

LEGISLATIVE COUNCIL**Tuesday, 16 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.

*Bills***APPROPRIATION BILL 2025***Assent*

Her Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (COERCIVE CONTROL) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

MENTAL HEALTH (COMMUNITY VISITOR SCHEME) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

AGEING AND ADULT SAFEGUARDING (REVIEW RECOMMENDATIONS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure***ANSWERS TABLED**

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

PAPERS

The following papers were laid on the table:

By the President—

The Registrar's Statement, Register of Member's Interests, June 2025
[Ordered to be published]

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

Regulations under Acts—

State Development Coordination and Facilitation Act 2025—General

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

Review under section 74A of the Police Act 1998—Report, 2024-25
Review under section 34 of the Serious and Organised Crime (Unexplained Wealth)
Act 2009, Report, 2024-25
Regulations under Acts—
Summary Offences Act 1953—Knives and Other Weapons—No 3
Return pursuant to section 74B of the Summary Offences Act 1953 Road Blocks
for the period 1 April to 30 June 2025
Return pursuant to section 83B of the Summary Offences Act 1953 Dangerous Area
Declarations for the period 1 April to 30 June 2025

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

Fees Notice under Acts—
Energy Resources Act 2000 Fees Notice (No 2)
Seventh Variation of the Port Operating Agreement for Port Adelaide—
Agreement between the Minister for Infrastructure and Transport and
Flinders Ports Pty Limited

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

Regulations under Acts—
Education and Children's Services Act 2019—Enrolment and Attendance
Planning, Development and Infrastructure Act 2016—General—
Essential Infrastructure and State Agency Development

Parliamentary Committees

SELECT COMMITTEE ON SHORT STAY ACCOMMODATION SECTOR

The Hon. R.A. SIMMS (14:21): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:21): I bring up the report of the committee's inquiry into commercial seaweed production in South Australia.

Report received.

Ministerial Statement

METROPOLITAN FIRE SERVICE TRAVEL ALLOWANCE

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:23): I rise to update the chamber on the matter of MFS travel allowances. I am advised that MFS and Shared Services have investigated the calculation of travel allowance payments following concerns raised on behalf of a member of the United Firefighters Union.

I am advised those inquiries have identified a broader issue with the calculation of travel allowance payments within the MFS's use of the rostering software. I am advised initial checks undertaken by the MFS and Shared Services suggest the use of the software has produced incorrect travel payments extending back to the implementation of travel claims within that software system under the former Liberal government in 2021.

As a result of these investigations, the MFS has advised that the use of the software is not currently producing accurate travel payments. Plainly, this is not good enough. Every worker in South Australia, including our firefighters, is entitled to expect that they will receive their allowances in full

and on time. On behalf of the government, I sincerely apologise to MFS employees who have been affected by this issue. I share in the frustration that the use of the software system that has been implemented is not fit-for-purpose, and the MFS is committed to ensuring that this is rectified as soon as possible.

Last week, the chief officer of the MFS and I spoke with the United Firefighters Union, including the secretary, to advise of the issues that have been identified. Officials from the MFS, Shared Services and the Industrial Relations and Policy Branch later met with the UFU also. We would all like to see this issue corrected as soon as possible.

A number of steps are currently being taken and, while details are still being discussed with the UFU, I can confirm the following: first, I am advised that the MFS has committed to a full audit of all travel claims going back to at least the implementation of the use of the software system in 2021. It is intended that the audit will be conducted with independent expert oversight from outside of government to ensure that MFS employees can have absolute confidence in the outcomes of the audit.

Second, I am advised that the MFS has committed up-front that if the audit identifies underpayments of entitlements to an employee, then the MFS will pay interest on any unpaid amounts that are owed to the employee.

Third, I am advised that the MFS has proposed to the UFU to appoint an independent expert to review the complex travel entitlements currently contained in relevant industrial instruments and make recommendations on how these entitlements could be made simpler for both employees and the Metropolitan Fire Service, without leaving employees worse off.

Fourth, I am advised that the MFS has committed to work with the UFU on the design of a new or improved software package to ensure that travel claims are easy to process and are calculated accurately.

Finally, while I am advised that the payment issues arising from the use of the software are different to those that were subject to proceedings in the South Australian Employment Tribunal earlier this year, the employer's legal representatives have contacted the tribunal, with the consent of the UFU, so that the tribunal can be advised of these recent developments.

Once again, on behalf of the MFS and the government, I extend my deepest apologies to our firefighters and sincerely acknowledge the concern and uncertainty these matters have raised. I also take this opportunity to sincerely acknowledge and thank the United Firefighters Union and thank them for their advocacy on behalf of their members. Public sector agencies are at their best when there is a meaningful and constructive relationship with workers and their representatives, and the MFS is committed to working with the UFU to remedy these issues, not just to resolve individual payment errors but to establish robust processes for the future.

Parliamentary Procedure

PRESIDENT'S STATEMENT

The PRESIDENT (14:37): Just before we move on to question time, the Hon. Sarah Game has just given a notice of motion that tomorrow she will move to introduce a bill for an act to amend the Termination of Pregnancy Act. I wish to advise members that should the bill be introduced I will not be permitting guests of any members to occupy seats in the President's Gallery at any time during the introduction, second reading debates or committee stage of the bill.

Question Time

METROPOLITAN FIRE SERVICE TRAVEL ALLOWANCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question relating to the Metropolitan Fire Service.

Leave granted.

The Hon. N.J. CENTOFANTI: As per the minister's statement, the United Firefighters Union of South Australia has accused the Malinauskas Labor government of yet another wage theft case involving underpayment of travel allowances. It is the opposition's understanding that the union asked for an audit during the Employment Tribunal hearing. My questions to the minister are:

1. Was the minister aware of, or was she briefed on, this particular request—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter and the Hon. Ms Girolamo, it is impossible for me to hear the question. I don't know how the minister is expected to hear the question. Can you please repeat where you are at with that, the honourable Leader of the Opposition? Please listen in silence.

The Hon. N.J. CENTOFANTI: Thank you, Mr President. My questions to the minister are:

1. Was the minister aware of, or was she briefed on, this particular request for an audit?
2. If so, why did she refuse to comply?
3. Has the minister been fully briefed on any other payroll issues within her departments?

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 honourable member for her question. I refer to my earlier explanation on this matter through my personal ministerial statement. As I mentioned, the government acknowledges the frustration this has caused for employees and their families, and on behalf of the government, I do extend my sincere apologies. It's just simply not good enough and we are determined to address it. It appears this issue extends over multiple governments, both Liberal and Labor, and we now must work through this once and for all.

WAGE THEFT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question relating to wage theft.

Leave granted.

The Hon. N.J. CENTOFANTI: The United Firefighters Union of South Australia has accused the Malinauskas Labor government of yet another major breach of industrial law at the South Australian Metropolitan Fire Service, despite only just months ago giving assurances to the Employment Tribunal that these workers will be paid correctly. My question for the minister is: will the government now audit payroll processes across all government agencies to put a stop to wage theft in the public sector?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:40): I thank the honourable member for her question. The Hon. Emily Bourke, my colleague, has outlined the steps that are being taken when stuff has come to light and I think that's an entirely appropriate step to take when information is known.

WAGE THEFT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:40): Supplementary: will the government audit payroll processes across all government agencies?

Members interjecting:

The PRESIDENT: Order! You wouldn't be surprised to know that didn't come out of the answer. Would you like to ask your third question, the honourable Leader of the Opposition?

The Hon. N.J. Centofanti: If you look at the list, it's not me.

The PRESIDENT: Sorry; pardon me. The Hon. Ben Hood.

Members interjecting:

The PRESIDENT: That was fun. Respect to the crossbench, who are not participating in this time-wasting exercise. Let's go with the Hon. Ben Hood.

An honourable member interjecting:

The Hon. B.R. HOOD: Should I sit down again, Mr President, or just get on with it?

The PRESIDENT: Would you like to ask a question?

The Hon. B.R. HOOD: I would like to.

The PRESIDENT: That would be lovely.

ENTERPRISE AGREEMENTS

The Hon. B.R. HOOD (14:42): It would be lovely. I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding enterprise bargaining agreements.

Leave granted.

The Hon. B.R. HOOD: The Australian Nursing and Midwifery Federation will rally outside The QEH today demanding a fairer pay deal from the government, committing to escalating action if no respectful offer is made by tomorrow. The Minister for Industrial Relations committed to this chamber earlier in the year that the government was negotiating in good faith, yet the nursing and midwifery union is extremely surprised and disappointed by these negotiations and have reported that they haven't had a response to any one of the other conditions that their members have put forward. My questions to the minister are:

1. Did the minister communicate to the Treasurer prior to the recent budget regarding the need for additional funds to be made available for a raft of enterprise agreements he should have known were up for negotiation?
2. Is the minister hamstrung by a government which has spent all the taxpayer money on pet projects instead of on our frontline workers?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:43): I thank the honourable member for his question. I am happy to repeat what I have said in here a number of times. We will, distinctly unlike the honourable member's party when they were in government, who completely refused to negotiate in anything that nearly approached good faith—they put in arbitrary limits on things like whether they would even contemplate back pay for many, many years for our ambulance officers, for instance. We are not doing that.

We negotiate in a very, very different environment than how the honourable member's party negotiated. Let's remember—and I am happy to repeat it again—the sorts of things the honourable member's party said about unions when they were in government. They derided union leaders, thought that it was a dirty word, thought that what they did wasn't worthwhile. That is completely the opposite of how we see it.

We will continue negotiations as we have, as is evidenced by the EBs we have come to have agreements with in government already that do one thing very differently than what the Hon. Ben Hood's party did. What ours have done is give real wage rises. What the Hon. Ben Hood's party has done, and what he seems to be very proud of, is real wage cuts. Liberal real wage cuts.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: They won't negotiate in good faith. Labor will. Real wage rises and will negotiate in good faith. A huge difference.

ENTERPRISE AGREEMENTS

The Hon. B.R. HOOD (14:44): Supplementary: will the minister commit to real wage increases for our frontline workers—liveable wages?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:45): I am happy to answer that question because, as I said in the answer to the question, there is a stark, stark difference between the Hon. Ben Hood's party's philosophy and the Labor government's philosophy. The Hon. Ben Hood's party's philosophy is cut real wages—cut real wages, take things off the table, don't negotiate anywhere near in good faith. The Labor government's philosophy is real wage rises over and above inflation. That is what we have done with doctors. That is what we have done with allied health professionals. That is what we do: real wage rises. What do the Liberals do? Cut wages.

ALGAL BLOOM

The Hon. R.P. WORTLEY (14:45): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the council on the government's efforts to support regional communities and businesses impacted by the current algal bloom, and what are the risks of misinformation about the algal bloom to jobs and livelihood?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I thank the honourable member for his question. Algae is a natural part of our ecosystem and while some bloom events are harmless, the current one in South Australia, identified as the *Karenia* species, is, as we know, harmful to fish and some marine animals. Since the bloom was first detected on the Fleurieu Peninsula, it has spread naturally, impacting parts of South Australia's coastline. We know that this bloom is having a serious impact on marine life and the industries that rely on it, especially fishing, aquaculture and tourism.

In response to this natural phenomenon, the state government has put together a \$28 million support package—funded by the state and federal governments—and this money is going directly towards research, supporting impacted businesses and communities, as well as clean-up efforts and public information. Through the provision of business grants, business recovery services and waived fisheries and aquaculture licence fees, the state government is supporting small businesses and commercial fishers who have been adversely affected.

Through the science and research component of the package, we are investing in the expansion of a coastal monitoring network using real-time sensors, satellite imagery and oceanographic modelling. Through coastal tourism vouchers, we are supporting regions that have been impacted by the algal bloom, and they will benefit from a new travel voucher program calling on South Australians to travel this spring. We are supporting the community through clean-up programs and small projects to help coastal communities recover and reconnect.

The state government has also allocated \$750,000 to a Buy SA Seafood campaign, to emphasise that South Australian commercial seafood is perfectly safe and that SA Health has issued a specific advisory that all commercially available seafood from South Australian waters is safe to eat. This campaign is just one way the state government is backing local businesses impacted by the algal bloom.

Accurate public information is important. In a recent Budget and Finance Committee hearing, Liberal committee member, the Hon. Frank Pangallo, repeatedly put forward a notion that Adelaide's desalination plant may have caused the harmful algal bloom. Mr Pangallo also told the committee that he would be 'providing literature' to back up his claims, but to date I am advised he has only provided a single piece of paper, referencing research that appears to not exist.

Public information is important. It is an important component of our package. Unfortunately, throughout the occurrence of the algal bloom, there has been misinformation spread widely, and so the state government public forums in affected coastal areas, a central website and a weekly media conference are important tools to support clear—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —and factual communication for industry and community.

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. C.M. SCRIVEN: Members of this chamber have a shared responsibility, regardless of whether they sit on opposition benches or on government benches. They have the responsibility to lead with facts and with solutions, not with rank political opportunism. On an issue such as the algal bloom, it is critical for the communities and the industries impacted that information put forward—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN: —is accurate. It is important for communities and industries impacted that information put forward is accurate and that public confidence is not undermined.

It is irresponsible—it is more than irresponsible; it is reprehensible—for those opposite to play political games and entertain or promote various conspiracy theories with an environmental crisis, and yet that is what is happening. The algal bloom crisis has already caused significant stress to not only marine life and the health of our coastal waters but also to affected local businesses and communities that rely on our healthy oceans.

I would appeal to those opposite to work with the government to support communities and the work of our scientists to understand and to address this issue, not simply to default to what they know best: fearmongering, misrepresentation of facts that undermines public confidence and is a disservice to those people directly impacted. Our coastal communities, our tourism operators and our internationally renowned fishing industry cannot afford to be used as props in a political theatre being performed by those opposite. South Australia deserves better.

ALGAL BLOOM

The Hon. R.A. SIMMS (14:51): Supplementary: does the minister regret taking so long to act on this crisis?

The PRESIDENT: It was a very wideranging answer you gave, minister, so I am going to allow the supplementary question, but you can answer it in the way you see fit.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for his supplementary question. As I have said in this place before, just because, in particular, those opposite came to this very late doesn't mean that the government wasn't working extremely hard behind the scenes in addressing this.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Our government was working, our scientists were working back from when the bloom first appeared in March. I have talked in this place about the multiple actions that were being taken, for example, in SARDI and PIRSA. In addition to that, we had some round tables back, if I recall correctly, in April. In April, we had a round table with coastal councils. We had a round table with local councils as just one of those actions that I refer to. I think if the facts are actually used here we will see that there was a lot of action very early on. But, of course, we continue to learn more about the algal bloom. We continue to address it using facts and science. It is an approach I suggest those opposite may wish to invest in.

ENTERPRISE AGREEMENTS

The Hon. R.A. SIMMS (14:52): I approach my question with some trepidation based on the minister's response earlier, but I seek leave to make a brief explanation before addressing a question without notice to the Minister for Industrial Relations and Public Sector regarding enterprise bargaining for healthcare workers.

Leave granted.

The Hon. R.A. SIMMS: Today, healthcare workers, who range from hospital cleaners, transport staff and disability support officers, will be rallying outside the Premier's office and urging him to step in following months of unsuccessful negotiations for a pay rise. These workers, who earn just \$58,000 to \$61,000 a year, have rejected the government's latest offer, which they say doesn't provide meaningful cost-of-living relief. Speaking to InDaily, United Workers Union State Secretary Demi Pnevmatikos said:

You can't expect to attract and retain the workers you need to do the vital jobs in disability support, patient care and keeping the health, disability support and aged care systems running when you pay workers so poorly.

And the Premier can't fix ramping and other issues without fixing the pay gap that's driving workers out of hospitals, aged care, and early education.

This pay dispute is happening at a time when, according to the latest government advertising disclosure, the Malinauskas government is funding a \$1.9 million advertising campaign to 'inform South Australians of the state government's improvements to the public health system' ahead of the state election.

My question to the minister, therefore, is: rather than spending \$1.9 million of taxpayer money on promoting its failing health policies why isn't the Malinauskas government simply paying these workers what they are worth?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:54): I thank the honourable member for his question and I do acknowledge that the Hon. Rob Simms and the Greens in South Australia and, in fact I think most members of this crossbench, have continually paid much more respect to unions and the role they play than the opposition ever has.

