

LEGISLATIVE COUNCIL

Thursday, 30 October 2025

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:01 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:02): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, the giving of notices of motion, and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

The PRESIDENT: I note the absolute majority.

Bills

WORKPLACE PROTECTION (PERSONAL VIOLENCE) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:02): Obtained leave and introduced a bill for an act to protect people from personal violence in the workplace, to make a related amendment to the Youth Court Act 1993 and for other purposes. Read a first time.

Second Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:03): I move:

That this bill be now read a second time.

I am proud to introduce the government's Workplace Protection (Personal Violence) Bill 2025. Community safety is a top priority of this government, and we have demonstrated that commitment by a strong history of reforms that ensure workers and customers have strong protections in the face of workplace violence and harassment. Today, we are introducing yet another protection that sends a clear message that every person has a right to feel safe when they are at work, and that abuse to workers will not be tolerated.

Following extensive consultation with stakeholders—including business representative groups, employee representative bodies, industrial organisations, unions and the legal profession—the government is pleased to introduce this bill, which will implement a workplace protection order scheme in South Australia.

Under the bill, the Magistrates Court or Youth Court may, on application, make a workplace protection order against the defendant if satisfied that the defendant has engaged in personal violence in relation to a workplace, and that they may engage in personal violence in relation to a workplace during the time that the order is proposed to operate if the order is not made.

For the purposes of this bill, 'personal violence' includes a range of behaviours by a person in relation to another person in a workplace: namely, physical violence or abuse; sexual violence or

abuse; threatening behaviour; stalking; harassing, intimidating or offensive behaviour; and the damaging of property that causes reasonable fear to a person.

Under the bill, a 'workplace' means a place where the work carried out requires direct interaction with members of the public, irrespective of whether that interaction is in person or not, and in any other work of a prescribed kind, but does not include work or a workplace that is prescribed by regulation.

An application for a workplace protection order can be made by an employer; an owner or occupier of the premises in which the workplace is situated; a representative of an employer association of which an employer is a member; a health and safety representative for the workplace; or a union entitled to represent the industrial interests of workers at the workplace.

The court must consider a range of factors in deciding whether to make a workplace protection order. They include the objects of the act; any hardship that may be caused to the defendant or anyone else by the making of the order; any previous personal violence by the defendant in relation to an affected person or anyone else; any previous protection or intervention orders made in relation to the defendant, as well as any previous contravention of those orders by the defendant; and the need to ensure that property is protected from damage. The court may also consider anything else it considers relevant.

A workplace protection order must be subject to a condition that, where relevant, any firearm, ammunition or part of a firearm in the defendant's possession, and any licence or permit authorising possession of a firearm held by the defendant, must be surrendered to the Registrar of Firearms. Other conditions that may be included in a workplace protection order are that the defendant be prohibited from entering the workplace, being within a particular distance of the workplace, engaging in personal violence in relation to the workplace, and causing someone else to engage in personal violence in relation to the workplace. A workplace protection order may also state the conditions on which the defendant may be in the workplace or interact with a particular person.

In determining the conditions of a workplace protection order, the court must give paramount consideration to the safety and protection of affected persons and must ensure that the conditions are the least restrictive of the personal rights and liberties of the defendant as possible that still achieve the objects of the act. The court may make an interim workplace protection order before the application for an order is determined if it is satisfied that it is necessary to ensure the safety of an affected person from personal violence or to prevent substantial damage to property at a workplace. A final workplace protection order can only be made for a period of 12 months or less, unless the court is satisfied that there are special or exceptional circumstances to justify a longer period.

Under the bill, a workplace protection order may also be varied or revoked on application by the applicant, a protected person, or the defendant. However, the defendant may only apply to vary or revoke a workplace protection order without the court's permission the first time, with any subsequent applications to vary or revoke workplace protection orders requiring the permission of the court. The court may only vary or revoke a workplace protection order if it is satisfied that doing so will not adversely affect the safety of a protected person and, in the case of a variation of an order (including to extend an order beyond 12 months), the order as varied is one that could be made on the application of a workplace protection order.

