respond. This bill is a significant and long-awaited step in addressing that gap.

I would like to also acknowledge at this point that this reform has not come out of nowhere. Members on the Liberal side of the chamber have been engaged on this issue for some time. In 2021, under the previous Liberal government, the then Attorney-General, the Hon. Vickie Chapman MP, introduced a bill to criminalise coercive control. The Liberal Party recognised then, as we do now, that a pattern of controlling behaviour in relationships is not merely a private matter, it is a form of abuse and it must be treated as such by the law.

This bill introduces a new indictable offence of abusive behaviour towards a current or former partner. It defines a course of conduct that is coercive or controlling, where the offender intends the victim to feel frightened, dependent, humiliated or isolated. The penalty is up to seven years' imprisonment, and these are not symbolic penalties. This is a serious crime and it is right that the law treats it this way.

The bill also contains a review provision under section 20D, which will allow parliament to revisit the operation of this offence within three years, which is sensible given how novel these forms of legislation are in jurisdictions in Australia and around the world.

We also support the government's technical amendments to clarify the definition of 'harm' and ensure consistency with other parts of the Criminal Law Consolidation Act. These are small but important refinements that will assist courts and practitioners. We will also be supporting the amendments put forward by the Hon. Tammy Franks to extend protection to animals belonging to the victim, recognising that threats to pets are often used as a means of coercion and control.

While we support this legislation, we do not do so uncritically of the Labor government. Stakeholders such as the Law Society of South Australia have raised concerns about the complexity of prosecuting coercive control. This is not a straightforward offence. It requires police, prosecutors and the judiciary to evaluate a pattern of behaviour over time that will only be possible if the government commits the funds needed to train, resource and prepare our justice system. Passing a law without resourcing it properly is little more than symbolism. Survivors need more than symbolism; they need a justice system that will act. That means comprehensive training for SAPOL officers, prosecutors and the judiciary, and I welcome the comments of the Chief Justice in light of the handing down of the royal commission in regard to training.

It does mean investment in the frontline sector so service providers can understand the new offences and can support survivors through the process, and it means funding community education so that coercive control is no longer hidden in plain sight. Victims will only come forward if they believe the system can deliver justice. That confidence must be earned through real investment, not rhetoric.

This bill is a necessary legal response, but the broader cultural response must also follow. We know that coercive control is a common precursor to intimate partner homicide. We know that victims who are subjected to this kind of sustained abuse often describe it as worse than physical violence. The bruises heal and we know that by the time the police are called it is sometimes too late. That is why criminalising coercive control matters. It gives survivors a legal remedy before the physical violence escalates. It recognises the seriousness of non-physical abuse and it sends a powerful message that a relationship built on fear, isolation and manipulation is not private and it is not acceptable. This is not a matter of politics, it is a matter of justice.

I acknowledge the many survivors, advocates and frontline workers who have pushed for this reform over many years. We will support this bill, but we will also hold this government to account. Survivors deserve nothing less than a law backed by the training, funding and enforcement to make it work.

The Hon. S.L. GAME (16:08): I rise to speak on the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024. This bill is designed to criminalise behaviour in relationships that is likely to have a controlling impact on another person and is likely to cause physical injury or psychological harm. In accordance with proposed section 20C(1)(d), to be found guilty of the offence of coercive control the alleged coercive behaviour does not need to cause actual physical injury or psychological harm. It is only necessary that a reasonable person consider the course of conduct would be likely to cause injury or harm.

The Law Society has noted that psychological harm may be limited to anxiety or fear and has highlighted that the threshold for meeting this element of the offence is relatively low. The Law Society has also pointed out that the proposed offence has the potential to inadvertently criminalise conduct that would otherwise be legitimate, acceptable or warranted. The proposed bill provides several examples of the type of behaviour that may have a controlling impact by restricting another person's freedom of movement, action or ability to make personal choices or restricting their access to services and necessities, including the following:

- locking the person in a room or building;
- excessively monitoring or tracking the person's activities or movements;
- interfering with communications received from a third party by the other person;
- destroying the other person's method of contraception;

- locking the refrigerator or pantry;
- engaging in derogatory name-calling of the other person each time the other person eats food;
- hiding the other person's keys to a motor vehicle; and
- deceiving the other person as to their rights with respect to their own property.

It should be noted that only one element of restriction is necessary for the behaviour to be taken to have a controlling impact on another person, and the prosecution will only be required to prove intention for one action of controlling behaviour, not for all actions within the alleged pattern of conduct.

It should also be noted that section 20B(2)(f) of the proposal allows for the list of offending behaviours to be expanded on by regulations, effectively bypassing the full scrutiny of the legislative process. This is concerning given the already low threshold for harm and injury as well as the fact that this offence will be classified as a major indictable offence, carrying a maximum jail term of seven years' imprisonment. In short, this proposal is a powerful legal weapon, and in the wrong hands it has the potential to be used to inflict the very same harm it purports to be preventing.

Further, given this offence has been characterised as a gender-based crime of domestic violence, it becomes very clear that this lethal legal weapon is predominantly aimed at men. However, recent data from research conducted by the *Medical Journal of Australia* shows that 45.5 per cent of respondents who had experienced intimate partner violence were actually men. Unfortunately, the widespread, complex and multilayered issue of intimate partner violence has been largely mischaracterised as a gender-based crime, where domestic violence against women is described as prevalent, increasing and rightly condemned but domestic violence against men is considered rare, retaliatory and predominantly ignored.

While the prevalence of intimate partner violence experienced by women is higher, results indicate that the rate of male victims of domestic violence is likely to be a lot more than previous estimates of one in three, especially given the ongoing reluctance of male victims to report incidents of domestic abuse. This raises concerns about further encroachment of the courts, policing and the justice system into the volatile and fragile sphere of domestic relationships, where false allegations are regularly weaponised to bury opposing parties in litigation, alienate one parent and destroy reputations.

In the experience of my office, it is overwhelmingly men who are the victims of this type of legal abuse. They are quite often desperate men who call my office, some seeking assistance in their effort to be heard by government departments or courts, or they are men who have been alienated from their children or who feel hopeless in a system they believe is actively working against them. In no way is it my intention to diminish the issue of domestic violence against women. However, the grave disparity in recognition and support for the many men who suffer alone and in silence is an issue that deserves to be raised in this chamber.

As an advocate for men's mental health, I cannot ignore the growing emasculation and demonisation of men by media and academia as well as the inherent bias and inequity against men within many public institutions. All of this takes place in a country where suicide is the leading cause of deaths for men aged 15 to 44. In addition to this, the Australian Institute for Suicide Research and Prevention has indicated that almost half of all suicides by Australian men are directly linked to Family Court disputes and other pending legal matters.

While there is limited current research on the operation of domestic violence orders in Family Court disputes, in a past survey of magistrates from New South Wales it was recorded that 90 per cent of domestic violence claims were being used as tactical tools in Family Court disputes and that many fathers were forced to exhaust their resources defending themselves against accusations that were later proven to be unfounded.

Unfortunately, this bill, which may have very good intentions, will also act to reinforce a widespread stigma of all men in this country as violent controllers of women and all women as passive victims who need greater legal protection to fight against the ever-increasing threat of male domination. Inadvertently, this bill may actually equip sophisticated perpetrators of coercive control, whether male or female, with another lethal legal weapon to use against their hapless victims,

manipulating a narrative that casts themselves as victims and falsely accuses their partners with the crime of coercive control, with the potential consequence of seven years' jail time.

Even the minister, during her second reading speech in the other place, acknowledged the possibility of this legislation being weaponised to inflict further torment on victims through perpetrator misidentification, where police might mistakenly attribute guilt to a victim who is acting in defence or retaliation to controlling behaviour and ultimately incorrectly charge the victim with the offence of coercive control, or where the perpetrator flies under the radar, having gaslit their victim into a devastating web of lies and deceit. According to the minister, such injustice will be easily averted by consideration of the broader context of the relationship, in particular the power dynamics and relative freedoms enjoyed by the parties, which should direct authorities to an accurate conclusion.

It is abundantly clear from the minister's speech that the only accurate conclusion to be made is: women are always the victims and men are always the abusers. The minister accurately declared that we must refuse to accept any woman being abused in any way, and we must take real action that drives change and empowers women to live their lives freely and safely. But what about the men who are abused? Do male victims not deserve at least some acknowledgement and advocacy? In the minister's own words, the current laws severely limit how police can help women unless physical violence is involved.