I know the honourable member has regularly raised issues to do with workers and those who represent workers. I will answer similarly to before. As much as I appreciate the invitation from the Hon. Rob Simms to enter negotiations with him on the floor of parliament on behalf of these workers, I think the union leaders who represent these workers are slightly more effective and experienced at doing that and we will continue negotiations with them.

I can indicate that I certainly have had conversations over recent weeks with the workers the honourable member refers to and their union, the United Workers Union, and I do appreciate and acknowledge the work that those unions and that particular union, the United Workers Union, have done. In fact, I think many members of this chamber from across the political spectrum were very pleased to meet with workers that that union represents when we had sessions in Parliament House and I appreciate the union making delegates and workers in this industry available not just then but many times to meet with government representatives.

Negotiations will continue. We have settled EBs in the health sector in recent months with allied health professionals, which gave real wage rises to allied health professionals, and also with salaried medical officers, our doctors in the public system. We will continue those negotiations with respect. I note the honourable member talked about \$1.9 million. One thing I can absolutely guarantee when we get to a final agreement is that the increase we see for those workers will be many, many times greater than \$1.9 million; it will be a real wage rise.

ALGAL BLOOM

The Hon. T.A. FRANKS (14:56): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of responses to the algal bloom.

Leave granted.

The Hon. T.A. FRANKS: As the minister has said today, accurate public information is important. It is now 15 weeks since she was asked when PIRSA first started monitoring the algal bloom. In addition, she was asked what type of brevetoxins had been detected and on what dates. She undertook to take those questions on notice. This chamber and the people of South Australia are still waiting for an answer.

In following weeks, she stated there had been a meeting of 80 leading scientists several times to this chamber. She was asked to provide the names of those scientists and undertook to provide an answer. The South Australian public and this chamber are still waiting for an answer to that question.

I note that on the departmental website there is a list of that science forum and it goes nowhere near 80 leading scientists, or 80 people at all, attending that day. My question to the minister is: given accurate public information is very important, when will she answer these questions that the South Australian public wants to know?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:57): I thank the honourable member for her question. As far as I am aware, there aren't any questions on notice to me that have gone beyond the required timeframes. I am happy to double-check that and update the chamber if they indeed have gone beyond the required timeframes.

ALGAL BLOOM

The Hon. T.A. FRANKS (14:58): Supplementary: is the minister concerned that it's actually her own actions that are leading to the sorts of conspiracy theories that are out there because she is failing to provide timely information when asked questions?

The PRESIDENT: The Hon. Ms Franks, the minister can answer, but I don't see how that is actually from the original answer.

ADELAIDE LIGHTNING

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:58): I seek leave to make a brief explanation before asking questions of the Minister for Recreation, Sport and Racing regarding Adelaide Lightning.

Leave granted.

The Hon. H.M. GIROLAMO: The Women's National Basketball League now owns Adelaide Lightning, with the state government sponsoring the new consortium at \$571,000 each year for three years. My questions to the minister are:

1. If the WNBL sells Adelaide Lightning to a private enterprise, will the government continue to support this enterprise with taxpayer funding?
2. Is part of the \$1.713 million, in-kind and financial, over three years not new money but in fact previously committed funding through the THINK! Road Safety program?
3. In providing the Adelaide Lightning training facilities at the newly built SASI headquarters at Mile End, will this disadvantage other programs that were already using the facilities, including Adelaide 36ers, SASI development programs, wheelchair sport and volleyball, not to mention previously preventing the soon-to-be homeless Adelaide Thunderbirds from having a closely located training venue as well?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (14:59): I thank the honourable member for her question, and I hope the opposition aren't suggesting that we shouldn't have stepped in to provide support to save our only women's basketball team in South Australia.

It is a really important thing to have a women's basketball team. It is one of those things where, if you take away the aspiration of where you can get to in sport, it makes it harder for the young ones on the side to think that 'One day, too, I can be on the court and represent my state.' As a government, we were really proud to be able to step in and provide that support and do it in a timely manner, and to be able to guarantee that the success of that team could continue, also with the name of Lightning.

In regard to the support that we provided, funding of \$100,000 was provided. One component of that was to make sure that we are not just investing in the success of the players on the court but also investing in the grassroots commitment that comes with that, so that they are putting effort back

into training up and inspiring younger ones through community activities. This is something that we have seen as a legacy with our investments in sport. We saw it with the Matildas when they came here and we invested in a grant funding program for them as well so that grassroots sport was being invested through the Power of Her. I feel this is a good legacy to be leaving when we invest in our sporting codes and that there is something there for the grassroots to also be able to thrive.

ADELAIDE LIGHTNING

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (15:01): Supplementary: in regard to that, are you able to provide details on how the structure at SASI will occur with both the Lightning there and the other programs that are operating out of there as well?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:01): I am happy to answer this one because the South Australian Sports Institute is an elite institution. It is there to support many different organisations and many different sporting codes.

Just last night I was there watching a group of young children, as young as 10, going through a parasports program. This is not just for the most elite athletes; it is for kids who could be elite one day, or maybe to just get a taste for a sport, or they have never had the opportunity to play sport. These kids have a disability and haven't really played many sports before or even maybe participated in parasport, so this facility is an incredible investment. It is not just thinking about the top end but also thinking about how we inspire young ones to put on a SASI uniform and be a part of something pretty amazing.

BUDGET AND FINANCE COMMITTEE

The Hon. J.E. HANSON (15:02): My question is to the Leader of the Government. Will the leader inform the council about the important role played by members on parliamentary committees, and will he advise of the risks of providing inaccurate or misleading material to those parliamentary committees?

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 his question. I know that the honourable member has played an important role on many parliamentary committees during his time in this place.

We all know the important work that parliamentary committees do, particularly members of this chamber. Members from across the political spectrum in the Legislative Council take part in standing committees, select committees and joint committees, and we have just seen in the past sitting week a joint committee being established. They inquire into issues, gather evidence and provide reports and recommendations to parliament and to the South Australian public more generally. It is important work for all members of parliament but particularly members of this chamber.

The Budget and Finance Committee plays an important role in this, and plays a significant role in scrutinising the expenditure of government departments and agencies. But with these important responsibilities come responsibilities that the members of those committees carry. There have been concerning revelations today that one Liberal member of the committee, a member of this chamber, the Hon. Frank Pangallo, has reportedly been providing inaccurate and misleading information to the Budget and Finance Committee.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Sit down. I want to hear the minister's answer and I can't hear at the moment with the gaggle that is going from this side of the chamber.

The Hon. K.J. MAHER: Thank you, sir. I appreciate that, because every time you have to stand up it draws more attention to what I am going to say, so I thank the members opposite. There have been concerning revelations today about information provided by a member of this committee, a Liberal member, the Hon. Frank Pangallo, who has reportedly provided misleading and inaccurate

information to the Budget and Finance Committee about algal blooms. I am advised that references were given by the Hon. Frank Pangallo that provided invalid weblinks, misappropriated authorship and, not just that, non-existent sources—sources that did not actually exist at all. This is—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I am advised that there were references that just didn't exist at all. We all know we have—

The PRESIDENT: Attorney, I am just a little bit concerned that you are talking about a committee that may well have not reported at this particular point in time.

The Hon. K.J. MAHER: Sir, if it's your ruling that no-one can refer to things that happened in the Budget and Finance Committee—

The PRESIDENT: No, just hang on.

The Hon. T.A. FRANKS: Point of order: I believe we changed the rules for the Budget and Finance Committee.

The PRESIDENT: Can you just hang on, please? My advice is that, if evidence has been given in the public hearing, it can be referred to.

The Hon. K.J. MAHER: I appreciate that. As I was saying, it has been reported that references were given that just do not exist, that seem to have been entirely made up. I think when the Hon. Frank Pangallo was an Independent in this place, people just said, 'It's what the honourable member does. Don't worry about it.' Being part of a team that could be the alternative government carries extra responsibility.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I don't think people are going to just give a free pass and say, 'You know how the honourable member'—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I just don't think people are going to accept now that a member of the alternative government can just get away with, 'That's just what the honourable member does: a bit of fast and loose. Don't worry about it.' As I have said, it is alleged that he provided references that just don't exist, and this is on something, as my colleague the Hon. Clare Scriven pointed out, that is extraordinarily important to South Australia.

Imagine this was a bushfire or a flood and there was a member of the opposition just making things up, promoting conspiracy theories and providing references that just don't exist. There would quite rightly be uproar. Imagine this: during the COVID-19 crisis, members of the then Labor opposition just made things up, peddled conspiracy theories that just didn't add up. Imagine that! We took a very different attitude during the COVID-19 crisis. As an opposition, we accepted the health advice. We didn't peddle conspiracy theories. We were a responsible opposition.

This is outrageous. It not only goes to the economic wellbeing of South Australia, but it goes to the faith South Australians have in their institutions. People should be able to rely on what their members of parliament, the people they voted in, are doing in this place. They should be able to rely on the accuracy of what is being put forward. This is an outrageous sort of thing that has happened and it is an indictment on the leadership of the member for Hartley, Vincent Tarzia, if he doesn't take some action. If he doesn't take some action and remove the honourable member from this committee—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —it says everything you need to know about the leadership of the Liberal Party and the standards they accept.

GOVERNMENT GRANTS

The Hon. B.R. HOOD (15:08): Supplementary.

The PRESIDENT: I will listen to it, but we have spent enough time on this and I need to keep this thing moving.

The Hon. B.R. HOOD: Given the minister has spoken about responsibility of government and the opposition, does he believe that it is responsible that his government, through a systemic failure of cabinet, granted a \$1 million grant without proper approval, and does he believe that the people of South Australia have faith in the institution of his government—all the words he used in his response?

Members interjecting:

The PRESIDENT: Order!

The Hon. B.R. Hood interjecting:

The PRESIDENT: Order! The Hon. Ben Hood, this will be the last couple of minutes you spend in this place today if you keep it up. We are going to move to the Hon. Ms Lee. That was not a supplementary question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney-General, same rules apply to you.

PAROLE DECISIONS

The Hon. J.S. LEE (15:09): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the parole decision of convicted serial killer James Vlassakis.

Leave granted.

The Hon. J.S. LEE: James Vlassakis, one of the perpetrators of the Snowtown murders, was granted parole after serving his non-parole period of 26 years. He will first enter a prerelease centre for up to 12 months. This decision has caused significant distress among victims' families and has raised concerns about public safety, transparency and the adequacy of victim consultation in parole processes. While the Attorney-General has publicly stated that any decision to request a review is confidential, the broader implications of such decisions demand some scrutiny. My questions to the minister are:

1. What safeguards are in place to ensure public safety during the prerelease and parole process for life sentence offenders such as Mr Vlassakis?
2. Given the Attorney-General's statutory authority to request a review of parole decisions, what mechanisms exist to ensure that community concerns and victims' perspectives are considered in that process, even if the outcome remains confidential?
3. Will the government consider legislative changes to strengthen the oversight and transparency in parole decisions involving serious violent offenders?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:11): I thank the honourable member for her question. As the honourable member indicated in her question, there are confidentiality provisions in the operations of the parole act, and particularly whether a review is asked of the administrative parole reviewer, so that is something I can't canvass.

But I can say in relation to a general matter, in relation to life sentence prisoners, when decisions are made they are made by the Parole Board, who rightly are independent of government. The head of the Parole Board, Frances Nelson KC, has served for some decades under many governments of many persuasions, and I don't think there is a member in this chamber who wouldn't

have confidence that Frances Nelson KC and her board diligently do their work in assessing people when it comes to parole.

For a life sentence prisoner, as I have said, a parole decision will still be subject to very strict conditions. The honourable member asked about the input from victims' family members in relation to conditions. I have had a number of conversations with the Commissioner for Victims' Rights about matters generally but also about this matter specifically, and I greatly appreciate the role that she plays in helping victims navigate what is obviously a traumatic time of their lives, to have these matters re-agitated in relation to the possibility of parole.

As I said, I appreciate the work that the Commissioner for Victims' Rights does in helping families navigate and put forward their views in these sorts of areas. But, as I have said, for a life sentence prisoner, it is not just conditions that will be imposed now; life sentence prisoners have parole conditions for the rest of their lives.

LEGAL PROCEEDINGS COSTS

The Hon. J.M.A. LENSINK (15:13): I seek leave to make a brief explanation prior to directing a question to the Attorney-General regarding public spending on legal proceedings.

Leave granted.

The Hon. J.M.A. LENSINK: Last sitting week in the other place, the Premier took a question on notice stating that he would refer it to the Attorney-General, that being, and I quote:

How much public money, if any, has been paid towards the legal proceedings brought against the Premier by Annabel and Greg Digance, and what, if any, cost estimates has the government been provided with?

My question to the Attorney-General is the same: will the Attorney-General advise how much public funding, if any, has been paid towards legal proceedings brought against the Premier by Annabel and Greg Digance and, potentially, what other cost estimates has the government been provided with?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:14): I thank the honourable member for her questions. In relation to details in relation to civil proceedings before the court, the honourable member will understand that I can't comment specifically on matters before the court. What I can say is that it is not an unusual thing for the state government to fund legal costs for public officials acting in a public capacity, including members of parliament, in a range of circumstances. That happens for members on all sides of the political spectrum regardless of who is in government. I don't have figures in relation to any particular matter and I am not sure it would be appropriate to do so, but I am happy to consider what the honourable member has asked and see if there is anything I can say.

AQUATIC INDUSTRY ROUND TABLE

The Hon. T.T. NGO (15:14): My question is to the Minister for Recreation, Sport and Racing. Can the minister tell the council about the recent aquatic industry algal bloom roundtable event?

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 honourable member for his question and interest in this very important topic. South Australia's coastline is a cherished part of our way of life, and our government is listening and taking action and is committed to supporting affected communities and industries during this algal bloom event.

As part of this effort, last week our government, in collaboration with Surf Life Saving SA, hosted an algal bloom aquatic industry round table. This forum brought together key representatives from across South Australia's aquatic sport and recreation landscape, from sailing to diving to swimming to even dragon boat racing and many more. This round table provided an important opportunity for the sector to hear the latest information about the bloom directly from key agencies such as SA Health and DPC and experts including Professor Mike Steer from SARDI.

Surf Life Saving SA not only helped facilitate this session but also provided an important update about their learnings and the initiatives they are working on to help give confidence to the

sector and the broader community. As the trusted carers of our beaches, it is Surf Life Saving SA, their staff and volunteers who have been on the ground since day one absorbing the feedback and seeing the impacts of this event firsthand.

I thank the many organisations who also participated in the Q&A at the end of the session. Their considered questions and ideas for next steps provided the expert panel with some practical ideas as we prepare for the upcoming summer season. I would also like to thank the Hon. Dennis Hood, shadow minister for sport, for taking up my invitation and joining this important discussion.

These sessions will continue to ensure the latest information is shared with the key aquatic sporting organisations which run events, deliver training and support community participation across our beaches and waterways so they are kept up to date. There is also a direct line to government to hear the feedback organisations are hearing from their members on the ground.

The Office for Recreation, Sport and Racing is now coordinating feedback. This information, informed directly by industry, will help build on the government's response to the algal bloom event. The Office for Recreation, Sport and Racing has also established a dedicated email for the sector to use to request information, advice or assistance, and report any issues of concern. The office will answer emails or forward them to the relevant government department for a response. A further meeting with the sector is being coordinated by the Office for Recreation, Sport and Racing and is scheduled for Monday 22 September to continue the conversation and planning for summer activities.

Our government's \$28 million support package is already helping fund clean-up operations and support small businesses, community groups, tourism and research. We know that South Australians love their beaches. I want to be clear: our beaches can still be enjoyed but at the moment it is best to stay away from foamy or discoloured water and to follow the health advice provided by SA Health. Once again, I thank the many who joined this important session and look forward to continuing these discussions as we work towards a plan for the upcoming summer season.

PUBLIC HIGH SCHOOLS

The Hon. S.L. GAME (15:18): I seek leave to make a brief explanation before directing a question to the Minister for Emergency Services and Correctional Services, representing the Minister for Education, regarding South Australian public high schools.