It will be an offence under the bill to contravene a workplace protection order, with the maximum penalty of two years' imprisonment if the commission of the offence does not involve personal violence, and five years' imprisonment if the commission of the offence involves personal violence.

This government is proud to back workers and act to ensure they feel protected in doing their jobs. I would like to thank stakeholders who provided feedback on the government's consultation bill, which has informed the bill that we have here today. In particular, I acknowledge the Shopping Centre Council of Australia, SA Independent Retailers, SA Business Chamber, Australian Hotels Association, National Retailers Association, the Shop, Distributive and Allied Employees Association (SDA), and Woolworths for their collaborative engagement in getting this bill to the stage it is today and into parliament.

A workplace protection order scheme would boost the protection of workers and deter the perpetration of antisocial behaviours that unacceptably put employees' safety at risk. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects of Act

This clause provides for the objects of the Act to include—

- to prevent and reduce personal violence in workplaces; and
- to facilitate the safety and protection of people who fear or experience personal violence at work by providing a legally enforceable mechanism to prevent personal violence; and
- to encourage perpetrators of personal violence to be accountable for their conduct; and
- to allow for the resolution of conflict without the need for adjudication.

4—Interpretation

This clause provides definitions for the purposes of the measure. Of note is the definition of *personal violence*, which when occurring in relation to a person at a workplace may form the basis of a protection order under the measure. *Personal violence* is defined to be any of the following in relation to another person:

- physical violence or abuse;
- sexual violence or abuse;
- threatening behaviour;
- stalking;
- harassing, intimidating or offensive behaviour;
- damaging property.

5—Meaning of *workplace*

This clause provides, subject to subclause (2) that a *workplace* is a place where prescribed work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while undertaking prescribed work. In this definition of *workplace*—

- *prescribed work* means work that requires direct interaction with members of the public (irrespective of whether the interaction is in person or not) or any other work of a prescribed kind, but does not include work of a kind excluded from the definition by the regulations; and
- *place* includes a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.

Subclause (2) provides that a reference to a *workplace* will be taken to not include a prescribed workplace or a prescribed class of workplace.

Part 2—Workplace Protection Orders

6—Application for workplace protection order

This clause provides for applications for a workplace protection order to be made to the Magistrates Court. The persons entitled to apply are:

- an employer at the workplace;
- the owner or occupier of the premises in which the workplace is situated; or
- a representative of an employer association of which an employer at the workplace is a member;
- a health and safety representative for the workplace; or

- a union entitled to represent the industrial interests of workers at the workplace.

On an application the Court must fix a date for a preliminary conference unless—

- an interim order is sought; or
- the Court is satisfied, on application or its own initiative, that—
- holding a preliminary conference would create an unacceptable risk to a person's safety; or
- a preliminary conference would be unlikely to achieve its objects,

in which case the Court must fix a date for the hearing of the application which, if an interim workplace protection order is sought, must be returned before the Court as a matter of priority, as far as is practicable.

The Court must, on fixing a date for a preliminary conference or for the hearing of an application, issue a summons for the appearance of the defendant on the date fixed.

7—Preliminary conferences

This clause provides for preliminary conferences the purpose of which is to—

- determine whether the proceedings for the order may be settled by consent without the need for a full hearing; and
- ensure the application is ready to be heard as soon as practicable.

The Court must not hold a preliminary conference if the Court considers, on application or on its own initiative, that—

- holding a preliminary conference would create an unacceptable risk to a person's safety; or
- a preliminary conference would be unlikely to achieve its objects.

The Court may refer the parties to mediation if the Court is satisfied that the application is likely to be more effectively resolved by mediation than by a hearing.

8—Interim workplace protection order

This clause provides that the Magistrates Court may, at any time during proceedings on an application for a workplace protection order, make an interim workplace protection order before the application for the workplace protection order is determined.