For too long, the minister stated, too many people have sadly asked, 'Why doesn't she leave?', whereas now the more relevant question, according to the minister, has become, 'Why doesn't he just stop?' This narrative of male perpetrator/female victim was further reinforced by the Attorney-General's second reading speech in this place, when it was stated that this new offence is needed to help women subjected to coercive control. The language and narrative are both clear: coercive control is a male crime perpetrated against female victims, and if this bill becomes law police will be expected to undergo thorough training to ensure they do not deviate from this narrative and misidentify female victims as perpetrators.

We need only to look to recent developments in Tasmania, where Dr Fiona Girkin has been counselled after going public about her involvement in a training program for police where she teaches the use of an evidence-based approach when assessing domestic violence situations. According to Dr Girkin there are just as many women being arrested under coercive control laws in Tasmania as men, but far more men actually end up being charged and, despite initially receiving support from Tasmanian police for her evidence-based approach, Dr Girkin has recently been stood down until an assessment has been completed.

These are worrying signs, given the South Australian proposal includes the ability to widen the scope of this offence merely by regulation. This would provide the executive arm of government with a considerable amount of power to not only expand on the definition of what constitutes criminal conduct under this offence but also determine how this offence is administered and enforced. Such measures only reinforce the view of many men that the Family Court and justice systems are designed to work against them, to presume men guilty, rather than provide men with a fair and equal hearing based on reliable, convincing facts and evidence.

While the stated intent of this bill is to prevent the escalation of domestic violence into more serious acts of harm, the concern is that the bill is the wrong tool to achieve that outcome, given there is widespread agreement that this bill is open to exploitation and legal abuse and could potentially cause more harm to the victims it seeks to protect. The Law Society maintains the position that the intervention orders act is a more appropriate and efficient mechanism in addressing coercive control as it has been designed to prevent acts of abuse.

The Law Society also notes that conduct capable of giving rise to an intervention order is sufficiently broad and flexible, defined to capture acts of coercive control and other concerning relationship behaviours before they escalate. Consequently, this bill comes with significant, widespread and legitimate concerns, and with the likelihood of this bill passing the need to accurately track and monitor how these concerns play out should be at the forefront of each institution of government as we work towards the review set down to be within four years' time.

The Hon. T.A. FRANKS (16:17): I rise in support of the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024. In doing so, I do acknowledge the enormous amount of work that brought this bill before this place on both sides of the parliament and by previous governments as well as this one.

The coercive control bill before us seeks to amend the Criminal Law Consolidation Act, as well as the Evidence Act and the Intervention Orders (Prevention of Abuse) Act. It provides that where there is behaviour with a controlling impact within a relationship—and that relationship is defined as two people married, engaged, domestic partners, intimate personal relationship—where that controlling behaviour may restrict another person's freedom of movement, freedom of action, ability to engage in social, political, religious, cultural or economic activity, or restrict another person's ability to make choices with respect to their body.

I note that the Hon. Sarah Game did mention the restriction of, for example, birth control, or that this controlling behaviour restricts another person's ability to access basic necessities or support services or property. That restriction may be physical, verbal, by the use of deception or other behaviours. Where that is able to be proven, in fact the perpetrator may well face a time in jail of up to seven years.

This is a serious piece of legislation for a serious community issue. I note that the Law Society advice made a suggestion to this council and to this parliament that animal abuse, which was in an original draft of this legislation, had been left out. I have an amendment that I filed to rectify that, and that amendment would ensure that where harming an animal was involved it would fall under the definition of coercive control within this new soon-to-be, I believe, act. I will speak further to that amendment when we get to that particular clause in the bill.

I do not propose to speak too long today. This legislation has been a long time coming. As I say, advocates not just in this state but right around the country have long fought for this and fought for us to get it right. I think this piece of legislation that we have before us is a good start. I am very comforted that it will have a review, because I think it is a very cautious approach that does need to be reviewed to make sure that it is in fact doing the job that we need it to do—and we need it to do that job for those who are subject to coercive control in our state.

A couple of months ago I was doomscrolling on Facebook, as one does on a Sunday morning, and a post was put there by an old friend who was a work colleague once upon a time and with whom I had kept in close contact at first, after we had finished working together. I had not seen her for years, but I had seen her photos on Facebook, I had seen her happy family, I had seen what I thought to be her loving relationship, and I thought she was doing well. Her post read:

For a long time, I did not even realise it was abuse. There were no bruises. Just quiet control trying to erase who I was.

And while everything on Facebook looked happy, that too was controlled. What you saw was carefully edited to fit the version of our life he was happy for me to share.

I doubted my own memory and judgement. He stalked me at work, tracked my car, he told me he cloned my phone, and flooded me with calls and texts every day.

Even a quick trip to the supermarket could trigger him to the point that if I took too long in his eyes he would turn up under the guise of he missed me.

At home, he hovered over me, checked who I was messaging, he would wake me up in the middle of the night accusing me of being online even in my sleep while I was right next to him, and he put down anyone who I cared about at every opportunity.

If you were a friend, family member, or colleague, maybe you remember me going quiet after receiving a text or leaving suddenly after a call. Truth is I was just trying to avoid the fallout of the silent treatment that would follow.

The worst, secretly recording me in our home, one time I know for sure but the scary thing is I don't know how many times before this happened before I found out.

I am not sharing this for sympathy. I am not going to pretend it didn't happen just to make others feel more comfortable.

It wasn't my fault and I am not ashamed.

I am angry because this kind of abuse is still happening to people and many do not even realise it has a name.

This is what Coercive Control looks like. It is subtle, manipulative, and scary how easy it is to hide.

If something feels off, it probably is.

I say to my former work colleague and friend: this legislation sees you, it makes sure you are not erased and it gives a name, in the law, to what happened to you, which we hope will never happen to others. With that, I commend the bill.

The Hon. J.S. LEE (16:24): I rise today to speak in support of the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024. This legislation presents much-needed reform and is an important step forward in our collective efforts to address an insidious and often invisible form of domestic violence. It is horrifying that in 99 per cent of domestic violence related homicides, coercive control was a key factor in the lead-up to that devastating final outcome, and yet it is not currently recognised as a criminal offence.

For too long our legal system has focused narrowly on physical violence, leaving victim survivors of coercive control without adequate protection or justice and severely limiting how police can help if physical violence is not involved. This bill recognises that abuse is not always physical and that ongoing patterns of psychological manipulation, isolation, humiliation, intimidation and control can be utterly damaging and destructive.

Coercive control is a deliberate and sustained pattern of behaviour designed to force someone to behave in a certain way, taking away their autonomy and imposing the perpetrator's will. It is a form of domestic abuse that erodes a person's sense of self, their freedom and their ability to make choices. It is a form of abuse that traps victims in perpetual fear, often without leaving a single bruise. Those invisible damages can be dangerous and harmful and must be addressed.

I wish to acknowledge the significant amount of consultation that has gone into the drafting of this bill and convey my deep respect and admiration of the survivors of coercive control who have courageously and generously shared their experiences and lent their voices to this important reform. Thank you also to the frontline service providers and legal experts who have contributed to this legislation.

Just this week, the Royal Commission into Domestic, Family and Sexual Violence has publicly released its findings and made 136 recommendations to address what Commissioner Natasha Stott Despoja labelled as a statewide crisis. More than 5,000 community members bravely shared their experiences, with the commission receiving more than 330 submissions.

The bill will be an important step to addressing this scourge and fundamentally changing how we understand and respond to domestic violence. The bill introduces a new offence into the Criminal Law Consolidation Act 1935, targeting coercive control within intimate partner relationships. It defines coercive control as a course of conduct that a reasonable person would consider is likely to have a controlling impact on another person. This includes restricting a person's freedom of movement, bodily autonomy and ability to engage in social, cultural, economic, religious, or political life.

Importantly, the bill recognises that abusive control can be exerted through physical, verbal, psychological and even indirect means. Whether it is forbidding a partner from working, isolating them from friends and family, controlling what they wear, eat or buy, monitoring their every move or manipulating their access to finances, these behaviours will now be recognised as criminal.

The legislation is not about criminalising ordinary relationship conflict that happens in almost all relationships, it is about identifying and addressing patterns of behaviour that are intentionally designed to dominate, control and cause harm. The bill includes safeguards to ensure that only serious and harmful conduct is captured and provides a defence where the course of conduct was reasonable in all circumstances. It is important that we avoid perpetrator misidentification, where the victim is incorrectly treated as a primary aggressor, and ensure that this new offence is not weaponised by perpetrators to further torment and harm their victims.

The offence carries a maximum penalty of seven years' imprisonment, reflecting the seriousness of the harm caused. It also acknowledges the impact on children who have witnessed coercive control, recognising them as victims in their own right. This is a vital element, as we know that children exposed to domestic abuse suffer long-term emotional and psychological consequences.