Leave granted.

The Hon. S.L. GAME: A list of Australia's top 100 public high schools, ranked in order, was released this week via national NewsCorp reports. The list was compiled using academic performance, student attendance levels, student to teacher ratio, average fees and level of socio-educational advantage. South Australia has five schools in the top 100, headed by Glenunga International High School coming in at No. 26 on the list. My questions to the Minister for Emergency Services and Correctional Services, representing the Minister for Education, are:

1. Does the Minister for Education, the Hon. Blair Boyer, think it is acceptable that South Australia has just five of the nation's top 100 public high schools and none in the top 25?
2. With this rating in mind, can the Minister for Education show how the government's much-spruiked education initiatives and plans are working to actually improve our public high schools and student experience?
3. Does the data in today's top 100 list support the government's pledge to 'ensure South Australia's public education system can unlock every child's potential now and in the future'?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:19): I thank the honourable member for her question. I am happy to seek a reply from the minister in the other house.

VACSWIM

The Hon. D.G.E. HOOD (15:20): I seek leave to make a brief explanation before asking questions of the Minister for Recreation, Sport and Racing regarding the VACSWIM program.

Leave granted.

The Hon. D.G.E. HOOD: Last week in this place during question time, as part of an answer regarding public pool access, the minister spoke about the safety of the ocean during this algal bloom, in fact as she has today, as well as noting that the VACSWIM program had begun, I think on that actual day. It is a great tradition, with dozens of summer casual employees at over 120 locations, including 46 beaches from Beachport to Point Sinclair, teaching and encouraging children from the ages of three to 15 to be confident and safe in the water, something that I think enjoys the support of all members of this place.

Specifically, during the answer we sought clarification in a supplementary question when the Hon. Heidi Girolamo asked, 'Is the minister confirming that all of the beach locations are going ahead?' It wasn't quite clear in the minister's response. She did confirm that the program started that day, but not that all sites were going ahead as planned. My question to the minister today is to try to firm that detail up:

1. Can the minister confirm that to the best of her knowledge the VACSWIM program will go ahead at all 46 coastal locations as planned this season and that they already have commenced and are underway, given that the program has already started?

2. If the minister cannot confirm that, will she provide more details of those particular sites which haven't yet begun or which may be expecting delay due to the algal bloom or any other reason?

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:21): I thank the honourable member for his question and appreciate it being raised. I think, from the forum that you joined, again—I appreciate you coming along—it was really clear in that room that there is a real commitment, particularly from Surf Life Saving, to highlighting what they do best, and that is to identify safe places to use and enjoy our beach and also continue VACSWIM.

As was also highlighted in that particular forum, our beaches are very variable. There are days when VACSWIM might be cancelled because there is a thunderstorm, or there might be concerns about lots of stingers in the water on that particular day. Our beach already has a lot of variables and for many, many decades our surf lifesavers have provided a safe space for children to learn to swim. Surf Life Saving runs the VACSWIM program. We have seen over decades the respect that they have, and we know that they don't just do it at the beaches; they do it in all waterways, including pools and inland water as well.

What I took away from that forum is that they will continue to run their Surf Life Saving VACSWIM program. They will do it where it is safe to do so and, as they said in that forum, if they feel on the day that they need to move down the beach slightly to do that, that is what they will consider, or maybe they will do what they do on those days when there are lots of stingers in the water and have more of a training session on the beach that day. They are already used to being flexible and agile in how they provide their incredible knowledge and learning through VACSWIM, and my understanding is that's where they are at this very point in time in supporting the VACSWIM program.

VACSWIM

The Hon. D.G.E. HOOD (15:23): Supplementary. I thank the minister for her answer. Specifically, is the minister aware of any VACSWIM locations being changed or the plans altered in relation to the algal bloom thus far? I appreciate it is early in the season.

The Hon. E.S. BOURKE (Minister for Emergency Services and Correctional Services, Minister for Autism, Minister for Recreation, Sport and Racing) (15:23): I am aware that VACSWIM numbers are up 8 per cent. I know your next question is going to be: what about beaches? We have seen over the years, for varying reasons, that sometimes beach numbers are lower. We will continue to monitor this, but at the moment what we want to do is not create that fear. As you heard very clearly and loudly in that forum we had last week, people, and particularly Surf Life Saving, are looking forward to summer on the beach.

GAWLER SHOW

The Hon. R.P. WORTLEY (15:24): My question is to the Minister for Primary Industries and Regional Development. Will the minister provide the chamber with an update on her recent visit to the 2025 Gawler Show?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:24): I thank the honourable member for his question. On 22 August, I was delighted to attend the 2025 Gawler Show, one of the many regional agricultural shows that I attend each year. The Gawler Show is a great example of the camaraderie, cooperation and community spirit that is deeply embedded into agricultural communities across South Australia.

Attracting around 25,000 visitors every year, the annual show is the largest of its kind in regional South Australia and a major tourism drawcard for Gawler. I would also like to acknowledge everyone who has contributed to the show over the years for it to become the successful and much-loved event it is today. It was wonderful to see the best of agriculture from across the Adelaide Plains, and the Mid North in particular, on display.

It was also great to catch up with Braden Turner, President of the Gawler Show Society, and several rural and young rural ambassadors, including Kayla Starkey, the 2024 South Australian Rural Ambassador, and Gawler Show's 2025 Rural and Young Rural Ambassadors Isaiah Tesselaar and Lily Daw, as well as George Seppelt, who has since been announced as the South Australian Rural Ambassador of 2025.

I was also very pleased to catch up with James Agness, the Labor candidate for Light, and Matt Burnell MP, member for Spence, at the show, supporting their local community, as they so often do. Agricultural shows, such as the Gawler Show, are a special celebration of farming and agriculture. They play an important role in celebrating tradition and innovation and engaging people in the exciting opportunities that agriculture provides.

Country shows bring people together, strengthening local pride and community bonds and provide a forum for sharing knowledge and expertise, which is of course especially needed in challenging times. They provide an opportunity to step away from the farm or from work to reflect on the creativity, talent and experience that our volunteers and our people have in abundance. They are also good reminders about the significance of agriculture in our story and in our communities, and that our collective agricultural efforts result in the safe, high-quality food and fibre that we are so lucky to enjoy and for which South Australia is renowned.

South Australia's primary industries are a vital part of the state's economy. Across grains, livestock, horticulture, wine, seafood, dairy, forestry, fibre, they are all significant contributors to the state's exports and employment. The Adelaide Plains is home to intensive horticulture and primary production and, alongside traditional crops, the region excels in greenhouse and hydroponic farming.

Farming in the Mid North features wheat, grains, sheep and grapevines, and, combined, the two regions support our state's reputation for premium quality produce. I would also like to acknowledge the challenges faced in agriculture in these regions and recognise the effort and persistence by the community in finding solutions in innovation and in supporting each other.

The Malinauskas government is committed to addressing regional challenges and will continue to support our primary producers and regional communities. It was heartening to see that part of the cost of the show ticket went to supporting the Lions Club project Need for Feed for drought-affected families. It is community-minded efforts such as these that our regional and agricultural communities are known for. They are paving the way for young people to continue growing and evolving in the sector, such is the importance of agricultural shows. I congratulate everyone who worked so hard behind the scenes on putting together the 2025 Gawler Show, which was enjoyed by tens of thousands of South Australians.

I want to also particularly mention the indoor exhibits. Going back some years ago, my children were frequent entrants in the Gawler Show indoor exhibits. Of course, now they have all grown up and sadly are no longer participating. The amount of work that goes into those, into organising the different categories, similarly of course to some of the people that I spoke to in some of the outdoor exhibits, the poultry exhibits in particular—I had some really good conversations

there—really does go to show how much work is involved in putting on something such as an agricultural show. How encouraging it is to see both those who have been involved for many years and those who have more recently contributed to the shows. It shows that they are in good hands for the future.

JUDICIAL APPOINTMENTS

The Hon. C. BONAROS (15:29): I seek leave to make a brief explanation before asking the Attorney a question regarding judicial appointments.

Leave granted.

The Hon. C. BONAROS: The Law Society's September edition of its monthly *Bulletin* newsletter includes an article written by eminent legal practitioner Claire O'Connor SC, entitled 'A Case for Formalising a Judicial Appointment Process in South Australia'. Drawing on the Society's prior calls for reform, and the Equal Opportunity Commission's 2024 review into the legal profession, the article presents the case that SA has one of the least transparent judicial appointment systems in the country, with appointments heavily reliant on executive discretion and informal networks.

Ms O'Connor argues that the absence of a transparent, criteria-based process fuels perception of bias, and undermines public confidence in the legitimacy of the judiciary. She states:

It is recognised that our judges in South Australia are predominantly from one social strata. In the Supreme Court and the Court of Appeal, four of the judges are children of retired judges (with three of those making up the six judges of the Court of Appeal).

She further notes that lawyers with disability are rarely appointed to judicial office, whilst, and I quote, 'we have only recently had, for the first time, two Indigenous magistrates appointed, and still we have never had such appointments to the District Court, the Supreme Court, the Court of Appeal, or to the Industrial Court'.

Other jurisdictions, including Queensland, New South Wales and the UK, have already moved to adopt independent or formalised appointment processes. My question to the Attorney is: has he read the article, and has consideration been given to adopting independent or formalised appointment processes in line with other jurisdictions I have named? Regardless of whether he has read it or not, has consideration been given to that in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:31): I thank the honourable member for her question. I have not read the article, although I have been made aware of the article, and been recommended the article previous to being asked this question. I certainly will, when I get a chance, read the article. The issue has been canvassed from time to time under governments of both persuasions in South Australia.

We don't have a policy to change how the system works at the moment; that is, it is appointment on recommendation to Executive Council by cabinet for the appointment of our judiciary. I do note the honourable member points to a couple of recent appointments during this term of government where, for the first time in the history of this state, and indeed the colony that preceded it, we have Aboriginal people, two Aboriginal women, overseeing a court upon the appointment of Magistrates Chester and Browne I think about a year and a half ago.

I think the government can play an important role in encouraging diversity in the judiciary, and I am proud to be part of a government that has done exactly that with the appointment of those magistrates. I will point out that those magistrates are extraordinarily well respected and are appointed on merit, but it is pleasing to see that Aboriginal magistrates have been appointed. When I get a chance, I will look at the article. As I have said, I have been recommended the article to read before today, and I know I certainly will read it but, like governments that have come before, we don't have a position to change the system as it operates in South Australia.

JUDICIAL APPOINTMENTS

The Hon. C. BONAROS (15:32): Supplementary: noting that important role, does this include looking beyond the social stratas that currently exist, and other areas of people not being represented, including disability sectors and others that have been named?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:33): Absolutely. I know this government generally thinks that having all aspects of society—those who represent us in parliament, those who preside over other elements, including our judiciary—representing the people that they serve is an important goal to have. In our superior courts, in the District Court and Supreme Court, I think at the start of this year we achieved gender equality for the first time in the state's history; that is, if I am remembering correctly, at the start of the year an equal number of men and women appointed judges of our District Court and Supreme Court.

There is a long way to go to make sure that our judiciary represents the diversity of the state of South Australia, those that preside over civil and criminal matters, but certainly in terms of men and women on the court, I think achieving that is something that we ought to celebrate in South Australia. Similarly, I think we ought to celebrate the appointment of Aboriginal magistrates in South Australia, and I very much look forward to Aboriginal Supreme Court and District Court judges in the future.

FLAG BURNING

The Hon. F. PANGALLO (15:34): I seek leave to make a brief explanation for asking a question of the Attorney-General on flag burning.

Leave granted.

The Hon. F. PANGALLO: Last month, independent market research firm Dynata undertook polling of 1,009 Australians in a nationally representative sample, asking them if burning the Australian flag should be against the law.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. F. PANGALLO: Read the papers. Seventy-seven per cent of the surveyed Australians agree that it should be. While flag burning can be prosecuted under such laws as vandalism or property damage, there is currently no specific South Australian or federal law prohibiting this.

In March this year, the Legislative Council passed the Summary Offences (Terrorist Organisation Symbols) Amendment Bill 2024, a bill which I introduced. Within the bill section 35E states that any person who desecrates the national flag is guilty of an offence, with a maximum penalty of up to \$10,000. However, the bill is currently sitting in the House of Assembly and hasn't moved in over half a year. My question to the Attorney-General is:

1. Why hasn't the government given the bill priority?
2. Does the government believe that burning a national flag is a disrespectful act that should be criminalised?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:35): I am not sure where things are up to in the other chamber, but particularly in relation to things the Hon. Frank Pangallo brings to this chamber, we are all going to have to treat them with a high level of scepticism in the future.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney!

PREMIER'S NAIDOC AWARD

The Hon. J.E. HANSON (15:36): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on this year's female recipient of the Premier's NAIDOC Award?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:36): I am very happy to do so, and I have been pleased to update the chamber this year, as I have in previous years, in relation to recipients of NAIDOC awards. I am pleased to inform the chamber that the female recipient of the South Australian Premier's NAIDOC Award is Aunty Josephine Kunde. Aunty Josephine is a proud Kokatha and Wirangu woman who has played an instrumental role in supporting Aboriginal people and families engaging with the justice system.

Aunty Josephine joined the Courts Administration Authority more than 20 years ago, in 2002, and began her role as an Aboriginal justice officer in 2003. Since that time, she has become a deeply trusted and dependable Aboriginal justice officer within the Port Adelaide Magistrates Court. As many in this chamber would be aware, the Port Adelaide Nunga Court was established in 1999 and is, with the Murray Bridge Nunga Court, the oldest specialist court for sentencing Aboriginal people in Australia. Aunty Josephine has been a compassionate and steady presence in the Nunga Court now for over 20 years.

Aunty Josephine is known for her quiet strength and calm and compassionate presence. Her work with Aboriginal court users has extended far beyond procedural assistance. She has provided emotional support, cultural sensitivity and care to individuals and families during some of their most vulnerable and challenging times. Whether that be sitting quietly beside a distressed young person, ensuring an elder feels heard and respected or helping families navigate complex legal processes, Aunty Josephine consistently demonstrates care, dignity and cultural understanding, and her actions are motivated by a sense of purpose and love for her community.

Aunty Josephine has played a crucial role in growing the credibility, safety and success of the Nunga Court. Unfortunately, Aunty Josephine was unable to attend the Premier's NAIDOC Awards ceremony at the Town Hall earlier this year. However, a few weeks later I had the privilege of going down to the Port Adelaide Magistrates Court and presenting her award in person. In a testament to her contribution, the room was filled with many legal officers, court staff and past judicial officers to celebrate this achievement. Having people like Aunty Josephine in the court system is crucial. I congratulate her on this significant recognition and thank her for her contributions.

Personal Explanation

BUDGET AND FINANCE COMMITTEE

The Hon. F. PANGALLO (15:38): I seek leave to make a personal explanation.

Leave granted.

The Hon. F. PANGALLO: Today, Minister Koutsantonis made a series of accusations about me over links I provided to PIRSA after a Budget and Finance Committee. The links were sent in error, an administrative error, like the Premier's signing off on a \$1 million grant that should not have happened. My mistake did not cost taxpayers a cent. Further, I admit my errors, unlike many across the chamber and in the other place. Further, I did not mislead parliament. There are other links—

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: I did not. You must listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney!

The Hon. F. PANGALLO: There are other links to studies about connection between HABs and desal plants I did not refer to and which I did not provide. In relation to the Richlen paper, that paper does exist, but I acknowledge the information I received on the author was incorrect and I apologise—

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: —for the error again.

Members interjecting:

The PRESIDENT: Order! This is a brief personal explanation that is taking far too long because of interjections. The Hon. Mr Pangallo, finish your statement and let's get on with it.

Members interjecting:

The PRESIDENT: Order! Enough!

The Hon. K.J. Maher: Unbelievable.

The Hon. F. PANGALLO: Your turn will come. Ghazay F. Alotaibi is the author of 'A review of harmful algal blooms (HABs) and their potential impacts on desalination facilities', *Desalination and Water Treatment*, 252. I seek leave to table that report.

Leave granted.