An interim workplace protection order may be made if the Court is satisfied that the order is necessary to do either or both of the following before the application for the workplace protection order is determined:

- ensure the safety of an affected person from personal violence;
- prevent substantial damage to property at a workplace.

9—Workplace protection order

This clause provides for the Court to make a workplace protection order against a defendant in proceedings if satisfied that the defendant—

- has engaged in personal violence in relation to a workplace; and
- may engage in personal violence in relation to a workplace during the time the order is proposed to operate if the order is not made.

In deciding whether to make a workplace protection order the Court must consider the following (in addition to anything else the Court considers relevant):

- the objects of the measure;
- any hardship that may be caused to the defendant or anyone else by the making of the order;
- any previous personal violence by the defendant in relation to an affected person or anyone else;
- any previous protection order or intervention order made in relation to the defendant;
- any previous contravention of a protection order or intervention order by the defendant;
- the need to ensure that property is protected from damage.

A workplace protection order may be made in the absence of the defendant if the defendant was required by summons to appear at the hearing of the application and failed to appear in obedience to the summons.

10—Protection orders by consent

This clause provides that the Magistrates Court may, if a defendant consents to the making of a workplace protection order or an interim workplace protection order, make the relevant order against the defendant—

- without receiving any further submissions or evidence as to the grounds; and
- whether or not any ground for making the order has been made out; and
- whether or not the court has considered any matters required to be taken into account under the measure before the making of the order.

11—Conditions of protection orders

This clause provides that a workplace protection order or an interim workplace protection order will be subject to the following conditions:

- a condition that any firearm, ammunition or part of a firearm in the possession of the defendant and any licence or permit held by the defendant authorising possession of a firearm must be surrendered to the Registrar of Firearms; and
- any other conditions the Court considers necessary.

In determining the conditions to be included in a workplace protection order or an interim workplace protection order, the Court must—

- give paramount consideration to the safety and protection of affected persons; and
- ensure the conditions included in a workplace protection order or an interim workplace protection order are the least restrictive of the personal rights and liberties of the defendant as possible (while ensuring the safety and protection of affected persons and achieving the objects of the measure).

The Court may omit, vary or revoke a condition of a workplace protection order or an interim workplace protection order relating to a firearm or ammunition if satisfied that—

- there are cogent reasons to do so; and
- the possession of the firearm, ammunition or part of a firearm by the defendant does not represent an undue risk to the safety and protection of an affected person.

12—Commencement of protection order

A workplace protection order or an interim workplace protection order comes into force against a defendant when served on the defendant, which occurs when—

- the defendant is present in the Court when the order is made; or
- the order is served on the defendant personally; or
- the order is served on the defendant in some other manner authorised by the Court.

13—Explaining order to parties present in court

This clause provides that the Magistrates Court must, on making a workplace protection order or interim workplace protection order, explain the order to the defendant and any protection person who is present in court when the Court makes the order.

14—Duration of workplace protection order

This clause provides that, on the making of workplace protection order, the order will remain in force for—

- 12 months; or
- if a shorter period is stated in the order—the period stated; or
- if the Court is satisfied that there are special or exceptional circumstances that justify a longer period—the stated longer period.

15—Variation and revocation of protection orders

This clause provides that the Magistrates Court may vary or revoke a workplace protection order or an interim workplace protection order. An order may be varied by—

- varying the conditions of the order; or
- reducing the period for which the order is in force; or
- extending the period for which the order is in force.

The Court may only vary or revoke an order if satisfied that—

- varying or revoking the order will not adversely affect the safety of a protected person; and
- in the case of a variation of the order, the order as varied could be made on application for a workplace protection order.

An application for the variation or revocation of an order may be made by—

- the person who applied for the workplace protection order;
- a protected person;
- the defendant (except for the first application, a defendant may only make an application for the variation or revocation of a protection order with the permission of the Court).