Although abusive control can occur in different social contexts and in other kinds of relationships, this bill focuses solely on coercive control in abusive intimate partner relationships, because of its prevalence as a precursor to domestic homicide. I understand that there will be

significant lead time for the commencement of this bill, to ensure that the education campaigns and training for police and support services are appropriately designed and implemented.

It has been a privilege to work closely with many incredible multicultural organisations that provide vital support services to our culturally and linguistically diverse communities. As the longest serving member of parliament in the portfolio of cultural affairs, I am keenly aware that education and training about this new offence must be culturally sensitive, firstly to avoid unintended consequences, such as misidentifying perpetrators, and also to recognise controlling behaviours that may be culturally specific.

I welcome the provision for a statutory review of the offence after three years. This will ensure that the legislation is operating effectively and continuously to meet the needs of victim survivors and the justice system. Coercive control has no place in our society, and this bill will provide stronger protections for women and families affected by domestic violence. It will enable police and prosecutors to intervene earlier, before abuse escalates to physical violence, and it will hopefully save lives. I indicate that I will consider other amendments that have been proposed, and with those remarks I commend the bill to the chamber.

The Hon. R.A. SIMMS (16:31): I rise to speak on the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024 on behalf of the Greens and to indicate that the Greens are supportive of this move to create a new offence of coercive control. I might just note that it is always refreshing when we see all sides of politics in this chamber coming together. I think it demonstrates the gravity with which the parliament takes this matter.

I acknowledge the leadership of the two major political parties in this place, in that this was a reform that was initiated by the previous Liberal government. They did some work in this space and it has been continued under the leadership of the Malinauskas Labor government. I think that is a good template for how we can approach reform in this regard. It is an important issue, and I welcome the fact that all political parties are supportive of wanting to finally legislate in this area.

I also note that we are dealing with this bill this week, when the royal commission has handed down its report into domestic, family and sexual violence. I have not had the opportunity to finish going through the report—obviously, it is a dense and comprehensive document—but I have had a chance to read through some of the recommendations. I want to use this opportunity to thank the commissioner, Natasha Stott Despoja, for her leadership and the work of her team, and also all of those brave South Australians who have shared their stories with the commission.

It takes a lot of courage to talk about difficult and traumatic events in people's lives, but I know that as legislators those stories are really vital to us, because they help us make decisions and change the law appropriately. I want to thank everybody who has participated in that process and to indicate from my perspective that I am very keen to work with the Malinauskas government to take the steps necessary to implement the recommendations of the report to the extent that legislation is required. I am very keen to work with the government to do that.

We know that coercive control is a form of abuse perpetrated in domestic and family violence. As a society, our understanding of abuse has changed over time, and we now know that coercive control is a key factor in many abusive situations.

As a behaviour used by perpetrators to maintain control over another person, coercive control underpins family and domestic violence and intimate partner violence. It can be used to deprive the person of their autonomy or their agency. It can take the form of emotional abuse, harassment, financial abuse or technological abuse. It can be difficult to detect from the outside of a relationship as these can be controlling behaviours that can present as part of everyday life, and power can be exerted in covert ways and often behind closed doors.

The Personal Safety survey conducted by the Australian Bureau of Statistics collects data about emotional and economic abuse. We know that women are more likely to have experienced emotional and economic abuse; that is well documented. Indeed, one in four women and one in seven men have experienced emotional abuse by a partner in Australia, and these are worrying statistics.

Domestic homicide statistics demonstrate the pattern of coercive control that can lead to deaths resulting from domestic violence. Of primary domestic violence abusers who killed their current or former female partner, 82 per cent exhibited emotional or psychological abuse, and

63 per cent had restricted the social support networks of their partner. The relationship between violence and coercive control is well documented.

The move to legislate against coercive control has been started across the country. In New South Wales and Queensland, coercive control is now an offence. Western Australia is taking a phased approach by reforming their restraining orders legislation. Victoria's family violence laws address some forms of coercive control through their family law, but it is not considered a separate offence.

Tackling coercive control at the earliest stages is one way we can begin to prevent domestic and family violence. Early warning signs, such as love bombing, gaslighting or financial abuse, are important in detecting what may escalate to coercive behaviours and potentially violence. We acknowledge that consultation work for this bill began under the previous government and that coercive control reform has been a long process, and has been comprehensive and well considered.

The bill has taken the approach to create an offence where a person engages in behaviour that has a controlling impact on another person. Controlling impact is defined as restricting freedom of movement, freedom of action, the ability to engage in social, political, religious, cultural or economic activities, the ability to make choices related to someone's body or their right to access services.

We believe this reform will have a positive impact in starting to prevent abuse from escalating to more serious and potentially devastating situations. It is vital for us also to be looking at prevention. No more women should die at the hands of a domestic partner. No more people should be subject to violence in their homes. This is an important reform and an important step that the parliament is taking and the Greens are proud to support it.

I understand that some amendments have been filed. I note the amendment from the Hon. Tammy Franks. I thank her for putting that forward. I think she has raised an important issue and, of course, I will be supporting that amendment. I understand there were some further amendments in the name of the Hon. Frank Pangallo. I am not sure whether he is still intending to advance those. I am seeing some shaking of heads, so I understand not. I will obviously monitor the committee stage in that regard.

The Hon. T.T. NGO (16:38): I am pleased to rise to speak on the government's behalf on the Criminal Law Consolidation (Coercive Control) Amendment Bill 2024. This bill will create a new offence of coercive control in the Criminal Law Consolidation Act 1935. Coercive control is a deliberate and abusive effort to control another person within a marriage or an intimate partner relationship. People who engage in such behaviour do not want an equal partnership and they have no interest in resolving conflicts through a healthy process of discussion and negotiation.

This bill focuses on intimate partner relationships in acknowledgement of the link between coercive control and intimate partner homicide and the need to focus resources on this extremely high-risk area. However, the government acknowledges that coercive control occurs in many relationships, such as between siblings, by children towards parents, or parents towards children, or even in non-family contexts, such as cults.

The new coercive control offence this bill proposes will not replace current domestic violence crimes; it works in addition to them. Because of this, an abuser can be found guilty of the standalone crime—e.g. assault—and of coercive control, either in the same trial or in separate trials, even though the evidence overlaps.

Recent evidence in South Australia shows coercive control is a serious statewide problem. The Premier, the Hon. Peter Malinauskas MP, and the Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, the Hon. Katrine Hillyard MP, announced the release of the royal commission report this week, outlining how it brings clear confirmation that the risk of harm is real and urgent.

During consultation on this bill, we heard from the domestic violence sector and from victim survivors of coercive control that restrictions imposed on the victim and maintained by the perpetrator are mainly psychological, creating an atmosphere of fear within the relationship. Unfortunately, the web of control that is behind so many abusive relationships is currently invisible to our criminal law. For too long, the criminal justice system has only been able to address individual incidents of physical

violence or threats of physical violence. If the abusive conduct does not involve any physical violence, police have been limited in what they can do to help an individual subject to coercive control.

Earlier this month, a survivor shared her story of living with years of coercive control by her ex-husband, who was recently convicted of aggravated assault. A woman in Bordertown was murdered by her partner, who then killed himself. We know these are not isolated incidents. SAPOL confirmed that during 2023-24 domestic violence contributed to an almost 70 per cent increase in reported murders.

As criminal law does focus on criminal violence, police have had few ways to protect women from non-violent coercive control. This bill will formally name the behaviours within our criminal justice system as an offence of coercive control. It will ensure the behaviours are understood as being a serious crime involving psychological entrapment. The elements of the offence of coercive control will be that:

- the defendant acted in ways that had a controlling impact on the other person's life, or that a reasonable person would consider the behaviour was intended to have a controlling impact;
- the defendant is or was in a relationship with the other person—that is, they were married, engaged, domestic partners or an intimate couple; and
- a reasonable person would consider that the behaviour, referred to as 'course of conduct' in this bill, would likely cause physical or psychological harm.

A 'controlling impact' means restricting the victim's freedom, whether it is their freedom of movement, action, bodily autonomy or freedom to engage in social, political, religious, cultural, educational or economic activities of their own choosing.

Coercive control is proposed as a course of conduct offence. However, 'course of conduct' is not defined in the bill, as we do not want to rigidly restrict the offence by requiring a minimum number of incidents or a specific length of time. Consultations showed that a person using coercive control can rely on many tactics, so 'restrict' has a wide definition and plenty of examples are provided in this proposed legislation. The ultimate test is simply whether the victim had significantly restricted free will. Freedom is a spectrum with many shades, not an on/off switch. Consequently, judges and juries considering a charge of coercive control must consider how the perpetrator's behaviour impacted on the opinions and choices open to the victim.