The Hon. F. PANGALLO: There are also papers by Mohamed N. Gomaa et al., and those papers are: 'Low diversity triggers harmful algal bloom (HAB) occurrence adjacent to desalination plants along the Red Sea'—

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: —*Desalination and Water Treatment*, 114, 2018, pages 1 to 12, and also another paper by Mohamed N. Gomaa et al., 'A model to predict HAB occurrence near desalination plants in the Red Sea', *Desalination and Water Treatment*, 129, 2018. I seek leave to table those documents as well.

Leave granted.

Bills

CRIMINAL LAW CONSOLIDATION (STREET GANGS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 September 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:42): I rise to speak on the Criminal Law Consolidation (Street Gangs) Amendment Bill 2025. The opposition will support this bill. Community safety comes first. Police and courts need workable tools to disrupt organised street gangs. Young people should be protected from recruitment into serious crime. We will support this so the government can just get on with it.

But this is late. Communities have raised youth crime concerns for years. Police have warned about recruitment and victims have asked for action, so why has it taken three years to bring this on and why were South Australians left exposed while the Labor government hesitated? These are the questions many South Australians are asking. However, we are here today and this bill seeks to address critical issues regarding the safety of South Australians.

The bill inserts a new part 3BA into the Criminal Law Consolidation Act 1935. It defines a street gang as a group of three or more whose purpose includes engaging in serious criminal activity and who, by that association, pose an unacceptable risk to the community.

The Commissioner of Police may apply to the Supreme Court for a declaration that a group is a street gang. The court considers evidence about organisation, purpose and risk and may make a declaration. After a declaration, the commissioner may apply for a street gang control order against an adult, or a youth aged 14 or over, if the person is a participant in a street gang or has been a

participant in a now declared group and either associates with participants or has engaged in serious criminal activity with them, and making the order is appropriate in all of the relevant circumstances. Street gang control orders may prohibit:

- association with specified people or classes of people;
- presence at or within a distance of specified places or classes of places;
- holding licences or authorisations for prescribed activities;
- possessing specified articles or weapons;
- carrying more than a specified amount of cash;
- using or possessing communication devices except as permitted; and
- other conduct the court considers relevant to preventing serious offences.

Breaching an order is an offence with a maximum of five years' imprisonment.

In deciding a street gang control order the court may consider the likelihood the person will engage in serious criminal activity; the reasons for any declaration; how an order would prevent participation; prior criminal records of the person and relevant associates; any legitimate reasons for association; and any other relevant matter.

Where non-association is proposed, the court must consider the person's connection with family and culture and must not prohibit association with a close family member unless necessary to prevent serious criminal activity. For youth, the Youth Court is expected to weigh education and rehabilitation impacts when tailoring conditions.

The bill also establishes a presumption of participation where a person wears or displays a distinctive logo, sign, identifier, mark or symbol unique to the group. The bill establishes three other new offences:

- recruiting or attempting to recruit another person to become a participant in a street gang, with a maximum five-year imprisonment if the person recruited is a child, three years otherwise;
- entering or attempting to enter a prescribed place or event by a participant or a person subject to a street gang control order with a maximum three-year imprisonment; and
- association between members of a declared organisation, members of criminal organisations, and participants in street gangs, including persons under control orders. A maximum two years' imprisonment and the offence requires six or more associations across a 12-month period.

The Attorney identified several revisions made after consultation in the bill as introduced, and these revisions include:

- increasing the age threshold for street gang control order applications, limiting them to children aged 14 and over;
- ensuring that the presumption of participation cannot be triggered by cultural symbols and symbols not unique to a gang;
- changes to the definition of participants, so social workers and others providing positive supports are not captured. Lawyers acting professionally are also expressly excluded; and
- changes so that only a court can declare a group to be a street gang.

I understand these adjustments reflect feedback from a number of organisations including the Law Society, SACOSS, the Guardian for Children and Young People and the First Nations Voice.

The bill is necessary and also overdue. Why are we legislating now rather than two years ago when communities were already sounding the alarm? Who will police these orders while SAPOL

faces ongoing workforce pressures and rising demand? Will the government fund enforcement or just add powers on paper?

There is also a policy inconsistency on age. The bill excludes under-14s from street gang control orders, yet the age of criminal responsibility in South Australia remains at 10. How can a 12 year old be criminally responsible in this state but wholly outside the reach of the very framework the government says is needed to disrupt serious youth offending?

Not long ago the government floated raising the age of criminal responsibility, then cancelled the move after negative feedback, and now it targets 14 to 17 year olds here, leaving 10 to 13 year olds in a gap. I understand some members of the crossbench are intending to bring this legislation to a committee. I indicate the opposition will not be supporting this. We support this bill so that the police and courts can use these tools without delay.

It targets genuine street gangs and adds offences to deter recruitment but there is much more work for the government to do. They need to resource SAPOL to enforce what they pass and they need to resolve the inconsistencies between this scheme and the age of criminal responsibility. They need to review penalties and act on breaches of bail and, in fact, a review of youth bail altogether, as this has been identified as a key contributor to reoffending.

Let's move earlier rather than later on youth crime so that laws arrive before problems do. This bill is overdue. We support it. We will hold the government to account until South Australians can be safe at home and in their own communities.

The Hon. C. BONAROS (15:49): I rise to very briefly make some remarks with respect to the Criminal Law Consolidation (Street Gangs) Amendment Bill 2025 and to focus, more to the point, on the issues that have been raised with respect to this bill. I have just heard the Leader of the Opposition's speech and it is precisely what I anticipated. I say that, because in principle punishing those who lure minors towards—

Members interjecting:

The Hon. C. BONAROS: I will get to the Attorney in a moment—crime and street gangs does seem a very sensible step. It is a bill that we should all be able to support with confidence that this is good because this is what the community wants.

In reality, however, it appears much more a missed opportunity in many respects than the beginning of something extraordinary, new and helpful, because if the status quo was working so well when it comes to youth crime in particular we would not keep having the same conversations over and over again. Perhaps if we were more open-minded at taking on board some of the very legitimate concerns that have been raised by stakeholders in the many submissions that have been received, we would not find ourselves in the position we do today.

I did reflect on the opening statement of the Attorney when he introduced this bill, and this is one of the issues that concerns me about this proposal. He said, on 6 March:

The state government publicly announced the young offender plan—

good—

aimed at strengthening laws in relation to young offenders and investing in preventative measures to divert young people from the criminal justice system.

Also good. He continues:

The bill is the first of two bills being developed following the release of the plan.

I do note that when this bill was introduced—and the Attorney may wish to correct me if I am wrong—announcements had already been made in relation to preventative measures and diverting young people from the criminal justice system, but this is the only bill that we have actually seen on this front.

The Attorney also acknowledges that we have one of the lowest youth crime rates in the country, only behind the ACT, and that they are committed to remaining ahead of the curve, and that as part of that 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.

Of course, all the criticisms that have been raised by stakeholders point to the fact that not only is this a missed opportunity but that we have not seen the full package of that plan, so we are considering part of the package in the absence of what is supposed to be a plan in its entirety. Notwithstanding that, it is fair to say that many of the stakeholders have said that not only is this a missed opportunity but that the bills we have seen are an overreach and, sadly, misguided.

We have had submissions from across the board. We have had submissions from the Law Society, we have had submissions from the guardian, we have had submissions from the various stakeholder groups working specifically with Aboriginal children and families, we have had submissions from the Commissioner for Aboriginal Children and Young People, and of course those submissions also point to the disproportionate impact this bill is likely to have on Indigenous children in this state.

I am not suggesting that punishing those people who lure kids towards crime is, in and of itself, a bad thing—not by any stretch. In fact, I think if I went and took a poll of the public out in the community, they would say that is the right thing to do, that we should be doing everything we can to discourage children from taking part in street gangs and in criminal activity but also punishing those people who drive them towards that behaviour.

That is not dissimilar to the bikie laws that we passed in this instance, but it does concern me that we have effectively picked up, in some respects, what was legislation relating to bikies and applied it to this cohort. And, again, only because many of the elements of the bill do appear to target vulnerable kids, and they do appear to be problematic in many respects, and many of those problems have not been addressed in this bill.

There are two motions before this place in relation to this bill. I am supportive of those motions. It would be remiss of me not to highlight that if we had an effective committee system in this jurisdiction, we would not have to choose which of those committees we refer this bill to. On the whole, it does not really matter what I think. The fact that we have so many concerns being raised by so many sectors, including the guardian, including the Commissioner for Aboriginal Children and Young People, including the Law Society, including SACOSS, it is a missed opportunity not to refer this bill to an inquiry, whether that be either of the two that have been proposed.

I am open to both proposals. I would welcome the opportunity to do this in the Legislative Review Committee, and I am sure the other committee that has been proposed, the Social Development Committee, would also be a very fitting committee to consider this matter. The bottom line is, if we are actually genuine about dealing with this issue, rather than going out and promoting our own political stance of being tough on crime—a policy which has failed children in this state for I do not know how long, because the status quo remains as is.

We have not done anything to make a dent in children being involved in crimes in this state, regardless of the fact that the numbers are the way they are, and there has been a significant decrease, and the fact that we keep pointing to the fact that 11 per cent of all charges in the Youth Court are attributable to 20 young people, we have done so in the absence of all the expert advice and stakeholder advice that has been given to both the government and the opposition. I do not see why we cannot be a little more open-minded to considering these things in the context of taking into account the concerns that have been raised by those sectors.

It may just be that those sectors are able to provide improvements to this bill, just like the First Nations Voice did when it was heard by the government, and the age group that this bill would apply to was changed from 10 to 14. That is a positive step and there are plenty more positive steps we could be taking in relation to this rather than just banking on this public notion of: 'We are going to be tough on crime, and we are going to break up street gangs,' because, in reality, if that worked we would not need this piece of legislation in the first place.

As I said, it is always useful to look at these things in their entirety, unless something escapes me and I cannot remember that it does. This was the first of two bills that the government introduced

this year. The Attorney might correct me as to whether we have debated the second. I cannot remember that we have.

The Hon. K.J. Maher interjecting:

The Hon. C. BONAROS: It is to come. I am glad the Attorney confirmed that because my preference would of course be to look at those two pieces of legislation side by side, taking into account the overall impact of that plan before we make a decision on one part of it.

The biggest problem that we have in this jurisdiction is that we keep making the same mistakes and we keep responding in the same way. This might look good, but we do not know how it fits with that other piece of the puzzle which none of us have been privy to so far. Of course, my preference would be to refer this to a committee so that we can consider potentially both aspects of this plan and see how they work together and see what other measures we are proposing to actually deal with those core issues that underpin youth crime in this jurisdiction and everywhere else, because it is those elements that actually make a dent in this area.

I am not going to keep going on about it; I am just going to make the point that we now have submissions in front of us which I do not think should be overlooked. I do not think it is responsible of us to ignore the voices of the commissioners and the guardian and the stakeholder groups who work on the frontline in this area, or indeed SAPOL, who as we know has worked for some time on the Youth and Street Gangs Task Force. Of course, giving the police more powers is always going to get results—we know that regardless of whether you are talking about street gangs or youths or bikies or any other criminal element that we are trying to address in the community—but it is not always the solution. I guess that is the point I am trying to make.

There may be some very reasonable, practical tools, solutions and ideas that are contained within those submissions that have been ignored and overlooked. It concerns me when we have sectors like those which have spoken out saying that there is potential overreach, that there is a lack of procedural fairness, that there is a level of misguidance, that there are disproportionate impacts on some vulnerable children and Indigenous children, and that it will not have the desired effect of improving community safety. It also will not have the desired effect of improving the outlook of the lives of the very children we are talking about.

With those words, I look forward to seeing what will happen—actually, no, I do not look forward to it because I think we have just had that question answered by the Leader of the Opposition who said that the opposition is not open to supporting either of the referrals. I will put this down to a very missed opportunity by the government and the opposition to do some good things in this space and take on board the voices of all those stakeholders who have taken the time and effort to put together submissions and provide data and evidence to the government and the opposition that, frankly, has fallen on deaf ears and been ignored.

The Hon. J.S. LEE (16:03): I rise today to speak on the Criminal Law Consolidation (Street Gangs) Amendment Bill 2025. The bill introduces a new legislative framework aimed at addressing the risks posed by the serious criminal activity of street gangs in South Australia. Recent South Australia Police task force efforts in August 2025 reported the arrest of 145 individuals and the laying of 586 charges related to prominent youth gangs. An internal police report also identified new formations and linkages to established gangs' development. These are very concerning.

This legislation will give law enforcement the power to deal with street gangs in a similar way to outlaw motorcycle gangs, introducing tools such as control orders to disrupt street gang-related crime. The Attorney-General has highlighted that the street gangs targeted by this bill carry out similar offences to other serious criminal organisations and that there are concerning suggestions that there are even links between street gangs and other organised crime, with bkie gangs and other criminal organisations seeking to control or use street gangs to further their own criminal activities.

The bill introduces a new legislative framework that would empower our police and courts to identify and disrupt street gangs whose activities pose an unacceptable risk to public safety. The bill creates a new offence for an adult to recruit a person to become a participant in a street gang, with a maximum penalty of three years' imprisonment or five years if the person recruited was a child under 18 years old.

It is important to note that it will not be an offence in or of itself to be a participant in a street gang. However, it will be an offence to contravene or fail to comply with a street gang control order or to associate with a participant in a street gang or a criminal organisation or a declared organisation under the Serious and Organised Crime (Control) Act.

In making a control order, courts must consider cultural and familial impacts before imposing restrictions and must not prohibit associating with a close family member unless it is considered necessary to prevent the respondent from engaging in serious criminal activity. Control orders must also take into account any legitimate reason the respondent may have for associating with a specified person and the impact that a control order on a youth may have on their access to education and support services.

I have raised a question in this place previously regarding criticism raised by legal rights and Indigenous advocacy groups about the disproportionate impact that the presumption as to participation may have on Aboriginal and vulnerable children in our community. I note that following feedback from consultation with stakeholders, including the Law Society and the First Nations Voice, several changes were made to the final bill, including raising the minimum age for control orders from 10 to 14, and ensuring that the definition of participant does not unjustly capture people such as social workers, lawyers or services who are providing positive support for individuals in our community.

The ability to designate street gangs via regulation has also been removed, ensuring that only courts have the power to make such a declaration. I am also pleased that the presumption as to participation has been refined to clarify that cultural symbols and national flags cannot be considered to be identifiers of the street gang. Only distinctive symbols unique to the street gangs can be considered under this section.

I want to, however, bring to the attention of this chamber the concerns raised by the Guardian for Children and Young People, Shona Reid, who has recently reiterated her strong concerns about the potential impact of this legislation on vulnerable children and young people, including the risk of overreach, racial profiling and unintended entrenchment of gang identity. While I believe that the changes made have greatly strengthened safeguards within the bill, those concerns need to be canvassed, and I call on the government to ensure that adequate safeguards and additional investment in support services and early intervention strategies are implemented to help prevent vulnerable and disadvantaged young people going down the path of criminality.

I also want to take this opportunity to acknowledge the leadership of the African Communities Council of South Australia (ACCSA), with whom I have a very close relationship, for its extensive work with government agencies and non-government providers to address youth crime and harmful behaviours within our diverse African communities. I have previously moved a motion in this place highlighting ACCSA's inquiry into causes, challenges and potential solutions to violence and antisocial behaviours committed by African South Australian youth, and wish to again commend ACCSA on its ongoing work and proactive approach to tackling the complex issues in this space.

Given the heavy penalties for breaching control orders, it is vital that courts only take such restrictive measures necessary to prevent serious criminal activity and ensure public safety, and when appropriate in all the circumstances. The link between street gangs and other serious criminal organisations is extremely concerning, and the thought of organised crime groups deliberately recruiting and using children and young people to carry out their criminal activities is very disturbing and confronting and must be met with suitable penalties.

I strongly support the safety of our community and believe that, on the whole, this legislation provides important tools to prevent the recruitment of at-risk young people into street gangs and to disrupt serious criminal activity. However, I can also see the merits of the bill being referred to a committee, as suggested, whether it is to the Legislative Review Committee or Social Development Committee. I am open to listening to the debates and discussions by the other honourable members. With those remarks, I commend the bill.

