LEGISLATIVE COUNCIL

Thursday, 4 September 2025

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:17 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 Minister for Aboriginal Affairs (Hon. K.J. Maher)—

Travel Report for Minister for Emergency Services and Correctional Services from 15 June to 16 June 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Emergency Services and Correctional Services from 22 July to 24 July 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Infrastructure and Transport for 16 June 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Health and Wellbeing from 12 June to 13 June 2025 prepared pursuant to the Public Sector Act 2009

Question Time

CONTAINER DEPOSIT SCHEME

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries regarding the recently announced container deposit scheme expansion and its effects on the wine industry.

Leave granted.

The Hon. N.J. CENTOFANTI: The South Australian wine industry, while it normally contributes $2.2 billion annually into the South Australian economy, is currently going through some of the hardest times on record. According to industry figures, yesterday's announcement by the Malinauskas Labor government to expand the container deposit scheme to include wine bottles will significantly add to costs and be a further setback to the industry.

Interstate experience confirms that it will add approximately 20¢ per bottle to their costs and be a total cost of $40 million annually to South Australian winemakers. This is despite evidence that wine bottles constitute a tiny part of the litter stream, and the potential environmental gains are looking much worse than the cost. My question to the minister is: does the minister agree with her government's decision to expand the container deposit scheme to include wine bottles, given the widespread view within the industry she represents that this is, in effect, a new tax on a sector already under significant pressure?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. The issue around container deposit schemes has been a topic of discussion for quite a number of years. When I first became minister, I recall having a briefing and also discussing it with the Minister for the Environment in the other place, and the goal was for nationally consistent implementation of any changes to the container deposit scheme that affected the wine industry, in this case glass bottles.

Unfortunately, from my perspective—I don't presume to speak on behalf of others—Queensland moved ahead of the rest of the country when they made the change, I think it must be two years ago now from memory. There have been, as I understand it, ongoing discussions between

the other states, because obviously when it's something of this nature national consistency would be preferable.

Obviously, given that couldn't be achieved, given that Queensland went ahead—as one might say—prematurely, Queensland has already integrated glass wine and spirit bottles into their container deposit scheme. Western Australia also committed to expanding their scheme during their most recent state election. The Northern Territory has recently announced that it will follow suit, in terms of bringing in legislation to expand its scheme.

So when you can't go for the ideal, you go for the next best thing. In terms of consistency, there is now an agreement with New South Wales that New South Wales and South Australia will work to implementation at the same time. I certainly hope that that might also encourage those other states to think about a similar implementation date—we have announced late 2027. If we can get the closest to national consistency as is feasible, that will be in everyone's interests, particularly, obviously, the wine industry, given that winemakers sell their product across state borders.

CONTAINER DEPOSIT SCHEME

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: does the minister acknowledge that South Australia constitutes 50 per cent of the wine grapes grown around Australia, compared to the much smaller percentage out of Queensland, and that consequently what the South Australian government does affects the large majority of wine grapegrowers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I can simply say: yes, obviously I am aware that South Australia produces 50 per cent of grapes grown in the country and, indeed, 80 per cent of the premium grapes grown in the country. I assume the honourable member simply wasn't listening to my answer to her first, original question.

Members interjecting:

The Hon. C.M. SCRIVEN: Indeed. So having consistency, I think, is something that the wine industry itself has long lobbied for. Given that one state went ahead, that wasn't possible.

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN: The member opposite says she is not sure that the wine industry lobbied for national consistency. I can assure her, from my frequent meetings with the wine industry, that that was their preference.

CONTAINER DEPOSIT SCHEME

The Hon. R.A. SIMMS (14:26): Supplementary arising from the original answer: is the minister aware that expanding to include more types of beverages is estimated to divert at least 27,000 tonnes of material from landfill every year as a result of the proposed changes?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for his supplementary question. It is a strong point, and I suppose we shouldn't be surprised that those opposite are yet again going with the way that they are. They are obviously not concerned about the environment. We know that some of them are—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —climate change deniers. So I can only assume this is a good part of their—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —internal shenanigans that they have so often in trying to work out the internal factional issues.

CONTAINER DEPOSIT SCHEME

The Hon. F. PANGALLO (14:27): Supplementary: what is more important to the minister, national consistency or the livelihoods and survival of the South Australian wine industry?

Members interjecting:

The PRESIDENT: Order! The national consistency part was part of it; the survival part was not necessarily part of it, so answer as you wish, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): Obviously, the honourable member is setting up a false dichotomy. That would be, I think, reasonably indicative of what he has done for many, many years in previous careers, not just in the current one. Obviously, it's important to the government and it's important to industry to have, as far as possible, national consistency as well as a thriving industry.

I have spoken many times in this place about the challenges facing the wine industry and the significant assistance that both this government and the commonwealth government have provided. We look forward, on that note, to further information coming from the federal government from the investigations they have been doing.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries on the topic of varroa mite.

Leave granted.

The Hon. N.J. CENTOFANTI: In regard to varroa mite, I note that PIRSA's website advises that, and I quote:

> Applications to bring hives into SA from NSW or within 25km of a known varroa detection will be individually assessed using risk assessments based on PIRSA's protection standards.

Given the critical importance of biosecurity in protecting South Australia's beekeeping and pollination-dependent industries, and the recent detection of varroa mite, I am seeking clarity on how these decisions are made and on the capacity of the department to carry out such assessments. So my questions to the minister are:

1. Will the minister detail or indeed table PIRSA's protection standards that underpin these assessments?

2. Can the minister also update the chamber on the number of applications that PIRSA has received over the last 12 months and, in regard to those applications received, those applications that have been approved and declined and the reason for those decisions?

3. What resources—that is, how many FTE—are currently allocated within PIRSA to undertake these individual risk assessments when it comes to hive movements into South Australia?

4. Is the minister confident that her department is well resourced to respond to the increasing biosecurity incursions in South Australia, and, if not, has she made a formal request to the Treasurer for greater resourcing?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. Over the past probably 18 months plus has been the development of the South Australian varroa plan. The South Australian Varroa Industry Advisory Committee was appointed and met on numerous occasions to work through development of that plan, and of course it was consistent with the national plan. That committee includes commercial beekeepers; recreational beekeepers; industry members, particularly in pollination dependent industries; and more.

So there has been a huge amount of work that has gone into developing the plan, because here we have two ultimately competing priorities. We need to protect South Australia's beekeepers and hives as far as possible. We also need to protect the industries that are pollination dependent.

The almond industry alone, for example, is worth about $100 million per year, and if they did not have access to hives and to bees for pollination season, it would bring that industry to its knees.

We have some South Australian beekeepers who of course can provide some of those pollination services, but nowhere near the volume that is required. Hence, it is important to be able to bring in hives from other jurisdictions.

Throughout the period of the last three years, since varroa was first detected in New South Wales, initially there was an eradication approach. About two years ago, roughly, it was determined nationally that eradication was not feasible and therefore there was a transition to the management approach.

The ability to bring in hives from other jurisdictions relies on strict compliance measures. Permits are required; for example, one must demonstrate, except in exceptional circumstances, that the hives have not come from within 25 kilometres of an infected area. There are a number of other requirements. I would encourage the honourable member to look at the publicly available information, and that will provide her with extra insight.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): Supplementary: my question to the minister was regarding the applications for hives within 25 kilometres of a known varroa detection and the individual assessment that would be used—the risk assessment that PIRSA use—to allow those hives into the state. So can the minister please inform the chamber what underpins those assessments and the number of applications that her department has received, approved or declined? And, again, is the minister confident that her department is well resourced to respond to these increasing biosecurity incursions and, if not, has she made a formal request to the Treasurer?

The PRESIDENT: Minister, you choose to answer?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): Thank you, Mr President. First of all, it is important to note that the hives that have come in from Queensland and have had the detection of varroa mite were not from an area with a known varroa outbreak. We have had additional varroa officers who have been employed over recent months—I would have to check exactly; I know I announced it here in the chamber at one stage when the new varroa officers were being appointed—who have been able to spend a lot of their time travelling the state, providing workshops and providing education to beekeepers.

My feedback is that that has been well received. A good number of beekeepers certainly feel far more equipped to be able to deal with varroa now that it is here than they did 12 or 18 months ago. It was inevitable that varroa mite would get here eventually. When it was determined that it was no longer feasible to eradicate and move to management, that was expected and I haven't heard anyone yet, apart from the member for Chaffey, say that it was anything other than inevitable, such is the nature of a mite that, essentially, hitches a ride on bees, and bees of course move around independently.

I do think it is worth mentioning that in various media the member for Chaffey, presumably in consultation with the Leader of the Opposition here in this place, has suggested that, apparently, more should have been done to keep varroa out of South Australia. The only way to interpret that is that the member for Chaffey is advocating for no hives to come into South Australia: that is the only way to stop or even attempt to stop varroa mite coming into the state. As I have said, that would have brought the almond industry to its knees, it would have brought multiple horticultural industries to their knees and in fact destroyed a good part of South Australia's economy because they are reliant on pollination services.

The requirements to come into South Australia are robust. Those opposite often talk about having inflexible red tape, yet here they are now suggesting, implying, that to have any kind of ability to do something that is not necessarily ticking every box, using alternative risk management strategies, is somehow problematic.

VARROA MITE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): Final supplementary.

The PRESIDENT: Before you ask it, I was going to rule the last supplementary question out of order, but the minister jumped to her feet to provide information. Your supplementary question has to arise from the original answer.

The Hon. N.J. CENTOFANTI: Thank you, Mr President. My supplementary: is the minister willing to take my question on notice and bring back a reply, given the fact that she clearly doesn't know the answer and isn't across her brief?

Members interjecting:

The Hon. N.J. CENTOFANTI: She isn't across her brief. It's outrageous. It's a serious question.

Members interjecting:

The PRESIDENT: Order! Are we are going to have a conversation or are we are going to have a question time? Your third question, the honourable Leader of the Opposition.

BUSHFIRE PREPAREDNESS

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

Leave granted.

The PRESIDENT: I hope it is a gentle question, given that the minister is appropriately adorned today. You will get every protection today, minister.

The Hon. I.K. Hunter: And that's all it takes.

The PRESIDENT: Absolutely. The honourable Leader of the Opposition.

The Hon. N.J. CENTOFANTI: Coming from an equally avid Crows supporter, Mr President, I find that offensive.

Members interjecting:

The PRESIDENT: Order! Ask your question.

The Hon. N.J. CENTOFANTI: On 17 June this year, I asked the minister questions regarding the 2025-26 bushfire season preparedness and water availability, particularly in regard to the drought and the scarcity and value of water on farms. The minister replied, and I quote, 'It is my understanding that our emergency services have been working with SA Water and DEW on what that could look like going forward.' The minister was also asked a supplementary as to whether she was being briefed on this issue. The minister's answer did not advise that she was currently briefed.

In response to FOIs, which asked for all correspondence between the minister, her staff and both SA Water and DEW regarding the 2025-26 bushfire preparedness and water availability up until 30 July, it appears that the minister still has not been briefed. My question today to the Minister for Emergency Services is: has the minister received a briefing from DEW or SA Water regarding emergency water sourcing arrangements in preparation for the upcoming bushfire season and, if so, will the minister provide the chamber with an update and place that information on the public record, noting the high level of concern amongst constituents, particularly in drought-affected regions?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:39): I thank the member for her question. FOIs are always interesting. Maybe one day you will figure out how to do them properly. In regard to conversations, a lot of conversations happen regularly with departments and across agencies, and I can appreciate your concerns in this area. It is something that I have been asking questions about as well—how we can be prepared for the summer season, particularly after the summer season that we have just been through.

We know that winter is tracking close to average for most of the state in some areas. However, we do know, of particular interest to the member, the Riverland and parts of the Murraylands and Mid North district continue to experience severe rainfall shortages. We know bushfire preparedness is a shared community responsibility, and now is the time for people to prepare their properties and make a review of their bushfire survival plans.

In regard to discussions that are happening that I referred to, which I think the member highlighted in her question, that is why the task force fire guard was established as a proactive response to evaluate the danger outlook for the upcoming season. This includes water security. My understanding is that the scope of the task force configuration includes water security, fire prevention and mitigation strategies, aviation support and readiness, community engagement and awareness campaigns and regional coordination and preparedness.

I have been informed that the task force members come from multiple agencies and organisations to ensure a collaborative approach for fire prevention and preparedness and response, such as South Australia Police, Department for Environment and Water, Department of Treasury and Finance, Department of Primary Industries and Regions, obviously MFS, SA Water, State Emergency Service, Department for Education, SA Power Networks and Local Government Association. As you can see from the list of people who were involved in these discussions, there are lots of agencies that are having to think through and think more broadly outside of their narrow department focus.

Thankfully, recent rainfall has eased dryness risk in regard to soil dryness. Usually, the big concerning factor is the dryness of the actual soil, which has returned to average levels in forecasted areas. Bushfire readiness remains a shared responsibility. All South Australians are urged to prepare for the coming season and have a written bushfire survival plan.

BUSHFIRE PREPAREDNESS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:41): Supplementary: how often is the task force briefing the minister, in particular on water availability?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:42): I have briefings regularly with my departments.

THOROUGHBRED RACING

The Hon. R.P. WORTLEY (14:42): My question is to the Minister for Recreation, Sport and Racing. Will the minister inform the council of the future of thoroughbred racing talent in South Australia?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:42): I thank the honourable member for his question and interest in the thoroughbred racing industry. Last month, I had the privilege of attending the Racing SA Apprentice Academy induction ceremony at Somerton Park. It was a truly inspiring event that showcased the depth and talent and dedication in South Australian racing.

The Apprentice Academy has been a cornerstone of our racing industry since its establishment in 1984, and it is widely regarded as one of the most successful apprentice jockey programs in the country. It plays a particularly important role in developing apprentices, providing them with the skills, resilience and the professional grounding they need to thrive in a highly competitive sport.

The academy exists not just to teach technical riding skills but also to develop well-rounded professionals who can meet the demands of racing both on and off the track. Apprentices are paired with master trainers and attend classroom sessions and take part in practical training programs that combine fitness and industry knowledge.

In 2024, Racing SA invested in significant upgrades of the programs and moved their academy into a brand-new, purpose-built facility in Somerton Park. The new site includes mechanical horses and fitness gym, modern classroom technology and advanced training tools designed to

prepare apprentices for every aspect of their careers. It is a world-class environment that matches the ambition of the young people who train there.

At the ceremony, we welcomed three exceptional young riders into the program: Ashlee Stone, Jemma Gutte and Stephy Wright. Each of these inductees brings unique strengths: Ashlee's commitment to education and breaking in young horses, Jemma's lifelong passion for the racing industry, and Stephy's resilience in relocating from the Northern Territory to pursue her career here in South Australia.

The event was also a reminder of the incredible work done by the trainers, mentors and Racing SA staff who guide our apprentices. Thank you to Nick Bawden, CEO of Racing SA; Ruby Kenny; and trailblazer Clare Lindop. Their dedication, encouragement and high standards help shape the careers of these young athletes, ensuring they compete not only at a local level but on the national and international stage.

The Apprentice Academy is about more than producing great jockeys, it is about building a strong future for our racing industry. It ensures that the skills, traditions and values of racing are passed on to the next generation while also embracing modern training techniques and safety standards. With mentors like Clare, Ruby and Dean and the broader Racing SA community, I am looking forward to seeing where their journeys go both on and off the track.

PIG DEATHS

The Hon. T.A. FRANKS (14:45): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on possible pig deaths.

Leave granted.

The Hon. T.A. FRANKS: PigPass is a national tracking scheme that provides real-time information on the movements of all pigs in Australia. This enables authorities to quickly determine the source of a disease outbreak and notify people with pigs in the affected area to stop the spread of such a disease. A PigPass national vendor declaration form must be completed when there is any movement of pigs from a property. This applies to all pig owners and producers regardless of the number of pigs moved.

From 1 February 2018, state and territory governments introduced mandatory reporting of all pig movements to the PigPass database, with failure to comply potentially seeing a penalty notice. When transporting pigs off a property, owners must complete a PigPass NVD, ensuring all info has been completed in full, including the destination PIC. The receiver must close the loop by reporting the movement online using the originating sender's serial number from the PigPass NVD.

All members of this upper house have received correspondence from a former minister from the Rann era, Rory McEwen; indeed, he was a Rann cabinet minister for local government; forests; industry, trade and regional development; small business; and agriculture, food and fisheries. I imagine he is well known to the minister. He has reported to us all that on 12 February 2024, 288 pigs—the usual weekly consignment—were loaded at the Wondaphil piggery consigned by Coles to Big River Pork in Murray Bridge on account of SunPork. He claims there were 11 dead pigs on the load from Wondaphil and that they can be seen on CCTV footage.

There was a discussion between the yardman and the driver, and there was a note on the transport driver's copy noting seven DOAs (dead on arrival). The truck then left the site without cause of death having been ascertained. Mr McEwen goes on to claim that, the next morning, Dale Pemberton of Coles was directed by BRP and SunPork to have the producer alter the number on the NVD, known as the PigPass, from 288 to 277 and fax a copy back to Big River Pork. I understand a copy of this statutory declaration was also sent to the Chief Veterinary Officer in March 2024. My questions to the minister are:

1. When was the minister first informed of allegations that a national vendor declaration was altered to cover up 11 dead pigs, and what action has she or her department taken in response to these assertions?

2. What reason does the department give for the alteration of the paperwork from 288 to 277?

3. Was all of this compliant with reporting requirements, and have any penalties been made?

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. In terms of when I was made aware, I am going from memory, but I think it was around April or May. In May 2024, PIRSA was made aware of an incident involving a consignment of pigs from Victoria to South Australia in February 2024—so it obviously must have been May, from my memory, not April—which raised concerns about animal welfare and traceability.

PIRSA investigated in line with their regulatory responsibilities for enforcing the Livestock Act 1997 and Livestock Regulations 2013, which contain a number of provisions relating to traceability of livestock, including pigs. No breaches of South Australian legislation were found.

PIRSA has taken all necessary steps to ensure South Australian, interstate and commonwealth regulators and industry bodies were provided with necessary information and evidence relating to the incident for actioning as appropriate. However, the outcomes of investigations are not communicated to third parties.

PIRSA has also undertaken a number of actions to ensure systems improvement and education of relevant members of the supply chain. PIRSA is continuing to work with Australian Pork Limited through the Jurisdictional Traceability Group and the chair of the SAFEMEAT Advisory Group to improve the PigPass database and the information uploaded to it.

The incident involved alleged breaches relating to traceability and animal welfare. A summary of the key findings of the incident are as follows. According to my advice, weather conditions on the day were very hot. Eleven pigs were found dead on arrival. On 15 February 2024, BRP uploaded information to the PigPass database, indicating the consignment included 288 pigs processed on 15 February 2024. PigPass is the document recognised as the national vendor declaration movement documentation in relation to pigs.

My advice is that the Department of Agriculture, Fisheries and Forestry On Plant Veterinarian (OPV) drafted an animal welfare incident report providing information to BRP management. Once made aware in May 2024 , PIRSA investigated and notified other relevant regulatory authorities. I re-emphasise that no breaches of the Livestock Act 1997 or the Livestock Regulations 2013 were found.

A number of issues were identified: the failure of BRP to complete part E of the PigPass document to indicate they had received pigs, how many they had received or the conditions of the pigs on arrival. However, this is not a mandatory requirement under the Livestock Regulations of 2013.

In regard to the alleged discrepancy in reported pig numbers, it is important to understand that the primary evidence in this matter is the original PigPass copy, which has all of the original data and the evidence. PIRSA has no evidence that this document was changed and the number of pigs uploaded to the National Livestock Identification System (NLIS) was 288.

PIG DEATHS

The Hon. T.A. FRANKS (14:52): Supplementary: the minister stated that no breaches of the Livestock Act were found. Were any breaches of the Animal Welfare Act found?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I will have to take that on notice and check, or I can see whether I have that available in any of the information in front of me. If I can get that back within the next little while, I am happy to provide that to the chamber.

PIG DEATHS

The Hon. T.A. FRANKS (14:52): Supplementary: the minister noted that day that the weather was very hot. How hot was the weather and were any animal deaths related to that heat?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): I don't know off the top of my head what the temperature

was on that day and, certainly, as I mentioned, the DAFF On Plant Veterinarian drafted an animal welfare incident report providing the relevant information to BRP management.

PIG DEATHS

The Hon. T.A. FRANKS (14:53): Was any CCTV footage reviewed as part of the investigation and what did that show?

The PRESIDENT: I think the link is investigation. I never heard anything about CCTV, but you can answer if you choose, minister.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53): I think the original question, as I interpreted it, related more to the issues around PigPass and the documentation. I am happy to take on notice other questions, including the one mentioned by the member.

PIG DEATHS

The Hon. T.A. FRANKS (14:53): Supplementary: has the minister realised whether or not the RSPCA and her department, PIRSA, have an MOU yet, or will it take another few years before we finally get an answer?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! It's not a supplementary question.

ARSON ATTACKS

The Hon. J.S. LEE (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Emergency Services and Correctional Services, representing the Minister for Consumer and Business Affairs, regarding arson attacks.

Leave granted.

The Hon. J.S. LEE: On 15 August 2025, *The Advertiser* reported that the owner of Jade Nails Spa in Findon was left devastated after her business was destroyed in an arson attack targeting a neighbouring vape shop. This incident is part of the broader pattern of fire bombings across Adelaide linked to the illicit tobacco and vaping black market. In several cases, including attacks in the CBD and western suburbs, neighbouring businesses such as restaurants, offices and retail stores have suffered extensive damage despite having no connection to the targeted premises.

These events raise serious concerns among business owners and consumers about consumer safety, business continuity and adequacy of current protections for legitimate operators in shared retail precincts. My questions for the minister are:

1. What protection or support mechanisms are currently available to assist small business owners who suffer financial loss or disruption due to criminal activity linked to the illicit tobacco and vaping trade?

2. Can the minister please provide an update as to what SAPOL is doing to address the problem?

3. What strategy will the government be undertaking to prevent further escalation of arson attacks and restore safety for consumer and retail precincts?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:56): I thank the member for her question. I am happy to seek a response from the member in the other house.