In the context of the coercive control offence, a 'course of conduct' sees behaviour happening on multiple occasions with a sense of continuity and purpose between them—in this case, a deliberate act of control. It does not require relevant conduct to occur every day or for the controlling impact to be the same on each occasion. However, in general, a 'course of conduct' would require more than a few genuinely isolated incidents.

The bill does allow a perpetrator to be charged when the abuse happens in one long episode, as long as that episode is serious enough to count as an ongoing pattern. It also must meet other requirements, such as a reasonable person believing it would likely cause physical or psychological harm. This would mean a judge or jury should not consider the likely impact and intent of each individual behaviour in isolation but instead must consider the impact and intention of the behaviours as a whole and in combination with each other.

Before writing this bill, the government spoke with many community groups. A major worry they raised was misidentification. This is when police mistake the real victim for the aggressor. This problem especially hits Aboriginal women because of longstanding distrust of authorities. Misidentified victims can face charges, intervention orders and child protection action, and they often lose faith in the system. This bill has been designed from the beginning to ensure this new law could not be used by abusers to falsely accuse their victims of coercive control.

Under this bill, a person can avoid conviction if they prove their controlling behaviour was reasonable and necessary, for example, excluding a partner from the home for the safety of children or restricting access to money if they are likely to spend it on drugs, alcohol or gambling. The burden of proof in such examples would rest on the defendants proving the controlling behaviour was reasonable.

In this bill, the coercive control offence is punishable by imprisonment of up to seven years. This maximum penalty reflects the seriousness of the offence. During consultation, the government heard that coercive control against an intimate partner also significantly affects the physical and mental health of any children within the household and that these children should also be considered victims and not mere witnesses. To acknowledge this, when sentencing a person for coercive control, the court must also consider how the offenders actions harmed any child who saw or was affected by the behaviour they witnessed.

This bill is the first attempt in South Australia to capture and criminalise a deeply complex phenomenon. For this reason, the bill mandates that a review of the offence must take place after the third but before the fourth anniversary of the commencement of this legislation.

On behalf of the government, I want to express our deepest gratitude to the quiet, persistent work of dedicated professionals and volunteers who support people affected by domestic violence. Their work does save lives, restore hope, and will remain indispensable as this new legislation takes effect.

In closing, I acknowledge the leadership of our Attorney-General, the Hon. Kyam Maher MLC, and the Minister for Women in the other place, the Hon. Katrine Hildyard MP. Their steadfast commitment to reforming our laws and championing survivors has been pivotal in bringing these changes to parliament and ensuring safer futures for South Australians. I also want to thank the commissioner, Natasha Stott Despoja AO, and her staff as well as the brave South Australians who shared their stories to help us do better in this space and bring about the necessary change in our society. I commend this bill to the chamber.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:50): I would like to thank each of the speakers who have contributed to this debate today. It has been a significant piece of work that has come together thanks to the insights of those who have lived the horrors of coercive control and experts across the DV sector and beyond.

In particular, I wish to acknowledge some of those key contributors and above all the brave victim survivors of coercive control and other domestic, sexual and family violence who came forward to share their experiences, which were central to informing how this bill was drafted. I also want to place on record our thanks to those who have dedicated their time, effort and much of their working lives to supporting victim survivors, people like my late mother, who spent many years working as a social worker and then the administrator of the women's shelter in Mount Gambier.

I want to acknowledge the loved ones of those whose lives were cut short, including Sue and Lloyd Clarke, parents of Hannah Clarke and grandparents of Aaliyah, Laianah and three-year-old Trey, all of whom were tragically murdered in an unthinkable final act of domestic violence in 2020. Sue and Lloyd's strength to advocate for the criminalisation of coercive control right around Australia, not just in their home state of Queensland, and raise awareness of its dangers is truly remarkable.

I want to acknowledge and thank each of the stakeholders who attended the government's public consultation round tables, which spanned areas from the disability sector, aged care, older persons advocacy groups and legal sector experts, as well as representative bodies and individuals from Aboriginal communities, culturally and linguistically diverse communities and LGBTIQ+ communities.

A special thanks to the members, as I said, who have contributed today on the bill, but in particular I want to thank firstly the Hon. Tammy Franks, whose advocacy, dedication and work supporting women and girls is extraordinary and very well known and appreciated. I also want to thank the Hon. Michelle Lensink, who has made a very significant contribution in this area and is extraordinarily well respected in this sector for her work. You just have to listen to her speak on this issue to know how much she cares about these sorts of laws and making sure we support victim survivors in this area. Thank you, Tammy and Michelle, in particular.

To the Minister for Women and the Prevention of Domestic, Family and Sexual Violence in the other place, the member for Reynell, the Hon. Katrine Hildyard MP, who has been an absolute champion of this reform and in this area for decades: thank you, Katrine, for your dedication and passion.

I also thank those in the South Australian public sector who have done so much work in this area, people from the Office for Women, the Attorney-General's Department and ministerial advisers but in particular those legal officers in legislative services within the Attorney-General's Department, who have done so much work to see this come to fruition. They are officers who came in in the first days of January, when everyone else was still on Christmas holidays, to tackle the really tricky issues of perpetrator misidentification and meet with those in the sector to get this work done and get us to where we are today.

It is remarkable dedication to an area that is incredibly complicated and incredibly difficult to reduce to things like pieces of legislation. It is not often you get to be involved in something that fundamentally slightly changes the fabric of our society, let alone something like this law that will not just change attitudes but will literally save lives. It is a remarkable thing to be involved in, so thank you to those legal officers who have done so much to get to where we are today.

It is quite a timely moment for this bill to be passing its final stages of parliament with the report of the Royal Commission into Domestic, Family and Sexual Violence being handed down earlier this week. The royal commissioner, Natasha Stott Despoja AO, and her team have worked incredibly hard over the past 13 months. I wish to sincerely thank Commissioner Stott Despoja and her team, headed up by Kim Eldridge, who have done remarkable work preparing a report of more than 600 pages with 136 recommendations, a few of which we traversed during question time today. I am pleased that we have already committed to accepting an initial seven recommendations that then will help guide consideration of the further 129 recommendations, which we are committed to considering by the end of this year.

I acknowledge the reference that the report makes to this legislation that we are speaking of today and its focus on the importance of a carefully considered implementation period. Page 61 of the Royal Commission report reads, in part:

> How the new offence is implemented, including the time frame for implementation, is paramount. The Commission has heard that the implementation of a new coercive control offence represents a clear opportunity to transform South Australia's current understanding of domestic, family and sexual violence from an incident-based approach to recognising that coercive control almost always underpins domestic and family violence and can include physical or non-physical abusive behaviours, or a combination of both.

With the royal commission report having been heavily informed by the experience of victim survivors, I would like to take just a moment to read some of the quotes from some of the brave respondents that highlight why this legislation is so crucial. One person said in that report:

> I was told who I was and wasn't allowed to hang around with, was required to be home by a certain time and the multiple times that I attempted to leave, he would threaten to harm to me, or himself. When I finally built the courage to leave and did leave, the violence significantly escalated. I was accused of cheating, physically assaulted and had over $7000 of property destroyed by my ex.

Another victim survivor shared:

> During the time that my ex and I lived together I was often denied food…and was only allowed to have it when he was home.

These sorts of harrowing experiences are chilling to hear, yet these are the sorts of behaviours from perpetrators that have gone largely unrecognised in our current criminal law. This bill is set to change that.

I look forward to the final stages of the passage of this bill here and then the significant task of implementation of the bill officially commences. That is where the rubber really hits the road. One of the most common pieces of feedback the government received during the extensive consultation period for this legislation was to not rush the implementation stage.

As the Royal Commission has aptly highlighted, while the legislation is naturally a crucial first step in criminalising coercive control, it is the work done in preparation for the offence commencing that is arguably the most fundamental piece of groundwork to ensure its effectiveness. Public education and training of frontline service providers, including the police, the DPP, courts and other services, will be critical to it being a success. I again thank all who have contributed to this, all members who have made a contribution today and look forward to the smooth passage of this bill through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

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

Amendment No 1 [AG–1]—

Page 3, after line 20 [clause 5, inserted section 20B(1)]—After the definition of *in a relationship* insert:

physical harm has the same meaning as in section 21;

Currently, the coercive control defence in this bill requires proof that a reasonable person would consider the course of conduct to be likely to cause the victim either physical injury or psychological harm. This government amendment makes a technical change to this element to use the phrase 'physical harm' instead of just 'physical injury', and to define physical harm to match other uses of the phrase in the Criminal Law Consolidation Act.