The Hon. S.L. GAME (16:10): I rise to support the government's Criminal Law Consolidation (Street Gangs) Amendment Bill 2025. The Attorney-General says this bill will address the risk posed by the criminal activities of street gangs in the community. This is an avowed commitment from the

state government to get ahead of the curve and to use all the tools and powers necessary to disrupt the activities of street gangs under the government's Young Offender Plan.

The unquantified risk requires, in the government's view, a new legislative scheme aimed at diverting young people away from street gangs. This legislative scheme will require a group to firstly be declared a street gang, which will then enable control orders to be made regarding the activities of the gang and its participants. While these control orders are related to the orders currently available under the Serious and Organised Crime (Control) Act aimed at the activities of outlaw motorcycle gangs, this proposed scheme is designed to capture young people involved in street gangs.

I support measures to keep our streets safer and to ensure law-abiding South Australian taxpayers are not affected by these street gangs. The messages my office have received about this bill is that honest, decent, hardworking South Australians are tired of criminal activities of these gangs and that we do not wish to become like Victoria where street gangs, crime and violence are sadly becoming an everyday part of life.

I note those at the frontline of dealing with street gangs in South Australia, SA Police, support this bill, and that alone should send a message to members in this chamber. Lawless individuals and lawless street gangs have no place on South Australian streets. Their activities often infringe on the rights of others. I make no apologies for wanting to crack down hard on street gangs. They are unAustralian and have no place in the streets of Adelaide. Reasonable measures aimed at tackling the criminal activities of street gangs deserve our support on behalf of those who have elected us.

The Hon. R.A. SIMMS (16:12): I rise to indicate my opposition to this bill on behalf of the Greens. Populist law and order penalties will not solve the issue of youth crime. The bill before us today is just more evidence that the Malinauskas government is turning youth crime into a political football. When this bill was announced earlier this year, the government proudly claimed that it was part of a commitment to deliver on policies that are, I quote, 'tough on crime' and it was taking the legislative model used to target outlaw motorcycle gangs and applying them to so-called street gangs, which comprise a group of three people or more aged 10 years or older—aged just 10—to be captured by the government's proposal.

Data released by the Attorney-General's own department this year revealed that South Australia has the second lowest rate of youth offenders across Australia after the ACT. Indeed, I note the ridiculous law and order campaign being run by the opposition, the usual populist campaign that the Liberal Party are running. In response to that, the Attorney-General has previously advised this place that we do not have a youth crime crisis and has presented data to demonstrate that crime among young people is not the significant problem that the Liberal Party are presenting it to be.

That is not to say that, of course, when crime occurs, it does not have a terrible impact on communities or individuals—I am certainly not suggesting that—but this idea that there is a crime wave involving our state's young people is just a pure concoction by the Liberal Party. I am disappointed that, rather than calling that out, what the Labor Party have chosen to do is come to this place with more populist law and order policies that do not do anything other than stigmatise young people. That is all this does.

The SA police commissioner and, indeed, analysis by SACOSS reveals that there is a long-term downward trend in offending involving young people across Australia and in South Australia specifically. In fact, SACOSS has found that over a 14-year period to 2022-23, the number of young offenders in SA has more than halved. Importantly, most crime in our state is not committed by young people at all. In fact, in 2022-23, young offenders constituted only 9 per cent of the total offender population.

The Attorney-General's Department states on its own website that, over the past financial year, just 20 young people were responsible for roughly 11 per cent of all matters before the Youth Court and responsible for a disproportionate rate of offending. There is a total disconnect between the evidence and these proposed laws to enable sweeping surveillance and restrictions on the rights of children and young people.

Stakeholders, including the Law Society, the Guardian for Children and Young People and SACOSS have called for attention to this bill's many problems and its implications for human rights. I will highlight a few of those for you. The extremely broad and vague definition of 'street gang' creates a serious risk of children being unjustly and unnecessarily criminalised. The bill defines 'street gang' as:

- (a) a group consisting of 3 or more persons—
 - (i) who have as their purpose, or 1 of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity; and
 - (ii) who, by their association, represent an unacceptable risk to the safety, welfare or order of the community...

The definition of 'serious offence' is any indictable crime punishable by life imprisonment or five years or more means that even a 10-year-old child could face such penalties. That is outrageous. 'Unacceptable risk' is not defined in the bill, nor is it linked to objective behavioural thresholds or measurable indicators of harm.

As SACOSS pointed out in their submission to the draft bill, this could theoretically include children walking down Rundle Mall wearing hoodies and being noisy, or being perceived by a member of the public as posing an unacceptable risk to that person's own safety, welfare or the order of the community. This raises serious implications for the right to freedom of expression and the right to freedom of association.

The proposed powers under section 83GT for street gang control and interim orders show alarming overreach, which risks imposing sweeping restrictions on young people's lives. Restrictions on communication devices, cash, locations and associations, for example, can severely limit young people's lives, disrupting their education, their recreation or their community involvement. This bill provides for these restrictions to apply for up to two years, an extremely long time for a young person to be subject to serious restrictions on their rights and to be constantly vulnerable for criminal liability, which creates a further risk of marginalisation.

I understand that section 83GU of the bill allows an interim street gang control order to be issued without notifying the respondent and with any prohibition that a full order could impose. These orders could also be varied without having to give notice to a respondent. This undermines procedural fairness and it leaves respondents unaware of the serious restrictions that may apply to them. Such a unilateral approach neither serves justice nor helps respondents understand and learn from the consequences of their actions.

Bills like this might make for good headlines, and I am sure that is the government's primary concern here, but they make crime worse by stigmatising and marginalising vulnerable people. This bill enables the broad surveillance and restriction of people's rights, not on the basis of proven conduct but on appearance, proximity and association.

Rather than pushing these populist law and order policies, the government must get tough on the causes of youth crime. This means actually coming up with policies like fully funded public schools, expanding free meal programs, addressing access to free mental health sessions, directly funding early intervention and other programs that improve safety. We know that the causes of crime lie in poverty, social isolation and marginalisation.

In her submission to the draft bill, the Guardian for Children and Young People urged the government to instead pursue youth justice reforms grounded in evidence, and to invest in holistic, therapeutic and culturally responsive diversionary pathways that actually support children and young people to thrive, rather than entrenching cycles of disadvantage. Crucially, she called on the government to avoid language that sensationalises or pathologises children and young people and urged them to work with media partners to elevate balanced reporting on youth crime. The government should listen and act on these recommendations.

I remember back when I started my working life, working in the youth sector for YACSA, the Youth Affairs Council of South Australia. At that time there was a push from the then Rann government to target youth crime with draconian legislation. The issue was being whipped up by the Rann government with the support of the then Liberal opposition.

It is really disappointing to see that 20 years on we have the Malinauskas government pushing the same old tired populist policies. I thought the Rann government was a reactionary and conservative government. I think the Malinauskas government has a much better track record in terms of delivering positive outcomes for South Australians, but I am disappointed that Premier Malinauskas and his government have chosen to take this populist policy from the Mike Rann handbook. Those days of Michael Atkinson and Mike Rann beating the populist law and order drum were really dark days for South Australia, and I am disappointed to see the Malinauskas government going down that path.

I am also very disappointed, might I say, in the opposition and their spineless approach to this matter. There was a real opportunity for them to support this matter being referred to an inquiry, and the fact that they are not willing to do so I think demonstrates a lack of leadership on their part and a timidity with respect to politics that will not serve them well heading into the next election. Really, they should be fulfilling their obligation, which is to scrutinise government legislation and to act as a watchdog, not a lapdog, of the government of the day. They are really failing, I think, to subject this legislation to the scrutiny it deserves.

That is why I will be moving to refer the matter to the Legislative Review Committee and seeking to suspend standing orders so that I may do that. I understand the Hon. Tammy Franks will be seeking to refer the matter to the Social Development Committee, and I think we will be dealing with her proposal first. I am supportive of that. Should the honourable member's push to refer the matter to the Social Development Committee fail, then I will move my referral to the Legislative Review Committee.

This is a significant change to the law of our state. It has significant implications for the rights of young people in our state. Rather than just waving it through we should ensure that it is given appropriate scrutiny by a parliamentary committee. That could be the Social Development Committee or it could be the Legislative Review Committee, but I urge the opposition to think carefully here before they sleepwalk into this dangerous populist law and order minefield.

The Hon. R.P. WORTLEY (16:22): This bill amends the Criminal Law Consolidation Act 1935 to create a new legislative scheme to target and disrupt the activities of street gangs and to make related amendments to the Serious and Organised Crime (Control) Act 2008. The scheme is similar to what is in place for outlaw motorcycle gangs but tailored to the way that street gangs operate. They tend to have a more fluid composition, a less structured hierarchy and fluctuating membership.

SAPOL have investigated many types of offences associated with street gangs, including murder; attempted murder; serious violent offences, such as assaults involving weapons; as well as large-scale drug offences and serious dishonesty offences, including money laundering. The bill seeks to ensure that there is an appropriate scheme in place to disrupt the criminal activities of street gangs and ensure that police have appropriate powers and tools to deal with these groups. In particular, the bill amends the CLCA to:

- insert an express definition of a street gang as a group consisting of three or more persons whose purpose or one of whose purposes is to engage in, organise, plan, facilitate, support or otherwise conspire to engage in serious criminal activities and who, by their association, represent an unacceptable risk to the safety, welfare or order of the community;
- allow the Commissioner of Police to make an application to the Supreme Court to seek a declaration that a group is a 'declared street gang';
- allow for the Commissioner of Police to make an application to the Supreme Court, or Youth Court in relation to a child who is at least 14 years of age, for a street gang control order in relation to a specific person;
- empower the Supreme Court and Youth Court to impose certain conditions on a person who is subject to a street gang control order;

- extend the operation of the existing offence of an adult who recruits a child to engage in criminal activity in section 267AB of the CLCA to include an adult who is the participant of a street gang as a 'prescribed adult';
- create a new standalone offence to criminalise associations between members of declared organisations, members of criminal organisations and street gang participants;
- create a new standalone offence for the participant of a street gang to be present at a prescribed place or event that has been declared as such under section 83GA of the CLCA; and
- create a new standalone offence for an adult who recruits a person into a street gang.

Where the court determines to make a street gang control order, it may prohibit the respondent from doing one or more of the following:

- 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 in a specified distance of, a specified place or premises;
- possessing a specified article or weapon;
- carrying more than a specified amount of cash;
- using or being in possession of a communication device, except as may be specified; and
- engaging in other conduct of a specific kind that the court considers could be relevant to the commission of serious offences.

The Hon. T.A. FRANKS (16:26): I rise to speak on this bill. I was not on the speaking sheet because this is the very first day that this bill has appeared on the *Notice Paper* and it is convention in this place that a bill sits for more than a single day on the *Notice Paper* before we debate it, and so my indication had been not today in terms of my contribution.

I rise to express my serious concerns about the Criminal Law Consolidation (Street Gangs) Amendment Bill and, in doing so, I am mindful that groups such as SACOSS have joined with others, including the National Aboriginal and Torres Strait Islander Legal Services and the Aboriginal Legal Rights Movement, and also eminent voices in this debate, such as the Guardian for Children and Young People, and have all urged that this bill be referred to a committee. This bill in its current form may have been out for consultation for some time, but in its current form it has only existed in fact for just over a week in the public domain.

In my reaching out to stakeholders, they noted that, while some changes had been made, they still had serious concerns and still needed time to process the bill and urged that a committee take a proper look at this piece of legislation, particularly with regard to issues such as children with disabilities and unforeseen circumstances.

I rise to admonish members of parliament who have created a campaign of fear about a supposed youth crime wave in this state. There has been some debate about that, and I note the member for Bragg has led that debate. The debate is not borne out by the statistics.

I refer members to the analysis done by Sue Tilley and Rebecca Tooher from SACOSS and I draw members' attention to, in particular, the stats on offending, which take from their genesis the ABS about recorded crime offenders and youth offenders. They state in that contribution to the *Law Society Journal* that:

Since December 2023, across all offenders (including young people), every type of offence has decreased, including house break-ins, shop theft, car theft and theft from vehicles. Robbery and related offences have dropped by 26 percent and aggravated robbery offences by 20 percent. In 2022-23, young offenders constituted only nine percent of the total South Australian offender population. Over the 14-year period from 2008-09 to 2022-23, the number of young offenders more than halved, with the decline accelerating after 2016.

Of course, it is easy to cherry-pick some figures that start at the period of COVID when clearly we had quite a break in the usual running of business and the way that this society operated, and pretend that there was some sort of crime wave that needed a response. I remind the opposition that facts matter.

Some facts that I would also like to put on the record today are that this nation currently spends some \$1 billion plus a year locking young people up. In South Australia, we spend eight times as much on locking young people up as we do on community-based services for them. Do you know what? It costs quite a bit to lock a young person up. Not only does it rob them of their future, not only does it break social fabric, it costs some \$4,189 a day to lock them up. That is \$29,323 a week or, in fact, over \$1.5 million a year. If you just stopped and paused and did not lock, say, one young person up, you would have another \$1.5 million to spend on justice reinvestment, on keeping people out of the system in the first place, and creating better lives for all South Australians.

I note the words of SACOSS and others, that this draft legislation has made some small amendments from the previous position that the government was putting out to consultation, but that those do not go anywhere near far enough. In particular, I observe the concerns of the guardian, and I thank her for her swift response to my correspondence in recent days, noting that none of these groups have actually had adequate time to provide a proper response to this piece of legislation, so I fail to see how any member of this place can do the same.

In fact, the guardian has also pointed to things that need to be done to turn this debate around, to acknowledge the truth of it and, in fact, to create better lives for young people. The bill is, in fact, incompatible with the United Nations Convention on the Rights of the Child and, of course, Australia is a signatory to that and does have legal obligations. The risk of overreach, racial profiling and unintended entrenchment of gang identity is significant.

This bill potentially provides a vehicle for racial discrimination, as the guardian warns, and it has in it the erosion of key legal protections, including the presumption of innocence and the right to silence. Indeed, as the guardian states, she remains concerned that this bill places the onus on a child or young person to prove that they are not part of a street gang, flying in the face of our usual rule of law.

I have given contingent notice today, at the very first opportunity that I had to do so, to refer this particular bill, in my case to the Social Development Committee for further consideration. I note that that will need an absolute majority of this place due to the suspension of standing orders. I also note that the Liberal opposition has indicated that they will not be considering any referral of this bill for further consideration to the Social Development Committee, the Legislative Review Committee or, indeed, a committee that the Liberal opposition could themselves set up to ensure that there is thorough and proper process in this place, that we do not debate bills on the fly one sitting day after they have been introduced, and that we do not deny stakeholders with expertise the ability to have proper input into the legislation that is debated in this council and in the other place.

It is a failing of democracy today that that has happened. I bemoan the fact that we have ended up in this law and order debate—back to the old era of the Rann days, where it is great, with a state election in the offing just a few short months away, to start talking tough on crime and to throw real statistics and the facts out the window.

On a final note, I know that AI, should you consult it, notes that there is no youth crime wave in South Australia, and in fact we have the lowest rate, other than the ACT, of youth crime. I note with some comfort that that statement is backed up by the Attorney-General's own department, as well as groups I have mentioned today, such as the Law Society paper that SACOSS has penned.

I urge members to consider whether they are making a mistake by playing fast and loose with the truth for the sake of political pointscoring, and I look forward to the debate and answers to questions that do need a response from the Attorney-General. It is a deeply disappointing day when we see this sort of legislation rammed through the parliament, not just through the government's actions but with the Opposition's complicity and inaction.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:35): I thank honourable

members who have contributed to the debate on this bill. As the government said at the outset, this bill gives police important powers to disrupt the activities of street gangs. It is the government's view that it is an important measure to maintain the safety that the South Australian community enjoys.

In this state we have been very successful at disrupting the activity of outlaw motorcycle gangs. These reforms draw from that successful model and similarly seek to disrupt the activities of street gangs. These reforms have been the subject of significant consultation. The proposal was first outlined in the Young Offender Plan, as honourable members have alluded to, in March of this year. It was then refined, and a draft bill was first published on 10 June 2025.