16—Offence to contravene protection order

This clause provides that a person commits an offence if the person engages in conduct that contravenes a protection order (including a condition of a protection order) applying in relation to the person.

The maximum penalty for an offence will be—

- if the offence is not committed in aggravated circumstances (where the offence involves personal violence)—imprisonment for 2 years;
- if the offence is committed in aggravated circumstances—imprisonment for 5 years.

17—Principal Registrar to give notice of protection order

This clause provides that the Principal Registrar of the Magistrates Court must, on the making of a workplace protection order or an interim protection order, give a copy of the order to—

- each party to the proceedings on the application for the order; and
- each of the following persons who was not a party to the proceedings:
 - a person who is a protected person under the order;
 - an employer at the workplace; and
 - the Commissioner of Police; and
 - the Registrar of Firearms; and
 - any other person the specified by the Court to receive a copy of the order.

Part 3—Miscellaneous

18—Provision of information by police

This clause provides for the provision of the information by the Commissioner of Police to the Court and to a person who is entitled to apply for a workplace protection order in relation to the workplace. Information may only be provided to a person entitled to apply for an order relating to a workplace if reasonable grounds exist to suspect that a person has engaged in personal violence in relation to the workplace .

Information that may be provided under the clause is a person's name and address and the person's relevant history. The provision of information is subject to a provision of the *Young Offenders Act 1993* that prohibits or limits the publication of the information. Personal information relating to a person other than the person who is the subject of the application must not be provided to a person entitled to apply for an order unless the provision of the information is required or authorised by the Court or by or under another Act or law.

The clause provides that it will be an offence for a person who is provided with information under subclause (2) (being a person entitled to apply for an order) must not use the information for a purpose other than making an application under the measure or proceedings under the measure. A maximum penalty of \$10,000 will apply.

19—Costs

This clause provides that each party to a proceeding for a workplace protection order is responsible for the party's own costs of the proceedings. The Court may make an order about costs—

- against the applicant for a workplace protection order if the court is satisfied the application was vexatious, frivolous or in bad faith; or
- against the defendant if the court considers it appropriate to do so.

20—Power to arrest and detain for contravention of protection order

This clause provides that if a police officer has reason to suspect that a person has contravened a protection order, the officer may, without warrant, arrest and detain the person.

21—Burden of proof

This clause provides that, in proceedings under the measure, the Court is to decide questions of fact on the balance of probabilities.

22—Consequential and ancillary orders

This clause provides that the Court may, on making or varying a protection order, make any consequential or ancillary order it thinks fit, including, in a case where the protection order prohibits the possession of an article or weapon (including a firearm) or an article or weapon of a specified class, an order—

- providing for the surrender or confiscation of the article or weapon or such an article or weapon; and
- if the circumstances of the case so require, authorising a police officer—
- to enter and search and, if necessary, use reasonable force to break into or open—
- premises or a vehicle in which the article or weapon, or such an article or weapon is suspected to be; or
- part of, or anything in or on, premises or a vehicle in which the article or weapon, or such an article or weapon is suspected to be; and
- to take possession of the article or weapon, or such an article or weapon.

23—Regulations

This clause provides that the Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, the measure which may—

- (a) be of general or limited application; and
- (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
- (c) impose fines, not exceeding \$5,000 for offences against the regulations; and
- (d) fix expiation fees, not exceeding \$315 for alleged offences against the regulations; and
- (e) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified person or body.

The Minister may prescribe fees for the purposes of the measure by fee notice under the *Legislation (Fees) Act 2019*. A fee notice may provide for the waiver, reduction or remission of fees.

Schedule 1—Related amendments

Part 1—Amendment of *Youth Court Act 1993*

1—Amendment of section 7—Jurisdiction

This clause amends section 7 of the *Youth Court Act 1993* to provide that the Youth Court has the same jurisdiction as the Magistrates Court to make a workplace protection order or an interim workplace protection order under the *Workplace Protection (Personal Violence) Act 2025* where the person who is to be subject to the order is a child or youth, and has power under that Act to vary or revoke such an order previously made by the Court.