Amendment carried.

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

Amendment No 1 [Franks–1]—

Page 4, line 31 [clause 5, inserted section 20B, examples]—After 'or a child of' insert ', or animal belonging to,'

My amendment would include animal abuse in the definitions of the behaviours that constitute coercive control, in line with the 2023 iteration of the draft bill where it clarified that 'harming an animal' may 'constitute behaviour that has a controlling impact'. I note that the Law Society of South Australia has made specific reference to this in their submission of 15 October 2024, in points 13 to 15, with their Animal Law Committee noting that the revised bill had removed this reference.

While animal abuse is referenced in the legislation in an example about being convicted of another offence like animal cruelty, it is not explicitly currently listed as a form of control. The Animal Law Committee queried why the direct reference to animals had been removed and noted that, while it could still be established that acts of animal cruelty can enliven the offence, prosecutions may be made needlessly difficult by omission of the direct reference to harming an animal. The Law Society of South Australia president, Marissa Mackie, has stated, 'The coercive control legislation needs to be as specific as possible.'

It is not just the Law Society which has called for this. I note that domestic violence victim survivor groups and animal charities—notably the RSPCA, with whom I have directly consulted on this amendment—support this move. Sadly, as the Law Society's Animal Law Committee has noted, pets can be weaponised in domestic and family violence circumstances, with particularly women often staying in violent and abusive relationships to protect their pets.

Domestic violence workers relate common stories of tactics used by perpetrators, including psychological threats to harm or even kill pets as a way of intimidating or hurting their victims, which is part of the coercive, controlling behaviours of intimidation that this bill is very much designed to address. If people cannot take their pets with them, victims are often forced to choose between weighing up their own safety against the safety of their pets.

Adelaide-based charity Safe Pets Safe Families founder Ms Jennifer Howard, who runs an animal foster program, in her address to the South Australian Royal Commission into Domestic, Family and Sexual Violence in March this year gave her firsthand testimony of how she had seen this animal-human bond get weaponised. I quote her:

> I've had some cases where a perpetrator has harmed the pet in front of the victim and said, 'You'll be next' to control them.
>
> That if they don't return home, 'this is what's going to happen' to their animal, so a lot of the time that's what draws people back to the house.

There is extensive evidence and research on this matter, and the RSPCA, as I have noted, is well aware of this issue too. Indeed, RSPCA Victoria's Community Outreach Manager, Dr Lauren Roberts, found that up to 71 per cent of victim survivors reported that their partners had threatened,

harmed or even killed their pets. So this is very much a live issue in this space, and I look forward to this council protecting victim survivors by protecting their pets.

The Hon. K.J. MAHER: The original bill that went out to consultation included a substantive clause that had a list of examples of what might be coercive control, and that did include animal abuse. There was a concern raised by many key stakeholders that, by having a specific list, it may be misinterpreted as an exhaustive list and that any behaviours that fell outside of those specifically listed may not be investigated or prosecuted as much as those that are listed. That was the reason that the change was made from that substantive clause, not to specifically list things that included abuse of an animal.

The way that this has been reinserted we think runs much less risk of that occurring, and being seen as an exhaustive list—the way it has been reinserted after 'or a child of' to ', or animal belonging to'. Certainly, the removal was not in any way thinking that animal abuse cannot form coercive control, but was in fact in response to stakeholder concerns that it might have the unintended consequence of limiting how this act was interpreted and implemented, but we think that this is a way that largely reduces that possibility, so the government will be supporting the way it is done here.

The Hon. J.M.A. LENSINK: I am pleased to hear the explanation from the Attorney-General. I did attend some briefings on this legislation. I would also like to extend my thanks to the good officers of the AGD, who I understand have grappled with the complexities of this legislation. I do recall some of those discussions taking place about the merits or otherwise of exhaustive lists in terms of being able to identify behaviours. I am pleased that the risk of including this amendment is not going to cause the potential unintended consequences that might otherwise have been. For the record, as I said in my second reading speech, the Liberal Party acknowledges that harm to pets can often be a precursor to further escalation of behaviours, and it is important that it is recognised in the law, given that it is such a prevalent thing that takes place in these situations.

Amendment carried.

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

Amendment No 2 [AG–1]—

Page 5, line 35 [clause 5, inserted section 20C(1)(d)(i)]—Delete 'injury' and substitute 'harm'

This is very similar to the amendment that I moved before that was in relation to physical injury and the language 'physical harm' for consistency as it is described in other places in our legislation.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:08): I move:

That this bill be now read a third time.

Bill read a third time and passed.

AGEING AND ADULT SAFEGUARDING (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (17:09): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the *Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill 2025*.

The Bill amends the *Ageing and Adult Safeguarding Act 1995*.

The Ageing and Adult Safeguarding Act was first introduced in 1995, establishing an Office for Ageing Well with responsibility for leading the Government of South Australia's commitment to support all South Australians to age well and to remain active and engaged in the community.

The Office performs a range of functions and has a broad mandate to lead, promote and support strategies, programs and initiatives across the social and structural determinants of health and wellbeing, adopting a life course approach to ageing well. These functions are as critical today as they were when the Office was first established.

In 2018 the Parliament of South Australia amended the Act to introduce an Adult Safeguarding Unit—the first of its kind in Australia. The Unit commenced operations in October 2019 and its remit was phased in over three years.

Recognising that the Unit was the first of its kind in Australia, the Parliament included a requirement that the Minister cause an independent review of the operation of the Act to be conducted, and a report on the review submitted to the Minister, before the third anniversary of the commencement of the Amendment Act.

Indeed, since this time, the adult safeguarding landscape has matured considerably, and has been influenced and strengthened in response to matters such as the tragic death of Ann Marie Smith, the Disability Royal Commission and the phased expansion of the remit of the Adult Safeguarding Unit to all vulnerable adults across South Australia.

The South Australian Legal Reform Institute (SALRI) conducted the independent statutory review, and made a number of recommendations to modernise and strengthen the essential work occurring across South Australia, led by the Office for Ageing Well, to support all South Australians to age well, and to ensure all adults are safeguarded against abuse and mistreatment.

The Bill gives effect to the government's response to the review's recommendations relating to the AAS Act. These amendments:

- modernise and update the objectives and functions of Office for Ageing Well to reflect the Office's current work and community expectations
- make clear that safeguarding is the primary purpose of the Adult Safeguarding Unit
- define safeguarding and increase flexibility within the Act to better reflect the role of the Unit, including expressly providing that the Unit can take safeguarding actions at any time after an assessment has commenced (where appropriate)
- define key terms, including 'relevant adult', 'abuse', 'consent', 'serious abuse', serious financial abuse' and 'serious criminal offence'
- make clear the circumstances in which an investigation may be undertaken and the information relating to an investigation that must be recorded
- include an explicit power that the Unit may refer a matter to South Australia Police at any time following receipt of a report
- enable assessment outcome information to be shared with people who make reports to the Unit where it is safe, practicable, appropriate and in line with the principles of the Act
- ensure information about the identity of people who make reports is kept confidential
- provide greater clarity about the review process for people who are aggrieved by a decision made by the Unit
- confer the roles and powers presently found in sections 31 to 37 of the Act upon the South Australian Civil and Administrative Tribunal (SACAT) instead of the Magistrates Court
- broaden the parties who are eligible to apply to SACAT for an order, and
- provide for the amendments to be reviewed in five years' time.

In addition, the Bill incorporates some additional amendments that were not considered by the independent review. Some of these amendments were made in response to feedback from stakeholders and others are recommended to support the effective operation and administration of the Unit. These amendments include:

- reference to relevant UN instruments that underpin the work of the Office for Ageing Well and Adult Safeguarding Unit
- acknowledge that the whole community plays a crucial role in supporting relevant adults to uphold their rights and live free from abuse
- make structural amendments to the AAS Act, including to better align with the sequential order in which the service delivery of the Unit occurs once the Unit receives a report and to group all authorised officer powers together in one division

- empower Adult Safeguarding Unit authorised officers to exercise their powers and functions when they are necessary to safeguard a person from suspected abuse
- strengthen the provisions of the AAS Act that relate to information-sharing and gathering
- clarify administrative arrangements under the AAS Act, such as powers of delegation, and
- include relevant consequential amendments.

The amendments made by this Bill have been subject to wide-ranging consultation.

During the review period, SALRI undertook a comprehensive consultation process with a broad cross section of the community comprising roundtables, focus groups, regional and metropolitan consultation sessions, stakeholder meetings and an online survey.