BURNSIDE HOCKEY CLUB

The Hon. D.G.E. HOOD (14:56): I seek leave to make a brief explanation before addressing a question to the Minister for Recreation, Sport and Racing regarding local sports club facilities.

Leave granted.

The Hon. D.G.E. HOOD: The Burnside Hockey Club, or the Mighty Bulldogs as they are affectionately known, have been advocating for a new facility including a hockey pitch on their sportsgrounds. In fact, in their 2024-2030 strategic plan one of their key objectives is, and I quote, 'secure a home pitch and clubrooms'. I understand the hockey club has made an application some time ago—some considerable time ago, I am informed—and are yet to have a response. It is something that has now become quite urgent.

My question to the minister is: is the minister able to update the chamber on the status of their application and, if she does not have the necessary details on hand, will she commit to reviewing the file and bringing the matter to conclusion, with hopefully some good news for the Bulldogs, but at least bring the matter to finalisation as soon as possible?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:57): I thank the member for his question. As a lover of hockey, I am more than happy to look into this a bit further. I am aware that Burnside has been looking for a new home for some time. I continue to work with AUSA and will see where they are up to in regard to those communications with the club and find out where that is up to at this point in time.

LAW SOCIETY OF SOUTH AUSTRALIA

The Hon. T.T. NGO (14:58): My question is to the Attorney-General. Can the minister tell the council about the Law Society's celebration of achievements in the legal profession and the recognition of contributions in the sector?

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 for his question. Before I answer the question, I do note, and I don't ask for a ruling but I do note that the Hon. Dennis Hood seems to have a piece of clothing that has now become a prop beside him. I am sure a ruling won't be needed, but the phrase 'never forget 2017' comes to mind.

The PRESIDENT: Order! The honourable Attorney, you are on very thin ice by bringing that up; very thin ice.

The Hon. K.J. MAHER: Eight goals.

The PRESIDENT: Attorney!

The Hon. K.J. MAHER: I thank the honourable member for his question.

Members interjecting:

The PRESIDENT: I think I have the numbers.

The Hon. K.J. MAHER: It was a pleasure to celebrate the legal profession last week in an event hosted by the Law Society of South Australia. The event brought together members of the legal community from all different areas to celebrate the achievements of the profession. Proceeds from the celebration went to the Kids Helpline charity, which provides free and confidential 24/7 counselling for young people aged between five and 25.

Many individuals were recognised on the night for their outstanding contributions. Some of those included Murtaza Dostdar, who received the Emerging Lawyer of the Year Award. She fled Afghanistan in the 1990s, arriving in Australia at the age of 11, speaking no English and overcoming immense challenges to become a lawyer in 2021. She now advocates for vulnerable clients and supports the Afghan community with legal advice, including volunteering during the 2021 Taliban crisis.

Pam McEwin was awarded the Mary Kitson Award, which recognises a practitioner who has made a significant contribution to advancing the interests of women lawyers. Pam exemplifies the transformative wave of women who have entered law in the 1980s, bringing professionalism, integrity and excellence to a traditionally often conservative field.

Kelly Morgan received the Regional Practitioner of the Year Award. Based in Jamestown, Kelly has built South Australia's largest regional law firm, being a passionate advocate for rural

communities, volunteering extensively and inspiring others through the support of local initiatives, events and causes.

Sharon Lucas won the inaugural First Nations Lawyer Award, which recognises the outstanding contributions of an Aboriginal or Torres Strait Islander legal practitioner in South Australia. Sharon is a respected solicitor, and was recognised for her advocacy in civil, family and child protection laws, having devoted over 20 years to not-for-profit legal service.

A second new award was introduced on the night—the inaugural Outstanding First Nations Law Student Award—recognising the outstanding contribution of an Aboriginal or Torres Strait Islander law student in South Australia. There were joint winners this year, Codi Buckskin and Nathaniel Keeler, who are both third-year law students, and were jointly nominated, particularly for their work on the Aboriginal Legal Rights Movement's Unfinished Business report. They contributed legal and social research, led sensitive community consultation, and helped to write the 260-page report examining recommendations from the Royal Commission into Aboriginal Deaths in Custody.

The night was a great opportunity for members of the profession from different areas to come together, whether it be from private practice, public service, the courts, community legal centres or academics. There was a celebration not just of the individuals who were honoured that night but of the shared values in the legal profession. I would like to congratulate all who were honoured, and my thanks go to the Law Society, in particular, and those who organised the event.

VICTIM SUPPORT SERVICE

The Hon. C. BONAROS (15:01): I seek leave to make a brief explanation before asking the Attorney a question in relation to the Victim Support Service.

Leave granted.

The Hon. C. BONAROS: This morning it was revealed on radio station FIVEaa that the Victim Support Service, formerly known as the Victims of Crime Service, is closing its doors after more than four decades of service to South Australians. Originating in 1979, with the advocacy of grieving parents and with the leadership of former Queensland Police Commissioner Ray Whitrod, the service became the first of its kind in Australia, offering counselling, advocacy and support to thousands of victims of serious crime.

Over the years, it has provided expert assistance to families navigating the criminal justice system, helped victims with impact statements and contributed to law reform and inquiries. The announcement of its closure represents the loss of a unique, independent institution that has walked alongside South Australians in their darkest moments. My questions to the Attorney are:

1. Is this also the Attorney's understanding? If so, what urgent action will the government take to ensure that families of victims and others facing the most traumatic crime do not lose access to that specialist service previously provided by the Victim Support Service?

2. Does the government acknowledge that the roles of the victims' rights commissioner and victim of crime commissioner are not a replacement for the frontline trauma counselling and advocacy that the service uniquely delivered?

3. Is the government committed to working with victims, advocates and stakeholders to secure a sustainable future for specialist trauma support services rather than allowing this decades-long institution to collapse?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:03): I thank the honourable member for her question and her advocacy in this area over a significant period of time. As the honourable member has pointed out in the question, the forerunner of the Victim Support Service was established almost half a century ago in South Australia as one of the first—not just in Australia, but one of the very first anywhere in the world—dedicated organisations of the sort. We have seen many very notable individuals who have done a lot of work with the Victim Support Service's forerunner over many, many years.

The former Liberal government cut about $1 million of funding to the Victim Support Service. It was a commitment from the then Labor opposition to reinstate that funding for the Victim Support Service, and in mid-2022 this government executed an agreement—it was just over $1.2 million—with the Victim Support Service, particularly for their Court Companion and Safer Spaces programs, which the Victim Support Service delivered.

I am aware and have been advised that my department has been in discussions for some time with the Victim Support Service, who have informed the Attorney-General's Department that they are undergoing a period of organisational change and are struggling to continue in their ability to deliver those programs. As the honourable member has outlined, I understand that VSS have also communicated that to many of their members and supporters in recent weeks and days.

I am advised that, following consultation with the Victim Support Service, the Attorney-General is working to transition the Court Companion service and Safer Spaces program to other providers, with a view to making sure there is no break in the access to these support programs that are supplied.

The PRESIDENT: The Hon. Ben Hood.

METROPOLITAN FIRE SERVICE ENTERPRISE AGREEMENT

The Hon. B.R. HOOD (15:05): Hear, hear! Thank you, Mr President. I don't know why I said, 'Hear, hear!' I am just thinking about the win tonight. I seek leave—

The PRESIDENT: The Hon. Ben Hood, if you are going to keep that up you can just sit down, right?

The Hon. B.R. HOOD: Yes, sir.

The PRESIDENT: Just show due respect to the mighty Crows. Now, get on with it.

The Hon. B.R. HOOD: I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding the South Australian Metropolitan Fire Service enterprise agreement.

Leave granted.

The Hon. B.R. HOOD: On the same day as the nurses' union voted down their pay offer, hundreds of firefighters of the United Firefighters Union of South Australia voted down their latest pay offer in negotiations, claiming that they are increasingly asked to do more than fight fires, without proper compensation or training. This comes only a few months after allowance payment issues that went before the Employment Tribunal, described by the UFU as one of the worst cases of wage theft in state history. The government's response to that issue appeared to strain the relationship between the UFU and the government. My question to the minister is: does the minister concede that his government has to date mishandled the relationship with the UFU and its members they represent, and is this mishandling negatively affecting EBA negotiations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:07): I thank the honourable member for his question. There is a very, very different way in which negotiations have been undertaken between public sector unions and the government compared to the previous government, which was led by the Hon. Rob Lucas.

The PRESIDENT: The Hon. Rob Lucas, you said.

The Hon. K.J. MAHER: The Hon. Rob Lucas, who was the leader of the former Liberal government, compared to this current government. In the term of the last government, the then Minister for Industrial Relations regularly derided people who led unions as 'union bosses', using the term in a pejorative sense, whereas I think many of us on this side actually see that as one of the greatest credits you can give to someone who dedicates their life to looking after the interests of working people. We certainly won't be taking cheap shots at those who do those sorts of things.

Again, very much unlike the last government, we haven't put down arbitrary limits on what we do for bargaining. We will bargain in good faith and discuss anything that is put on the table. In

regard to taking off the table any prospect of back pay, the former Liberal government, when enterprise agreements had concluded and they were—for example, in terms of the ambulance workers—some years out of date, refused any prospect of back pay. That is something we have done very differently—very, very differently—here in our government. We came very early on and had an agreement with the ambulance officers, including back pay for the years that the former Liberal government refused that back pay.

Another thing that is very, very different in this government is that, in agreements we have struck recently, we actually give public sector workers a real wage rise. This is compared to many, many years of the former Liberal government's agreements that were in the order of 1.5 per cent per year, delivering real wage cuts. So there is a very stark difference between the industrial relations platforms that the former Liberal government took and the platforms this government takes—real wage cuts for public sector workers and real wage increases. We will continue to negotiate in good faith, not arbitrarily rule things out and in with public sector unions.

ENTERPRISE AGREEMENTS

The Hon. R.A. SIMMS (15:09): Supplementary: why has the minister allowed these disputes to drag on so long? Doesn't this demonstrate that Labor has lost touch with working people?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:09): No.

SOUTH AUSTRALIAN RURAL AMBASSADOR OF THE YEAR AWARD

The Hon. J.E. HANSON (15:09): My question is to the Minister for Primary Industries and Regional Development. How much will the Crows—no, sorry: will the minister inform the chamber about the South Australian Rural Ambassador Award presentation dinner which was held on Tuesday night?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I am delighted to inform the chamber about this event. It was a great pleasure to attend the presentation dinner for the announcement of the 2025 South Australian Rural Ambassador Award on Tuesday night. It is always a great opportunity to celebrate country shows across South Australia as well as the very impressive finalists and their contributions to country shows in their respective communities.

The Rural Ambassador Award is a national competition open to people aged between 20 and 30 and identifies the next generation of leaders committed to agriculture and the agricultural show movement across Australia at a local, state and national level. The award also facilitates the development of young talent and leadership within the South Australian agricultural community and contributes to the creation of a sustainable future for country shows.

I am very proud that my department, the Department of Primary Industries and Regions, is a sponsor of the Rural Ambassador Program and has been for over 20 years. This important program provides personal and professional development by creating a platform and network for young adults in regional areas to build on their involvement with their local agricultural shows and contributions to their communities.

It was fantastic to hear from Kayla Starkey, the 2024 South Australian Rural Ambassador, who will be competing for the national title tomorrow night, with the awards being held here in Adelaide. It is clear that Kayla has embraced this opportunity and made the most of the experience over the last 12 months, and I wish her the best of luck at the nationals. We also heard from Shayla Lepse, who I spoke about in this place recently, as she was announced as the Young Rural Ambassador of 2025 in July. Shayla represents the Naracoorte Show. Shayla's last few weeks sound like they have been a whirlwind, particularly the last few days at the Royal Adelaide Show.

Local shows are an important part of regional communities and bring a sense of local pride as well, of course, as lots of fun. Young people play a key role in shows, keeping them vibrant and exciting through volunteering, participating in competitions and organising events. Country show involvement also helps young people develop and hone important skills: leadership, teamwork,

problem solving. This is important for their personal development and also creates a pipeline of skilled future leaders in our regional and rural communities.

The eight finalists were impressive and clearly demonstrated how they have played a key role in their respective communities. The finalists were Shona Lauke, Jenevieve Heinrich, Ashlee Allegretto, Jacqueline Palk, George Seppelt, Rebecca Clifford, Emma Gallagher and Caitlin Marshall. The finalists were varied and included a speech pathologist, a technical officer at SARDI, a school principal, an air boss and five of the young people pursuing careers through higher education in nursing, veterinary technology, psychology, agronomy and education.

While their day jobs and study varied immensely, they all had one thing in common: their deep commitment to giving back to their local communities through volunteering in both their local shows as well as a variety of other areas such as community sport, firefighting and the local RSL, just to name a few.

The finalists should all be extremely proud of themselves. Their contributions to their communities and the agricultural show movement deserve recognition. There was, of course, one winner. I want to congratulate George Seppelt, the highly deserving 2025 South Australian Rural Ambassador of the Year. George is a Jamestown local and has been involved in the Jamestown Show his entire life, currently serving on the executive committee and in charge of media and marketing for the show.

He is also Australia's youngest air boss, coordinating air traffic at aviation events across the country as well as working as a flight instructor and working with farmers to integrate aviation into their operations, from crop management to on-property flight training. George was also previously a Young Rural Ambassador state finalist in 2018. I actually had the pleasure of meeting George, several weeks ago at the Gawler Show and then at an event that I held earlier this week at the Royal Show as well.

The first runner-up was Caitlin Marshall, a senior speech pathologist working across the Mid North, Eyre Peninsula and Yorke Peninsula as well as a convener at the Coonalpyn Show. The second runner-up was Emma Gallagher from Naracoorte, who is studying applied agronomy while also working as a technical officer at SARDI Crop Sciences and volunteering at the Naracoorte Show.

George, Caitlin and Emma were all recognised for their outstanding contributions to the show movement and to their regional communities. Well done to all the finalists. I congratulate them on their volunteering and their passion for their local communities and country shows, and I certainly look forward to seeing where they go into the future.

POKER MACHINES

The Hon. R.A. SIMMS (15:14): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Consumer and Business Affairs on the topic of pokies.

Leave granted.

The Hon. R.A. SIMMS: Recently, the ABC reported that, for the first time in one financial year, South Australians had lost more than $1 billion to pokies. We know that pokies cause significant social harm. My question, therefore, to the minister is: given the terrible social impact of pokies, will Labor join with the Greens in committing to phase out pokies in pubs and clubs by 2030?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:15): I thank the member for his question. I am happy to seek a further response from the minister in the other house.

PRISON SECURITY

The Hon. F. PANGALLO (15:15): I seek leave to make a brief explanation before asking the Minister for Emergency Services and Correctional Services questions regarding her comment on the funding to provide security upgrades in our prisons.

Leave granted.

The Hon. F. PANGALLO: On 20 July 2025, *The Advertiser* reported that ex-inmates claim they made enough money from the prison black market to walk out with a house deposit, that is, selling cigarettes for up to $50 each and pouches for over $1,000. The minister responded to a question about the Remand Centre on Tuesday 2 September. She stated, and I quote:

> At the last budget we committed a substantial amount of funding to provide security upgrades in our prisons that could look at not only perimeter fencing but also the screening of people in our prisons to make sure that we are keeping contraband out.

My questions to the minister are:

1. How can you claim that your record investment in prison security is working, or has made any real difference, when this level of contraband is still flooding in?

2. Are taxpayers seriously expected to believe that increased funding is working when contraband is clearly flooding in and fuelling an underground economy behind bars?

3. Who is being held accountable for this failure?

4. Does the government accept any responsibility for what is happening under the watch of private operators like those at the Adelaide Remand Centre, or is this just another case of throwing taxpayer money at a problem without fixing it?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:17): I appreciate the member's question and interest in this space. Obviously, the money that I suggested in regard to new body scanners and security measures, as highlighted, I believe, in my response—I will have to go back and have a look—was from the budget just been. I guess time will be needed to be able to implement those new investments.

We have also been able to invest in body scanners in our prisons prior to this, particularly at the Women's Prison, where we have seen significant changes not only for prisoners coming into the system but also the employees. I am sure everyone in this room can appreciate the challenges of strip searches—it is not a nice experience for anyone involved, but it also doesn't necessarily pick up items that are in spaces that you cannot see. These scanners can sometimes highlight those to people and make it a better experience for everyone involved.

From those experiences, the government took on that feedback and in the last budget was able to commit funding to see how we can expand on those body scanners or look at those perimeter offences that I mentioned in my last comments. I am also advised that there were more than 103,000 searches in 2023-24—a 14 per cent increase on the previous year and a 35 per cent increase from when the opposition was in government, resulting in nearly 1,600 contraband discoveries.

Obviously, when we are having more scans, when we are having more searches, we are providing the opportunity to make sure that our prisons can be safer not just for our prisoners but, more importantly, for the people who work in our prisons. I am sure people in this room can appreciate that our prisons are a unique work environment. It's not like most other work environments you go to. That's why we are trying to look at new ways to provide different security measures and what we can be doing differently.

It is really important that we are consulting on this as well. Again, it is not about just rushing out there and putting in these measures with this new budget money. We are making sure the support is going where it is needed. We are also working with correctional services to determine that. The state government is committed to a really strong focus on a secure prison system.

In correctional jurisdictions we see challenges not only in our state but also across the country in regard to how we can do things differently. I was lucky enough just recently to go to New South Wales with all the correctional ministers, where we were able to meet and talk through what we could be doing differently. This was a very informative meeting and one that I appreciated attending. It was my first as correctional minister, and I learned from other ministers who have been doing this a little bit longer than myself.

We know that we are carrying out more searches. When we do carry out those searches, we are also looking at ways to upgrade our security. I am advised that there is routine, targeted searching across all prisons, but there is also the opportunity to have searching in other places too.

Ministerial Statement

DEFENCE TRADE MISSION

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:21): I table a copy of a ministerial statement made in the lower house by the Hon. Peter Malinauskas MP, Premier, about a strategic mission to strengthen South Australia's defence ties to the UK.

Motions

DECRIMINALISATION OF HOMOSEXUALITY 50TH ANNIVERSARY

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:22): I move:

That this council—

1. Notes that on 27 August 1975, South Australia became the first jurisdiction in the nation to decriminalise male homosexuality, with the passage of the Criminal Law (Sexual Offences) Act 1975, which commenced operation on 2 October 1975;

2. Expresses its regret to the many South Australians who were charged with and convicted of criminal offences simply for being their authentic selves;

3. Recognises that in making these reforms, our state began a process which would be repeated in every Australian state and territory;

4. Acknowledges that in 2025, South Australia will commemorate this nation-leading legislation and mark its 50th anniversary;

5. Expresses its support for the community coming together to celebrate this anniversary, and our state's role in leading the way on LGBTQIA+ law reform;

6. Celebrates the passage of other landmark LGBTQIA+ law reform in South Australia; and

7. Commits to continuing to work toward equality for all South Australians.

This year, South Australia is marking an extraordinary milestone: 50 years since we became the first jurisdiction to decriminalise homosexuality. I think it would be hard for many South Australians to conceptualise that only 50 years ago male homosexuality was a criminal offence in this state. Yet for anyone over the age of 50, that is within their lifetime. After such long periods of discrimination and of hatred, the speed of the change towards equality for the LGBTQIA+ community has been relatively quick in recent decades. It is rightly a source of pride for many South Australians that the first step in this era began with reform here in this parliament.

On 27 August 1975, under the leadership of Premier Don Dunstan and then Attorney-General Peter Duncan, legislation was introduced, being the Criminal Law (Sexual Offences) Amendment bill 1975. This landmark legislation finally abolished the offences of buggery, gross indecency and soliciting, and equalised the age of consent. It was a landmark reform, overdue and yet the first of its kind in the country. We ought not forget that the passage of this bill was not the start of the journey. This marked the culmination of many years of advocacy and campaigning by many people across this state, among them the Hon. Ian Hunter, in a former life when he wore a younger man's clothes.

It was also a reform spurred on by tragedy. On 10 May 1972, Dr George Duncan, a newly arrived law academic at the University of Adelaide, was brutally attacked and thrown into the River Torrens in a cruel act of targeted violence. He drowned, unable to swim; his life simply taken because he was gay. The suspected perpetrators were never held accountable. His death rightly sparked outrage in the South Australian community.

In July that year, it was a Liberal member in this place, the Hon. Murray Hill, who introduced the Criminal Law Consolidation (Homosexuality) Amendment Bill to decriminalise homosexuality. This bill would pass but with amendments that defeated its original intent. Homosexuality remained

illegal in this state, with the bill ultimately only allowing for a defence in cases where the conduct had occurred in private between men over the age of 21.

It would be three years later that a bill to properly decriminalise male homosexuality finally passed in this parliament. Several things had changed in the intervening years. The reform, rather than being led by a private member, was now led by the Attorney-General, the Hon. Peter Duncan, with the support of the Premier, the Hon. Don Dunstan. The Legislative Council had been significantly reformed in the intervening time in 1973, ending provisions that restricted the voting franchise to landowners, and of course the activities of campaigners and activists had not faded or relented in the years following the death of Dr George Duncan nor during the time that had elapsed since the passage of the flawed bill in 1972.

This reform set off a chain of events across the country. The ACT followed suit in 1976, and every other state and territory would do the same, with Tasmania the last to do so only in relatively recent years, taking the important step in 1997.

Of course, this was not the end of South Australia's leadership in this area of law reform. To name just a few important reforms that have recently passed this parliament, in 2013 the then Weatherill government amended the Spent Convictions Act to enable pre-1975 convictions for homosexuality offences to be expunged. In 2016, following a report from the South Australian Law Reform Institute, Premier Weatherill's government passed a raft of new reforms. These included creating a relationships register, protections for gender-diverse people, removing discrimination in the Adoption Act and enabling equal access to altruistic surrogacy and assisted reproductive treatment.

Importantly, much reform in this area has in recent years attracted bipartisan support. I acknowledge members in this place, in particular the Hon. Michelle Lensink for her advocacy and leadership in this area, along with many other colleagues—the Hon. Tammy Franks, the Hon. Robert Simms, the Hon. Ian Hunter—and the advocacy and reform from people like the Hon. Susan Close in the other place, amongst others. In 2020, my predecessor as Attorney-General, the Hon. Vickie Chapman, passed legislation to abolish the so-called gay panic provocation defence. Of course, in 2017, people across the country expressed their support for marriage equality, with over 60 per cent of people voting yes in a postal survey.