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

FINES ENFORCEMENT AND DEBT RECOVERY (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 September 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (11:09): I rise today to speak on the Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2025. This bill seeks to improve the efficiency and consistency of the current fines and debt recovery system. The government's stated intent is to streamline processes, reduce duplication and make it easier for both the Fines Enforcement and Recovery Unit and individuals to manage their obligations. In South Australia, if you do not pay a fine that has been issued by the due date, you will receive a reminder

notice, and a penalty may be added to the amount payable. If you still do not pay, the matter is passed on to the Fines Enforcement and Recovery Unit.

There are several measures in this bill that the opposition supports in principle. The ability for people to add new penalty notices to existing payment arrangements without starting a new process is a practical and overdue reform. For those trying to meet their obligations, this avoids unnecessary administrative cost and burden. Late fees will now be calculated on the total amount owing rather than on each individual fine. This is a simpler and fairer approach, reducing confusion and administrative complexity for both the fine unit and the debtor. The bill also makes amendments to prioritise the amount of funds to victims of crime over the creditors. This reflects community expectation and ensures that victims are properly compensated for any remaining funds distributed elsewhere.

The opposition also notes the change allowing the Chief Recovery Officer to write off debts where there is no reasonable prospect of recovery or where recovery costs would exceed the debt. This is a reasonable measure that reflects common sense. The bill also removes mandatory treatment programs for addiction-related penalties that remain unpaid. The option for voluntary treatment remains available, which is the right approach. Forcing individuals into programs that they are unwilling to participate in has not proven effective; the focus should instead be on supporting those who are genuinely seeking help.

While we recognise these efficiency measures, the opposition has raised concern in the other house and again today about clause 42(1), which amends section 63 of the act relating to the seizing or sale of assets, hence my amendment which has been tabled. The amendment bill replaces the phrase 'the land or personal property of a debtor' with 'land or personal property owned (whether solely or as co-owner) by a debtor'. This could have unintended consequences for co-owners who have not committed any offence or accrued any fines, yet may find jointly owned assets exposed to seizure or sale. The government must provide clarity and assurance that innocent co-owners will not be unfairly penalised—for example, someone who is separated or going through a divorce but they still co-own assets together. The opposition calls on the government to support the amendment standing in my name to ensure proper safeguards are in place.

To provide some further context to the scale of fines and enforcements in South Australia, according to *The Advertiser* report from December last year, the state's 10 worst fine dodgers owe more than \$2.2 million, with two residents from Hamley Bridge alone owing a combined \$730,000 in unpaid fines. With that, I will support the bill and look forward to debating the amendment that I will put forward in due course.

The Hon. J.S. LEE (11:13): I rise today to speak on the Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2025. The original act, passed in 2017, established a Chief Recovery Officer as the central authority for recovering government-owed debts, ranging from expiation fees and pecuniary sums to civil debts and victims of crime payments.

This bill responds to the feedback from those working within the system, aiming to make the debt recovery process more client-centric and efficient. This bill seeks to improve operational efficiency and fairness in government debt recovery. It introduces mechanisms that reduce unnecessary fees, allow for more flexible payment arrangements and extend services to additional public authorities such as SA Water, PIRSA and SAPOL, etc., helping to streamline processes and reduce duplication.

Importantly, the bill removes outdated and punitive measures, including the power to mandate involuntary treatment programs and the possibility of imprisonment for civil debt non-payment. These changes reflect a modern understanding of rehabilitation and hardship, recognising that voluntary treatment and community service are more effective and humane alternatives.

This bill also prioritises victims of crime, ensures overpayments can be redirected fairly and clarifies the interaction between the act and other statutory schemes. These amendments are expected to not only improve recovery rates but also reduce administrative burdens and support vulnerable individuals.