The Office for Ageing Well also convened a stakeholder reference group and a lived experience reference group (with independent chairs) to inform review process.

Targeted consultation was also undertaken with peak bodies and affected government agencies and statutory bodies during the drafting of the Amendment Bill.

Thank you to the many stakeholders and community members who have shared their experiences and contributed to this important legislation.

I commend the bill to the House and I seek leave to have the detailed explanation of clauses inserted in Hansard without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Ageing and Adult Safeguarding Act 1995*

3—Substitution of long title

This clause substitutes the long title of the Act and is consequential on the amendments proposed by this measure.

4—Amendment of section 2—Interpretation

This clause amends section 2 of the Act to provide new and updated definitions for terms used in the Act or proposed to be inserted into the Act.

5—Substitution of sections 3 and 4

This clause substitutes existing sections 3 and 4 to provide new and updated definitions for key terms used in the Act, as amended by this measure.

3—Meaning of *relevant adult*

A relevant adult is defined as a person who is 18 years or older and who may be vulnerable to abuse. The term relevant adult replaces the term vulnerable adult which was previously used in the Act.

4—Meaning of *abuse*

Abuse is defined for the purposes of the Act to include acts, or a series of acts, including a failure to take appropriate action, that occurs within a relationship of trust, dependancy or imbalance of power. Examples of kinds of abuse are also provided. This definition replaces the existing definition of abuse.

4A—Meaning of *safeguarding*

Safeguarding is defined as a broad range of actions with the goal of enabling the relevant adult to live free from abuse.

4B—Meaning of *serious abuse, serious financial abuse and serious criminal offence*

Definitions are provided for these terms, which are proposed by this measure to be used as thresholds for when the Adult Safeguarding Unit may take certain actions. The proposed section further provides that whether abuse of its respective kind is serious is to be determined on a case-by-case basis.

6—Insertion of section 6A

This clause inserts proposed section 6A.

6A—International human rights instruments to inform administration and operation of Act

Proposed section 6A provides that the administration and operation of the Act is to be informed by certain international human rights instruments.

7—Substitution of sections 8 and 9

This clause substitutes sections 8 and 9 of the Act.

8—Objectives of Office for Ageing Well

Substituted section 8 provides new and updated objectives for the Office for Ageing Well. It also updates the language used to refer to older persons.

9—Functions of Office for Ageing Well

Substituted section 9 provides new and updated functions for the Office for Ageing Well.

8—Amendment of section 10—Delegation

Clause 8 amends the delegation power of the Director of the Office for Ageing Well to be consistent with standard powers of delegation.

9—Substitution of heading to Part 3 Division 1

Clause 9 substitutes the heading to Division 1 of Part 3 and is consequential on the insertion of section 11A proposed by this measure.

Division 1—Primary purpose and principles

10—Insertion of section 11A

Clause 10 inserts proposed section 11A.

11A—Primary purpose of Adult Safeguarding Unit

Proposed section 11A provides that safeguarding is the primary purpose of the Adult Safeguarding Unit.

11—Amendment of section 12—Principles

Clause 11 provides new and updated principles for the Adult Safeguarding Unit. It updates the language used in section 12 of the Act, consequential on other changes proposed by this measure.

12—Amendment of section 13—Separate Adult Safeguarding Unit to be established

Clause 12 deletes subsection (3) of section 13, which has been relocated to section 15 of the Act.

13—Amendment of section 14—Composition of Adult Safeguarding Unit

Clause 13 amends section 14 of the Act to provide consistency with other legislation as to how Public Service employees are referred to.

14—Substitution of section 15

Clause 14 substitutes section 15 of the Act.

15—Functions of Adult Safeguarding Unit

Section 15 provides for new and updated functions of the Adult Safeguarding Unit. These changes are consequential on amendments proposed by this measure.

15—Amendment of section 16—Delegation

Clause 15 amends the delegation power of the Director of the Adult Safeguarding Unit to be consistent with standard powers of delegation.

16—Repeal of Part 3 Division 3

Clause 16 deletes Part 3 Division 3 of the Act, which contains the authorised officer provisions, as these are proposed to be moved to Part 4 by this measure.

17—Amendment of heading to Part 4

This clause amends the heading to Part 4 to replace a reference to vulnerable adults with a reference to relevant adults and is consequential on other amendments proposed by this measure.

18—Substitution of heading to Part 4 Division 1

This clause substitutes the heading to Part 4 Division 1 to reflect the new name of the Charter, as amended by clause 19.

Division 1—Adult Safeguarding Charter of Rights and Freedoms

19—Amendment of section 20—Charter of the Rights and Freedoms of Vulnerable Adults

This clause amends section 20 to change the name of the Charter of the Rights and Freedoms of Vulnerable Adults to the Adult Safeguarding Unit Charter. It also replaces other references to vulnerable adults with references to relevant adults and provides that the Charter is to be developed by the Adult Safeguarding Unit rather than the Office for Ageing Well.

20—Amendment of heading to Part 4 Division 3

This clause amends the heading to Part 4 Division 3 to replace a reference to vulnerable adults with a reference to relevant adults and is consequential on other amendments proposed by this measure.

21—Amendment of section 22—Reporting suspected risk of abuse of vulnerable adults

This clause amends section 22 to clarify the circumstances in which a report made to the Adult Safeguarding Unit need not be assessed in accordance with section 23, being a report made about alleged abuse that occurred before the commencement of the section, or a report relating to a person who has died. It also replaces references to vulnerable adults with references to relevant adults.

22—Substitution of Part 4 Divisions 4 and 5

This clause substitutes Divisions 4 and 5 of Part 4 of the Act.

Division 4—Assessment and investigation of reports

23—Assessment

Substituted section 23 adds to the existing assessment provision a statement that the purpose of an assessment is to determine whether a relevant adult is at risk of abuse and, if so, whether a safeguarding response should be undertaken. It also provides that following an assessment, the Director should notify the person or body who made the report unless it is not considered safe, practicable and appropriate to do so. It also updates the language used in the Act, consequential on other changes proposed by this measure.

24—Referral to regulatory agency etc

Substituted section 24 simplifies the provisions, currently found in Part 4 Division 5 of the Act, which allow the Adult Safeguarding Unit to refer a report to investigatory, regulatory and other agencies where the Director is of the opinion that the matter would be more appropriately dealt with by that agency. It provides that a referral does not require the consent of the relevant adult and does not prevent the Adult Safeguarding Unit from taking further action.

25—Investigation

Substituted section 25 provides further detail to the existing power of investigation. Under the new provision, an investigation may only be carried out for the purposes of gathering information and evidence to be used in potential SACAT proceedings that relate to the matter being assessed.

26—Record keeping etc

Substituted section 26 provides that the Director must keep a record of each action taken in relation to a relevant matter, and that statistical information relating to those records must be included in the Adult Safeguarding Unit's annual report.

Division 5—Safeguarding

27—Safeguarding responses

Substituted section 27 provides further clarity as to what constitutes a safeguarding response, which is an action that may be taken following an assessment or investigation under the Act. Safeguarding responses include providing supports to a relevant adult, or assisting another organisation to provide such supports, or initiating or assisting in SACAT proceedings, such as guardianship proceedings or proceedings in relation to the orders provided for in Part 4 Division 6 of the Act. The section also provides that the implementation of a safeguarding response may be monitored by the Adult Safeguarding Unit, including through the use of authorised officer powers where appropriate.

28—Consent of relevant adult should be obtained before safeguarding response taken

Substituted section 28 relocates existing section 24 of the Act. It amends the existing provision to provide that consent is only required for a safeguarding response. It also further provides that the Adult Safeguarding Unit may undertake a safeguarding response if the response is authorised by SACAT, or the risk of abuse to which the response relates amounts to a serious criminal offence or serious financial abuse.

Division 5A—Authorised officers

29—Authorised officers

Substituted section 29 relocates the existing authorised officer provision in section 18 of the Act. It amends that section to provide that an employee of the Department other than a member of the Adult Safeguarding Unit may be an authorised officer.

30—Powers of authorised officers

Substituted section 30 relocates existing section 19 of the Act. It adds to that section to allow for authorised officer powers to be used for the purposes of an assessment or monitoring the implementation of a safeguarding response.

30A—Authorised officer may require information

New section 30A relocates existing section 42 of the Act. It provides that a person may also be required by an authorised officer to provide a written statement or answer to questions.

23—Amendment of heading to Part 4 Division 6

This clause amends the heading to Part 4 Division 6 to reflect the change proposed by this measure to have relevant orders made by SACAT rather than the Magistrates Court.