Consultation on the draft bill was extensive, with the bill sent to many stakeholders, including the ALRM, the Law Society, the Bar Association, the courts, the Guardian for Children and Young People, the Commissioner for Children and Young People, the Youth Affairs Council, the South Australian Council of Social Service and others. It was also made publicly available on the Attorney-General's website, including advice on how to make a submission.

In all, almost three dozen submissions were received in response. Consultation also occurred directly with the state's First Nations Voice, including a meeting to receive feedback, as I outlined in my second reading explanation on the introduction of this bill. This feedback, as well as feedback that was similar in nature from a number of other groups, led to a number of changes to the bill.

This has been an extensively consulted on bill and one of the most consulted on bills in the Attorney-General's portfolio area during this term of parliament. We will not be supporting the referral to committees for further consultation after the consultation that has already occurred. We will be looking forward to discussion on this bill, should it not be referred to a committee at the second reading stage today.

The council divided on the second reading:

Ayes13
Noes4
Majority9

AYES

Centofanti, N.J.
Hanson, J.E.
Hunter, I.K.
Martin, R.B.
Wortley, R.P.

Game, S.L.
Hood, B.R.
Lensink, J.M.A.
Ngo, T.T.

Girolamo, H.M.
Hood, D.G.E.
Maher, K.J. (teller)
Pangallo, F.

NOES

Bonaros, C.
Simms, R.A. (teller)

Franks, T.A.

Lee, J.S.

Second reading thus carried; bill read a second time.

Standing Orders Suspension

The Hon. T.A. FRANKS (16:41): I move:

That standing orders be so far suspended as to enable me to move that the bill be withdrawn and referred to the Social Development Committee for inquiry and report.

The PRESIDENT: The Hon. Ms Franks, we do not have an absolute majority on the floor.

The Hon. T.A. FRANKS: Mr President, I draw attention to the state of the chamber.

An honourable member interjecting:

The Hon. T.A. FRANKS: You just walk out; you do not even vote on it, let alone—

The PRESIDENT: The Hon. Ms Franks, there is a quorum present so you cannot call attention to the state of the house.

The Hon. T.A. FRANKS: Yes, I know. I gave it a go. I am just pointing out that you just pulled the numbers so that I cannot actually put a motion for a bill that you did not even have on the *Notice Paper* today, so you have just used process to deny democracy. Well done.

The Hon. R.A. SIMMS (16:42): I move:

That standing orders be so far suspended as to enable me to move that the bill be withdrawn and referred to the Legislative Review Committee for inquiry and report.

The PRESIDENT: The Hon. Mr Simms, we still do not have—

The Hon. R.A. SIMMS: Shame on the government, shame on the opposition. You have the numbers and you are not even willing to let us have this debate. You are ramming it through. That is a really low act and one I will not forget.

The PRESIDENT: The Hon. Mr Simms, I am actually not doing anything.

The Hon. R.A. SIMMS: I am not having a go at you, Mr President.

The PRESIDENT: It sounded like you were.

The Hon. R.A. SIMMS: I was commenting on the actions of the government and the opposition, to be clear. I think this is a very lousy sleight of hand on their part.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: My question to the Attorney-General is: does the First Nations Voice to Parliament support this bill in its current form?

The Hon. K.J. MAHER: I thank the honourable member for her question. As I outlined, I think, in my second reading explanation and also my second reading sum-up speech, we have had direct consultation with the First Nations Voice in relation to the bill. They made a number of suggestions which we have taken into account.

The Hon. T.A. FRANKS: Does the First Nations Voice support this bill in its current form?

The Hon. K.J. MAHER: We are not regularly in the habit of going out to consult once we have made changes as a result of suggestions made. That could lead to an endless cycle of consultations every time changes are made for further changes and further consultation.

The Hon. T.A. FRANKS: Is the bill that we have before us the same format that was provided to the SA First Nations Voice to Parliament or not, and on what date was it provided to them?

The Hon. K.J. MAHER: I do not have an exact date. I am trying to remember. I could not guess on a date, but certainly in the three months since the draft was released there was a version of the bill that was provided that was in the original version that went out for consultation. As a result of that consultation, significant changes have been made and that is what is presented before us today.

The Hon. T.A. FRANKS: Which stakeholders support this bill in its current form?

The Hon. K.J. MAHER: I do not have a full list. As I have said, as I understand it there were almost three dozen submissions received. Some of the concerns that were raised amongst groups were similar to the concerns that were raised by the First Nations Voice. I think there was both support for the bill in the consultations as well as concerns raised, and we have taken into account some of those.

The Hon. R.A. SIMMS: Will the minister release the submissions publicly and identify which elements of feedback have been actioned?

The Hon. K.J. MAHER: I thank the member for the invitation but that is not the usual course of action that we take.

The Hon. T.A. FRANKS: Which stakeholders actually support the bill that we currently have before us that we are debating today? Which stakeholders actually support it?

The Hon. K.J. MAHER: Again, in a similar answer to the last question, I thank the honourable member for her invitation. It is not the usual course of action that we as a government take—or indeed other governments have taken—to release all submissions that are received, but we do take them into account.

The Hon. T.A. FRANKS: Is the Attorney-General aware of opposition to this bill and is he aware of which stakeholders oppose this bill in its current form?

The Hon. K.J. MAHER: Once again, clearly that is the case because we have made changes in relation to feedback that was received during consultation.

The Hon. C. BONAROS: Can the Attorney outline the significant changes and changes made to the bill that he has referred to in his responses so far?

The Hon. K.J. MAHER: I am happy to outline some of the changes that were made. These were ones that I think I traversed during my initial second reading explanation, in particular in relation to feedback that was received from the First Nations Voice, which was similar to feedback that a number of other groups put forward. I think the opposition outlined some of those.

One of the changes we have made was that the application for street gang control orders can only be made in relation to children who are at least 14 years of age, not 10. I know that there are very well-held views and debate about the age of criminal responsibility in South Australia, which is generally 10. For this bill, for orders the child has to be 14.

It has refined the operation of presumption as to participants so it does not apply to cultural symbols or symbols that are not unique to that street gang. There was concern raised that, for example, wearing a national flag in and of itself could constitute an offence or participation in a street gang. My advice is that that was never the case under how the initial bill would operate, but as an abundance of caution and to allay any fears that that was the case, even though the advice was that that is not how it operated, we made it abundantly clear that those symbols have to be unique to that street gang. They cannot be, for example, a national flag.

We have ensured that the definition of 'participant' does not capture people who may be providing positive support to an individual in a street gang. In the draft bill, lawyers were excluded. We did take on suggestions that social workers or other professionals who are actually trying to help those in the street gang, not actually in the furtherance of criminal activity, ought not to be inadvertently captured, and we have taken that on board.

There was an ability in the draft bill that by regulation you could declare that a group is a street gang in relation to feedback. We have made it so that only the court can make that declaration, so evidence would have to be provided and there would potentially be a contest about whether that was enough evidence. It cannot be by regulation; it can only be by the court who makes it.

The Hon. C. BONAROS: Given that list actually reflects exactly what I have in front of me in terms of the substantive changes, can the Attorney confirm that they are the only substantive changes that have been made between the two drafts?

The Hon. K.J. MAHER: I am advised that there are other less substantive changes, but my advice is that they are the substantive changes that have been made.

The Hon. R.A. SIMMS: Rather than me asking questions at the relevant sections, I might just ask them now, so that I can get them out of the way, if that suits you. I note the haste with which the government is keen to move this through. I refer to clause 83GH. Can the Attorney explain why the suggestion of the Law Society and others to include the words 'without lawful excuse' has not been taken up? Surely there are reasons why people might associate with a group, not necessarily knowing, for instance, that they are a potentially criminal organisation. Can you explain why that has not been taken up?

The Hon. K.J. MAHER: Can I just get some clarification? The section that the honourable member refers to is the interpretation section. What particular element of that is he directing us to?

The Hon. R.A. SIMMS: Sorry. The advice that I have been given here—maybe it is clause 9, actually.

The Hon. K.J. MAHER: Do you want to write and we can take it on notice? We are just not sure.

The Hon. R.A. SIMMS: There is a clause here that refers to a participant. Maybe the clauses are wrong on my notes. I do not have it in front of me, but a:

participant, in a street gang or other group—

no, it is in definitions—

means a person who

(a) asserts, declares or advertises their membership of, or association with, the group...; or

It goes through (b) and (c) and lists a series of instances. It is my understanding that the Law Society and others suggested that there should be the inclusion of the phrase 'without lawful excuse'. Can the minister explain why that was not taken up?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that we did take into account that particular suggestion in the way that it is now drafted, and that has changed from the original drafting of the bill. In that particular subclause of the interpretation section in 'participant', subclause (c) states:

with the intention of engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, criminal activity—

It is a way we have taken that into account by saying you have to have the intention of doing that.

The Hon. R.A. SIMMS: I have that in front of me. The precursor under (b) is 'or', so I read that as implying that the intention of engaging in or organising is not an essential part of the offence. Is the minister saying that that is indeed an essential part of the offence?

The Hon. K.J. MAHER: I understand what the honourable member is asking, but I am advised it is, and deliberately, quite a high threshold to meet that in 'participant'. For the first two parts, (a) and (b), you have to do things proactively. You have to assert or declare, you have to seek to become a member of, so you do not inadvertently fall into that—it is taking positive steps to do that—and in part (c), again, it is with the intention of doing that.

The Hon. R.A. SIMMS: Then why did the minister not use the word 'and' rather than 'or', because this implies that it is an 'either or' proposition? If you are saying that this is in fact an essential component of the offence, then why is not part (b) followed by 'and' rather than 'or'?

The Hon. K.J. MAHER: In all those three parts, (a), (b) and (c), every one of them requires a positive step. It is not like part (a) does not require a positive step, so it should be 'and to require another part' with the positive step; all three elements, either one of those, require that positive step.

The Hon. R.A. SIMMS: Can I ask the Attorney: what is the urgency here? I note his comments earlier where he talked about the fact that he had released a draft bill some time ago, but why was this bill only on the *Notice Paper* in this chamber for such a short period of time? Why were members not given more of an opportunity to engage with the detail of this legislation?

The Hon. K.J. MAHER: The draft of this bill was released some three months ago. We have taken into account significant feedback. I outlined some of the significant changes that have been made. We have just traversed another one of the less significant but nonetheless important changes that have been made that require that participation to be taking positive steps to do that.

We are getting towards the end of this term of parliament. I think there are something like 14 sitting days to go after today. This bill will necessarily have to travel to the other place and be debated there, so we are keen to get on with it to try to make sure that this bill gives the police the power they need during this term of parliament.

The Hon. C. BONAROS: I am just referring to the Young Offender Plan 2025. It is all of five pages, about 16-point font size and triple lined. Extraordinarily, there are fewer than a hundred words on youth gangs and areas for improvement, and that is what this bill deals with. Again, I can read them clearly because they are in about 18-point font size. There are three areas of immediate action: a million dollars over three years for justice rehabilitation funding, a stakeholder round table and a review of the Bail Act.

Can the Attorney provide an update on all of those three immediate actions, and can the Attorney also provide an update in relation to the other bill, which is supposed to provide a response to the overall plan in relation to young offenders?

The Hon. K.J. MAHER: I am advised that the honourable member is, indeed, correct, that there are other elements of some of what we are doing in this area. With regard to the other bill that the honourable member refers to that deals with serious repeat young offenders, a draft has been made available. There has been, like this, extensive consultation. That consultation period is now closed and as a government we are considering the result of that consultation.

In relation to targeted programs to intervene in young people's lives, I think the honourable member mentioned a million dollars over three years—it is a million dollars a year over three years, so that is \$3 million in total. I know work is underway, particularly in consultation between the Attorney-General's Department and the Department of Human Services about how those services will look.

The Hon. C. BONAROS: The last of those immediate actions also calls for a review of the Bail Act to be referred to SALRI, and that will relate to the 'practical operation and role in the criminal justice system'. Where is that at?

The Hon. K.J. MAHER: That has happened. That reference has been given to the South Australian Law Reform Institute. As honourable members will know, SALRI do very in-depth deep-dive analysis. That has occurred. As with most SALRI references, I expect that will take some time.

The Hon. C. BONAROS: Can the Attorney just refresh my memory: do we not have another bill that is dealing with the Bail Act at the moment, and is that related to young offenders at all?

The Hon. K.J. MAHER: I cannot think of one apart from the one that was out for consultation. Consultation has now closed and we are considering the feedback. I cannot remember another one that specifically deals with bail for young people.

The Hon. C. BONAROS: Can the Attorney explain how the significant implications for children in youth detention and the youth detention environment have been overcome by any of the provisions in this bill since the first draft?

The Hon. K.J. MAHER: Before I answer that, I might add to the previous question that was asked in relation to bail. There is in the Attorney-General's portfolio bill that is now introduced reference to bail, but that is not specifically to do with young offenders. That is to do with an issue that we have not seen in South Australia but has arisen in other states with private providers of bail services. That is not anything to do with what this bill seeks to do, but in the Attorney-General's portfolio bill there is a reference to private providers of bail services, to make sure they cannot spring up without the knowledge and approval of the bail authorities in South Australia. I will get a further answer in relation to the member's question.

I am not sure if this answers the question, but I am sure if it does not, the honourable member will further refine her question to point me in the right direction. In relation to youth detention or vulnerable cohorts of young people, one of the very specific aims of this bill is to disrupt the operations of street gangs, and particularly the recruitment of young people into those.

The Hon. C. BONAROS: Has particular consideration been given to how this bill will apply to children in residential care?

The Hon. K.J. MAHER: There is not a provision in the bill that specifically speaks to that, but I am advised the provision in the bill—for example, if a control order is made—is to take into

account all the circumstances of that person, and the circumstances if it was a child in residential care may well be one that is taken into account.

The Hon. C. BONAROS: By the same token, what consideration has been given to those control orders when it comes to the living arrangements of children and adults alike, who may be siblings, cousins, living in an extended household setting where they are actually related to each other or living together as kin?

The Hon. K.J. MAHER: This is one of the other further changes that has been made to the bill from the draft bill after taking into account the results of consultation. Division 3 83GT(7) has changed from the draft consultation so that it requires the court, if they are going to look at making a control order:

- (7) In determining whether to make a street gang control order prohibiting the conduct of a kind referred to in subsection (5)(a) or (c), the Court—

and this is not 'can', this is a 'must'—

- (a) must have regard to the extent to which such an order may affect the respondent's connection with their family and culture; and
- (b) 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.

The issue that the honourable member raised is something that has changed and been taken into account from the draft bill.

The Hon. C. BONAROS: Can the Attorney just flesh that out a little in terms of the practical implications? So you have one of these applications, and there are siblings or kin or they are living in the same household, and the court has a positive obligation to take that into account. What is the outcome for the parties involved?

The Hon. K.J. MAHER: I thank the honourable member for inviting me to step into the position of being a judge and looking at factual circumstances and making a ruling, but it will depend on the individual circumstances. But it is something the court must take into account.

The Hon. C. BONAROS: So the court must take it into account, but the concerns that have been raised about the fact that it may potentially still result in the same outcome are valid ones?

The Hon. K.J. MAHER: As I said, this has changed as a result of the consultation. This is a new and different addition to the bill. As I said, the court must not prohibit the respondent from associating with a close family member unless it considers it is necessary to prevent the respondent from engaging in serious criminal activity. That is a requirement that is in the bill now that was not in the bill previously, I am advised.

The Hon. R.A. SIMMS: Is this legislation modelled on the laws in relation to bikies, and does the Attorney-General think it is right that we treat children the same way as we treat bikies in our state?

The Hon. K.J. MAHER: Certainly the aim of this is to disrupt the activities of street gangs who engage in criminal activity in the same way that the bikie legislation has very successfully disrupted the criminal activity that bikie gangs engage in.

The Hon. R.A. SIMMS: Street gangs involving children—minors.

The Hon. K.J. MAHER: I would point out that the outlaw motorcycle gang laws that we have could involve people under 18 as well. Very significantly, I think, one of the aims of this is to disrupt and prevent young people going down a path of choices that involve more frequent contact with the criminal justice system.