I am proud that this government has also contributed to our state's legacy in law reform in this area, with the parliament passing the Conversion Practices Prohibition Bill just last year. That ban affirms what so many in our community have always known: you are not broken, you do not need fixing. You deserve respect, safety, support and love without condition or exception. This is a record of achievement all South Australians should be proud of. Ours is a state where you can live your life and achieve your full potential, no matter who you are or who you love.

But we know that work in this area is not done. Many LGBTIQA+ South Australians still face discrimination, violence, mental health struggles and social exclusion. Younger people in particular continue to be over-represented in suicide and mental health statistics, and too many members of our LGBTIQA+ plus community face discrimination in their everyday lives. There is more work to be done, but there is also much to celebrate.

To all of those who have marched, organised and spoken out when it was dangerous to do so, we owe you our deepest gratitude. Your courage has brought us where we are. To those still fighting today for inclusion, safety and visibility, we stand with you. As we mark this 50th anniversary, let it not be a quiet commemoration but a renewed commitment to justice, equality and a South Australia where no-one has to hide who they are. I commend the motion to the council.

Debate adjourned on motion of Hon. R.A. Simms.

Bills

CRIMINAL LAW CONSOLIDATION (STREET GANGS) 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) (15:28): Obtained leave and

introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and to make related amendments to the Serious and Organised Crime (Control) Act 2008. 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) (15:29): I move:

That this bill be now read a second time.

The bill I introduce today is the Criminal Law Consolidation (Street Gangs) Amendment Bill 2025. On 6 March, the state government publicly announced the Young Offender Plan, aimed at strengthening laws in relation to young offenders and investing in preventative measures to divert young people from the criminal justice system. This bill is the first of two bills being developed following the release of the plan.

Although South Australia has one of the lowest youth crime rates in the country, only behind the ACT, we are determined to ensure we remain ahead of the curve. As part of the Young Offender Plan, the state government committed to ensuring police had adequate tools and powers to target and disrupt the activities of street gangs and deal with young people who commit serious offences.

South Australia's current legislative framework to deal with serious and organised crime is contained in the Serious and Organised Crime (Control) Act 2008, Part 3B of the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953.

Adults and youth are subject to the general law in relation to participation in criminal organisations, serious and organised crime, and consorting with convicted offenders under these acts; however, these measures have been developed primarily in response to outlaw motorcycle gangs, rather than street gangs, therefore their application to those sorts of organisations may be limited. While information suggests that street gangs tend to commit similar offences to other serious and organised groups, such as outlaw motorcycle gangs, street gangs tend to have a more fluid composition, a less structured hierarchy and a fluctuating membership. Unlike outlaw motorcycle gangs, members of street gangs can also include younger people.

Accordingly, this bill proposes to create a new legislative scheme to address the risk posed to the community by the criminal activities of street gangs, with a view to diverting young people away from street gangs that are involved in serious criminal activity. The scheme will apply to both adults and young people who are participating in street gangs.

The bill inserts a new Part 3BA into the Criminal Law Consolidation Act to set out the legislative scheme aimed at targeting and disrupting the activities of street gangs. Section 83GH(1) of the bill defines a 'street gang' to mean a group consisting of three or more persons, whose purpose, or one of their purposes, is to engage in, organise, plan, facilitate, support, or otherwise conspire to engage in serious criminal activity and who, by their association, represent an unacceptable risk to the safety, welfare or order of the community, or a declared street gang.

The Commissioner of Police may make an application to the Supreme Court to have a group declared as a street gang in a process similar to the process of a declared organisation under the Serious and Organised Crime (Control) Act. The court may make a declaration in relation to a group if it is satisfied that the participants of the group associate for the purposes of organising, planning, facilitating, supporting or engaging in serious criminal activity and by their association represent an unacceptable risk to the safety, welfare or order of the community.

The definition of 'street gang' and declaration process have been carefully drafted to ensure the definition captures only those groups that are genuinely street gangs and cannot be used to capture groups of three or more adults or youths who are not. The street gangs targeted by the bill are not simply groups of friends hanging out and getting into trouble or committing minor offences. These are organised groups of mostly young adults who associate with each other for the purpose of committing serious criminal activity.

SAPOL have investigated many types of offences associated with street gangs, including serious violent offences, such as murder, attempted murder and serious assaults involving weapons, as well as large-scale drug offences and serious dishonesty offences, including money laundering.

So, to be clear, we are talking about groups that represent an unacceptable risk to the safety, welfare and order of the community.

Section 83T of the bill provides for street gang control orders, which are a modified type of an order based on control orders available under the Serious and Organised Crime (Control) Act. A street gang control order may be made in relation to an adult, or a youth who is at least 14 years of age. Pursuant to the bill, the court may make a street gang control order, or an interim street gang control order, if the court is satisfied that the respondent is a participant in a street gang or has been a participant in a group that is at the time of the application a declared street gang and the respondent associates with one or more participants in the street gang, or has engaged in serious criminal activity with one or more participants in the street gang, and the making of the order is appropriate in all of the circumstances.

The bill defines a participant in a street gang or other group to mean a person who asserts, declares or advertises their membership of the gang or association with the group, whether by words or conduct or any other way; seeks to be a member or to be associated with a group, whether by words or conduct or any other way; or, with the intent of engaging in, organising, planning, facilitating, supporting or otherwise engaging in criminal activity, attends more than one meeting of the gathering of persons who participate in the affairs of the group in any way, or takes part in the affairs of the group in any way.

The definition has been adjusted in response to stakeholder feedback to ensure it does not inadvertently capture individuals who are seeking to provide positive social support, such as social workers. The definition also expressly excludes lawyers acting in a professional capacity. Where the court determines to make a street gang control order, it can make a range of different orders which may disrupt the street gang's activities, and prevent the commission of serious criminal offences.

The respondent can also be prohibited from doing one or more of the following things: associating with a specific person or persons of a specified class; holding an authorisation to carry on a prescribed activity while the order remains in force; being present at, or being at a specified distance of, a specified place or premises, or of a specified class; possessing a specified article or weapon, or of a specified class; carrying more than a specified amount of cash; using or being in possession of a communication device, except as may be specified; or engaging in other conduct of a specified kind the court considers could be relevant to the commission of a serious offence.

The factors the court will consider when deciding an application for street gang control orders are also set out in the bill. The court may consider the likelihood the respondent will engage in serious criminal activity; if the application relates to a declared street gang, any evidence as to the reasons given by the court for the making of the declaration; the extent to which the order might assist in preventing the respondent from participating, or further participating, in a street gang; the prior criminal record, if any, of the respondent and any person specified in the application as a person with whom the respondent associates or has associated; any legitimate reason the respondent may have for associating with any person specified in the application; and any other matter the court considers relevant.

Where one of the following conditions to be imposed includes the non-association condition, there are mandatory factors the court must consider. The mandatory considerations are the extent to which the order may impact on the respondent's connection with their family or culture and the condition must not prohibit the respondent from associating with a close family member unless the court considers it necessary to prevent the respondent from engaging in serious criminal activity. These mandatory considerations will also help ensure that the imposition of a street gang control order does not have a disproportionate effect on minority communities, Aboriginal people and culturally and linguistically diverse communities.

It is expected that in making street gang control orders in matters where the respondent is a youth, the Youth Court will take into account the circumstances and factors that are particular to youths, which may be different from adults. For example, the appropriateness of imposing a non-association order on a youth, and the impact this has on their access to education may be assessed differently from the impact of imposing the same condition on an adult. The orders are intended to be a tool that can assist in steering individuals away from participation in street gangs by

preventing involvement in the activities of the street gangs, as well as a tool to assist police in maintaining community safety.

The bill also contains new criminal offences targeting street gang participants. Section 83GZC of the bill makes it an offence for an adult who is a participant of a street gang to recruit or attempt to recruit another person to become a participant of a street gang. The offence carries a maximum penalty of up to five years' imprisonment in relation to the recruitment of a child, and up to three years' imprisonment in any other case.

The bill also expands the existing offence of recruiting a child for criminal activity in section 267AB of the Criminal Law Consolidation Act by amending the definition of a 'prescribed adult' to include an adult who is a participant of a street gang. These two offences are squarely aimed at preventing children and youths from being recruited into street gangs and embroiled in serious criminal activity, and making sure any adult recruiting or coercing youths into joining street gangs will face serious penalties.

Section 83GZD of the bill creates a new offence for a person who is the participant of a street gang, or who is subject to a street gang control order, to enter or attempt to enter a prescribed place or event that is being declared as such under section 83GA of the Criminal Law Consolidation Act. The offence carries a maximum penalty of up to three years' imprisonment.

Section 83GZE of the bill creates a new offence to criminalise the association between members of declared organisations, members of criminal organisations and participants in street gangs. It also applies to people who are the subject of a street gang control order under the bill or a control order under the Serious and Organised Crime (Control) Act. The offence carries a maximum penalty of up to two years' imprisonment.

This bill was subject to both targeted and general public consultation, with the bill available on the Attorney-General Department's website, with 31 submissions received. The government has made several changes to the bill as a result of feedback received from stakeholders. In addition to consultation and feedback received on the bill, there was also a meeting with representatives from the First Nations Voice. Feedback received from the First Nations Voice during this meeting recommended that the bill be amended to:

- provide that applications for street gang control orders can only be made in relation to children who are at least 14 years of age;
- refine the operation of the presumption as to participation to make it very clear that it does not apply to cultural symbols or symbols that are not unique to that street gang;
- to ensure that the definition of 'participant' does not capture people who may be providing positive supports to individuals in street gangs; and
- ensure that only a court can make a declaration that a group is a street gang.

The government is grateful for the thoughtful and constructive submissions received. 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 *Criminal Law Consolidation Act 1935*

3—Insertion of Part 3BA

This clause inserts a new Part as follows:

Part 3BA—Street gangs

Division 1—Preliminary

83GH—Interpretation

This section contains definitions for the purposes of the Part.

Division 2—Declared street gangs

83GI—Commissioner may apply for declaration

This clause provides that the Commissioner of Police may apply to the Supreme Court for a declaration under this Division in relation to a group and specifies requirements in relation to such an application.

83GJ—Publication of notice of application

This clause provides that notice of an application under clause 83GI must be published in the Gazette and a newspaper circulating generally throughout the State. The notice must—

- specify that an application has been made for a declaration under this Division in respect of the group; and
- specify that there may be serious consequences for participants in the group and other persons if the declaration is made; and
- advise interested parties of their rights in relation to making or providing submissions to the Court at the hearing of the application; and
- specify the manner in which interested parties may inspect or apply to inspect a copy of the application; and
- specify the date, time and place of the hearing.

83GK—Court may make declaration

The Supreme Court may make a declaration that a group is a declared street gang if satisfied that—

- participants in the group associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity; and
- participants in the group, by their association, represent an unacceptable risk to the safety, welfare or order of the community.

83GL—Notice of declaration

This clause provides that as soon as practicable after the making of a declaration of a declared street gang, the Commissioner of Police must publish notice of the declaration in the Gazette, in a newspaper circulating generally throughout the State and on a website maintained by the Commissioner.

83GM—Duration of declaration

This clause provides that a declaration made under this Division remains in force unless and until it is revoked in accordance with this Division.

83GN—Revocation of declaration

This clause provides that the Supreme Court may revoke a declaration of a group as a declared street gang on application by a person entitled to apply.

83GO—Procedure at hearings

This clause provides for procedures to be followed at the hearing of an application under clause 83GI, including the entitlement of the following persons to make oral submissions, personally or through a legal representative, and, with the permission of the Court, to provide, in accordance with any requirements of the Court, written submissions:

- the Commissioner;
- the group to which the application relates;
- any person who is alleged in an affidavit supporting the application to be a participant or former participant in the group;
- any person who is a participant or former participant in the group or other person who may be directly affected (whether or not adversely) by the outcome of the application;
- any other person whom the Court considers should, in the interests of justice, be entitled to make submissions.

83GP—Making of subsequent declaration

This clause provides, for the avoidance of doubt, that nothing prevents the making of a declaration in relation to a group that has been the subject of a previous declaration which has been revoked.

83GQ—Practice and procedure

This clause provides that, in proceedings under this Division, the Supreme Court—

- is not bound by the rules of evidence but may inform itself on any matter as it thinks fit; and
- must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

83GR—Appeal

This clause provides that the commencement of an appeal under the *Supreme Court Act 1935* against a declaration made under this Division does not, of itself, affect the operation of the declaration to which the appeal relates.

83GS—Evidentiary

This clause provides that, in any proceedings before a court, an apparently genuine document purporting to be signed by the Commissioner and to certify that a specified group was, on a specified date, a declared street gang constitutes, in the absence of proof to the contrary, proof of the matter so certified.

Division 3—Street gang control orders

83GT—Court may make street gang control order

This clause provides for the making of a street gang control order relating to a person (the *respondent*) by the Supreme Court or the Youth Court. The Court may make the order if satisfied that the making of the order is appropriate in the circumstances and that—

- the respondent is a participant in a street gang; or
- the respondent—
  - has been a participant in a group that is, at the time of the application, a declared street gang; and
  - associates with 1 or more participants in a street gang; or
- the respondent has engaged in serious criminal activity with 1 or more participants in a street gang.

Proceedings under this Division will be in the Youth Court if—

- the respondent is a child at the time the application initiating the proceedings is made; or
- the proceedings relate to the variation or revocation of a street gang control order made by the Youth Court.

A street gang control order may prohibit the respondent from—

- associating with persons;
- holding an authorisation to carry on a prescribed activity;
- being present at, or being in the vicinity of, a place or premises;
- possessing articles or weapons;
- carrying more than a specified amount of cash;
- using for communication purposes, or being in possession of, a telephone, mobile phone, computer or other communication device;
- engaging in other conduct that the Court considers could be relevant to the commission of serious offences.

83GU—Interim street gang control orders

This clause provides for the making of an interim street gang control order if the Court is satisfied that it is appropriate to do so in all of the circumstances.

83GV—Duration of street gang control order or interim street gang control order

A street gang control order remains in force—

- for a period of 2 years or for such lesser period as may be specified in the order; or
- until the order is revoked.

An interim street gang control order remains in force for a period of 6 months or for such lesser period as may be specified in the order.

Nothing prevents the Commissioner of Police from applying for a further street gang control order or interim street gang control order in respect of a respondent.

83GW—Variation or revocation

The Court may make an order varying a street gang control order (a *variation order*) or revoking a street gang control order (a *revocation order*) on application by the Commissioner or by the respondent.

83GX—Right to object if interim order made ex parte

If an interim street gang control order or interim variation order has been made without notice to the respondent, the respondent may, within 14 days of service of the interim street gang control order or interim variation order or such longer period as the Court may allow, lodge a notice of objection with the Court.

83GY—Consequential and ancillary orders

The Court may, on making a street gang control order or variation order or an interim street gang control order or variation order, make any consequential or ancillary orders it thinks fit (including orders providing for the surrender or confiscation of an article or weapon).

83GZ—Automatic revocation of order

If a street gang control order or interim street gang control order is made in relation to a person in reliance on the person's participation in a particular declared street gang or the person's association with a participant in a particular declared street gang, the order is revoked if the declaration of the street gang ceases to be in force.

83GZA—Application of Division to children

The Division applies in relation to a child in the same way as it applies to an adult but:

- street gang control order may not be made in relation to a child who is under 14 years of age;
- if a street gang control order is made in relation to a child (being of or over 14 years of age) information is required to be given to a parent or guardian of the child, or another prescribed person or class of person;
- section 13 of the *Young Offenders Act 1993* applies to proceedings for the making, variation or revocation of a street gang control order relating to a child;
- the Court must satisfy itself that the child understands the nature of such proceedings;
- if the child is not represented by counsel or solicitor, the Court must take certain measures to ensure the child understands the proceedings and their rights in respect of legal representation and how to obtain it.

Division 4—Offences

83GZB—Offence to contravene or fail to comply with street gang control order

A person who contravenes or fails to comply with a street gang control order or interim street gang control order is guilty of an offence punishable by a maximum of 5 years imprisonment.

83GZC—Offence to recruit persons to become participants in street gang

A person who is aged 18 years or more and a participant in a street gang who recruits, or attempts to recruit, another person to become a participant in a street gang is guilty of an offence punishable by a maximum penalty of—

- if the person recruited, or attempted to have been recruited, was under the age of 18 years at the time of the offence—imprisonment for 5 years;
- in any other case—imprisonment for 3 years.

83GZD—Participants in street gang entering prescribed places and attending prescribed events

This clause provides new offences whereby a person who is a participant in a street gang or is subject to a street gang control order commits an offence if they enter, or attempt to enter, a prescribed place, or attend, or attempt to attend, a prescribed event. The offences are punishable by a maximum penalty of imprisonment for 3 years.

83GZE—Criminal associations

This clause provides an offence of criminal association between persons to whom the section applies, being:

- a person who is a participant in a street gang;
- a person subject to a street gang control order;
- a person who is a participant (within the meaning of Part 3B Division 2 of the *Criminal Law Consolidation Act 1935*) in a criminal organisation;
- a member (within the meaning of the *Serious and Organised Crime (Control) Act 2008*) of a declared organisation;
- a person subject to a control order under the *Serious and Organised Crime (Control) Act 2008*.

The offence, punishable by a maximum penalty of imprisonment for 2 years, occurs where a such a person associates with another such person on not less than 6 occasions during a period of 12 months.

Division 5—Miscellaneous

83GZF—Appeal

The commencement of an appeal under the *Supreme Court Act 1935* against an order made under this Part does not, of itself, affect the operation of the order to which the appeal relates.

83GZG—Evidentiary

This clause provides for the admission of certain material in evidence in proceedings.

83GZH—Standard of proof

A question of fact to be decided by a court in proceedings under this Part (other than proceedings for an offence) is to be decided on the balance of probabilities.

83GZI—Evidence in other proceedings

If a court makes a declaration that a particular group was, at a particular time, a street gang then that group will, for the purposes of any subsequent criminal proceedings, be taken to be a street gang in the absence of proof to the contrary.

83GZJ—Service

This section provides for the service of an application, order or other document.

83GZK—Representation of unincorporated group

This section sets out how an unincorporated group may be represented in proceedings under this Part.

83GZL—Costs

Generally each party to proceedings on an application under this Part must bear the party's own costs for the proceedings, subject to certain exceptions specified in the section.

83GZM—Presumption as to participation

A person is presumed, in the absence of proof to the contrary, to be a participant in a street gang or other group at a particular time if the person is, at that time, displaying (whether on an article of clothing, as a tattoo or otherwise) the insignia of that group.

83GZN—Criminal intelligence

This clause protects information properly classified by the Commissioner of Police as criminal intelligence.

83GZO—Use of evidence or information for purposes of Act

This clause allows for the use of evidence or information obtained by the lawful exercise of powers under an Act or law (whether before or after the commencement of this section), evidence or information obtained incidentally to such an exercise of powers, and criminal intelligence for the purposes of the Part.

83GZP—Delegation

This clause provides that the Commissioner of Police—

- may not delegate the function of classifying information as criminal intelligence for the purposes of this Part except to a Deputy Commissioner or Assistant Commissioner of Police; and
- may not delegate any other function or power of the Commissioner under this Part except to a senior police officer.

4—Amendment of section 267AB—Recruiting etc child for criminal activity

This clause is consequential.

Schedule 1—Related amendment of *Serious and Organised Crime (Control) Act 2008*

1—Amendment of section 23—Senior police officer may make public safety order

This Schedule makes consequential amendments to section 23 of the *Serious and Organised Crime (Control) Act 2008*.

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

FAIR WORK (WORKER ENTITLEMENTS) 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) (15:41): Obtained leave and introduced a bill for an act to amend the Fair Work Act 1994, and to make related amendments to the South Australian Employment Tribunal Act 2014. 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) (15:42): I move:

That this bill be now read a second time.

Today, I introduce the Fair Work (Worker Entitlements) Amendment Bill 2025. This is an important bill designed to strengthen the enforceability of worker entitlements, and to emphasise that workers have the right to expect they will be paid in full and on time for the work they perform. At the last state election, the state government committed to introducing wage theft laws to create criminal penalties for the deliberate underpayment of workers' entitlements.

Since then, the federal government has taken the lead by introducing national wage theft laws, which apply to private sector employees covered by the commonwealth Fair Work Act 2009. However, due to the division of industrial relation powers between the commonwealth and the states, those laws do not apply to public sector and local government workers covered by the state Fair Work Act 1994.

Thankfully, in the state industrial relations systems, we have not historically observed the same kind of deliberate wage theft behaviour that has been too often witnessed in some parts of the private sector. Nonetheless, it is still essential that public sector and local government workers have confidence in their wage entitlements and that there are serious consequences for deliberate and systematic underpayments.

The Fair Work Act 1994 already contains criminal penalties for noncompliance with awards and enterprise agreements. This bill increases those penalties 10 times, up to a maximum of $25,000 per contravention. Further, the bill goes above and beyond our election commitment by empowering the South Australian Employment Tribunal to impose civil penalty orders for the non-payment of work entitlements.

The introduction of a civil penalty power is consistent with the practice in both the national industrial relations system and other state and territory industrial relations systems. The power to impose a civil penalty supplements the court's existing powers to order payment of unpaid worker entitlements and interest. This means there is a meaningful deterrent against serious unlawful behaviour beyond the employer simply being ordered to pay the wages and entitlements they should have paid correctly in the first place.

The bill inserts a new section 104(1), which provides for a maximum civil penalty of $25,000 per contravention if an employer contravenes a requirement to pay an amount to, or on behalf of, an employee in relation to the performance of work. This does not create a new payment obligation for employers, but instead 'picks up' existing payment obligations under the act, awards, enterprise agreements, and other workplace laws.

A workplace law is here intended to capture any law conferring an enforceable right to payment arising out of an employment relationship and includes, for example, superannuation and long service leave laws. The bill inserts section 104(2), which provides that those amounts must be paid in full, by money and at least monthly. This reflects the method and frequency of payment obligations that apply to the private sector under the commonwealth act.