While there is always room for scrutiny, the amendments proposed here appear to be well targeted and grounded in operational experience. They reflect a shift towards fairness, flexibility and better service delivery, and for that reason I do want to support the bill. However, I also indicate that I am considering the amendments to be moved by the Hon. Heidi Girolamo and that I will provide my indication in the committee stage.

The Hon. R.P. WORTLEY (11:15): This legislation drives practical reform in how the government manages fines and debts owed to the state, which has a direct impact on the lives of thousands of South Australians. The Fines Enforcement Recovery Unit is a single point of contact for individuals managing outstanding debts, and, crucially, the bill will make the system more equitable for the very people most vulnerable to the unit's failings.

The bill updates the Fines Enforcement and Debt Recovery Act 2017 and addresses technical anomalies and ensures that the Chief Recovery Officer, the central authority for government debt recovery, has the right to manage the responsibility effectively. It also allows debts to be managed in one place. If someone owes money to more than one government agency, they will no longer have to deal with each separately. Instead, the Chief Recovery Officer will be able to provide a single point of contact, saving time and preventing the duplication of fees and, most importantly, enforcement action.

The bill also introduces commonsense reforms, such as allowing new debts to be added to existing payment arrangements, with full rights for people to opt out or dispute the debt, so that one set of payment terms can cover multiple amounts owed. This simple administrative change will prevent unnecessary late fees and stop enforcement action being triggered against someone who is already doing the right thing and paying off their obligations.

The bill reflects practical realities, with feedback coming from those with direct knowledge of the debt recovery system, including frontline staff, specialist practitioners and advocacy groups representing the interests of our community. For government agencies, these amendments will streamline processes, free up staff resources and improve consistency in how debts are recovered. For advocacy groups, reforms answer longstanding calls for better safeguards against unfair penalties.

For individuals, it is about simplicity: one payment arrangement, one point of contact and one set of rules, all managed by a dedicated unit whose job is to recover debts fairly and efficiently. This is particularly important for people in adding debts to existing payment arrangements, rather than initiating separate enforcement actions. Many individuals in advocacy organisations have specifically asked for this, and it will make a real difference in reducing financial stress for people already doing their best to pay down what they owe.

This bill changes the way late fees are applied to pecuniary sums, so that people are not hit with multiple charges for the same due date, which is a sensible and fair approach that will save some people from additional costs.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:18): As minister, I will conclude this debate. That is what I choose to do. I thank honourable members for their contribution to this debate so far. We look forward to the committee stage. I note that there is one amendment. We will listen to the persuasive powers of the shadow minister very carefully to see whether we will support the amendment. We remain open to doing so.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. H.M. GIROLAMO: Are you able to provide details regarding the number of fines that are outstanding? How many people have over 100 fines outstanding at the moment—the number of people?

The Hon. K.J. MAHER: I am advised that we do not have that level of detail now but I am happy to take it on notice to see what can be provided. If there are other questions about amounts and details and numbers, I do not think I will be able to answer them now, but if there are others of a similar nature and the honourable member wishes to read them into *Hansard* I can undertake to see what I can bring back.

The Hon. H.M. GIROLAMO: I have two questions of a similar nature. What is the value of outstanding fines that are deemed unrecoverable? Can you take that on notice? How many people are currently on payment plans? Can you provide the number of individuals who have fines that are overdue?

The Hon. K.J. MAHER: As I indicated, I am happy to take them on notice and see what we can bring back.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. H.M. GIROLAMO: In regard to it now applying to youth or people under the age of 18, will the guardians of the debtors, where the debtor is under 18, be liable for outstanding fines incurred?

The Hon. K.J. MAHER: My advice is that a notice may be addressed to a guardian but the guardian themselves will not be personally liable.

Clause passed.

Clauses 5 to 10 passed.

Clause 11.

The Hon. H.M. GIROLAMO: What method will the Chief Recovery Officer use to decide if a fine will be waived under the section of enforcement action?