The Hon. N.J. CENTOFANTI: Just perhaps as a supplementary to that and noting specifically, in division 4, new section 83GZE, which, as I understand it, creates an offence for carrying on a criminal association on not less than six occasions during a period of 12 months, can the Attorney please clarify where the six occasions in 12 months recommendation has come from, particularly in regard to intervention with a penalty to perhaps promote a change of path?

The Hon. K.J. MAHER: This is one of the areas that is borrowed from the declared organisations legislation. So it takes, I think, as I am advised, the same time period and number of occasions from that piece of legislation.

The Hon. C. BONAROS: Can the Attorney just confirm whether consideration was given to how this bill may interact with the transit barring orders scheme that was implemented by regulation, not legislation, recently?

The Hon. K.J. MAHER: I am advised it is difficult to see how there is specific overlap in relation to that.

The Hon. C. BONAROS: There were some specific concerns raised in relation to new sections 83GZN and 83GZO around criminal intelligence and preventing parties from being able to challenge errors. Were there any changes made to either of those two sections as a result of the substantive changes that the Attorney referred to earlier?

The Hon. K.J. MAHER: I am advised that these provisions are taken from the serious and organised crime legislation and my advice is that what they seek to do is if there is criminal intelligence that the police come by way of investigating something unrelated they can use that intelligence in relation to this scheme.

The Hon. C. BONAROS: I am just looking at the definitions that apply in relation to street gangs and serious offending.

The Hon. K.J. MAHER: Is this in interpretation?

The Hon. C. BONAROS: Yes, interpretation. So 'street gang' in 83GH is defined as:

- (a) a group consisting of 3 or more persons—
 - (i) who have as their purpose, or 1 of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity; and
 - (ii) who, by their association, represent an unacceptable risk to the safety, welfare or order of the community; or
- (b) a declared street gang.

So the street gangs can be declared by whom? I already know the answer to that, but also is there any limitation? Is it any serious offence? 'Serious criminal activity', which is referred to in the definition of street gangs, is defined as 'the commission of a serious offence'. Is that any serious offence?

The Hon. K.J. MAHER: In relation to the two questions, the first one was in relation to street gang definition, particularly (b) 'a declared street gang'. That refers to one who has been declared by a court. It is not as the original bill was: it can be declared by regulation. That has to be declared by a court. So that is if there is already a declaration in place and that significantly increases the threshold, rather than it be an executive order as the original bill contemplated.

In relation to the second question, commission of a serious offence, yes, the member, I am advised, is correct. A serious offence is an offence that is an indictable offence punishable by imprisonment for life or for a term of five years or more.

The Hon. C. BONAROS: In paragraph (ii) of that same definition, one of the other means by which these can be declared is by association where they represent an unacceptable risk to the safety, welfare or order of the community. Is unacceptable risk to the safety, welfare or order of the community defined anywhere?

The Hon. K.J. MAHER: I am advised that that will be up to the court to interpret those words. But I will point out, and I think one of the other contributions at the second reading stage talked about the definition of street gang, just to be very clear, on advice it is not that you pose an unacceptable risk or that you have this for a purpose, it is an 'and'. It has to be both of those. Again, this is deliberate. It is not a low threshold, so it cannot just be that you pose an unacceptable risk. It has to be the first part as well.

The Hon. C. BONAROS: Is it correct that the onus in relation to proving that a person is not part of a street gang falls on the child or young person involved, as opposed to the other way around?

The Hon. K.J. MAHER: I am advised that is not the case. My advice is that the police have to put it before the court and establish it.

The Hon. T.A. FRANKS: The guardian's original submission raised serious concerns about the implications for people with disabilities and noted that the bill was silent on disability. I acknowledge that was a previous incarnation of the bill. She went on to say:

...an omission that is unacceptable and with serious consequences. Children and young people with disability, particularly those in out-of-home care or involved in the youth justice system, are already amongst the most over-policed and under-protected in our legal and institutional systems. Without explicit safeguards, this Bill risks further entrenching a pattern where the effects of trauma, cognitive impairment, or psychosocial disability are misread as risk indicators or criminal intent. Legislation that fails to consider disability—and its intersection with child protection, poverty and institutionalisation—does not merely overlook complexity. It actively compounds it.

What changes were made to the draft bill to address this serious concern?

The Hon. K.J. MAHER: I thank the honourable member for her question. I think that one of the changes made was in relation to how a street gang can be declared. It can only be a court doing it: it cannot be done by regulation. Being a participant in a street gang in and of itself does not create any criminal offending. It is only if subsequently there is a further application to a court in relation to an individual for whom there is a control order or it is sought, and certainly any specifics to that individual can be taken into account by the court.

The Hon. C. BONAROS: I have two further questions. The Attorney in his second reading and, indeed, as part of the plan points to the fact that we have the second lowest rate of youth offenders across Australia, after the ACT. There has been a significant and continuing decrease in the youth offender rate to 1,268 per 100,000 in 2022-23 but then a slight increase of 1,161 per 100,000 in 2021-22. I think those figures are the wrong way around, but notwithstanding that, we then hear the Attorney tell us about the fact that there is a small cohort of offenders who are responsible overwhelmingly for crimes being committed.

Can the Attorney just address the point of the disproportionate impact that this has on Indigenous children by telling us, out of those figures that have been arrived at, how many are actually Indigenous?

The Hon. K.J. MAHER: How many?

The Hon. C. BONAROS: Those figures that you have pointed to in your plan.

The Hon. K.J. MAHER: I do not have information in relation to that, but I can say in relation to the point the honourable member raises that, whilst we do have a comparatively low rate of youth offending compared to other jurisdictions in Australia, we want to make sure that law enforcement has the tools it needs to ensure that that stays the case. This is directly aimed at disrupting what street gangs do. I think it has been publicly reported that the majority of participants in street gangs are not young people but are over the age of 18. This is unapologetically about trying to make sure that young people do not become involved in street gangs, particularly elements that create the offence for recruitment, too.

The Hon. C. BONAROS: I am very grateful for that answer because the Attorney might just want to elaborate on that. There are two points under the plan: one is sentencing and the need for something to be done in relation to the current scheme around sentencing, and the other is in relation to youth gangs. Does this bill pick up on both or just youth gangs, and is it likely that the issues around sentencing will remain because the same people are not necessarily involved in the two lots of offending?

So sentencing is one issue, youth gangs is another—does this pick up on both, and is it likely that we still have issues with sentencing because there is a cohort of kids or minors or young people committing crimes that are not part of that gang activity that has been referred to?

The Hon. K.J. MAHER: The honourable member will be pleased to know that the second bill that we have traversed, where the consultation has now closed and we are considering feedback, picks up on that sentencing aspect.

The Hon. R.A. SIMMS: Just before we move on, I did want to put on the record my deep frustration at the way that this bill has been handled and my disappointment in particular at the opposition for working in concert with the government to pool a quorum so that we could not have a discussion around whether or not we should suspend standing orders to refer this matter on to a committee.

I think the Hon. Tammy Franks made some very good points in terms of her rationale for seeking to refer this on to the Social Development Committee. I think the discussion that we have had today demonstrates the benefit that could have flowed from referring it on to the Legislative Review Committee, given the complexity of the bill, and I am disappointed that the two major parties in this place were not even willing to give the crossbench the opportunity to have that discussion and to debate that.

The Hon. C. BONAROS: I will not keep on about this, but I just want to put one potentially final question to the Attorney. That same plan—and the Attorney refers to this—says that:

It now appears that the pattern of offending by the cohort of young offenders who are causing the greatest concern differs from adult serious repeat offenders, with higher rates of reoffending often involving lower-level offending...

- failure to comply with bail agreement (19%)
- dishonestly take property without consent (17%)
- damage building or motor vehicle (7%)

I acknowledge what you have just said about the next bill, but given that we are talking about lower levels of offending in your report, none of that will necessarily be captured by this bill if we are only dealing with serious offending; is that correct?

The Hon. K.J. MAHER: That is correct. The issues that the honourable member has raised are intended to be addressed by the next bill that is coming.

The Hon. C. BONAROS: Is there a reason we could not consider these two bills side by side so that we know what the totality of the package looks like?

The Hon. K.J. MAHER: I thank the honourable question for her question. It is a matter of resources. We necessarily consider many things in this place. I know that the officers from the Attorney-General's Department work extraordinarily hard, but it is about making sure we have enough time to properly consider feedback, because I am sure if we did not consider feedback and made no changes to a draft, I would be even more heavily criticised, and probably quite rightly.

Clause passed.

Remaining clauses (2 to 4), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FAIR WORK (WORKER ENTITLEMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 September 2025.)

The Hon. B.R. HOOD (17:23): I rise today to speak on the Fair Work (Worker Entitlements) Amendment Bill 2025 and indicate that I will be the lead speaker for the opposition. We support the bill and will have two amendments to speak to. This bill is a part of the state government's election commitment to introduce wage theft laws, albeit late in their term of government. Interestingly, this

amendment will only apply to the public sector, local government employees, as the rest of South Australia's workers are captured by the recently amended commonwealth legislation.

The main feature of the bill is the introduction of the civil penalty powers of the SA Employment Tribunal, providing the ability for the tribunal to impose a maximum fine of \$25,000. This penalty can be ordered in addition to the owed wages and interest on those wages. The government has touted that this penalty would act as a deterrent to employees, namely, the government itself, to prevent them deliberately and systemically underpaying their employees. Whilst this bill appears to be common sense, in practice the court has discretion as to whom the civil penalties amounts will be paid to, which is a matter the opposition would like the chamber to consider.

In the recent decision of the Transport Workers' Union of Australia and Qantas Airways Limited, applying the equivalent commonwealth provision of section 104A(7) of the proposed bill, the court awarded the civil penalty of \$50 million to the union who brought the action. In other cases, the court was awarded 50 per cent of the penalty to the representative and 50 per cent to the employee.

The current bill proposes that government money will be paid to the employee's legal representative, which is, in most cases, the union, as a penalty for government agencies not paying their workers appropriately. We would argue that legal costs and possible liability of those litigation costs should be a matter determined between the union and their employees or their members.

We will propose an amendment to the proposed section 104A which requires that where employees are found to have contravened section 104(1), any civil penalty imposed by the South Australian Employment Court must be paid directly to the employee affected by the breach. In other circumstances, the court retains discretion for direct penalties to the state, an organisation or another person as appropriate. This change strengthens fairness to ensure that workers who are directly wronged are the ones to receive the benefit of the penalty, rather than seeing it absorbed elsewhere.

In situations where the government agency is required to pay a wage claim as well as a civil penalty, we have been advised that these funds would come from the agency budget and declared during the budget and estimates process. Employment tribunal findings are already public, but there is concern that deliberate and systemic underpayment within government departments is not reported in a fully transparent manner, and in some cases should be reported more proactively.

We would also propose an amendment to insert a section 104D, introducing a transparency measure for cases where public sector employees are found to have contravened section 104(1). It obliges the responsible minister to table a report in parliament within six sitting days of the civil penalty being imposed, detailing the agency involved, the case reference, the penalty or penalties applied, and the costs incurred by the Crown.

This requirement ensures accountability when government agencies breach workplace entitlements, allowing both parliament and the public to scrutinise the circumstances and consequences of such contraventions. With regard to the committee stage, the opposition only has a few questions to ask the government for some clarification but, as I said, we will be moving two amendments and we will support the bill's passage.

The Hon. T.A. FRANKS (17:27): I rise in support of this bill and welcome the Malinauskas government's commitment to keeping their election promises where they can, and in this jurisdiction this is what they can do to effect change. It has been a long time coming in terms of having legislation before this place on wage theft. I was certainly pleased that former member of this place the Hon. Irene Pnevmatikos was able to champion many matters in this area and, indeed, led the parliamentary inquiry in a previous parliament of which I was a member.

We know that wage theft is a serious concern. It is deliberate in many cases, and it does impact adversely on the most vulnerable in our workforce, and we must do all we can to address it. This bill, of course, deals with the state and the state jurisdiction, and a particularly, I think, focused section. I note that the Liberal opposition has proposed two amendments. I will not be supporting amendment No. 1 of the opposition, but I will be supporting amendment No. 2 and that is where a report on certain civil penalties will be required to be laid on the table of the parliament.

It is quite true that with regard to wage theft, in fact, the promotion of the act is as much of a deterrent for it to happen again as the financial penalties. So with that, I think it is quite fitting that

any state government would be held to account, regardless of their colour. I also welcome in this place the debates on wage theft that we have been having, quite actively, and the Liberal opposition's newfound commitment to ensuring that wage theft is held to account. It is good to see bipartisanship come at last on the wage theft issue, as somebody who remembers the former leader of the Liberal government at the time who refused to use the term 'wage theft' when we set up the inquiry. We have come a long way. We have a way to go and this bill helps us get there.

The Hon. J.S. LEE (17:29): I rise to speak in support of the Fair Work (Worker Entitlements) Amendment Bill 2025. This bill affirms the fundamental principle that every worker deserves to be paid in full, on time and in accordance with the law. It reflects the values of fairness, dignity and respect in the workplace. The legislation addresses a clear gap. While the commonwealth has introduced wage theft laws for private sector employees, those protections do not extend to workers employed by state and local government. This bill ensures that public sector and council workers, teachers, nurses and many others are not left behind.

For the first time at the state level, a civil penalty regime will apply. Employers who deliberately and systematically underpay staff will face penalties of up to \$25,000 per contravention. These penalties may be directed to the affected worker, not just the state, ensuring justice and restitution. This bill makes it clear that the Crown is bound by the Fair Work Act 1994. Public sector agencies will be held to the same standards as any other employer. This is a vital step in ensuring accountability across all levels of government.

The threshold for civil penalties is focused on serious misconduct. Underpayments must be both deliberate and part of a systematic pattern of conduct—recurring or methodical behaviour affecting one or more employees. This ensures enforcement targets those who knowingly and repeatedly breach their obligations, not those who make genuine errors.

The South Australian Employment Tribunal will be empowered to impose civil penalties, award interest on a broader range of underpayments and hear claims under other workplace laws. Cost orders will only be made in cases of vexatious or unreasonable conduct, aligning with national standards and protecting workers from undue financial risk. Employers will be required to pay entitlements in full, in money—not in kind—and at least monthly. This closes a loophole that allowed some to back pay just before a court hearing to avoid consequences.

The bill also expands coverage to include wages, allowances, overtime, leave payments, superannuation, long service leave and WHS-related payments. It clarifies that the state act does not apply to national system employers, aligning with legal precedent.

While this is a strong and principled reform, it is not without complexity. The Law Society of South Australia and unions have raised concerns about the threshold for civil penalties, suggesting it may be too high and could limit enforcement. There is a risk that if the bill does not deliver meaningful change it could lead to disillusionment among workers and advocates. These concerns are valid and reflect the importance of ensuring enforcement mechanisms are both effective and fair.

However, the government's position—consistent with its election commitment—is that the threshold should target serious and intentional misconduct, not inadvertent errors. This approach seeks to strike a balance between deterrence and fairness. A statutory review after three years will provide an opportunity to assess whether the legislation is working as intended and whether further reforms are needed.

The bill strengthens protections for workers, enhances accountability for employers and reinforces the integrity of our industrial relations system. I would like to indicate my support for the amendments proposed by the opposition, the Hon. Ben Hood. I believe that the amendments will strengthen the bill's intent for ensuring that workers who have been underpaid receive the benefits of the penalty, reinforcing the principle of fairness. With these remarks, I commend the bill.

The Hon. C. BONAROS (17:34): I rise to speak in support of the Fair Work (Worker Entitlements) Amendment Bill 2025. Like the Hon. Tammy Franks, I start by acknowledging the work of the Hon. Irene Pnevmatikos and the significant role she played in campaigning and championing laws against wage theft. Can I say that the inquiry that she instigated, which I too was a part of and served on, certainly was not the start of the honourable member's work on this front, but I think it did

place this issue on the political agenda not just at a state level but at a federal level. It has resulted in much-needed change, change that, as the Hon. Tammy Franks has said, has also brought the Liberals along now.

The Hon. T.A. Franks: In solidarity.