Under the bill, a civil penalty can only be imposed on an employer for a contravention of these obligations if the employer's conduct constituting the contravention was deliberate and systematic. This reflects that the government's election commitment was always focused on the deliberate underpayment of worker entitlements, not on genuine mistakes or inadvertent conduct.

For conduct to be deliberate, it must be conduct that is engaged in intentionally or consciously. It does not extend to accidental or involuntary conduct and is not intended to apply to genuine mistakes. While it is necessary to show that the acts or omissions constituting a conduct were deliberate, there is no need to prove that an employer subjectively knew or intended that their conduct would result in a breach of the law or would have a significant risk of doing so. It is also not necessary to prove that an employer knew the specific provision of a workplace law or industrial instrument being contravened or the exact amount of any unpaid entitlements.

Deliberate conduct by the Crown or a body corporate must be proved either through the conduct and state of mind of an officer, employee or agent, as provided under sections 236 or 236B, or by showing that the employer expressly, tacitly or impliedly authorised the conduct as provided under section 104(4). That authorisation may be given by an individual within the employer's organisation or via a policy, rule, course of conduct or practice within the organisation. This recognises that an employer manifests its intention through its organisational culture, policies, procedures and practices.

There may be instances where the misconduct of a rogue employee does not represent an employer's true position. In these cases, for the purpose of section 104(4), the actions of the employer as a whole may be taken into account and there is no liability if the employer proves that it exercised due diligence to prevent the rogue conduct or authorisation.

The concept of systematic pattern of conduct was previously found in section 557A of the commonwealth act, following the Fair Work Amendment (Protecting Vulnerable Workers) Act 2017. A systematic pattern of conduct is a recurring pattern of methodical conduct or a series of coordinated acts over time. It does not encompass ad hoc or inadvertent conduct. Section 104(5) provides an indicative list of factors which may be considered by a court in determining whether the employer's conduct was systematic. A contravention is more likely be systematic if:

- there are concurrent contraventions occurring at the same time;
- the contraventions have occurred over a prolonged period;
- multiple employees are affected;
- the employer failed to respond, or failed to respond appropriately, to complaints made about the contraventions; and
- accurate employee records have not been kept, or payslips have not been issued, making the alleged underpayment harder to establish.

The bill inserts new sections 104A and 104C, which provide the machinery enabling the court to impose a civil penalty order. Subsection 104A(4) provides that where the same person commits two or more contraventions of a civil penalty provision arising out of a course of conduct, these are taken to constitute a single contravention.

The same principle is reflected in section 557 of the commonwealth act, and it is intended that this will be interpreted consistent with that provision, including in authorities such as Rocky Holdings Pty Ltd v Fair Work Ombudsman [2014] FCAFC 62. For example, if through a course of conduct an employer contravenes a single term of an enterprise agreement in respect of 10 employees, these 10 contraventions are taken to be a single contravention for the purpose of penalty. If an employer contravenes five separate terms of an enterprise agreement in respect of 10 employees, those 50 contraventions are taken to be five contraventions for the purpose of penalty.

Subsection 104A(7) provides that the court has the discretion to order that the civil penalty, or part of the penalty, be payable to the state, a particular organisation or a particular person. The same power is found in section 546(3) of the commonwealth act. This enables the court in appropriate circumstances to order that the penalty be paid to a worker affected by an underpayment, or to a union which has brought the enforcement proceedings on their behalf. This also avoids circumstances where the imposition of a penalty on a public sector agency may be seen to result in the Crown effectively paying a penalty to itself for its own contravention.

Section 104B provides that a civil penalty contravention is not an offence and that the court must apply a civil procedure, rather than a criminal procedure, when dealing with a penalty application.

Section 104C provides that, while the SAET is generally a 'no costs' jurisdiction, the court will have a discretion to make an order for legal costs if a party has behaved unreasonably or vexatiously. This is consistent with the costs rules that apply to monetary claims and penalty proceedings under section 570 of the commonwealth act.

Courts have frequently recognised that this is a high threshold. Costs will rarely be awarded and exceptional circumstances are usually required to justify making an order. In particular, it is well established that a party should not be exposed to costs simply because a reasonable argument ultimately proves unsuccessful.

This bill makes a range of related amendments to strengthen protections for worker entitlements. The bill makes explicit that the Crown is bound by the act and can be penalised for noncompliance with its industrial obligations just like any other employer. The bill strengthens the SAET's power to award interest on underpayments to include a broader range of claims, including an application to remedy or restrain a contravention of industrial laws.

The bill narrows the SAET's power to make an adverse costs order on an appeal of a state system monetary claim so that costs are only available where a party has behaved unreasonably or vexatiously. The bill expands the SAET's monetary jurisdiction to include claims for amounts owed under other workplace laws. This ensures, to the extent jurisdiction is not already conferred on the SAET, that the tribunal has jurisdiction to deal with any disputes about monetary entitlements.

The bill also includes several amendments to clarify the interaction between the state and national industrial relations systems. These amendments are not intended to disturb the status quo of the SAET's powers and functions but instead to reflect the true position at law. First, the bill confirms the state Fair Work Act 1994 does not apply to national system employers covered by the commonwealth act. Second, the bill amends section 9 to remove references to the commonwealth act as a source of the SAET's monetary claim jurisdiction.

The Full Court of the Federal Court in Kronen v Commercial Motor Industries [2018] FCAFC 136 found that while section 9 purports to confer jurisdiction over commonwealth claims this is legally ineffective as a state law cannot confer federal jurisdiction on a state court. While the SAET undoubtedly does have the power to hear claims under the commonwealth act that is because that jurisdiction is conferred on the SAET by the commonwealth act itself, not by the state act.

A consequential amendment is made to section 6 of the South Australian Employment Tribunal Act 2014 to insert a note confirming that the SAET will exercise jurisdiction conferred by commonwealth law. While this is legally unnecessary, it is important to emphasise the parliament's intention that the SAET operates as a one-stop shop capable of dealing with employment disputes arising under both state law and commonwealth law in South Australia.

A further amendment is made to section 51 of that act to confirm that in a proceeding under the commonwealth act a party is entitled to be represented by an officer or employee of a registered association or by a registered agent. This is necessary because the commonwealth act does not deal with representation rights in state and territory courts. The bill provides for a statutory review of these amendments to be undertaken three years after they commence.

The government's clear policy intention in this bill is to strengthen the enforcement of worker entitlements and provide a meaningful deterrent against deliberate noncompliance with industrial laws. The review will provide an appropriate opportunity to consider the effectiveness of these amendments in achieving that objective.

I close by thanking all of those who have contributed to the development of this bill and particularly the South Australian trade union movement, which has staunchly advocated for the interests of their members in the state industrial relations system. 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 *Fair Work Act 1994*

3—Amendment of section 4—Interpretation

This clause makes consequential amendments to the definitions in the Act.

4—Amendment of section 6—Application of Act to employment

This clause amends section 6 to specify that, other than in relation to section 10, the Act does not apply to employment with a national system employer (within the meaning of the Commonwealth Act).

5—Insertion of section 4AA

This clause inserts a new provision specifying that the Act binds the Crown and imposes criminal liability on the Crown as well as liability to a civil penalty. The current contents of section 13A are now also included in this section.

6—Amendment of section 9—Jurisdiction to decide monetary claims under industrial laws or instruments

This clause removes provisions purporting to confer jurisdiction on the Tribunal that is actually conferred under Commonwealth law and clarifies that a claim cannot be made under the section in respect of a sum due under a workplace law if that workplace law confers jurisdiction on a court in respect of the claim.

7—Repeal of section 13A

This is consequential to clause 5.

8—Amendment of section 25—Representation

This clause corrects a minor error.

9—Amendment of heading to Chapter 2 Part 5

This clause makes a consequential amendment.

10—Amendment of section 34—Award to include interest

This clause broadens the application of section 34 to any claim under Part 1 for payment of a sum due or other monetary amount.

11—Amendment of section 35—Monetary judgment

This clause makes it clear that section 34 applies to any claim under Part 1 for payment of a sum due or other monetary amount.

12—Amendment of section 36—Costs

This clause replaces the costs provision.

13—Insertion of Chapter 3 Part 5 Division 2

This clause inserts a new Division as follows:

Division 2—Civil penalty provisions

104—Obligation to pay entitlements

This clause creates civil penalty provision for an employer who contravenes a provision of the Act, a workplace law, or an industrial instrument, which requires the employer to pay an amount to, or on behalf of, an employee in relation to the performance of work.

104A—Proceedings for contravention of civil penalty provision

This clause provides for proceedings for a civil penalty to be heard and determined by the South Australian Employment Court.

104B—Civil rules and procedure

Contravention of a civil penalty provision is not an offence and the Court must apply the rules of evidence and procedure for civil proceedings.

104C—Costs

A party to proceedings for a civil penalty order may be ordered to pay costs if they have instituted the proceedings vexatiously or without reasonable cause or if their unreasonable act or omission caused the other party to incur the costs.

14—Amendment of section 224—Non-compliance with awards and enterprise agreements

This increases the maximum penalty in section 224 from $2,500 to $25,000 and specifies circumstances in which contraventions are taken to constitute a single contravention.

15—Insertion of sections 236B and 236C

This clause inserts new sections as follows:

236B—Conduct etc by officers etc of the Crown

If the Crown is guilty of an offence against this act, or contravenes a civil penalty provision, the penalty to be imposed on the Crown is the penalty applicable to a body corporate. This section also sets out when a state of mind, or conduct, of an officer, employee or agent of the Crown will be taken to count as a state of mind, or conduct, of the Crown.

236C—Responsible agency of the Crown

This section specifies the manner in which proceedings for an offence or other contravention of the Act can be brought against the Crown.

Schedule 1—Related amendments, review and transitional provisions

Part 1—Related amendment of *South Australian Employment Tribunal Act 2014*

1—Amendment of section 6—Jurisdiction of Tribunal

This clause inserts a note pointing out that jurisdiction may also be conferred under a Commonwealth law.

2—Amendment of section 51—Representation

This clause amends section 51 to allow for representation in matters dealt with by the Tribunal under Commonwealth law (subject to any Commonwealth law).

Part 2—Review and transitional provisions

3—Review

This clause provides for a review after 3 years.

4—Transitional provision

The amendments made by the measure will only apply in relation to conduct occurring after the commencement of the measure.

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

AGEING AND ADULT SAFEGUARDING (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 August 2025.)

The Hon. D.G.E. HOOD (15:53): I rise to speak on behalf of the opposition in this place on the Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill 2025. The proposed legislation is, of course, supported by the opposition, as we indicated in the other place. Indeed, while we are pleased the measures outlined in this bill are finally being introduced and consider them to be actually bipartisan priorities—indeed perhaps multipartisan priorities is a fairer way of putting it—we would like to have seen these initiatives implemented by the state government much sooner. It has taken some considerable time.

We are of the firm belief, though, that our parliament has a responsibility to ensure older South Australians and vulnerable adults living with disabilities are protected from abuse, neglect and exploitation via state legislation wherever possible, and this bill does goes some way to achieving that; hence our support.

The bill implements the government's response to the South Australian Law Reform Institute's statutory review of the Ageing and Adult Safeguarding Act 1995, which was mandated when the Adult Safeguarding Unit commenced its statewide remit in 2019, so it does go back some way. Back then, the Labor government obviously had this report as it was initiated back then for some years, and the opposition is pleased that public pressure, along with high profile cases of some horrific abuse that we have all seen highlighting some significant failings with the system as it exists, have led to the government instigating this reform in response to the report's finding. Again, we support those reforms.

The recommendations made as a result of SALRI's review, a review that included extensive stakeholder consultation such as round tables, focus groups, regional forums and peak body meetings, underpinned most of the proposed amendments in this bill. Again, for that reason, we will be supporting it. It is a wideranging bill and seeks to make changes to almost every part of the act. The amendments update outdated definitions, modernise the stated objectives of the Office for Ageing Well and clarify the role and powers of the Adult Safeguarding Unit.

Further, it overhauls the process for assessment, investigation and safeguarding action, which relocates and expands the powers of authorised officers and shifts certain matters to the South Australian Civil and Administrative Tribunal (SACAT), which we hope will have sufficient resources to cope with its additional responsibilities as a result of this, because I firmly suspect they will need them.

This bill also incorporates references to human rights instruments, which the government has been keen to highlight. However, the opposition trusts that these inclusions are not merely symbolic but are accompanied by the operational capacity to deliver real protections on the ground. One of the things about this bill is that it will create additional responsibilities—more work, if you like—and of course with that goes the responsibility for providing the resources to make that possible.

The opposition wants to see that the government makes every effort to ensure that any legislative change strikes the right balance between autonomy and intervention to prevent potential overreach when authorities are acting on behalf of the most vulnerable without consent. That is one of the more contentious areas in the bill, although, again, it is supported by the opposition. Providing adequate resourcing and ensuring the ASU has the capacity to meet new legislative obligations is also imperative and is ensuring that reforms reach diverse communities, including culturally and linguistically diverse groups and regional populations.

As I mentioned previously, the opposition's position is that it supports these safeguards in full and in principle, but appropriate resources, accountability and tangible outcomes are what South Australians deserve and are seeking. I reiterate what my colleague the shadow Minister for Ageing stated in the other place: that is, governments of all persuasions must establish a robust, resourced and responsive safeguarding system. It is unacceptable that shortcomings within our

state's current system have, sadly, resulted in unimaginable physical and psychological harm and, regrettably, even deaths have been widely reported.

We can simply no longer delay enacting these laws, necessary to meet and realise our community's expectations of how the ageing of South Australians should be handled and the responsibilities that befall government—even broader, how we as a community care for the elderly amongst us. With those few words, I indicate the opposition's support for the bill. I will have some questions during the committee stage; however, they are merely to clarify some of the government's workings and intentions with the bill.

The Hon. J.S. LEE (15:58): I rise today to speak in support of the Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill 2025. This legislation represents a vital and compassionate step forward in our commitment to protect the rights, dignity and safety of South Australians, particularly those who are ageing, living with disability or otherwise vulnerable to abuse.

The original Ageing and Adult Safeguarding Act 1995 laid the foundation for a more inclusive and responsive approach to ageing. In 2018, this parliament took the important step of establishing the Adult Safeguarding Unit, the first of its kind in Australia. Since then, the unit has become a cornerstone of our safeguarding infrastructure, responding to the evolving needs of our community and expanding in scope to ensure that all vulnerable adults across South Australia are safeguarded against abuse and mistreatment.

This bill is a result of a comprehensive statutory review conducted by the South Australian Law Reform Institute and stakeholder consultation. It addresses all but one of the recommendations made in the South Australian Law Reform Institute's review. The only recommendation not adopted relates to restitution for victims of abuse—a matter that will remain appropriately within the jurisdiction of the civil courts.

It will be comforting for so many in our community that the reforms contained in this bill are both practical and principled. They modernise the language of the act, clarify key definitions such as 'abuse', 'safeguarding' and 'serious financial abuse', and empower the Adult Safeguarding Unit to act earlier and more flexibly in response to risk. The bill also strengthens confidentiality protections, improves information sharing protocols and ensures that safeguarding actions can be taken even in complex or urgent circumstances.

Importantly, the bill enhances the unit's ability to collaborate across jurisdictions. It includes an explicit power that the unit may refer a matter to SAPOL and enables referrals to federal agencies such as the National Disability Insurance Scheme and the Aged Care Quality and Safety Commission. It also allows for sharing information with other state authorities, further strengthening our capacity to protect vulnerable adults, ensuring that safeguarding concerns are addressed collaboratively and are not siloed.

The bill introduces provisions for high-level feedback to notifiers—those who raise concerns—ensuring that they are kept informed of outcomes where it is safe and appropriate to do so. This is a critical step in building trust and transparency in the safeguarding process.

The work of the Adult Safeguarding Unit is critically important. I understand that approximately 60 per cent of the calls the safeguarding unit receives are in relation to older persons, 30 per cent are about people living with disability, and 10 per cent are about other vulnerable adults. While anyone may contact the unit for support if they are worried about themselves or others, the majority of the reports and referrals come from service providers—those on the frontlines of care who recognise the signs of abuse and seek help to respond and prevent it.

This bill acknowledges the reality of those calls. It responds to the urgency of those referrals and ensures that our legislative framework is equipped to meet the needs of those who are most at risk. The bill also affirms that safeguarding is not the responsibility of government alone. We all have the responsibility and role to play in supporting adults to protect their rights and live free from abuse.

Safeguarding vulnerable, multicultural older people requires culturally safe services that respect their backgrounds, languages and values to prevent abuse and mistreatment. I have a long

association and have worked very closely with multicultural aged-care organisations and service providers, such as Co.As.It., Chinese Welfare Services, GOCSA, Bene and St Hilarion.

I have indicated to the minister earlier that I would really appreciate it if she can provide further information about how the Adult Safeguarding Unit can provide culturally appropriate services. I also would like the minister to outline what strategies and resources the Adult Safeguarding Unit will provide to CALD senior citizens. With those remarks, I commend the Adult Safeguarding Unit for their vital work, particularly in relation to the continuous efforts to raise awareness within diverse communities. I commend the bill.

The Hon. T.T. NGO (16:03): I rise to speak in support of Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill 2025. The Ageing and Adult Safeguarding Act 1995 created the Office for Ageing Well. In 2018, that was amended to establish the Adult Safeguarding Unit, the first unit of its kind in Australia, which began operating in October 2019 and has played an important role in South Australia's response to abuse and neglect.

The unit was tasked with receiving and responding to reports of abuse involving older adults and people with disabilities. Its responsibilities have since expanded to include all vulnerable adults in South Australia. To support South Australians to age with dignity and remain active and engaged in the community, the 2018 amendments included a requirement for an independent review of the act's operation within three years of the 2018 changes. The South Australian Law Reform Institute (SALRI) is the independent body that conducted the review.

This bill reflects the Malinauskas government's ongoing commitment to strengthen protections for vulnerable adults. The SALRI review process involved discussions with people with lived experience, various government agencies and community members. It determined and recommended that various parts of the act need updating to better support the work of the office and the unit, including clearer definitions, improved safeguarding powers and better information-sharing processes.

This bill implements the government's response to these recommendations. It updates the goals of the Office for Ageing Well and confirms that protecting at-risk adults is the Adult Safeguarding Unit's main role. It clearly defines key terms like 'relevant adult', 'abuse', 'consent' and 'serious abuse' so the meaning of these terms is clear. For responses to be faster, the bill allows the unit to take protective action as soon as an assessment has started. It clearly describes when investigations can happen, what must be recorded and when the unit can update a report while still protecting people's privacy.

Legal applications for safeguarding orders move from the Magistrates Court to the South Australian Civil and Administrative Tribunal (SACAT) to make access easier and quicker. The bill stipulates that the law must be reviewed again in five years to keep it up to date. Based on feedback from stakeholders, the bill references relevant United Nations standards, recognises the community's role in protecting vulnerable adults and tidies the act's structure by grouping officer powers in one place, which strengthens rules around information sharing and clarifies internal delegations.

The Adult Safeguarding Unit (ASU) works with the adult's consent wherever possible and only gets involved without consent if the person lacks capacity or is at serious risk. In 2023-24, the ASU received over 3,300 contacts, including more than 1,600 reports of suspected abuse that mostly involved older people and people with disability. Emotional and financial abuse, often involving family members, are the most common types reported.

The ASU supports and aligns with the Office for Ageing Well's elder abuse prevention strategies, especially the Tackling Ageism campaign, which is run every year and links ageism to a higher risk of abuse. The campaign aims to change how we think and feel about older people, which is fundamental to creating a safer and more inclusive society for people of all ages.

At the Royal Commission into Domestic, Family and Sexual Violence, the Adult Safeguarding Unit's chief practitioner, Belinda Lake, outlined how the unit protects adults in complex, often hard-to-navigate family situations. The bill proposes to help the ASU keep working more efficiently

with clearer powers and processes so that the unit can continue to assess, investigate and coordinate with other agencies to get relevant support in place.

The bill ensures our safeguarding system is not only legally sound but grounded in lived experience, informed by best practice and responsive to the evolving needs of vulnerable South Australians. Importantly, the legislation highlights that we all have a role to play in safeguarding vulnerable adults.

On behalf of the Malinauskas government, I thank those who contributed their time and insights to shape this bill: the people with lived experience of abuse, frontline care and safeguarding workers, and the dedicated teams at the Office for Ageing Well and the Adult Safeguarding Unit. I commend this bill to the house.

The Hon. C. BONAROS (16:10): I rise very briefly to speak to the Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill and I associate myself with the remarks that have been made today. We know that this bill is in response to SALRI's review of the legislation, which, as we have heard, was one of the requirements three years post that bill coming into effect.

During my briefing with the government, I took the liberty to ask—and I think it is useful and helpful to place this on the record—which of the recommendations from SALRI the bill actually picks up, which it does not and the reasons for that. I think that is useful for the purpose of the public record. We know there were 46 recommendations in total. It was about a 60:40 split between ageing and disability, in terms of the issues that they dealt with. Thirty-nine of those recommendations are actually implemented in this bill in full, three recommendations are supported in principle and they are recommendations 24, 33 and 35—this is the advice I have received from the government—and four recommendations were noted, namely 34, 36, 38 and 46.

Regarding the ones that were supported in principle, I do note that, since the formal response was published, I have been told that recommendations 33 and 35 were actually subject to further consultation and they have also been supported and included in the bill. A component of 35 that relates to the scope of persons who can apply to SACAT was narrower than in the recommendation to ensure consistency with the principles of the act and other legislation.

Recommendation 24 related to training, education and assessment regarding decision-making capacity. The component of the recommendation relating to training and education was supported. The component of the recommendation regarding clinical capacity assessment being conducted in all circumstances identified the unit retains the discretion to engage a specialist where the circumstances of the case require and the unit comprises of practitioners and are guided by the code of practice.

The one recommendation that I was particularly keen to hear about was recommendation 34, but of the four recommendations that were noted, I think it is important also to just bear in mind that three of those actually do not apply to the operation of the act—36, 38 and 46—and they have actually been referred to the Attorney-General as they relate specifically to the Attorney's portfolios. So we know we have three outstanding recommendations that are now being considered separately to this bill by the Attorney.