24—Substitution of section 31

This clause substitutes section 31.

31—Director or eligible person may apply for SACAT orders

Proposed new section 31 provides for applications in relation to a relevant adult to be made to SACAT, rather than the Magistrates Court. The new section allows for eligible persons, being the relevant adult, or a guardian or substitute decision maker for the relevant adult, to make such applications as well as the Director of the Adult Safeguarding Unit.

25—Amendment of section 32—Parties to proceedings

This clause amends section 32 to clarify that the relevant adult is always a party to proceedings initiated under proposed new section 31 of the Act, while the Director of the Adult Safeguarding Unit is only automatically a party to proceedings they have applied for. However, the Director has a right to appear and be heard in any proceedings initiated by an eligible person within the meaning of proposed new section 31.

26—Amendment of section 33—Orders that may be made

This clause amends section 33 to make changes to language consequential on other amendments proposed by this measure.

27—Repeal of section 34

This clause deletes section 34 from the Act and is consequential on the change proposed by this measure to have relevant orders made by SACAT rather than the Magistrates Court.

28—Amendment of section 35—Views of vulnerable adult to be heard

This clause amends section 35 to make changes to language consequential on other amendments proposed by this measure.

29—Amendment of section 36—Right of other interested persons to be heard

This clause amends section 36 to make changes to language consequential on other amendments proposed by this measure.

30—Amendment of section 37—Contravention of Court order

This clause amends section 37 to make changes to language consequential on other amendments proposed by this measure.

31—Amendment of section 38—Internal review

This clause amends section 38 to clarify that a review into a decision of the Adult Safeguarding Unit may be initiated or continued despite the fact that the relevant adult to which the review relates has died, if it is in the public interest. It also provides that the Chief Executive may request further information from an applicant for review, and that the review must be completed within the prescribed time. The clause also requires the Chief Executive to provide the applicant for review with the reasons for their determination in respect of the decision under review.

32—Amendment of section 39—Delegation

This clause amends the delegation power in section 39 to be consistent with standard powers of delegation.

33—Amendment of section 40—External review by Ombudsman

This clause amends section 40 to clarify that a review into a determination of the Chief Executive following an internal review may be initiated or continued despite the fact that the relevant adult to which the review relates has died, if it is in the public interest.

34—Amendment of section 41—Views of vulnerable adult to be heard

This clause amends section 41 to make changes to language consequential on other amendments proposed by this measure.

35—Amendment of heading to Part 6

This clause amends the heading to Part 6 to reflect amendments to sections within that Part proposed by this measure.

36—Repeal of section 42

This clause deletes section 42 of the Act, the substance of which has been relocated to proposed new section 30A.

37—Amendment of section 43—Sharing of information between certain persons and bodies

This clause amends section 43 to make changes to language consequential on other amendments proposed by this measure.

38—Amendment of section 45—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause amends section 45 to reference the whole of the Act rather than just Part 6.

39—Amendment of section 46—Obstruction of person reporting suspected abuse of vulnerable adults

This clause amends section 46 to make changes to language consequential on other amendments proposed by this measure.

40—Amendment of section 49—Confidentiality

This clause amends section 49 to provide an exception to the confidentiality provision where information is shared for the purposes of assessing or responding to a potential risk to the safety of a person, or for any other purpose prescribed by the regulations.

41—Insertion of section 49A

This clause inserts new proposed section 49A.

49A—Protection of identity of persons who report to Adult Safeguarding Unit

Proposed section 49A makes it an offence for a person to disclose the identity of a person who has made a report to the Adult Safeguarding Unit unless that disclosure is made with the consent of the person who made the report, is otherwise required by law, or is otherwise necessary in the opinion of the Director.

42—Amendment of section 51—Protections, privileges and immunities

This clause amends section 51 to provide that nothing within the Act affects the privilege against self-incrimination.

43—Substitution of section 53

This clause substitutes section 53 of the Act.

53—Review of Act

Proposed new section 53 substitutes the review provision to ensure that a review of the Act, as proposed to be amended by this measure, is carried out within 5 years of these amendments commencing.

Schedule 1—Transitional provisions

1—Interpretation

2—Charter

3—References to vulnerable adults

4—Delegations

5—Assessment

6—Investigation

7—Approval for acting without consent

8—Referrals

9—Authorised officers

10—Written notices

11—Internal reviews

12—External reviews

These clauses provide transitional arrangements for matters relating to the Adult Safeguarding Unit and its functions which are proposed to be amended by this measure.

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

Motions

NUCLEAR WEAPONS

The Hon. T.A. FRANKS (17:10): I move:

That this council—

1. Commemorates the 80th anniversaries of the atomic bombings of Hiroshima and Nagasaki on 6 and 9 August 1945, which caused immense devastation and long-lasting human suffering;

2. Honours the memory and testimony of atomic bomb survivors (hibakusha) and nuclear test survivors, including First Nations communities in South Australia impacted by British nuclear weapons testing at Maralinga and Emu Field;

3. Recognises the ongoing health, cultural and environmental impacts of nuclear weapons use and testing;

4. Affirms South Australia's support for a world free of nuclear weapons and recognises the 2017 UN Treaty on the Prohibition of Nuclear Weapons (TPNW) as a vital international instrument to help achieve that goal;

5. Acknowledges the growing support from cities, towns and councils across Australia for the International Campaign to Abolish Nuclear Weapons (ICAN) Cities Appeal, and encourages further action at all levels of government to promote disarmament and peace; and

6. Calls on the South Australian government to ensure the state plays its part in advancing nuclear disarmament, educating future generations, and supporting communities affected by nuclear testing.

I gave notice of this prior to the winter break, and so I thank members of this council for being willing to progress this motion all the way through today. I did so so that it could be prepared in a timely way for the anniversary of this date, an incredibly important date to not forget.

On 6 August 1945 at 8.15am, the United States dropped an atomic bomb on the Japanese city of Hiroshima. It took roughly 45 seconds for the bomb, named Little Boy, to reach the ground, where it unleashed unprecedented devastation. Three days later, on 9 August, another atomic bomb was dropped on Nagasaki.

It is one thing to quote the numbers—an estimated 110,000 were killed instantly, countless more succumbed to their injuries, and generations had their lives changed forever—but beyond those numbers are people, each of them with their own stories, their lives, their families, their dreams. They were children, parents and grandparents on their way to school, to work, to the markets, to the park. They were innocent people preparing to go about their day. Their shadows are now etched in stone.

One of those people was Tsutomu Yamaguchi. Born in Nagasaki, Yamaguchi was the only person recognised by the Japanese government as a double 'hibakusha', a double atomic bomb survivor. On 6 August, Yamaguchi was in Hiroshima on business when he was caught in the atomic bomb's havoc. His ear drums were ruptured, he was temporarily blinded and he was left with serious burns over the left side of his body. Having survived, he returned home to Nagasaki.

Mr Yamaguchi, on the morning of 9 August then described what he experienced in Hiroshima. When the second atomic bomb exploded in Nagasaki, Mr Yamaguchi survived again. He did go on to live a long life and died in January 2010 at the age of 93. He became a strong proponent of nuclear disarmament. He once said, 'The reason that I hate the atomic bomb is because of what it does to the dignity of human beings.' His story is important to remember.

The human toll, both physical and psychological, of nuclear weapons use can never be healed. It is the aspect often forgotten when nations threaten to or do use nuclear weapons. Like in any war or conflict, countless lives are changed forever. In South Australia, British atomic weapons testing was carried out at Emu Field and Maralinga. Two tests were carried out in Emu Field in October 1953. Twelve major trials were conducted across three sites at Maralinga, the first of which occurred on 27 September 1956.

Some tests resulted in mushroom clouds reaching a height of 47,000 feet and radioactive fallout being detected as far away as Townsville. An undeniable part of the dark history of atomic weapons testing around the world, it is the harm caused to First Nations communities that is

profound. In the United States, the first tests of an atomic bomb took place on First Nations land in New Mexico.

In South Australia, at Maralinga and Emu Field, the Australian government showed a reprehensible lack of concern for the Aboriginal community, the Anangu living on country. Extremely limited resources were allocated to finding and warning those people, with Chief Scientist of the commonwealth Department of Supply, Mr Alan Butement, saying that those concerned with finding communities living on country were 'placing the affairs of a handful of natives above those of the British Commonwealth of Nations'—despicable.

The scars of those tests still remain. One location, called Kuli, is still off limits today because it is seen as impossible to clean up. Writing for the ABC in 2020, Mike Ladd described what it is like at the site of these tests, stating:

> It's not until you stand at ground zero that you fully realise the hideous power of these bombs.
>
> Even after more than 60 years, the vegetation is cleared in a perfect circle with a one kilometre radius.