The Hon. C. BONAROS: In solidarity. I must acknowledge, though, that although the opposition has come a very long way in terms of acknowledging and now supporting this legislation and the federal legislation and acknowledging the existence of wage theft, it appears that old habits die hard when it comes to resisting the temptation to have a go at unions. That is certainly reflected in the amendments, and the honourable member is going to have a hard time convincing me that these amendments are necessary.

I say that because I was quite rightly reminded that in relation to the first amendment nothing precludes a court or tribunal from ordering civil penalties to be paid to an employee, and that is clear in the government's bill, under the current bill. It is worth noting also that the courts do that frequently as is, so it is already something that is done in practice quite frequently. Aside from the fact that the member may take exception to me suggesting that old habits die hard, it is rather superfluous and, indeed, a move away from the consistency between this bill and the laws that apply federally, which this bill is modelled on.

In relation to the second amendment, I think it is also, again, worth noting, as I was reminded, that court decisions are already published online. They are readily accessible by all of us, and there is absolutely no secrecy when it comes to courts making an order. It is free for all of us to go and see, if we so wish, so there is actually no need for those reports to be laid before this parliament. It is on that basis that I will not be supporting the amendments that have been proposed by the Hon. Ben Hood.

The only other point that I would make is probably one of irony, that we are actually considering this bill in relation to the public sector post the private sector having been captured by the federal legislation. But I do think, on a serious note, that it is worth keeping consistency between those two pieces of legislation at the state and federal levels, and I acknowledge that effectively that is what this bill does. The amendments that have been provided would deviate from that consistency. It may not seem much, but given that we are already doing it, I maintain my position that it is superfluous and unnecessary and on that basis will not support the amendments but will support the bill. Once again, I reiterate and acknowledge my thanks to the Hon. Irene Pnevmatikos for all her hard work in this area.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:38): I thank honourable members for their contributions. As outlined in my initial second reading explanation, the legislation before us goes above and beyond the government's election commitment, which was related to criminal wage theft laws. It would have been open to the government in this bill to simply look to increase the existing criminal penalties, but we did not do that.

We recognised the appropriate policy in a state industrial context is to provide the civil penalty orders as well, which have been a very longstanding part of the industrial relations systems in other jurisdictions, particularly in a federal context. It marks the first time civil penalty orders will be available for underpayment affecting public and local government workers. That development is a product of significant consultation, particularly with workers' representatives.

The deliberate and systematic threshold in this bill reflects the government's election commitment, which was always focused on deterring deliberate underpayments of entitlements. The commitment was never about punishing the kind of administrative errors or general mistakes which perhaps will happen from time to time in any large employment organisation.

The government is up-front about recognising this as the starting point, with the bill providing an automatic statutory review for these amendments to be conducted three years after the commencement. That review will be an opportunity to consider the appropriate penalties and the thresholds, based on the practical experience.

I might just quickly outline the government's views of the amendments that the Hon. Ben Hood has put forward. In relation to the first amendment the Hon. Ben Hood put forward, it may be a slight misunderstanding or it might be a distinct anti-union bias in relation to the amendment being put forward. I want to be clear: if there has been an underpayment, the worker gets that underpayment. That happens no matter what. If there has been underpayment, the worker will get that underpayment.

What the civil penalty does is impose a further penalty on the employer—that is, the government—but that does not detract from the worker being paid that actual underpayment. The worker will get that. What the civil penalty does is impose a further penalty upon that underpayment, in part to deter future underpayments. So the worker gets it, no matter what. There is a further civil penalty that may be applied. Certainly, that is an exceptionally important part of the federal system.

I might quickly read from Justice Lee's recent decision in imposing a penalty on Qantas for the illegal dismissal of thousands of its ground staff during the COVID-19 pandemic. Justice Lee of the Federal Court said:

...but for the Union commencing and prosecuting, Qantas' contravening conduct would never have been exposed and it would never have been held to account for its unlawful conduct; hence the Union has brought to the attention of the Court a substantial and significant transgression of a public obligation by a powerful and substantial employer;

That is the Federal Court recognising the importance of having the ability to pay civil penalties to a union. The inability to do that by the removal of the section that the Hon. Ben Hood proposes is particularly aimed at unions. It in no way stops workers who are underpaid from getting their entitlements by removing this. But what it does do, as pointed out by the Hon. Justice Lee in the Federal Court, is disincentivise unions from taking that action because they have no way of recovering some of their costs.

We think this is an important part. As I said, it might be a misunderstanding on the Hon. Ben Hood's part. If a civil penalty is in whole or partly awarded, as it happens in other jurisdictions, it is not automatically awarded to a union. It can be awarded in part, in whole or not at all to a union that has brought that action. It in no way means that the worker is not getting any part of their underpayment.

Remember the jurisdiction in South Australia is a no-cost jurisdiction; it has to be unreasonable in terms of taking the action that you can actually get costs awarded. So this just means the union that has gone to the time and effort, conducted this litigation, has a possibility of recovering some, and in a lot of cases it will only be some of that. It does not mean that the worker is not getting what they ought to have got.

In relation to the second amendment, I think the Hon. Connie Bonaros made mention that we have an open judicial system in South Australia. The full reasons for a decision are made when a decision is handed down by the SAET. What is being proposed to be tabled is something that is less than what is already there. We do consider it duplication, but it is duplication that has less information than what is already on the public record, so we will not be supporting either amendments put forward.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 12 passed.

Clause 13.

The Hon. B.R. HOOD: I move:

Amendment No 1 [Hood-1]—

Page 7, lines 26 to 30 [clause 13, inserted section 104A(7)]—Delete subsection (7) and substitute:

(7) The South Australian Employment Court—

- (a) in the case of a civil penalty imposed for a contravention of section 104(1)—must order that the civil penalty be paid to the employee affected by the contravention; or
- (b) in any other case—may order that the civil penalty, or a part of the penalty, be paid to—
 - (i) the State; or
 - (ii) a particular organisation; or
 - (iii) a particular person.

There are two amendments in my name. Amendment No. 1 [Hood-1] has been the subject of debate in the second reading in regard to the civil penalty and where it obviously goes to. In answer to the minister's question about whether it is maybe a misunderstanding or an anti-union bias, I do not think it is necessarily either of those things at all.

In looking at these amendments, what the opposition was really thinking about was yes, we understand that any underpayment of wages would be going, of course, to the employee, but then over and above that, what we see most especially in the TWU reference, which the minister spoke to and I spoke to in my second reading, is that is a significant amount of money, some \$50 million, which is going to a union. One would argue the fact that it is the union's job to represent the members and then should not legal costs and possible liability in litigation costs be a matter to be determined between the union and their members, not to be compensated by the court?

Should that relationship be the union doing the job of a union, which is to ensure that they represent their members in matters like this, then should not the civil penalty be open and available to the employee, because they are the ones who have suffered through the wage theft or the underemployment, and then there be a discussion and an agreement between the union and their members about how that employee will then recompense the union for the work that they have done?

We are talking about taxpayer money here. In each instance of the civil penalty up to \$25,000—and I will have a question to the minister on how we arrived at that penalty, noting that Max Adlam from the UFU said it was essentially a fig leaf and should go further. We do not necessarily have an opinion on that. Again, I make the point that we are talking about taxpayer money in the civil penalties being paid out, acknowledging that the employees will be getting their back pay, which is extremely important, but then we have a civil penalty on top of that, which essentially is taxpayer money, government money, then being given out.

Our argument is that should go to the employee because they are the ones who have suffered the injustice of wage theft—from the government in this instance—and then a relationship between the union and its members should then wash out what that recompense or what that compensation should be back to the union for the work they have done. Ultimately, at the end of the day, it is the union's job to represent their members first and foremost. We do not think it should necessarily be compensated by the court, but should be compensated back from the employee or from the members of that union that has represented them.

That is the intent of the amendment. There is no anti-union bias. It is literally thinking about the employees, the ones who have suffered the wage theft, being able to receive that civil penalty and then the relationship between the union and the member to toss out and wash out exactly how that money could go back to that union in compensation for the work that they had done.

The Hon. K.J. MAHER: If it were not an inadvertent mistake, this is anti-union. It is deliberately making sure a union gets no benefit from what is in there. So it is by definition an anti-union amendment, to be clear.

Regarding the TWU litigation against Qantas, the part of the civil penalty that was reserved for workers, to go to workers, was \$40 million to the workers. The court has a discretion, as they do federally in our system, to apply to a union or a state for all the workers who are affected above and beyond the entitlements that they should have been paid. We think this strikes a reasonable balance. As the quote I read from Justice Lee said, it is an appropriate way to make sure that when these contraventions come up there is an incentive that action is taken.

The Hon. C. BONAROS: I am hoping the Attorney could answer this just by way of confirming that nothing in the bill as it stands now would actually prevent the civil penalties being awarded to a particular person who could be an employee, and that in fact—I am right in saying because I have been advised so—that is something that frequently does occur in the tribunal now? It is a frequent practice for the tribunal to determine to award that to the employee as opposed to the union.

The Hon. K.J. MAHER: Under federal law, yes, I am advised that very frequently occurs.

The Hon. C. BONAROS: Just so we are clear, this is in effect mirroring what happens at the federal sphere, where that practice is already common and frequent, that the courts make that determination to make the award to the employee rather than the union, if it is deemed appropriate, and that is how the court so rules, over and above the wage?

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

Amendment negated.

The Hon. B.R. HOOD: I move:

Amendment No 2 [Hood-1]—

Page 8, after line 19 [clause 13, after inserted section 104C]—Insert:

104D—Report on certain civil penalties

If a civil penalty is imposed for a contravention of section 104(1) by an employer of public employees, the Minister must, within 6 sitting days of the imposition of the civil penalty, cause a report to be laid before both Houses of Parliament setting out the circumstances of the contravention (including the citation of the matter before the South Australian Employment Court, the name of the agency or instrumentality of the Crown in which the public employee was engaged to perform duties, the details of the civil penalty (and any other penalty) imposed by the Court and a statement of the costs incurred by or on behalf of the Crown in relation to the matter).

This amendment, as other honourable members during the second reading debate discussed, is really, I suppose, just another layer of transparency. We are agreeing today that wage theft is serious. We all agree about that, and all this amendment does is cause the minister of the certain department that has caused the underpayment or the wage theft—a very serious issue—to ensure that is tabled before the parliament, that the members of parliament here have overview of what has gone on within that department in terms of the civil penalty and other details within that civil penalty.

This in no way, by introducing this amendment, lowers the threshold of what would be reported within the justice system. That still exists. In my mind, this is actually an additional layer of transparency to bring to the fore that this has happened within a government department. There is a civil penalty paid, which is taxpayer money, and we are saying exactly where that is going. I will not labour the point.

I thank the Hon. Tammy Franks for her support and the Hon. Jing Lee for her support on these amendments. I understand the government will not be supporting them but, in the opposition's mind, this is just another level of transparency, and not that onerous either, as the minister pointed out. This is less information than what would be found from the judicial reporting but, again, it is another layer of transparency that this parliament and its members are aware of what is happening in government departments.

The Hon. T.A. FRANKS: Just for the record, I am going to clarify that I support the tabling of reports in parliament and the transparency measures. I do not support the amendment around the unions.

The Hon. B.R. HOOD: I understand.

Amendment negated.

The Hon. B.R. HOOD: As I flagged to the minister when speaking to my amendments, how was the maximum penalty of \$25,000 arrived at?

The Hon. K.J. MAHER: It is commensurable with what is the criminal penalty component in this bill.

Clause passed.

Remaining clauses (14 to 15), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**SUMMARY OFFENCES (PROHIBITION OF PUBLICATION OF CERTAIN MATERIAL)
AMENDMENT BILL**

Final Stages

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

STATUTES AMENDMENT (VEHICLE PARKING AND URBAN RENEWAL) BILL

Introduction and First Reading

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

At 17:56 the council adjourned until Wednesday 17 September 2025 at 14:15.

*Answers to Questions***PUBLIC HOSPITALS PARKING**

445 The Hon. J.M.A. LENSINK (19 August 2025). Can the Minister for Health and Wellbeing advise—

1. What was the total revenue received from the general public for all public hospital car parks during the financial years 2022-23; 2023-24; 2024-25?
2. What was the total revenue received for offences pursuant to section 42, Part C—Regulation of Traffic—under the Health Care Act 2008 during the financial years 2022-23; 2023-24; 2024-25?
3. What is the budgeted cost for the car park at the new Women's and Children's Hospital, and when is it scheduled to be complete?

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

The total revenue received from the general public for all metropolitan hospital car parks is counted within the revenue of respective SA Health budget papers.

The new Women's and Children's Hospital eight-storey car park has a construction budget estimated at \$86,654,581, with construction scheduled for completion in 2027.

PUBLIC HOSPITALS

446 The Hon. J.M.A. LENSINK (19 August 2025). Can the Minister for Health and Wellbeing advise—

1. Why did the cost of the Modbury Health Precinct increase by \$13.5 million to \$130.5 million in the financial year 2024-25?
2. Why did the cost of the 26 additional beds at The QEH increase by \$6.4 million to \$20.1 million in the financial year 2024-25?
3. Why did the ambulance station budget increase by \$7.8 million to \$126.7 million in the financial year 2024-25?
4. Why did the Kingscote Hospital upgrade increase by \$600,000 to \$10.6 million in the financial year 2024-25?
5. Why did the construction of the new ambulance headquarters increase by \$14 million to \$134 million in the financial year 2024-25?
6. Why did the new Mount Barker Hospital project increase by \$45 million to \$366 million the financial year 2024-25?
7. Why was the budget for the new Women's and Children's Hospital underspent by \$164.3 million in the financial years 2022-23, 2023-24 and 2024-25?
8. Can you explain how the project is both on time and on budget despite this recurrent underspend?

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

The Malinauskas Labor government has committed additional funding to each of these projects due to a variety of factors, including latent conditions, land acquisition costs, decanting of clinical units following consultation, and an uplift in costs in a highly competitive construction market.

Each of these projects have been carefully designed in consultation with clinicians to ensure they are functional and fit-for-purpose for supporting hospital functions well into the future.

ASSAULTS ON POLICE

In reply to **the Hon. D.G.E. HOOD** (1 May 2025).

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

The government was pleased with the decision from the Court of Appeal of South Australia in *Cruise v The King; R v Cruise* [2025] SASCA 59 which sent a very clear message that such offending against police officers will not be tolerated.

In response to being asked about the opposition's proposed reform to prevent suspended sentences where police have been assaulted, Police Commissioner Grant Stevens said on 13 January 2025 on ABC radio that he was 'not sure about the effectiveness of that proposition'. In relation to the opposition's bill, Statutes Amendment (Assaults on Police Officers) Bill 2025, the commissioner said on FIVEaa on 20 February 2025 'I don't think it's the answer'.

TRAFFIC INFRINGEMENT NOTICES

In reply to **the Hon. F. PANGALLO** (18 June 2025).

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

1. South Australia Police (SAPOL) confirm an internal investigation is being conducted by Internal Investigation Section (IIS) and no further information can be provided at this time.

The IIS assessment and determination is overseen by the Office for Public Integrity, as required by the Police Complaints and Discipline Act 2016.

2. Following an investigation, Detective Brevet Sergeant Mundy was charged with road safety related offences. On 1 July 2025 he entered a guilty plea to failing to comply with duties after an accident (Regulation 287, Australian Road Rules) and was sentenced in the Adelaide Magistrates Court.

3. SAPOL treats the personal circumstances of an employee, medical or otherwise, as confidential.

FORENSIC SCIENCE CENTRE

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (26 June 2025).

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

The state government is building a new, state-of-the art SA Forensic Centre. This is a significant undertaking and a highly complex project.

Site selection has been a significant exercise, with a number of requirements to meet for a facility of this size and complexity.

I am advised that while no suitable wholly government-owned site has been identified, work is progressing for the new SA Forensic Centre to be built on a site partly owned by government and partly on land acquired from the private market.

The 2025-26 state budget included an additional allocation for this project. I am advised this allocation incorporates costs of land acquisition.

The government is aware of the lease arrangements for the current Divett Place facility.

FORENSIC SCIENCE CENTRE

In reply to **the Hon. B.R. HOOD** (26 June 2025).

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

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