In relation to that last one—and I think this is the one that I will focus on just for a moment, as it is certainly one that I asked lots of questions about—there was a recommendation in relation to SACAT being able to make orders for compensation or restitution, and the government deemed that inappropriate. On the face of it, that was a little concerning, but I think that, when you consider it in the context of the explanation given to me, given that we are moving from the magistrates' jurisdiction to the SACAT jurisdiction and that no such provision applies in the magistrates' jurisdiction outside of the normal civil claims procedure that someone would ordinarily follow, it makes sense that, if we are moving to SACAT, we would not impose something that does not already apply in the Magistrates Court jurisdiction.

I guess that is the easiest way I can explain it, but I do note that no jurisdiction makes these types of orders under any of the acts that currently exist across Australia. Based on the advice given, I am satisfied with that response now, although I note that it may be something that is looked at further when the bill is reviewed in the future. There is an existing mechanism, as we know, through

civil claims, to make a claim for compensation or restitution, and nothing changes in relation to that. That remains as is.

There is also no suggestion that a claim that was previously heard in the Magistrates Court would be combined with a claim for compensation, so they are two very distinct procedures and applications before the court and were dealt with as such, and will continue to be dealt with by SACAT in the same way, noting, of course, that we have not accepted the amendment that will allow a claim for restitutional compensation to be made to SACAT.

I think, broadly speaking, we have two other jurisdictions, Tasmania and New South Wales, with very similar legislation. The only other issue I sought to discuss with the government, bearing in mind that we have had a very extensive salary review, was—it has just escaped me, Mr President. It was important because I wanted to put it on the record, but I did not write it down. It was the issue of—it has gone. It was very important, Mr President.

The PRESIDENT: You might remember it at clause 1, the Hon. Ms Bonaros.

The Hon. C. BONAROS: Perhaps I will remember it at clause 1, and come back to it. I think overwhelmingly the point that I am trying to make is, and for anyone trying to follow this outside of this place, it is very useful for people to understand the number of recommendations. When we say in full and in part, when you break that down, we have come very close, subject of course to further consultation as well, to effectively capturing I think everything that SACAT would have intended in terms of its recommendations to this place. Mr President, if I do remember what it is that I wanted to say, I will say so at clause 1.

The Hon. S.L. GAME (16:17): I rise to speak on the government's Ageing and Adult Safeguarding (Review Recommendations) Amendment Bill 2025. The presentation of this bill before the chamber today is timely indeed, given the passage of the government's Guardianship and Administration (Tribunal Proceedings) Amendment Bill earlier this week. The bill before us today largely gives effect to the government's response to the recommendations made by the independent statutory review conducted by the South Australian Legal Reform Institute. Interestingly, the recommendations make clear that safeguarding against abuse and mistreatment is the primary purpose of the Adult Safeguarding Unit.

It is unfortunate that the importance of safeguarding vulnerable people is not the priority of the Attorney-General's office when pushing through amendments earlier this week to expedite applications for orders to facilitate the discharge of older patients from hospitals. What is even more interesting is that the proposal before the chamber today incorporates some additional amendments not considered by the South Australian Law Reform Institute as part of the independent review.

As the minister in the other place pointed out, some of these amendments were made in response to feedback from stakeholders, including relevant references to UN instruments and acknowledging that the whole community plays a crucial role in supporting relevant adults to uphold their rights and live free from abuse. I have no doubt that some of these stakeholders the minister refers to also gave feedback to the Attorney-General's office with their concerns about amendments to the Guardianship and Administration Act.

These concerns included submissions by the Aged Rights Advocacy Service about the potential erosion of safeguards necessary to protect vulnerable individuals from being lost in the system, given that South Australia has the lowest level of hospital patient autonomy and self-determination in all of Australia. There was also widespread concern from all stakeholders about the potential for inappropriate family members to be given authorised control over vulnerable people, thus facilitating the occurrence of elder abuse.

Given all of this, the government's ageing and adult safeguarding amendments to improve safeguards and uphold the rights of vulnerable individuals against elder abuse is welcome and worthy of support. However, any commendation of this proposal should not come without reference to the glaring contradiction with the amendments to the Guardianship and Administration Act.

In short, the vulnerable people in our community do not deserve to be played by a government that gives with one hand and takes with the other. I will always fully support appropriate government measures to uphold and protect the rights of the aged in our community, but I cannot

and should not be expected to remain silent in the face of such blatant contradiction in the government's policy and principles.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (16:19): I would like to start by thanking the speakers who provided their feedback and words of support across the board today: the Hon. Dennis Hood, the Hon. Jing Lee, the Hon. Sarah Game, the Hon. Tung Ngo and the Hon. Connie Bonaros. I would also like to thank Minister Cook, her office and department, and the many who participated in the consultation process, which I understand there were many.

It is never easy to share your story, but it is also very important to help us shape the valuable feedback and to form the recommendations that we see today. Obviously, I also want to thank SALRI, which helped pull together the independent review and recommendations that we are putting through the parliament today to make sure that we can do something that we all aim to do, which is to remain active and age well in our community.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: Referring back to the second reading contribution I just gave, one of the points that I did raise with the government and ask, and I would like the minister to clarify, is that the number of matters that are actually heard in the Magistrates Court are very low—that is the advice I have received—so, given that we keep putting all this extra workload on SACAT, we do not expect, as a result of the change of jurisdictions, to see that workload increase and that SACAT will be able to at this point, from their perspective, absorb the additional workload that they will receive through the move of jurisdiction?

The Hon. E.S. BOURKE: I thank the member for her question. It was worth the wait. It is not anticipated that these amendments will have a material resource impact upon SACAT. The Adult Safeguarding Unit seeks to work voluntarily with the relevant adults wherever possible and the use of the orders will also only be utilised as a last resort in case of serious abuse. To date, no applications for an order under this act have been made.

The Hon. D.G.E. HOOD: I indicated in my second reading contribution that the opposition will be supporting the bill, and that is the case. We did ventilate a number of these issues in the other place in some detail, so there is no need to traverse that ground again; however, there are a few issues which I would like the minister to provide some clarity on. The first one is perhaps quite a general question. I think the minister would probably agree that this has been a very long process—it has been going on for a number of years—and I would seek to have some clarity as to why that has been the case. Why has this been such a long process?

The Hon. E.S. BOURKE: I thank the member for his question. As has been advised to me and as highlighted, it was paramount that we awaited the recommendations of the important work of the disability royal commission to ensure the bill could align as much as possible and as closely as possible with those recommendations.

The Hon. D.G.E. HOOD: The next question is with respect to consultation. Who has been consulted throughout the process?

The Hon. E.S. BOURKE: My understanding is that it is a broad range of government organisations; statutory bodies; non-government and community organisations; peak bodies; older South Australians; relevant adults, including those who have lived experience of abuse or mistreatment; and members of the South Australian community who have an active interest in the reforms of this act. As I commented in my closing remarks, it is never easy to share your story but it also is very important to enable us to create policy change like this and make recommendations that are done through an independent review, which we know is being done by SALRI. I thank all of those people who provided that feedback and made sure that these stories could influence change.

The Hon. D.G.E. HOOD: Did any of those groups who were consulted express a negative attitude towards what was being proposed?

The Hon. E.S. BOURKE: Not that I have been advised, but I am happy to look into that further.

The Hon. T.A. FRANKS: Could the minister please reflect on why this bill does not include the recommendation from the royal commission concerning the regulation of restrictive practices in nursing homes?

The Hon. E.S. BOURKE: It is my understanding that that is outside the scope of this particular act.

The Hon. T.A. FRANKS: Is the government intending to act soon on that particular recommendation?

The Hon. E.S. BOURKE: Again, I would have to look into that further for the member.

The Hon. D.G.E. HOOD: A final one from me on clause 1. I mentioned in my second reading contribution that one of the consequences of this passing into law will almost certainly be the requirement for greater resources to make these things happen, essentially. So I ask the minister: what planning does the government have in place? What are the government's intentions in that regard?

The Hon. E.S. BOURKE: I am advised that there is sufficient budgeting at this point in time. In this act the recommendation that is being put forward today is to give them the tools to modernise how they respond and make sure that safety is paramount for people in our community.

The Hon. J.S. LEE: I foreshadowed in my second reading speech that I have a question for the minister regarding culturally and linguistically appropriate services, as well as resources that have been allocated by the unit. Can the minister provide some further information regarding that?

The Hon. E.S. BOURKE: I thank the member for her question and ongoing interest and support for the multicultural community. The Adult Safeguarding Unit seeks to be accessible for all South Australians and provide services in a culturally safe manner that maximises accessibility and enhances opportunities to participate, tailored to each adult's communication needs, cultural background, language, traditions and beliefs.

The Adult Safeguarding Unit actively ensures that it works safely and has knowledge, expertise and the capability to respond effectively and efficiently to support people within the community. My understanding is that participants will be supported through training. All participants complete cultural awareness training where required. The unit uses translating and interpreter services or hearing assistance and other communication aids or technology.

Wherever possible, the unit works with organisations already involved with and trusted by the relevant adult to build the organisation's capabilities to support the adult and to protect their rights. As we know, knowledge and training is key in making sure that changes can be made, and it is something that has been taken into consideration with these changes.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. D.G.E. HOOD: This is really just a point of clarity, if I may, from the minister. Clause 3 substitutes sections 3 and 4 of the existing act, and the new sections talks about who is a relevant adult, essentially. It really is new section 3(2) that I am interested in, which to make it even more complicated, refers back to new section 3(1). Section 3(2) states 'whether an adult may be vulnerable to abuse is to be determined by reference to the circumstances of the adult'. I guess my question is simply: who decides that? Is there a definition, or how do we know who that is? Who does it cover?

The Hon. E.S. BOURKE: My understanding is 'relevant adult' replaces the existing definition of vulnerable adult. It refers to section 3 for a comprehensive definition and is defined in section 2 inserted by the clause.

The Hon. D.G.E. HOOD: To be explicit, can you read that out for me so it is clear, please?

The Hon. E.S. BOURKE: I have been advised that in clause 4, which amends section 2—Interpretation, the new term 'relevant adult' replaces the existing definition of the 'vulnerable adult' and refers to section 3 for a comprehensive definition.

Clause passed.

Clause 4.

The Hon. D.G.E. HOOD: This is really just a definitional issue as well and something about which I could not be quite clear within the bill. I may stand corrected—or perhaps it is in the act and I did not locate it—but section 4B specifically uses the term 'serious abuse' quite a few times. Is that defined? I could not find the definition. I guess the obvious question is: when would not it be serious if it is abuse? I presume that it has an extra level of gravity to it, and I am just what trying to understand what that is.

The Hon. E.S. BOURKE: I am advised that it is defined in clause 5:

For the purposes of this Act, serious abuse of a relevant adult means abuse of a kind referred to in section 4 which has had, or is likely to have, a significant impact on the relevant adult.

The Hon. D.G.E. HOOD: To further clarify that if I may, and then I will not pursue this matter any further, did you mean section 5 of the act rather than the bill?

The Hon. E.S. BOURKE: Yes, section 4 of the bill.

The Hon. D.G.E. HOOD: You said 4; is that right? I thought you said 5 originally.

The Hon. E.S. BOURKE: I am advised clause 5, but it is section 4 of the bill.

The Hon. D.G.E. HOOD: Got it—that makes sense then, thank you.

Clause passed.

Remaining clauses (5 to 43), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (16:40): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:40): 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 rise to introduce the Harbors and Navigation (Miscellaneous) Amendment Bill 2025 (the Bill). The Bill makes a number of amendments to the *Harbors and Navigation Act 1993* (the Act).

Harbor Rules

Relevant to the Minister's powers under the Act concerning the control and management of harbors in the State, the Bill inserts Division 2AA of Part 5 into the Act to create the ability for the Minister to publish harbor rules in the *Government Gazette,* to assist in the smooth operation of harbors around South Australia. The Minister must also make the harbor rules publicly available on a website maintained by the Minister.

Harbor rules will be tailored to a particular harbor and, for example, will cover matters such as activities that may or may not be undertaken by persons or vessels, the maximum size limits for vessels, the reporting of incidents and hazards and the priority and safety of movement of vessels within a harbor. A maximum Court penalty of $10,000 is created for failure to comply with a harbor rule. As provided for in the Bill, harbor rules prevail over a council by-law. In the circumstances, the applicable council will be consulted prior to the publication of any harbor rules to minimise the possibility of any inconsistencies arising.

It is not anticipated that rules will be created for all of the 33 harbors around the State, and harbors (or parts of harbors) that are subject to port operating agreements are not in scope. Harbor rules are likely to be developed particularly for harbors where ferry services operate, such as Penneshaw and Cape Jervis. This is intended to assist in the smooth operation of those services.

Safety Direction

The Bill inserts a new section, being section 67A Safety direction, into the Act. Similar to the Minister's powers to issue directions in an emergency, the new section creates powers for the Minister, by notice in the *Government Gazette*, to publish a safety direction. A safety direction will be used where appropriate to ensure the safety of the public, the protection of vessels or other property and the safety of water users and occupiers of land adjoining those waters. This is to manage situations that are not an emergency, but do involve a heightened safety risk.

These notices will operate on a temporary basis and must also be publicly available on a website maintained by the Minister. The notices can impose restrictions, for example, prohibiting swimming or limiting the speed of vessels, in specified areas within the jurisdiction. It is intended for safety directions to assist in various situations, for example, to limit access to an area where remedial works are being undertaken, or to manage safe access to marine areas when events are taking place, such as regattas.

Introducing the ability for the Minister to publish safety directions, placing temporary restrictions concerning activities on navigable waters in appropriate circumstances, will increase safety for the general boating public and persons undertaking aquatic activities. These changes are intended to create a consistent, effective and orderly approach to managing marine related works, events and non-emergency situations of heightened safety risk.

A maximum Court penalty of $10,000 is introduced for non-compliance with a safety direction, and a safety direction will prevail over a council by-law. This is necessary to minimise any uncertainty, given a direction is addressing a situation of heightened safety risk.

Declaration of harbors and ports in private ownership

The Bill also provides that a harbor or port established under the Act may include areas that are wholly or partly in private ownership. This amendment seeks to clarify that a harbor may be declared by regulation and a port may be constituted by regulation where private ownership of the land or waters is included, provided the Minister has obtained the agreement of the private owner. The declaration of a harbor or port under the Act does not relate to the tenure or ownership of the land, but rather it is concerned with the regulation of the place, land and waters which fall within the declared harbor and the land and waters constituting a port.

Clearance of wrecks

The Bill clarifies the Minister's powers concerning wrecks in section 25 of the Act. Currently, under the Act, the Minister does not have the express ability to destroy or sink a wreck and recover the costs of doing so.

The amendments make clear that if a person fails to comply with a notice issued under the section to remove a wreck, the Minister or port operator, with the Minister's approval (as applicable), may remove, destroy or sink the wreck and recover the costs of doing so as a debt from the person in default. Taking these actions would ordinarily be a matter of last resort and would likely involve circumstances where a wreck is creating a safety hazard.

Where the Minister is of the opinion that a particular wreck may be of historic significance, the Minister must first consult with the Minister responsible for the *Historic Shipwrecks Act 1981* prior to acting. Given the passage of time, the maximum Court penalty for failing to comply with a notice under the section has been increased from $5,000 to $10,000.

Exclusions from the vesting of maritime property in the Minister

Section 15 of the Act is concerned with the vesting of property in the Minister, including certain structures, such as wharves and jetties, that are situated in a harbor or on adjacent or subjacent land. The section includes that all wharves, docks, jetties and other structures that are situated in a harbor, or outside a harbor, but on adjacent or subjacent land, vest in the Minister. While some exclusions are already provided for, the Bill clarifies that the vesting provisions do not apply to wharves, docks, jetties and other structures in private ownership that were constructed after the commencement of the Act, that is 24 October 1994.

Miscellaneous changes

The Bill makes a number of amendments to the Act to reflect the passage of time and to facilitate the effective operation of the legislation. This includes updating superseded legislation references throughout the Act, clarification changes to the offence provisions in section 66, being powers to prohibit the use of unsafe vessels, and enhancing provisions concerning the Minister's delegation power. The Bill deletes expiation fees for offences throughout the Act. This is to enable the expiation fees for the Act offences to be set out in the regulations, which will ensure that these fees can be updated more efficiently in the future.

I commend the Bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

3—Amendment of section 10—Annual report

This clause amends section 10(2) to require the Minister to cause copies of the annual report to be laid before both Houses of Parliament within 12 days after receiving it rather than the current 6 days.

4—Amendment of section 11—Delegation

This amendment updates the delegation provision in accordance with modern drafting standards.

5—Amendment of section 15—Property of Crown

Currently, section 15(1) sets out that certain property set out in that subsection is to be vested in the Minister. Subsection (3) lists property to which subsection (1) does not apply. This clause amends subsection (3) to insert a further category of property into the list, being all wharves, docks, jetties and other structures in private ownership that are situated in a harbor or outside a harbor but on adjacent or subjacent land, constructed after the commencement of this Act.

6—Amendment of section 18—Care, control and management of property

This amendment contains a technical amendment.

7—Amendment of section 18A—By-laws

This amendment updates an obsolete reference.

8—Amendment of section 20—Rateability of land

This amendment updates an obsolete reference.

9—Amendment of section 25—Clearance of wrecks etc

The amendments in subclause (1) and (3) update subsection (3) and add a new subsection (3a) to expand the powers of the Minister or the port operator in circumstances where a notice is given to the owner of a wreck to remove a wreck within the jurisdiction. The updated provisions allow the Minister or port operator (as the case may be) to remove the wreck or take the action specified in the notice. It also allows the Minister to sink, destroy or dispose of the wreck. The costs associated with taking such action are recoverable as a debt from the person in default.

The amendment in subclause (2) increases the maximum penalty for the offence in subsection (4) from $5,000 to $10,000.

Subclause (4) inserts new subsections (6), (7) and (8). Proposed subsection (6) provides that if a wreck within the jurisdiction has no owner, or the Minister cannot, despite making reasonable efforts, identify, locate or contact the owner of a wreck within the jurisdiction, the Minister may remove, destroy or sink the wreck or take any other action the Minister considers appropriate in the circumstances.

Proposed subsection (7) provides that if the Minister is of the opinion that a wreck within the jurisdiction may be of historic significance, then before the Minister agrees to sink, destroy or dispose of the wreck as permitted under this section, the Minister must consult with the Minister responsible for the administration of the *Historic Shipwrecks Act 1981*.

Proposed subsection (8) provides that a decision, act or omission of the Minister under proposed subsection (3a) or (6) does not give rise to any liability of the Minister to pay damages or compensation to any person.

10—Amendment of section 26—Licences for aquatic activities

This amendment deletes the expiation fee applying in relation to the offence in section 26(2) of the Act, consequent on the proposal to set all expiation fees by regulation.

11—Insertion of Part 5 Division A1

This clause inserts a new Division into Part 5 as follows:

Division A1—Declaration and constitution of harbors and ports

27A—Declaration of harbor over area in private ownership

The proposed section provides that—

- a harbor may be declared in respect of a place, land or waters that is wholly or partly in private ownership; and
- no regulation declaring a harbor or part of a harbor over a place, land or waters that are wholly or partly in private ownership may be made unless the Minister has obtained the agreement of the private owner of the place, land or waters.

27B—Constitution of port comprising land or waters in private ownership

The proposed section provides that—

- land and waters constituted as a port may comprise land or waters that are wholly or partly in private ownership;
- no regulation constituting a port comprising land or waters that are wholly or partly in private ownership may be made unless the Minister has obtained the agreement of the private owner of the land or waters.

12—Amendment of section 28G—Power to appoint manager

This amendment updates an obsolete reference.

13—Insertion of Part 5 Division 2AA

This clause inserts a new Part 5 Division 2AA as follows:

Division 2AA—Harbor rules

29AA—Harbor rules

The proposed section gives power to the Minister to issue harbor rules by notice in the Gazette in relation to the operation of a relevant harbor. *Relevant harbor* is defined as—

- a harbor that is not a port; or
- a part of a harbor that is not within a port; or
- a harbor or part of a harbor that is not subject to a port operating agreement; or
- a harbor that is under the care, control and management of the Minister.

The proposed section further sets out the matters that may be addressed in a harbor rule and the process and requirements for the making, varying or revoking of such rules. An offence with a maximum penalty of $10,000 applies for contravention of a harbor rule.

14—Amendment of section 30—Dredging or other similar work

This amendment updates an obsolete reference.

15—Amendment of section 30B—Application of *Development Act 1993*

These amendments update obsolete references.

16—Amendment of section 47—Requirement for boat operator's licence, exemption or permit

This amendment deletes the expiation fee applying in relation to the offences in sections 47(3) and (3a) of the Act, consequent on the proposal to set all expiation fees by regulation.

17—Amendment of section 47A—Requirements for operators of hire and drive vessels

This amendment deletes the expiation fee applying in relation to the offences in sections 47A(2) and (3) of the Act, consequent on the proposal to set all expiation fees by regulation.

18—Amendment of section 55—Registration

This amendment deletes the expiation fee applying in relation to the offence in section 55 of the Act, consequent on the proposal to set all expiation fees by regulation.

19—Amendment of section 65—General requirements

This amendment deletes the expiation fee applying in relation to the offence in section 65(2) of the Act, consequent on the proposal to set all expiation fees by regulation.

20—Amendment of section 65A—Requirement to have emergency position indicating radio beacon

This amendment deletes the expiation fee applying in relation to the offence in section 65A(2) of the Act, consequent on the proposal to set all expiation fees by regulation.

21—Amendment of section 66—Power to prohibit use etc of unsafe vessel

The amendment in subclause (1) is of a technical nature. The amendment in subclause (2) makes it an offence with a maximum penalty of $5,000 applying for an owner or operator of a vessel to fail to comply with an order made under section 66(1).

22—Insertion of section 67A

This clause inserts a new section as follows:

67A—Safety direction

The proposed section provides power for the Minister, by notice in the Gazette, to issue a safety direction, that imposes restrictions in a specified area within the jurisdiction if the Minister considers it appropriate to ensure—

- the safety of the public;
- the protection of vessels or other property; or
- the safety of users of waters within the specified area or occupiers of land adjoining those waters.