The Hon. K.J. MAHER: My advice is that it would likely be on a case-by-case basis, taking into account things like hardship that would be faced, or the vulnerability of the person concerned.

Clause passed.

Clauses 12 to 25 passed.

Clause 26.

The Hon. H.M. GIROLAMO: Over the past 10 years, how many people have been imprisoned under this section of the act? How many people have undertaken community service and approved treatment programs as well?

The Hon. K.J. MAHER: My advice is that in terms of imprisonment the number is zero. My advice in terms of the community program is that it is approximately 800.

The Hon. H.M. GIROLAMO: Do you have data on the level of reoffending—for example, offenders that have been issued new fines after completing community service or treatment programs?

The Hon. K.J. MAHER: My advice is that it is approximately 75 per cent who do not reoffend.

Clause passed.

Clauses 27 to 41 passed.

Clause 42.

The Hon. H.M. GIROLAMO: I move:

Amendment No 1 [Girolamo–1]—

Page 17, lines 35 and 36 [clause 42(1)]—Delete subclause (1)

I will speak to this amendment. The concerns that were raised in the other place were around the fact that it includes co-owned assets. This has raised concerns that, potentially, if someone is going through a divorce or a separation, they could be liable for fines incurred by their ex or former partners. This is why we have put forward this amendment, to make sure that it is only the assets that the individual debtor has ownership of, to make sure that there are not any unintended consequences.

I am very hopeful that the government will consider this and I am pleased to hear that they are open to this suggestion. I think it is a good, fair amendment to make sure that people are not caught out and are not having to cover the debts of people where it was out of their control, and that they are not connected to the liability either.

The Hon. K.J. MAHER: I have a significant range of questions for the honourable member in relation to the amendment that has been moved that will help us decide whether we support it. Can the honourable member outline the consultation process that the opposition went through in deciding on this amendment?

The Hon. H.M. GIROLAMO: This amendment has come through based on questions that were asked in the other house. Concerns were raised there that it could potentially have unintended consequences, so that is where this amendment has come through.

The Hon. K.J. MAHER: Is the honourable member, having carriage of this bill in this place, aware of how many times in the past the Chief Recovery Officer has exercised, in both the civil and the fines debt space, the possibility of seizing co-owned assets?

The Hon. H.M. GIROLAMO: I actually asked questions previously to try to get some of that data, so I would really greatly appreciate it if the Deputy Premier was able to provide that information. I think probably one is too many. If someone is going through a divorce and have co-inhabited a house and that house is seized, and they are separated from that individual and have not been responsible for any of the fines, then I do not think that they should be punished for that.

The Hon. K.J. MAHER: I am happy to inform the member that my advice is that it has not been exercised before by the Chief Recovery Officer. My final question for the honourable member is: in terms of real property, does the honourable member intend co-ownership to cover both tenants in common and joint tenants in terms of Real Property Act property?

The Hon. H.M. GIROLAMO: The intention is to remove the element around co-ownership. The concerns, as I have outlined, are that, if someone is separated from or is not responsible for those debts, when the government does go after those assets they should be the assets of the individual and not relating to co-owned assets.

The Hon. K.J. MAHER: If real property is held as tenants in common—that is, you each have a distinct share; it is the one property, but you have a distinct proportional share of it—is that included as co-ownership as opposed to joint tenants, where you essentially jointly and severally own the whole of the property together?

The Hon. H.M. GIROLAMO: It would be good to be able to get some advice relating to this, because if they are in separate names then I guess co-ownership would not apply. The amendment is supposed to be covering the instances where an asset is jointly owned, so if it is in two separate names then I do not think that would be applicable, but if it is in both names then, as the amendment currently stands, it does appear that the co-owned asset could to be seized. So basically, by removing the wording—and all it does is take out that co-owned element—that would not be an issue.

The Hon. K.J. MAHER: I might finally indicate—it is not a question—particularly on the basis that our advice is that the power has not been exercised before by the Chief Recovery Officer, we are prepared to support the amendment.