The saying goes, 'Those who cannot remember the past are condemned to repeat it.' It is today vital that we remember the past, not just on the anniversary but the anniversary as a timely moment to reflect, to remember the horrible impact of the use of nuclear weapons—not just the immediate horror and devastation but also the lasting health impacts and generational trauma that is inflicted.

The International Campaign to Abolish Nuclear Weapons (ICAN) is a coalition of NGOs across more than 100 countries. It is dedicated to promoting adherence to and implementation of the United Nations Treaty on the Prohibition of Nuclear Weapons. ICAN works tirelessly to promote awareness of the impacts of nuclear weapons use and advocates for nuclear disarmament.

August 2 to 9 was a week of action for the abolition, coinciding with that 80th anniversary of the Hiroshima and Nagasaki bombings. While the week of action again acknowledged the past, it also looked to the future, to the world we want to see. Australia, sadly, is yet to join the Treaty on the Prohibition of Nuclear Weapons. To quote from the ICAN website:

> …it is in the hands of everyday people to put the Nuclear Weapon Ban Treaty in front of our decision-makers and office-holders to demand they work for Australia's ratification.

All I can say to that is: hear, hear! I want to thank ICAN, their member organisations and supporters for all their work. I want to acknowledge the incredible individuals behind the Campaign for Nuclear Disarmament, particularly those who are known to some of us here, such as Karina Lester. Her advocacy and passion has been invaluable to the global push towards nuclear disarmament.

Karina's father, Yami Lester, was blinded by the nuclear fallout as a child from those tests at Maralinga. He spent his life raising awareness of the dangers of nuclear weapons and Karina continues his legacy, as did her sister before she passed, and they share Yami's story around the Asia Pacific, around the world, including in Hiroshima.

It is time Australia joined 94 other signatories to this treaty, including our close international friends, such as New Zealand. If we want to see a world free of nuclear weapons and safe from their use, then we need to be prepared to stand up and lead with those values. We must learn from the past and ensure future generations live without fear of nuclear weapons and that no-one ever again endures the pain and suffering of their use. With that, I commend the motion.

The Hon. J.E. HANSON (17:19): I thank the Hon. Tammy Franks for bringing this motion to the floor. It is important to note that Australia has a proud record of leadership in the international nuclear non-proliferation regime. Under the Treaty on the Non-Proliferation of Nuclear Weapons, Australia is committed to not acquiring, manufacturing or receiving, and to prevent the spread of, nuclear weapons. Australia has long championed nuclear weapon free zones and was a founding member of the South Pacific Nuclear Free Zone Treaty. Australia remains a key driving force in support of the Comprehensive Nuclear-Test-Ban Treaty.

We are proud that our state of South Australia, across various agency portfolios, is working in lockstep with the Australian government to support the delivery of the SSN-AUKUS Optimal Pathway. Australia is pursuing a nuclear non-proliferation approach for its conventionally armed, nuclear-powered submarine program within the framework of Australia's Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency.

The leaders of Australia, the United Kingdom and the United States, through the AUKUS trilateral security pact, have emphasised a commitment to nuclear non-proliferation despite Australia acquiring nuclear-powered submarines. Australia, a non-nuclear weapon nation, has a strong record of upholding international non-proliferation norms and will maintain this commitment under AUKUS. The agreement focuses on the transfer of nuclear propulsion technologies for submarines, not nuclear weapons.

As a responsible nuclear steward, Australia will manage all radioactive waste generated by its own Virginia class and SSN-AUKUS submarines, informed by international best practice and in accordance with Australia's international and domestic legal obligations and commitments. Australia will not produce nuclear fuel for SSNs. The nuclear fuel Australia receives cannot be used in nuclear weapons without further chemical processing in facilities that Australia does not have and will not seek. Nuclear power units that will not require refuelling during their lifetime is the type of nuclear fuel that we intend on receiving.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:22): On 6 August 1945, the world changed forever. On that day, the United States dropped the first atomic bomb on the city of Hiroshima, and three days later Nagasaki faced the same fate. Within moments, the cities were obliterated. In Hiroshima alone, an estimated 140,000 people lost their lives, and in Nagasaki a further 74,000.

The devastation did not end with the explosions. Thousands more would die in the following years from leukaemia, cancer and from the ongoing insidious effects of radiation poisoning. Pregnant women exposed to the bombs suffered miscarriages and infant deaths. Surviving children often grew up with disabilities, carrying visible reminders of humanity's most terrible weapon.

The survivors of those bombings are known as hibakusha, the bomb-affected people. Today, only a small number remain. After living through the horror of nuclear weapons, they have dedicated their lives to ensuring that no-one else will ever endure what they did. For them, survival was not just a physical challenge; it was survival amidst overwhelming grief, sickness and even discrimination. Many hibakusha faced rejection in later life when seeking partners, as others feared their tainted bloodlines.

The concerns about the casualties of a ground invasion of Japan led to the decision to unleash the nuclear option. We must never forget a nuclear blast takes only seconds to reach its full size, yet its effects last for decades, spanning generations.

It is not only in Japan where these weapons have left scars. Here in Australia, the land itself bears witness. On 27 September 1956, Britain conducted its first nuclear test at Maralinga, South Australia. Over the following decade, 12 major trials and nearly 200 smaller ones released plutonium-239, a deadly carcinogen, into the environment.

The lasting impact of a nuclear explosion was not well known at this time. Personnel worked without proper protection from the hazards of inhalation, ingestion and absorption of the fallout. First Nations communities who lived nearby were not adequately warned and were left vulnerable and exposed to the impact. Their food and water sources remained contaminated for more than 30 years. These stories of Hiroshima, Nagasaki and Maralinga remind us that the destructive power of nuclear weapons does not stop with the blasts. It seeps into the soil, into the water and into the lives of future generations.

The Liberal Party has been supportive of the Nuclear Non-Proliferation Treaty and its three main pillars: non-proliferation, disarmament and peaceful uses of nuclear power. It is worth remembering that nuclear power is the only technology that can provide reliable, emissions-free, base load power around the clock, independent from the weather.

In the past, the Liberal Party has not supported the Treaty on the Prohibition of Nuclear Weapons that entered into force in 2021. The Treaty on the Prohibition of Nuclear Weapons is a legally binding document that prohibits nuclear weapons and related activities, with the intent of bringing about their total elimination. Those who agree with it undertake not to develop tests or produce, acquire, possess, stockpile, use or threaten to use nuclear weapons.

Australia has not signed the Treaty on the Prohibition of Nuclear Weapons, despite Labor committing to ratify the treaty back in 2018. There is commentary about how the AUKUS deal, whilst not involving weapons, complicates Australia's stance on nuclear. Whilst Australia is not acquiring

nuclear weapons, the use of nuclear-powered submarines could perhaps set a precedent for other non-nuclear weapon states to acquire nuclear material, thus undermining the treaty.

The opposition supports the international commitment to nuclear non-proliferation, with the NPT the preferred framework, therefore we are recommending amending this motion. I move to amend the motion as follows:

Deleting paragraphs 4 to 6 and replacing with:

4. Acknowledge Australia's ratification of the Nuclear Non-Proliferation Treaty (NPT) which promotes non-proliferation, disarmament and peaceful use of nuclear technology.

With that, I conclude my remarks.

The Hon. T.A. FRANKS (17:27): I thank those members who have made a contribution today: the Hon. Justin Hanson and the Hon. Nicola Centofanti. I note and I will address the Liberal opposition's proposed amendment, which would leave out paragraphs 4, 5 and 6, which would effectively deny ICAN's involvement and campaign, the global movement, and also take us back to a 1968 treaty, rather than the more aspirational 2017 treaty. The 1968 treaty was some 57 years ago now. I think it is high time that we get with the times.

I note that the Liberal opposition noted the Labor Party's words that they would ratify the 2017 treaty, and I look forward to that being effected. It will be with motions just like this in this parliament today that we will see that hard work of groups such as ICAN and those who not just work for peace but fight for peace see that outcome for a more peaceful planet.

I find the confluence of AUKUS and nuclear power with nuclear weapons to simply be a bit of a straw man argument, so I will not even bother. I would think most people understand the difference between nuclear power and nuclear weapons and so it is a furphy that is almost unworthy of addressing at this point. With that, I commend to members the motion in its original form, noting that it not only honours the anniversary but it honours the fine work of ICAN.

Amendment negatived; motion carried.

Bills

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

DEFAMATION (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 17:32 the council adjourned until Tuesday 2 September 2025 at 14:15.