The proposed section further sets out the matters that may or must be addressed in a safety direction. It is an offence with a maximum penalty of $10,000 for a person who, without reasonable excuse, fails to comply with a safety direction.

23—Amendment of section 75—Casualties to be reported

This amendment deletes the expiation fee applying in relation to the offence in section 75(3) of the Act, consequent on the proposal to set all expiation fees by regulation.

24—Amendment of section 91—Regulations and fee notices

This clause amends the regulation making power in the Act to allow for the regulations to set expiation fees not exceeding $5,000 for alleged offences against the Act or the regulations.

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

FINES ENFORCEMENT AND DEBT RECOVERY (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:41): 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 move that this Bill be read for a second time.

The Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2025 amends the Fines Enforcement and Debt Recovery Act 2017 to enhance the process of recovering moneys owed to government.

The *Fines Enforcement and Debt Recovery Act 2017* establishes the Chief Recovery Officer as a central authority for recovering government-owed debts, including expiation fees, pecuniary sums, and civil debts, as well as certain specialty debts such as Victims of Crime payments. After several years in operation, various technical issues and administrative anomalies have been brought to my attention by the Chief Recovery Officer who has also identified opportunities for operational efficiencies and improvement.

The *Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2025* proposes amendments to deal with these issues. The Bill will address inconsistencies and provide clarity around the powers of the Chief Recovery Officer. The Bill will allow the Chief Recovery Officer to extend an existing payment arrangement to include

a newly referred enforced expiation or pecuniary sum. This will avoid clients incurring further fees or enforcement action when they have an already established payment arrangement in place with the Fines Unit. The client will have 14 days to opt out and will retain their rights available to them for outstanding expiations, to challenge the expiation, even after it is included into the arrangement. The Bill will impose late fees for pecuniary sums, according to the date that the sum fell due rather than imposing one late fee per criminal charge. This will reduce the number of fees applied to a client's account where multiple pecuniary sums have been ordered on the same day.

The Bill also clarifies that victims of crime are prioritised by directing the Chief Recovery Officer to ensure that court-ordered compensation or restitution is paid fully to all victims of the offender, before further funds are distributed to any other recipient. The Bill also ensures that reminder fees and enforcement fees are added gradually to a pecuniary sum where the debtor does not address the balance. This will incentivise the early resolution of court-ordered fines and avoid multiple fees being added at the same time.

The Bill repeals two harsh and ineffective sanctions for non-payment of debt. First, it removes the option for the court to order that a client with outstanding fines debt must undertake a treatment program. Whilst the government is committed to addressing the underlying causes of offending, such as drug and alcohol addiction, there is doubt as to the efficacy of involuntary drug and alcohol treatment by these debtors. Additionally, the Bill removes the draconian penalty of imprisonment for noncompliance with mandatory treatment. This would not assist the debtor's underlying problems and worsen the client's circumstances and potentially placing a client or their dependants into further hardship.

I emphasise that this Bill only proposes to remove *involuntary* treatment from the fines enforcement regime. The debtor may still undertake voluntary treatment in lieu of paying a criminal fine. The Bill also removes the potential for imprisonment for not paying a civil debt both under the *Fines Enforcement and Debt Recovery Act* and for the enforcement of court monetary judgements generally. No civil debtor will be at risk of going to prison. Imprisonment will be replaced by a monetary penalty which can be added by the court if it is proved that the debtor has failed to comply with a payment order without reasonable excuse in circumstances where they could afford to pay without suffering hardship.

Furthermore, the Bill will also allow for more efficient administration of government debt matters, saving time for both the Fines Unit and debtors. As with fines debt, the Chief Recovery Officer will be able to add a new civil debt to an existing payment arrangement unless the debtor opts out. The client will still retain the right to challenge the amount or existence of the debt. The Chief Recovery Officer will also have the ability to apply overpayments of one debt type to another, unless the debtor objects. The Chief Recovery Officer will have the ability to revoke, vary or suspend a civil debt determination on their own initiative, so as to respond flexibly to unique circumstances without the need of a Public Authority withdrawing a debt and re-referring it. The Bill will clarify that payment arrangements for civil debts can exceed 12 months to avoid placing a debtor in further hardship or creating payment arrangements that a debtor cannot pay.

The Bill also expands some of the civil debt recovery provisions, clarifying that the central role of the Chief Recovery Officer under Part 8 of the Act, is to recover civil debts owed to government. The Bill explains how the *Fines Enforcement and Debt Recovery Act* is to interact with other debt-creating Acts to avoid inconsistencies and competing enforcement provisions. The definition of debt for the purpose of Part 8 excludes debts of a prescribed kind. This will allow for flexibility to exclude some statutory debts that have separate enforcement schemes so comprehensive and specialist, that it would be undesirable to deal with them outside of their own legislation.

There are some statutory debts that exist under Acts which allow Tribunals such as the South Australian Civil and Administrative Tribunal, to review administrative decisions under the debt-creating Act. Currently, this creates difficulties with respect to jurisdiction, however, the Bill allows the Chief Recovery Officer to suspend a civil debt determination until the Tribunal has decided the matter and states that the Magistrates Court is bound by any previous Tribunal decisions. I emphasise that this does not take away any of the rights a person might have to appeal the tribunal ruling. It simply ensures that they do so in the appropriate forum.

The Bill also addresses minor and technical overlaps, such as specifying the correct application of interest rates on unpaid civil debts and providing that confidentiality requirements do not prevent an agency providing information to the Chief Recovery Officer for the purpose of debt enforcement.

The Bill will allow the Chief Recovery Officer to act as judgement creditor on behalf of other government agencies under the *Enforcement of Judgements Act 1991*. Although Part 8 does not apply to court judgement debts, this amendment will mean that the Chief Recovery Officer is available to act as a central enforcement point and provide debt recovery services to government agencies that have obtained court judgements.

Consequential amendments will also be made to the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* to allow the Chief Recovery Officer to recover debts owed to the South Australian Police for outstanding clamping and impounding fees incurred by prescribed, convicted offenders, as if they are debts subject to an enforcement determination.

The Bill also makes a variety of additional minor technical amendments. These are outlined in the explanation of clauses. Accordingly, I commend the Bill to the house and seek leave to have the explanation of clauses inserted without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Fines Enforcement and Debt Recovery Act 2017*

3—Amendment of section 3—Interpretation

This clause amends the definition of *personal details* so that details of a kind prescribed by the regulations are included within the definition.

4—Insertion of section 3A

This clause inserts a new section 3A.

3A—Application to youths

Proposed section 3A makes it clear that the Act applies to debtors and alleged offenders who are under the age of 18 years. The proposed section also provides that an additional power exists, in relation to enforcement of a pecuniary sum or expiation notice, for a youth or the Chief Recovery Officer to apply, at any time, to the Youth Court for the making of a community service order in respect of the youth (as if section 46 of the Act applied in respect of the pecuniary sum or the amount due under the expiation notice).

5—Amendment of section 9—Amounts due under expiation notices may be treated as part of pecuniary sum

This amendment is consequential to the repeal of section 14 and the amendments made to section 18.

6—Repeal of section 10

This clause repeals section 10, as the enactment of section 3A will make section 10 obsolete.

7—Amendment of section 12—Payment of pecuniary sum to Chief Recovery Officer

This proposed amendment clarifies that the Chief Recovery Officer must pay an amount received in payment of a pecuniary sum, first, to satisfy any order for compensation or restitution made by a sentencing court. If the debtor is subject to more than one such order, payments are to be made to satisfy the amounts payable under those orders, in chronological order, until all such amounts have been paid, before any other payments are made. This clause also changes the description of defendant to debtor.

8—Repeal of section 14

Section 14 is repealed.

9—Amendment of section 15—Arrangements as to manner and time of payment

Section 15(9) currently provides that an arrangement under the section can be varied by agreement between the debtor and the Chief Recovery Officer. The subsection as proposed to be amended by this clause will provide that arrangements as to the manner and time of payment may be varied by the Chief Recovery Officer on their own initiative by extending them to apply to another pecuniary sum payable by the debtor. The section as amended by this clause will also provide that if an arrangement is terminated and not reinstated, after 14 days the sum will be added to the pecuniary sum payable by the debtor.

10—Amendment of section 18—Reminder notice

The proposed amendment provides that if amounts remain unpaid or unrecovered for more than a certain period after a reminder notice is provided to the debtor, the prescribed amount is added to, and forms part of, the pecuniary sum payable by the debtor. Currently, the Chief Recovery Officer may waive payment of a reminder notice fee. Under section 18(4) as amended by this clause, the Chief Recovery Officer will be able to waive the whole or any part of an amount payable by a debtor in accordance with the section. This clause also changes the heading of the section.

11—Amendment of section 19—Enforcement action

The proposed amendment recasts the Chief Recovery Officer's enforcement powers, particularly in relation to the power to waive payment of, or write off, a pecuniary sum.

12—Amendment of section 20—Arrangements as to manner and time of payment

The proposed amendment broadens the scope of the section to allow the Chief Recovery Officer to vary an arrangement as to the manner and time of payment. Amendments are made to subsections (6) and (8) in relation to alleged offenders entering into approved treatment programs. The section as amended would allow the Chief Recovery Officer to aggregate any number of amounts due under expiation notices. Proposed subsection (12) gives a debtor

the right to request rescission of a unilateral variation made by the Chief Recovery Officer. The clause also makes consequential amendments to sections 20(17) and 20(18). Subsection (19a), as inserted by this clause, will provide that if an arrangement is terminated and not reinstated, the amount due will be added to an amount due under a notice under section 26(1)(b).

13—Amendment of section 22—Enforcement determinations

The proposed amendment clarifies that the Chief Recovery Officer may make enforcement determinations in accordance with section 22(14) and 23(5)(c) without the conditions required by section 22(3)(a) or (b).

14—Amendment of section 25—Enforcement actions by Chief Recovery Officer

This clause proposes to amend the wording of section 25 to recognise the multiple powers of the Chief Recovery Officer in Part 7.

15—Amendment of section 26—Amounts unpaid or unrecovered for more than certain period

Section 26(1)(b) is expanded by this clause so that if an amount due under an expiation notice is not the subject of a section 20 arrangement at the end of the 28 day period commencing on the making of an enforcement determination, an additional amount will be added to the amount due under the relevant expiation notice.

16—Amendment of section 27—Writing off bad debts

The proposed amendment clarifies that the Chief Recovery Officer may write off an amount payable under an expiation notice if they consider that certain requirements are satisfied.

17—Amendment of section 30—Power to require information

This clause seeks to expand the types of material that may be required to be produced to the Chief Recovery Officer to include those relating to an amount due under an expiation notice.

18—Amendment of section 32—Disclosure of information to prescribed interstate authority

This clause makes a change in terminology so that 'interstate authority' becomes 'authority of another jurisdiction'.

19—Amendment of section 33—Charge on land

This clause clarifies that the pecuniary amount referred to in section 33(1) is that which is payable by the debtor.

20—Amendment of section 35—Aggregation of monetary amounts for the purposes of enforcement

This clause expands the provision to apply to an alleged offender.

21—Amendment of section 36—Seizure and sale of assets

This clause proposes the insertion of a provision granting the Chief Recovery Officer the power to eject from land any person who is not lawfully entitled to be on the land, if a determination provides for the sale of an interest in the land.

22—Amendment of section 38—Suspension of driver's licence

The proposed amendments clarify the operation of certain aspects of section 38 and make it clear that the fee that forms part of the monetary amount owed by a debtor or alleged offender applies only if the Chief Recovery Officer makes a determination under subsection (1).

23—Amendment of section 39—Restriction on transacting business with Registrar of Motor Vehicles

The amendment proposed by this clause makes it clear that the fee that forms part of the monetary amount owed by a debtor or alleged offender applies only if the Chief Recovery Officer makes a determination under subsection (1).

24—Amendment of section 40—Suspension of section 97A of *Motor Vehicles Act 1959*

The amendment made by this clause makes it clear that the fee that forms part of the monetary amount owed by a debtor or alleged offender under section 40(5) relates only to a determination of the Chief Recovery Officer pursuant to section 40(1).

25—Amendment of section 46—Community service and approved treatment program orders

Section 46 currently provides that, if the Court is satisfied that a debtor or alleged offender does not have, and is not likely within a reasonable time to have, the means to satisfy a monetary amount owed by the debtor or alleged offender without the debtor or alleged offender, or the dependants of the debtor or alleged offender, suffering hardship, the Court may, on application by the Chief Recovery Officer, make a community service order, or require the debtor or alleged offender to complete an approved treatment program. This clause proposes to amend section 46 by removing references to approved treatment programs. This clause also makes various amendments consequential on

the removal of the Court's ability to require completion of an approved treatment program. The clause deletes provisions referring to approved treatment programs, including subsections (13), (14) and (15), and makes an amendment to the heading of the section deleting the reference to approved treatment programs.

26—Amendment of section 47—Community service and approved treatment program orders may be enforced by imprisonment

This clause proposes the removal from section 47 of all references to completion of approved treatment programs, including by amending the heading of the section.

27—Amendment of section 48—Interpretation

This clause amends the definition of *debt* that applies for the purposes of Part 8. As a consequence of this amendment, the term will not include the following:

- a pecuniary sum;
- an amount payable under an expiation notice;
- a judgment debt;
- a debt of a prescribed kind.

A definition of *judgment debt* is also inserted so that the term has the same meaning as in the *Enforcement of Judgments Act 1991*.

28—Insertion of section 48A

This clause inserts a new section 48A.

48A—Provision of information

Proposed section 48A authorises a public authority to provide the Chief Recovery Officer with information considered necessary, or requested by the Chief Recovery Officer, to enable the Chief Recovery Officer to take action in relation to a debt. This applies despite any other Act or law.

29—Insertion of Part 8 Division 1A

This clause inserts a new Division 1A into Part 8.

Division 1A—Recovery of civil judgment sum

48B—Chief Recovery Officer may act for judgment creditor

Under proposed section 48B, the Chief Recovery Officer will be able, on application by a public authority that is a judgment creditor under the *Enforcement of Judgments Act 1991*, to assume the role of the authority for the purposes of recovering the debt and, if necessary, take proceedings under that Act for enforcement of the judgment.

30—Amendment of section 49—Notification of debt

Section 49, as amended by this clause, will provide that a debt may be notified to the Chief Recovery Officer under the section despite any other relevant Act or law. The section as amended also gives the Chief Recovery Officer the power to vary, revoke or suspend a civil debt determination issued under the Act.

31—Insertion of section 49A

This clause inserts a new section 49A.

49A—This Part prevails over other Acts

Proposed section 49A provides that, if a civil debt determination is in force in relation to a debt, and the Act under which the debt arises (the *debt creating Act*) makes provision for recovery of the debt, Part 8 applies to recovery of the debt, and action for recovery of the debt may not be taken under the debt creating Act. If there is an inconsistency between any applicable provisions of the debt creating Act and Part 8, Part 8 prevails to the extent of the inconsistency.

32—Amendment of section 50—Application to Court in relation to debt

Section 50 currently provides that a debtor who disputes the existence, or the amount, of a debt the subject of a civil debt determination may apply to the Court for revocation or variation of the determination. Under the section as amended by this clause, a debtor will also be able to apply for revocation or variation of a civil debt determination if they have been notified that the determination has been confirmed or varied. It is also proposed to change the time within which an application may be made under the section from 1 month to 28 days.

33—Amendment of section 51—Enforcement action

The clause changes the time limit that applies in respect of the presumption that a debtor will be taken to have admitted liability for a debt to which a civil debt determination relates if the debtor has not entered into an arrangement under section 57. The time limit is changed from 1 month to 28 days.

34—Amendment of section 52—Internal review of decision to take enforcement action

The clause changes the general time limit within which an application for internal review of an enforcement notice must be made from 30 days after the day on which the applicant received the enforcement notice, to 28 days after the day on which the applicant received such a notice.

35—Amendment of section 53—Review of decision to take enforcement action

This clause amends section 53 to provide clarity on the powers available to the Court when an application for review of a decision by the Chief Recovery Officer is made under the section, and provides that no further appeal can be made following a decision of the Court.

36—Repeal of section 55

The clause repeals section 55, which provides that any costs incurred by the Chief Recovery Officer in relation to the exercise of powers and functions under Part 8 are added to and form part of the debt owed by the debtor. (See section 66B (inserted by clause 43), which substantially re-enacts section 55.)

37—Amendment of section 56—Interest on debts

As a consequence of amendments to section 56 proposed by this clause, if a debt becomes the subject of a civil debt determination, any provisions of another Act under which interest accrues on the debt will cease to apply from the day following the day on which the determination is made. The clause also amends section 56 to require that the public authority to which a debt is owed under a civil debt determination must make a request in order for interest to accrue under the Act on such a debt.

38—Amendment of section 57—Voluntary arrangement as to time and manner of payment

Under section 57 as amended by this clause—

- there will be no time limit on the period that may apply to an arrangement entered into by a debtor with the Chief Recovery Officer for payment of a debt by instalments; and
- the Chief Recovery Officer may, under proposed section 57(7a), unilaterally vary a payment arrangement by extending it to apply to another debt payable by the debtor; and
- a debtor may apply under proposed section 57(8a) for rescission of a variation of a payment arrangement made under section 57(7a), and the Chief Recovery Officer must, on receipt of the application, rescind the variation.

39—Amendment of section 58—Investigation of debtor's financial position

Section 58 sets out the Chief Recovery Officer's powers of investigation. As a result of the amendments proposed by this section, the Chief Recovery Officer will not be able to give written notice to a person under the section during any period during which the liability for, or the amount of, the debt to which the notice relates is subject to review by a court or tribunal.

40—Amendment of section 59—Power to require information

This clause updates a reference to 'contact details' to 'personal details', which is defined.

41—Amendment of section 61—Requirement for payment of instalments etc

This clause removes provisions granting the Court power, on application by the Chief Recovery Officer, to issue a summons to require a debtor to appear for examination before the Court. It also removes provision for the Court to issue a warrant to have a debtor arrested and brought before the Court if they fail to appear as required by a summons. The power of the Court to commit to prison a debtor who has failed to pay instalments in accordance with a determination of the Chief Recovery Officer under the section is also removed. Some of these provisions are re-enacted in proposed section 66A (see clause 43).

42—Amendment of section 63—Seizure and sale of assets

The effect of the amendments made by this clause is as follows:

- it is clarified that section 63(1) refers to land or personal property owned (whether solely or as co-owner) by a debtor;
- the power of the Chief Recovery Officer is extended so that they can affix clamps or any other locking device to any vehicle in order for it to be seized and removed under existing provisions of the section;
- it is clarified that the Chief Recovery Officer may operate on behalf of a relevant public authority in accordance with the Act;

- it is proposed that if the Chief Recovery Officer determines not to sell any personal property seized under section 63, the property must be returned to the debtor or left at the land from which it was seized.

43—Insertion of Part 8 Division 5 Subdivisions 4 and 5

This clause inserts 2 new subdivisions into Part 8 Division 5.

Subdivision 4—Failure of enforcement process

66A—Monetary penalty

Proposed section 66A grants the Court the power if a debtor fails to comply with a determination under section 61(1) to, on application of the Chief Recovery Officer, issue a summons to require the debtor to appear for examination before the Court. The Court may issue a warrant if the summons is not complied with. If the Court is satisfied that certain prescribed conditions are met, the Court may order that the debtor pay a monetary penalty of an amount determined by the Court (which will be payable in addition to the monetary amount owed by the debtor).

Subdivision 5—Costs

66B—Costs

Proposed section 66B provides that any costs incurred by the Chief Recovery Officer in relation to the exercise of powers and functions under Division 5 may be added to, and will then form part of, the debt owed by the debtor.

44—Amendment of section 67—Authorised officers

This clause amends section 67 such that the Minister may, by instrument in writing, delegate their functions and powers under the section to a particular person, or to a person holding a particular position.

45—Insertion of section 69A

This clause inserts a new section 69A.

69A—Dealing with overpayments

Proposed section 69A provides for the event that a debtor or alleged offender pays an amount of money to the Chief Recovery Officer towards the amount outstanding under the Act and the amount paid exceeds the amount outstanding. The Chief Recovery Officer may apply the excess amount towards any other pecuniary sum, amount payable under an expiation notice or debt owed by the debtor that is payable to the Chief Recovery Officer if certain prescribed requirements are met, including that the debtor or alleged offender is advised of the overpayment and invited to apply for the amount to be returned.

46—Amendment of section 76—Regulations

This clause amends section 76 to—

- make it clear that fees under the Act are prescribed by fee notice; and
- provide an ability for transitional provisions consequent on the amendment of the Act by another Act to be made by regulation.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

1—Amendment of section 9—Removal of clamps or release of impounded vehicle and fees

This clause makes amendments to the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* in order to allow the Chief Recovery Officer to recover certain debts due to the Commissioner of Police under that Act. It provides that, subject to the section, the Chief Recovery Officer may exercise any power or do any thing that they are authorised or empowered to do under the *Fines Enforcement and Debt Recovery Act 2017* in relation to an enforcement determination as if an applicable debt were an amount due under an expiation notice that the enforcement determination related to.

2—Amendment of section 12—Court order for impounding or forfeiture on conviction of prescribed offence

This clause deletes a note at the foot of section 12(1a) of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* which is no longer relevant.

Part 2—Amendment of *Enforcement of Judgments Act 1991*

3—Amendment of section 5—Order for payment of instalments etc

This clause proposes to repeal section 5(5) to (8) of the *Enforcement of Judgments Act 1991*. These provisions relate to the powers of the court if a judgment debtor fails to comply with an order under the section. These

provisions are made redundant by the insertion of section 5A under clause 4. A substantive change in these proposed amendments is the removal of the power of the court to commit a judgment debtor to prison.

4—Insertion of section 5A

This clause proposes the insertion of a new section 5A.

5A—Monetary penalty

This provision provides that if a judgment debtor fails to comply with an order under section 5(1), the court may, on application by the judgment creditor, issue a summons to require the judgment debtor to appear for examination before the court. If the judgment debtor fails to appear as required by the summons, the court may issue a warrant. The court may order that the judgment debtor pay a monetary penalty of an amount determined by the court if the court is satisfied in relation to certain prescribed matters.

Part 3—Transitional provisions

5—Transitional provisions—*Fines Enforcement and Debt Recovery Act 2017*

6—Transitional provisions—*Enforcement of Judgments Act 1991*

These clauses set out transitional provisions that apply for the purposes of the measure.

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

NORTHERN PARKLANDS BILL

Second Reading

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (16:42): 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.

The Northern Parklands Bill 2025 seeks to create a new statutory authority responsible for establishing and maintaining the new Northern Parklands proposed in the Greater Adelaide Regional Plan, also known as the GARP.

The GARP is a long-term vision over a 30-year period to support the growth of Greater Adelaide that accommodates approximately 85% of our state's population and development activity. It identifies key opportunities to create and develop thriving and active communities underpinned by high quality social and physical infrastructure.

The creation of parklands has always been part of Adelaide's modern history and identity. From Light's 1837 Adelaide Plan establishing a greenbelt around the city, through to the River Torrens Linear Park in the 1980s and 1990s and more recently, the Coast Park, connecting a 70km stretch of Adelaide's coastline.

The Northern Suburbs of Adelaide have been doing the heavy lifting for the urban growth of the State. As these new suburbs around Kudla, Angle Vale and Evanston grow, so should the parklands and natural beauty surrounding them.

The history behind the Karuna name 'Kudla' means level ground or open. This level ground was traditionally the open space green belt separating both Gawler and suburbs to the south inclusive of Munno Para, was identified within the Greater Adelaide Regional Plan to support thousands of new homes. The establishment of the Northern Parklands will support, enhance and define the character, amenity and identity of the open space of Kudla and surrounding communities.

Spanning up to 1,000 hectares, the Northern Parklands will be one of the most significant public open space investments in South Australia's history. It will support regional recreation, biodiversity, connectivity and community health—combining linear parkland with sporting precincts, passive open space and climate-responsive landscapes.

The vision of the Northern Parklands is to be established from the ridgeline following One Tree Hill Road, the future urban growth areas surrounding Kudla Railway Station, through to the banks of the Gawler River via Karbeethan Reserve.

The Northern Parklands Bill sets clear objectives for the establishment of the Northern Parklands. This will include:

- Ensuring that the Parklands are a sporting, cultural and recreational complex of statewide significance
- Promoting and encouraging the use of the parklands by the public, inclusive of tourist attractions.

- Developing and maintaining the Parklands so that they support and reflect a diverse range of environmental, social values and activities that should be protected and enhanced.

In addition, the Northern Parklands will deliver high-quality, well-designed play spaces, bike paths and walking trails. It will provide spaces for cultural activities, entertainment and will be a significant drawcard for Greater Adelaide and the State.

The Northern Parklands Bill will establish the initial phase of the Northern Parklands through a plan lodged in the General Registry Office, also known as the GRO. The GRO plan will identify existing land owned by both by State and Local Governments which will form part of the initial stage of the Northern Parklands.

Upon commencement of the Act, the land identified within the GRO plan will immediately fall to the care, control and management of the Northern Parklands Trust.

Timing and staging are critical in ensuring the successful delivery and sustainable operation of the Northern Parklands. The Bill seeks to achieve this this through the following timeframes:

- Stage 1 of the Northern Parklands will be completed by 2030, with the Northern Parklands Bill requiring land identified in a second GRO Plan to be acquired within 5 years of commencement of the Bill.

This land is currently owned privately. In developing this second GRO Plan, efforts have been made to reduce the impact on private landowners where possible, while still maintaining the integrity of the green corridor of the Northern Parklands.

- Stage 2 of the Northern Parklands will be completed by 2040. Further land will be identified in a third GRO Plan and will be acquired between 2030 to 2040. This land is both owned by government and private land holders.

To create and maintain the Northern Parklands, the Bill seeks to establish a new governance body, to be known as the Northern Parklands Trust. The Northern Parklands Trust has been modelled on the successful West Beach Trust established under the *West Beach Recreation Reserve Act 1987*.

The Northern Parklands Bill requires the Northern Parklands Trust to comprise of seven members with the following composition:

- 3 Members appointed by the Minister including 1 Presiding Member;
- 2 Members appointed by the Minister following nomination by the adjacent local councils;
- A member of the Green Adelaide Board or an urban ecologist nominated by the Minister responsible for administration of the *Landscape South Australia Act 2019*.
- A member who is a First Nations person within the meaning of the *First Nations Voice Act 2023.*

The Northern Parklands Bill requires members to have experience or qualifications in a range of areas which will be vital to the Trust's operations, including:

- biodiversity or environmental planning or management;
- recreation or open space planning or management;
- cultural heritage conservation or management;
- landscape design or park management;
- tourism or event management;
- aboriginal culture and practice;
- financial or business management; and
- local government.

In addition to establishing the Northern Parklands Trust, the Northern Parklands Bill also:

- Allows for the initial establishment of the Northern Parklands, as well as future land acquisition to expand the Northern Parklands;
- Provides a mechanism to recoup the costs associated with acquiring the necessary land for Stages 1 and 2 from landowners who receive an uplift in the value of their land as a result of a future rezoning process;
- Defines responsibility for ongoing management and maintenance of the Northern Parklands, including responsibility for future development such as recreational caravan parks and issuing of leases and licences

- Provides a power to levy rates or charges from local council in order to fund the ongoing maintenance costs of the Northern Parklands, with local council then able to recoup these costs through council rates;
- Requires the Northern Parklands Trust to establish an annual business plan and a long-term strategic plan for the Northern Parklands to guide its ongoing management and financial sustainability;
- Provides a mechanism to enter into agreements with local government to utilise their existing resourcing for ongoing maintenance, to achieve efficiencies;
- Ensures the ongoing protection of the Northern Parklands from disposal by a future government; and
- Provides an ability to establish additional statutory trusts through regulation should other parklands be established under the Northern Parklands Bill.

The Northern Parklands will also incorporate carefully planned commercial uses that contribute to the site's activation, identity as a destination and long-term financial sustainability. These commercial uses may include nature-based tourism, hospitality, events or other facilities aligned with the Parklands' broader vision and the objects of the Bill. Revenue from these uses will be reinvested into maintenance, greening and the ongoing sustainable operations of the Northern Parklands.

Additionally, the Northern Parklands Trust will be able to partner with both the City of Playford and the Town of Gawler. This will allow for the utilisation and development of the existing Council workforce for the operations of the Northern Parklands to drive a sustainable operating model and avoid duplication of resources between that of the Northern Parklands Trust and Local Government.

Looking forward, the Government's vision for the Northern Parklands will be expressed in a masterplan, which will be developed over the next 12 months. The master planning process will involve significant engagement with the community and impacted landowners through ongoing consultation and dialogue. The masterplan will guide the future development of the Northern Parklands and the Kudla growth area and will act as a catalyst for private investment and enable and support vital housing growth in Adelaide's North.

The development and vision of the Northern Parklands will change the landscape of northern Adelaide and establish a legacy for future generations. It provides opportunity for people to have access to high quality urban space, parklands and facilities which make Adelaide renowned on the global stage.

GARP has provided a significant step change and approach where we identify infrastructure requirements before houses are built. This is inclusive of schools, hospitals, emergency services and parklands. This enables communities to have the confidence knowing that their new homes will be supported by amenities and services from the outset.

This Bill has been made possible by many people and they should be recognised for their ongoing efforts, hard work and dedication to both the South Australian planning system and public service. The development of the GARP took in excess of 24 months and had over 1400 submissions which helped shape the GARP and key details such as the Kudla Growth Area and the Northern Parklands.

I'd like to take the time to thank key contributors for the development of this Bill and the vision and execution of the Northern Parklands:

- Both the City of Playford and the Town of Gawler who continue to be a strong partner for the development of the Northern Parklands.

On this note, I would like to take the opportunity to recognise and thank the former Mayor of the Town of Gawler, Karen Redman. Mayor Redman served the Town of Gawler for over 10 years as Mayor, with the upmost conviction, dedication and vision to make Gawler the thriving community that it is today.

- The State Planning Commission, led by Craig Holden has been instrumental in the development and the delivery of the Greater Adelaide Regional Plan.
- David Reynolds as the Chief Executive of the Department for Housing and Urban Development who continues to lead a brilliant team, along with Sally Smith who despite having now left the Department, was instrumental in the development of GARP and its implementation.
- Chelsea Lucas, Marc Voortman and Ben Sieben who have been key contributors to the Bill and the commencement of the masterplan within the Department of Housing and Urban Development.

I commend this Bill to the House.

I seek leave to insert the explanation of clauses in hansard without reading.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

Definitions are inserted for the purposes of the measure.

Part 2—Establishment etc of parklands

Division 1—Northern Parklands

4—Northern Parklands

The Northern Parklands are established.

5—Care, control or management etc of Northern Parklands

The care, control and management of the Northern Parklands is placed in the Northern Parklands Trust.

Division 2—Other parklands

6—Establishment of other parklands

The Minister may establish other parklands.

7—Care, control or management etc of other parklands

The Minister may place the care, control and management of parklands established under the Division in a statutory trust.

A linear park may be placed in the care, control and management of a statutory trust.

Division 3—General

8—Sale of land

Land within trust parklands may not be sold or otherwise disposed of except in accordance with a resolution passed by both Houses of Parliament.

9—Roads

Provision is made in relation to road areas in trust parklands.

10—Related matters

These provisions are technical.

Part 3—The Northern Parklands Trust

Division 1—Establishment of Northern Parklands Trust

11—Northern Parklands Trust

The Northern Parklands Trust is established.

12—Membership of Northern Parklands Trust

Provision is made in relation to the membership of the Northern Parklands Trust.

13—Application of Part 5 to Northern Parklands Trust

Part 5 (other than Division 1 and Division 7) applies to the Northern Parklands Trust.

Division 2—Functions etc

14—Functions of Northern Parklands Trust

The functions of the Northern Parklands Trust are set out.

Division 3—Annual business plan

15—Annual business plan

The Northern Parklands Trust must prepare a business plan for each financial year.

Part 4—Northern Parklands levy

16—Contributions by constituent councils

Provision is made for the constituent councils for the Northern Parklands region to make a contribution towards the costs of the Northern Parklands Trust performing its functions relating to the Northern Parklands in respect of a particular financial year.

17—Payment of contributions by councils

Provision is made in relation to the payment of contributions by councils.

18—Funds may be expended in subsequent years

This provision is technical.

19—Imposition of levy by councils

The constituent councils for the Northern Parklands region must impose a levy on rateable land in the Northern Parklands region to reimburse themselves for the amounts contributed (or to be contributed) to the Northern Parklands Trust under the Part.

Provision is made in relation to the application of Chapter 10 of the *Local Government Act 1999* to the levy.

20—Costs of councils

The Northern Parklands Trust is liable to pay to each of the constituent councils for the Northern Parklands region an amount determined in accordance with any requirements of the Minister on account of the costs of the council in complying with the requirements of the Part.

Part 5—Statutory trusts

Division 1—Establishment of statutory trusts

21—Establishment of statutory trusts

The Governor may, by regulation, establish a statutory trust.

Division 2—General

22—General

This provision sets out the nature and certain powers of a statutory trust.

Division 3—Ministerial control

23—Ministerial control

A statutory trust is subject to the control and direction of the Minister.

Division 4—Membership etc of statutory trusts

24—Appointment of members etc

Provision is made in relation to the appointment of members of a statutory trust.

25—Allowances and expenses

Provision is made in relation to allowances and expenses of members.

26—Validity of acts

This provision is technical.

27—Procedures at meetings

Provision is made in relation to procedures at meetings of a statutory trust.

Division 5—Staff

28—Staff

Provision is made in relation to staff of a statutory trust.

Division 6—Committees and delegations

29—Committees

A statutory trust may establish committees.

30—Delegations

Provision is made for a statutory trust to delegate any of its functions or powers.

Division 7—Application of Part 4 (trust parklands levies) and annual business plan

31—Application of Part 4

Part 4 (which relates to contributions to trust parklands by constituent councils and the recovery of contributions by the imposition of a levy) may be applied (by regulation) in relation to trust parklands for which a statutory trust is the responsible statutory trust.

The regulations may modify the measure in connection with the application of Part 4 in relation to trust parklands.

32—Annual business plan

A statutory trust must prepare an annual business plan for a financial year.

Division 8—Financial provisions

33—Dealings with money and borrowings

34—Accounts and audit

35—Power to advance money, to act as guarantor etc

These provisions are technical.

Division 9—Other matters

36—Tax and other liabilities of statutory trust

This provision is technical.

37—Register of leases and licences

A statutory trust must keep a register of leases and licences granted by the statutory trust over any trust parklands.

38—Damage etc to property of statutory trust

It is an offence to damage (or do other things to or on) property of statutory trust.

39—Power to resume land in trust parklands

The Governor may resume land in trust parklands if satisfied that the land is required for a public purpose.

40—Agreements between statutory trusts and councils relating to enforcement

A statutory trust may enter into an agreement with a council (or councils) in whose area trust parklands for which the statutory trust is the responsible statutory trust are located for the enforcement by the council (or councils) of provisions of the measure in relation to the trust parklands.

Division 10—Performance agreements and long-term strategic plans

41—Performance agreements

Provision is made in relation to performance agreements for statutory trusts.

42—Long-term strategic plan

A statutory trust must prepare a long term strategic plan.

Part 6—Miscellaneous

43—Delegation by Minister

The Minister may delegate any of the Minister's functions or powers under the measure.

44—Approvals by Minister or Treasurer

This provision is technical.

45—Acquisition of land

The Minister is authorised to acquire land in accordance with the *Land Acquisition Act 1969* for the purpose of increasing the area of any trust parklands.

The Minister is required to acquire certain defined land within specified periods for the purpose of increasing the area of the Northern Parklands.

46—Recovery of costs of certain acquisitions

The Minister's reasonable costs of acquiring land that the Minister is required to acquire for the purpose of increasing the area of the Northern Parklands are to be recovered from the owners of specified land.

47—Regulations and fee notices

Provisions is made for regulations and fee notices under the measure.

Schedule 1—Transitional provisions

Transitional provisions are inserted for the purposes of the measure.

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

RADIATION PROTECTION AND CONTROL (COMMENCEMENT OF PROCEEDINGS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:42): 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.

The *Radiation Protection and Control Act 2021* controls activities involving radiation sources through authorisations to operate facilities and apparatus, and to possess, handle or use radioactive sources. It provides for the beneficial use of radiation and sets standards to ensure that radiation sources are secured against misuse that may result in harm to people or the environment.

Section 82(1)(a) of the *Radiation Protection and Control Act 2021* requires that proceedings for an expiable offence must commence within six months. Several offences in the Act are open both to expiation and prosecution. There is a significant monetary difference between the expiations and penalties prescribed which reflects the intent for more serious cases to be prosecuted rather than expiated.

However, the fact that these offences are also potentially expiable, means that the six-month time limit applies to them. The time taken to investigate and build a brief of evidence for such cases makes the six-month time limit unworkable. The investigative process to develop a brief of evidence typically includes site inspections, interviews, review of documents, technical analysis (including by experts), and obtaining legal advice. The more complex the case, the longer each of these steps tend to take. The alleged offence may also only come to the EPA's attention more than six months after it was committed.

To overcome the risk of offences against the *Radiation Protection and Control Act 2021* and the Radiation Protection and Control Regulations 2022 not being adequately prosecuted due to the time limit for the commencement of proceedings, it is proposed that the Act be amended to allow for proceedings for expiable offences to commence any time within three years after the date of the alleged offence. This is consistent with similar provisions in the *Environment Protection Act 1993.*

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will commence on the day on which it is assented to.

Part 2—Amendment of *Radiation Protection and Control Act 2021*

3—Amendment of section 82—Commencement of proceedings

Section 82(1) of the *Radiation Protection and Control Act 2021* currently requires that proceedings for an expiable offence against the Act be commenced within the time limits prescribed by the *Criminal Procedure Act 1921*. Under the section as proposed to be amended by this clause, proceedings for any offence, including an expiable offence, may be commenced any time within 3 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 10 years after the date of the alleged commission of the offence.

Schedule 1—Transitional provision

1—Transitional provision

The transitional provision provides that section 82 of the *Radiation Protection and Control Act 2021* as proposed to be amended will apply in relation to an offence against the Act irrespective of whether the offence was allegedly committed before or after the commencement of the amendment.

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

FREEDOM OF INFORMATION (GREYHOUND RACING TRANSPARENCY) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:43): Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:43): I move:

That this bill be now read a second time.

I rise today to introduce the Freedom of Information (Greyhound Racing Transparency) Amendment Bill 2025. In the 15 years since I was first elected as a member of this place, animal welfare has been one of my portfolios and one of my priorities. I have been constantly urging people to take those issues more seriously in this place, with greyhound racing, of course, one of the many issues that I have campaigned on or about during my time in that animal welfare portfolio.

I have called on our own parliament to inquire into the greyhound racing industry on three separate occasions. I have introduced several bills, including one similar to the one I introduce again today, and I have asked many, many questions and introduced numerous amendments to various pieces of legislation, including the Animal Welfare Bill and the Greyhound Industry Reform Inspector Bill. I have to say that part of the motivation for a lot of this work was a response that I once got from Greyhound Racing SA in 2016, when I previously tried to obtain a statistical piece of information from them about the workings of the South Australian greyhound industry.

The specific questions I asked under the freedom of information application were the number of registered greyhound breeders in SA, the number of registered racing greyhound trainers in SA, the number of greyhound pups born to registered breeders in SA, the number of greyhound pups that are registered to race, the number of greyhounds euthanised as well as the reasons for that euthanasia, the number and description of injuries sustained during racing or training and the outcome for such greyhounds, the number of greyhounds euthanised at the track due to injuries sustained in a race, and the number of greyhounds rehomed in South Australia.

Greyhound Racing SA refused to comply with that request, claiming they were not subject to FOI legislation and therefore would not cooperate. Meanwhile, greyhounds in this time have kept dying, and the industry has continued despite whistleblower complaints and despite images captured of dogs living in cages, covered in faeces and not having access to fresh water, sunshine nor any kind of play.

Despite footage of cruelty, dogs being kicked or revelations of live baiting occurring in this state, for so long we have been assured by Greyhound Racing SA that there is nothing to see here, that the scrutiny on their own animal welfare record was somehow misplaced and that they would have to do it all on their own initiative, use their own systems and have their own integrity reviews to ensure that their internal purposes were not only ensuring fairness in their race meetings but, of course, upholding community expectations for animal welfare standards. Time and time again, that has been proven not to be the case.

Sadly, as history has shown, those calls were not heeded by this parliament until finally, in August 2023, the release of distressing footage that depicted the alleged abuse of multiple greyhounds and the use of live baiting—the shocking revelations, of course, featuring high-profile industry figures caught on film horrifically abusing their animals—sparked such public outrage it finally forced the state government to take action. Premier Malinauskas's response was to commission former Victorian police commissioner Graham Ashton, assisted by lead reviewer Ms Zoe Thomas, to undertake an independent review of the overseeing body, Greyhound Racing SA, and the industry as a whole.

The result, of course, was the Independent Inquiry into the Governance of the Greyhound Racing Industry report known as the Ashton review. Many people in the animal welfare sector, I must say, were deeply suspicious about the appointment of Mr Ashton at the time and were concerned that the inquiry would be a cover-up or a whitewash. When the final report was delivered on 30 November 2023, however, rather than a cover-up, it was a bombshell that revealed a litany of animal welfare abuses, integrity issues and governance irregularities, failures that had shocked people both in the sector and, of course, in the broader community.

It was harrowing, but to many of us, it was actually not surprising. It was a vindication for those whistleblowers over so many years and the animal lovers of South Australia who called it out for those many years, who have known how poorly managed this industry was and probably is. That review made 86 recommendations, including its final recommendation, which was one put forward by the Animal Justice Party and was supported by the commissioner. That AJP recommendation, No. 13, stated:

> Amend Freedom of Information legislation to ensure that there are no exemptions applicable to the racing industry.

This recommendation of the Ashton review is one that this parliament can progress by supporting this bill; in fact, it could progress it today should it so choose. I am not that hopeful, but I am hopeful that this time the Malinauskas government, which has accepted this recommendation, will actually vote for a bill to ensure that Greyhound Racing South Australia is subject to freedom of information requests.

Indeed, next time somebody lodges questions about those numbers or those statistics or the information that the industry assures us is all above board, they will be forced to comply. It is not good enough currently, and that is why I bring this bill, which will ensure that freedom of information requests can be made of this industry, as they always should have been, as previous legal advice has said they should have been complying with.

Since the government and the Minister for Recreation, Sport and Racing previously have not taken it upon themselves to lead with legislative reform, I am happy to do so today. We cannot wait any longer. All of those recommendations are meant to be implemented within the two-year timeframe set by the Premier when he put this industry on notice in this state. We are well over halfway through those two years. We have only a few sitting weeks left. Surely it is time that the very basic compliance with a recommendation that has been accepted by the government, that the industry purportedly accepts and that has been made as a recommendation of the Ashton Review, should finally come to fruition.

I have to say that I am surprised the Malinauskas government has not taken the lead, and I am also disappointed that previously, when I put a similar bill before this place in an amendment to a piece of government legislation, it was rejected even after the Ashton Review. Well, it is time to make good on your promises, I say to the Malinauskas government, and I hope that they will.

Greyhound Racing SA is, in fact, the only state racing body in Australia that has somehow exempted itself from freedom of information. It has been able to operate in secrecy and, indeed, it was actually only through a New South Wales parliamentary inquiry some years ago, led by the then Greens' John Kaye, who passed well over a decade ago, that we actually saw Greyhound Racing SA's own internal workings finally exposed. It was not through the work of the South Australian parliament that we found those figures; it was, in fact, through the work of the New South Wales parliament and the inquiry there in New South Wales that captured South Australian information.

I have to say that, currently if an injured dog is not killed on the track by the on track vet, the South Australian public has no way of finding out what happens to that dog once it leaves the track. I have had communications that dog trainers are encouraged not to have the dog euthanased on track but to wait until it does not turn up in the official figures. With freedom of information, those dogs will not be allowed to disappear from public view, or from the statistics, and this publicly funded industry will not be able to continue without appropriate scrutiny.

There is no reason for Greyhound Racing SA not to be transparent about the number of dogs entering and exiting their industry. The data they release currently is limited to their annual reports and it is very much a 'trust us, we're from Greyhound Racing' and who would buy that pup? 'The

figures that we now show you here are real,' they tell us. Unsurprisingly, time and time again, that has been proven not to be the case. I do not accept it. I did not accept it then and I do not accept it now. Until we have real freedom of information laws that can uncover what the real truth is—and I hope the truth will set the dogs free—we cannot actually have any faith that there is a social licence in existence for this industry.

In their latest Greyhound Racing SA annual report, they have stated their vision and it is this: to be recognised as a 'trusted community contributor committed to best practice welfare, integrity and governance standards'. Amongst their values, they go on to list:

> Transparency
>
> Openness through sharing of information and knowledge
>
> Accountability
>
> Taking collective responsibility for our actions, behaviour and performance outcomes.

I have to say, Greyhound Racing SA, I will welcome this private member's bill to subject them to freedom of information requests and access because it fulfils the promises that they make to the South Australian public in their annual report, bearing in mind that it is hoped that Greyhound Racing SA should at some stage be subjected to FOI provisions and that that timeframe of two years has a clock that is very loudly ticking as we near a state election and the proroguing of parliament. I have to say the Greyhound Racing SA industry should not be afraid of this bill but should wholeheartedly support it, as should the Malinauskas government. With that, I commend the bill.

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

Motions

PROSTITUTION

The Hon. T.A. FRANKS (16:55): I move:

> That this council respectfully requests the Attorney-General to task the South Australian Law Reform Institute (SALRI) with reporting on—
>
> 1. The impact of the ongoing criminalisation of prostitution; and
>
> 2. The legislative options for the decriminalisation of adult, consensual sex work in South Australia.

This motion is very simple but addresses a very complex issue that has thwarted the ability of this parliament to legislate for reform. It is not, of course, the first time I have raised the issue of decriminalisation of sex work in this place. I am heartened, however, by the recommendations of the Royal Commission into Domestic, Family and Sexual Violence in its report recently released. That report, 'With Courage: South Australia's vision beyond violence', contains 136 recommendations.

That commissioner listened deeply to thousands of people. That commissioner also listened to sex workers in South Australia, and it makes a nice change to be listened to, I am sure, for many of them. In that report, at page 644, in chapter 8, there is a section entitled Sex Workers which reads:

> 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 majority support in the South Australian Parliament despite the introduction of multiple Bills over the years to do so.

The commissioner goes on to write:

> The commission encourages the South Australian government and South Australian Parliament to continue to work on this issue. In the meantime, the myths and misconceptions regarding sex work and domestic, family and sexual violence should be included in the work called for in Chapters 4 and 6. In undertaking this work, peak bodies such as SIN should be consulted to ensure that the stigma and misconceptions currently associated with sex work are appropriately addressed.

The commissioner raises a really important issue. In our state we have continued to criminalise particularly women engaged in adult consensual commercial sex, which most of the other jurisdictions in this country do not do. It is little wonder, then, that there is under-reporting by those sex workers of crimes against them because they themselves are criminalised. If we are to be serious

about embracing and changing the way our society works and ensuring that we do remove violence from the lives particularly of women then we must look at options for the decriminalisation of sex work.

SALRI has been charged with those difficult, vexed issues before and has done an admirable job. We see time and time again now SALRI providing reports that ensure that this parliament is able to legislate difficult, complex matters with appropriate levels of consultation, advice and direction. It seems almost too simple an option to put forward.

It is an option that has worked, for example, in Queensland. In that state they have decriminalised sex work and they did so with their version of SALRI, their Law Reform Commission, being charged by a previous government with taking on the task that I would hope the Attorney-General might task our SALRI with, and that I call for today, that is, to look at options for legislation around the decriminalisation of adult consensual sex work. This is not only to remove violence from people's lives but to ensure that they have rights as workers, as human beings, and to ensure that we are compliant with our human rights obligations.

Just in closing, I point members to the Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers. It is a document dated 26 May 2016, so it has been the Amnesty International policy and position for quite a while now. I point members to pages 22, 24 and 26 in particular, which go to Amnesty International observations on physical and sexual violence, protections from exploitation, and the regulation of sex work.

In that, Amnesty notes that in many countries sex workers face high levels of violence at the hands of both state and non-state actors, and that this violence is often a manifestation of the stigma and discrimination directed towards sex workers, and is exacerbated by their criminalised status. Violence faced by sex workers is often gender-based and/or influenced by other forms of discrimination. Further, laws that criminalise the buying of sex or general organisational aspects of sex work, such as laws regarding brothel keeping or solicitation, often force sex workers to work in ways that compromise their safety. Bans on buying sex criminalise the transaction between the sex worker and the client.

While these laws are often intended to shift police focus and therefore blame from the sex worker to the client, in practice they can lead to sex workers having to take risks to protect their clients from detection by law enforcement, such as visiting locations determined only by their clients. Laws prohibiting organisational aspects of sex work often ban sex workers from working together, renting secure premises or hiring security or other support staff, meaning that they face prosecution and other penalties if they try to operate in safety.

The royal commission urged us to look at these issues with courage. It will take a parliament with courage to look at the decriminalisation of sex work in this state, and so far we have not had such a parliament. We have come close many times, but we still have too far to go. The work of SALRI would equip future members of parliament, and some of those continuing on, with the tools that they need to finally get the job done, so that these people can do their job in safety and with respect, and with far less stigma than we have apportioned them.

If they were in Victoria, if they were in New South Wales, if they were in the Northern Territory or if they were in Queensland they would have a decriminalised system—and that is not a deregulated system, it is simply removing the criminal laws that apply only to them. With those changes in those jurisdictions, we have seen workers live in greater safety, able to organise, able to unionise, and able to mobilise and speak for themselves. We have not listened to sex workers in this parliament very often; the commissioner did, and I hope that we heed her words. With that, I commend the motion.

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

Parliamentary Committees

SELECT COMMITTEE ON 2022-23 RIVER MURRAY FLOOD EVENT

Adjourned debate on motion of Hon. N.J. Centofanti:

That the report of the select committee be noted.

(Continued from 14 May 2025.)

The Hon. J.S. LEE (17:04): I rise today to speak in support of the report of the Select Committee on 2022-23 River Murray Flood Event. The flooding along the River Murray between November 2022 and February 2023 was the largest flood event since 1956 and the third highest flood ever recorded.

The impact of the floods was devastating, which included damage to public infrastructure, housing, agriculture and land, and livestock and wildlife mortalities. There were considerable volumes of debris and waste during the flood event and the clean-up afterwards. The flood impacted on tourism due to restrictions placed on activities such as fishing, boating and houseboating, and also due to damage to the riverfront shack accommodations, especially over the long holiday periods. Also, many transport routes were damaged and required significant repair.

It was a privilege to be on this very important committee. It become quite a lengthy inquiry due to the large number of stakeholders and community members who were impacted. The committee worked diligently to get to as many regional areas as possible to listen and meet with witnesses. I would like to thank the Hon. Nicola Centofanti for her diligence and leadership as the committee Chair. I also want to thank my fellow committee members, the Hon. Reggie Martin, the Hon. Frank Pangallo and the Hon. Russell Wortley, for their valuable contributions.

I give special acknowledgement to the hardworking committee secretary, Anthony Beasley, and research officer, Dr Merry Brown, for their support and comprehensive work during the inquiry stage and in the preparation of the final report. This report is the culmination of a significant inquiry, with the committee hearing from over 75 witnesses, receiving 37 written submissions and undertaking visits and hearings in Murray Bridge and the Riverland as well as in Adelaide.

I thank all the witnesses who took the time to share their experiences and insights with the committee. Many of them provided some very emotional evidence. There were times when they were very heartbreaking to hear, with community members, farmers, irrigators and business operators reliving the devastating impact of the flood events and the recovery efforts on their properties. Witnesses provided invaluable insights and important feedback, raising serious concerns and issues about the damage and financial loss caused by the flood events and about the ongoing impact on their livelihoods, properties, families and mental health.

I personally found that the regional visits and hearings provided a very good experience and opportunity to see firsthand the lasting impact and effect of the flood events and to see how our river communities have rallied and worked together to overcome the devastation. We heard from local councils, the RDA, volunteers, emergency services agencies, business owners and other stakeholders about the strength, weaknesses and gaps in our state emergency preparedness and response frameworks in relation to a flood event of such magnitude.

The committee found that our current emergency management system is built largely for bushfires, storms and other acute but short-lived incidents and was ill-suited to the slow-moving and long-lasting flood event that we saw in 2022-23. I sincerely hope that the government seriously considers an alternative governance model for long-duration hazard events that enables better clarity, coordination and collaboration between agencies and communities.

The report makes a total of 23 recommendations, and, while I will not go into great detail about them, it is my fervent hope that the learnings presented to the inquiry do not go to waste and that the concerns raised by communities, councils, businesses and residents are addressed with tangible actions and outcomes.

I note that the recent amendments to the Emergency Management Act align with many concerns raised during the flood inquiry, particularly around recovery, leadership and the need for better coordination between agencies. This is definitely welcome; however, I urge the government to seriously consider all the recommendations, particularly around issues of transparency, procurement and clear lines of communication for future flooding events. Once again, I thank everyone who contributed to this important inquiry, and I acknowledge the strength and resilience of our river communities. With those remarks, I commend the report.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:09): I thank the Hon. Jing Lee for her contribution. I would also like to sincerely thank other members of the committee for their diligent work, thoughtful contributions and their commitment to this important inquiry. I want to acknowledge the many individuals, community organisations, councils, businesses and emergency services volunteers who engaged with the committee throughout this process. Their evidence, experiences and stories gave this report its depth and purpose.

Most importantly, we remember the communities who bore the brunt of this disaster. Once again they were called upon to endure hardship and upheaval, and they demonstrated resilience, generosity and community spirit. That is nothing short of inspirational.

The report highlights not only the scale of the impacts but also the lessons that must be learned. It draws attention to the importance of clear communication, timely decision-making, better coordination across the agencies and stronger preparedness for future flooding events. It also underlines the urgent need for accountability.

In closing, I especially acknowledge the people along the River Murray whose courage and persistence continues to inspire me. This report is dedicated to them. It is now up to the government and this parliament to ensure its findings and its recommendations lead to lasting improvements.

Motion carried.

FARM DAM POLICY

Adjourned debate on motion of Hon. S.L. Game:

That this council—

1. Recognises that certain South Australian districts remain in a drought that is among the worst in recent times, and that this drought continues to place devastating mental and financial pressures on these communities, including and in particular farmers;

2. Acknowledges that this drought has severely impacted the production capacity of many farmers and food producers, notwithstanding the state government's recently announced assistance packages;

3. Recognises that small dams on farmers' properties can represent an economic lifeline for farmers, enabling them to water their livestock and irrigate their crops; and

4. Urges the Malinauskas government to review its farm dam policy to allow SA farmers to have one dam—up to five megalitres in volume, and a wall height of no more than three metres—for every 100 acres of land they own, without needing a permit through the Landscape Board of South Australia.

(Continued from 14 May 2025.)

The Hon. S.L. GAME (17:11): I seek leave to withdraw the motion.

Leave granted.

The Hon. S.L. GAME: I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

THE JOINERY

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Notes that since 2014, the former Franklin Street Bus Station, known as The Joinery, has been a unique space for South Australians to gather and connect;

2. Acknowledges that the Joinery is currently used by groups such as the Conservation Council SA, the Adelaide Community Bicycle Workshop, the Adelaide Sustainability Centre, Common Ground community garden, the Modern Money Lab, the Wilderness Society SA, SAGE and several smaller community groups that see the space as their home;

3. Recognises the state government have announced the redevelopment of the site to deliver 392 apartments including 35 per cent affordable housing for rent and purchase; and

4. Calls on the Malinauskas Government to work with community groups to find a suitable alternative site to continue their activities.

(Continued from 30 October 2024.)

The Hon. J.E. HANSON (17:12): I rise to speak on the government's behalf and seek to amend the motion as follows and as circulated, I believe. I move:

Remove all wording and replace with:

1. Notes that since 2014, the former Franklin Street bus station building, known as The Joinery, has been leased to the Conservation Council of SA by the Adelaide City Council;

2. Acknowledges that The Joinery is currently used by a variety of community groups;

3. Recognises the state government has announced plans for redevelopment of the site;

4. Notes that the Conservation Council (including many of its subtenants) have successfully secured new premises since being advised of the upcoming plans to develop the site; and

5. Notes that the Adelaide City Council is responsible for liaising with these groups to exit their leases and relocate to alternate accommodation to continue their activities. The former Franklin Street bus depot site has been leased by the Adelaide City Council to the Conservation Council SA since 2014.

The Conservation Council SA operates the site as The Joinery with community gardens and art displays along with a number of subtenants and community groups utilising the said space. In 2020, the Adelaide City Council identified the site for potential disposal following a council strategic property review. The site was put to market by the Adelaide City Council via a competitive open market process in May 2022. Prior to this council made all tenants aware of the pending closure of The Joinery, aligning final lease terms to conclude in mid 2025.

Renewal SA, on behalf of the government of South Australia, was announced as the successful bidder for the site in May 2023. The redevelopment will provide a mix of long and short-term housing options for approximately 1,000 residents, including 35 per cent affordable rental and purchase housing, supported by contemporary, commercial, civic and retail spaces that complement the adjacent market precinct. Renewal SA settled the site in February 2024, and the Conservation Council SA and their subtenants remain on site under leaseback arrangements until September 2025.

The Hon. D.G.E. HOOD (17:15): I rise to speak to the motion moved by the Hon. Robert Simms regarding the future of The Joinery and indicate the opposition's support for the motion. Since 2014, The Joinery has been a unique space in the heart of our city; it turned the old Franklin Street bus station into something very different—it has become a hub for community organisations, dedicated to sustainability, advocacy, social enterprise and education. It has been home to the Conservation Council of South Australia, the Adelaide Community Bicycle Workshop, the Adelaide Sustainability Centre, the Common Ground Community Garden, the Modern Money Lab, the Wilderness Society of South Australia, SAGE and several other groups.

For many of them it has been far more than a workplace, it has become their centre of operations in more ways than one—their home, if you like. The state government has now confirmed that the site will be redeveloped, delivering some 392 apartments, with 35 per cent to be set aside as affordable housing for rent and purchase. Let me say this and say it very clearly: we support that objective. It is a crucial objective in a housing crisis, a housing shortage, and one that the Liberal Party supports. We think it deserves strong support. It is in everyone's interests to see more South Australians able to access homes that they can afford, so this is not something we oppose—we support it strongly.

But in pursuing that goal it is important, and we cannot ignore the reality, that The Joinery's community organisations are being displaced from their long-term homes. They have invested in the site, making a vibrant hub and contributing to the public good for over a decade in that location. They now face an uncertain future, with no clear indication from the government at this stage of where they will go or what support will be provided to ensure that their work continues for their various organisations and communities.

That brings me to the government's amendments, moved by the Hon. Justin Hanson. While a number of the points in the government's amendments are factually correct, in our view they miss

the point. They overlook the fact that it is the government's own redevelopment, through Renewal SA, that is the catalyst for everything that has taken place. In our view, the government of the day simply cannot wash its hands of responsibility by shifting the focus onto the council or the tenants themselves. This is something where government should be involved in order to assist these organisations to find another suitable place for them to conduct their important work.

This chamber must be honest about this sort of thing. The reality is that this land is being redeveloped, which again I stress is a good thing, but because of that it has implications and responsibilities that fall directly at the feet of government, in our view. The motion as moved by the Hon. Mr Simms is one of common sense, we believe, and in some ways it is symbolic. Whatever happens, this redevelopment will proceed, and again I stress that this is a good thing from our point of view. But symbolism matters, and supporting the motion sends a clear message. When governments pursue development projects that displace longstanding community groups, there is a responsibility that falls to government to manage the transition properly.

Supporting the motion does not mean opposing the redevelopment: again, I stress, we support it strongly. It means recognising the value of The Joinery and calling on the government to work constructively with these organisations and groups that have called it their home for some time now to find a suitable alternative site. On this side of the chamber we believe strongly in this principle—it is something we try to act out as best we can. We believe that the government should do the same, and for that reason my colleagues and I will support the motion moved by the Hon. Mr Simms and will not support the government's proposed amendments.

The Hon. R.A. SIMMS (17:18): I thank members for their contributions, in particular the Hon. Justin Hanson and the Hon. Dennis Hood. I am disappointed that the Labor government is seeking to amend this motion and, in effect, rob the motion of all of the verbs and take away any requirement for the Malinauskas government to take any action at all, although I should not be surprised, because the Labor Party has form in this regard. Let us not forget that, when they were in government in the Rann years, they turfed out all the community organisations from the Torrens Building and turned that into a private university.

In this instance, of course the Greens support the old Franklin Street bus site being turned into affordable housing. I think that is a really good use of the site, but the government could have worked with those that operate The Joinery to have found alternative arrangements for them. They could have even incorporated that into part of their design concept. They have chosen not to do so. For the government to simply wash their hands of that and say that that is purely a responsibility of the city council I think is a real cop-out, so I thank the Liberal opposition and, in particular, the Hon. Dennis Hood for their support for my original motion and their support for this important principle.

I understand that some crossbenchers may be considering supporting the government amendment. I do want to caution them strongly against doing so, in particular the Hon. Tammy Franks. The Hon. Tammy Franks has endorsed, in the seat of Adelaide, Independent Adelaide city councillor Keiran Snape, who has been a strong advocate for community space in the past. Is it Mr Snape's view that responsibility for managing this purely resides with the Adelaide City Council, or will he disassociate himself from the position of the Hon. Ms Franks should she vote for the government amendment?

I do not think voters in the seat of Adelaide will take a very favourable view of a candidate who associates himself with those who do not believe that it is a responsibility of government to accommodate community organisations such as this. So I urge the honourable member to contemplate that as she considers her position.

So that there can be no doubt about the position of members in this place, I will call a division and I will make sure that electors in the seat of Adelaide are aware of the position of all of the candidates who are standing for election and, indeed, those members of this place who choose to endorse particular candidates standing in the seat of Adelaide.

The PRESIDENT: The first question I am going to put, the Hon. Mr Hanson's amendment, is that paragraphs 1 to 4, as proposed to be struck out by the Hon. Mr Hanson, stand as part of the motion. If you are supporting the Hon. Mr Hanson you are going to vote no.

The council divided on the question:

Ayes 6
Noes.....8
Majority 2

AYES

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

NOES

Bonaros, C.	Franks, T.A.	Hanson, J.E. (teller)
Hunter, I.K.	Maher, K.J.	Martin, R.B.
Ngo, T.T.	Wortley, R.P.	

PAIRS

Henderson, L.A.	El Dannawi, M.
Hood, B.R.	Bourke, E.S.
Lensink, J.M.A.	Scriven, C.M.

Question thus resolved in the negative.

The PRESIDENT: The next question I am going to put is that new paragraphs 1 to 5 as proposed to be inserted by the Hon. J.E. Hanson be so inserted.

Question agreed to; motion as amended carried.

Bills

CRIMINAL LAW CONSOLIDATION (COERCIVE CONTROL) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA (CONSTITUTION OF BOARD OF MANAGEMENT) AMENDMENT BILL

Final Stages

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

Resolutions

SOUTH AUSTRALIAN ALGAL BLOOMS

The House of Assembly informs the Legislative Council that it concurs with the resolution of the Legislative Council contained in message No. 268 for the appointment of a joint committee on algal blooms in South Australia and that the House of Assembly will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee. The members of the joint committee to represent the House of Assembly will be Mr Cowdrey, Ms Clancy and Ms Savvas.

The House of Assembly also concurs with the Legislative Council's resolution:

(a) for the committee to be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the committee prior to such evidence being reported to the parliament; and

(b) that the members of the committee to participate in the proceedings by way of telephone or videoconference or other electronic means shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

The Hon. R.A. SIMMS (17:29): I move:

That the members of this council on the joint committee be the Hon. N.J. Centofanti, the Hon. I.K. Hunter and the mover.

Motion carried.

Personal Explanation

THE JOINERY

The Hon. T.A. FRANKS (17:29): I seek leave to make a personal explanation.

Leave granted.

The Hon. T.A. FRANKS: In the last few minutes, it was intimated that my vote is controlled or tied to another individual, being specifically Mr Keiran Snape, who is of course a city councillor. Mr Snape is an Independent. I am an Independent. My vote on the last motion was not influenced in any way, shape or form by Mr Snape. However, it was influenced by my dealings with the Conservation Council of South Australia, which has assured me that they are very happy with the long-term contract that has been found to house them in the old Stock Exchange building, previously The Science Exchange, soon to be whatever the new Joinery shall be.

Parliamentary Procedure

MEMBERS' REMARKS

The PRESIDENT (17:30): I have a statement to make about standing order 109. During yesterday's question time, the issue of quoting from debates in the other house was raised. I wish to remind members of the statement I made to the council last year on 6 June regarding standing order 109, which I will now repeat. Standing order 109 states:

In putting any Question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made, nor shall any facts be stated or quotations made including quotations from Hansard of the debates in the other House, except by leave of the Council and so far only as may be necessary to explain such Question.

Members often seek leave of the council to provide a brief explanation prior to directing their question. Leave may be granted by the council with the unanimous consent of members and is granted when no member present objects to the course of action for which leave is sought. As Odgers states:

Leave is restricted to the particular purpose for which it has been sought.

In relation to standing order 109, there are several restrictions when asking a question identified in the standing order, one of which is the inclusion of quotations from *Hansard* of the debates in the other house. The question as to whether the leave of the council to make a brief explanation provides leave for a member to include in that explanation all or any of the otherwise prohibited content may be subject to conjecture.

However, to give clarity to this issue from this point, when members seek leave to make a brief explanation before asking a question, I ask that they include that they are seeking leave to include quotations from *Hansard* of the debates in the other house if that is necessary to explain such question. I hope that provides clarity.

At 17:32 the council adjourned until Tuesday 16 September 2025 at 14:15.