The Hon. T.A. FRANKS: I rise to support the amendment. My question to the minister was going to be: given he has just advised us that the chief executive has not exercised the power, does that actually acknowledge that the power could be exercised and this would prevent that? That was a question still to the—

The Hon. K.J. MAHER: What was the question?

The Hon. T.A. FRANKS: Is that not an acknowledgement that the power could be exercised and therefore this is a useful measure to ensure that it is not exercised?

The CHAIR: Yes.

The Hon. K.J. MAHER: I think, yes.

The CHAIR: Good answer. Sit down.

The Hon. K.J. MAHER: I am not sure how it was phrased, but I think that was the point I made. Given that it has never been exercised, we are happy to support the amendment.

The Hon. R.A. SIMMS: Irrespective of whether or not it has been exercised, the fact that it could be is something that is of concern. I welcome the fact that the opposition are closing that loophole and I am happy to support the amendment.

The Hon. J.S. LEE: I am just indicating I will be supporting the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (43 to 46), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**RADIATION PROTECTION AND CONTROL (COMMENCEMENT OF PROCEEDINGS)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 4 September 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (11:33): I rise today to speak in support of this bill. The proposed amendments are brief but make the bill more workable and remove unintended ambiguity in the original draft. The use of radioactive sources has many beneficial applications in our lives, including in medical technology, mining, research, agriculture and other positive uses.

However, the risks associated with prolonged or heavy exposure led to the formation of the principles of application. This includes a requirement that there must be more benefit than harm, keeping the potential exposure as low as reasonably achievable and ensuring potential radiation doses are as low as possible.

The objects of this act are to ensure that people and the environment are protected from excessive and unnecessary exposure. The original legislation specified two different timeframes for the commencement of proceedings, being six months from expiation of offences and three years after the date of the alleged offences for all other offences.

The requirement to commence proceedings within six months may be too onerous on alleged offences that require time-consuming investigation. There is also the possibility that alleged offences are not discovered until after the expiry of the six-month period. The proposed amendment to section 82 to specify a set three-year period for commencement of proceedings and the transitional provision in schedule 1 provide clarity in the application of this legislation. With that, the opposition indicates its support of the bill.

The Hon. R.P. WORTLEY (11:34): I rise to speak on the Radiation Protection and Control (Commencement of Proceedings) Amendment Bill 2025. The Radiation Protection and Control

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

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

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

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

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:37): I thank honourable members for their contributions on what is a reasonably straightforward piece of legislation before us and I look forward to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 September 2025.)

The Hon. B.R. HOOD (11:39): I am here as the lead speaker for the opposition for the Harbors and Navigation (Miscellaneous) Amendment Bill 2025. This bill was introduced into the lower house on 18 June 2025 by the former Minister for Infrastructure and Transport, and provides amendments to the Harbors and Navigation Act 1993. Key changes under this bill include harbour rules such as empowering the minister to issue harbour-specific rules via *Gazette* and publish online and covering permitted activities, for example, vessel size limits, incident reporting and priority zones, with noncompliance carrying penalties of up to \$10,000.

These rules override local council by-laws but require prior consultation with adjacent councils—likely initially used at ferry hubs, like the new hubs that are being completed at Penneshaw and Cape Jervis. One of the other key changes under this legislation is safety directions, which enable the minister to impose temporary gazetted safety directions such as speed limits, swimming

restrictions or access closures where there is elevated but non-emergency risk. Examples of that are whether there are some events on or there is marine remediation happening on site. Noncompliance, again, is penalised similarly at \$10,000 and also overrides council by-laws.

There is a little bit of further discussion around the legislation. Safety directions can only currently be imposed under an emergency declaration. This will allow the minister to impose temporary safety directions at any time by publishing them in the *Gazette* and other amendments are tidying up on this legislation. In preparation for the committee on this bill, we have consulted with SeaLink and the LGA. With that short contribution, we will be supporting the bill, but we will seek some clarification on some of the clauses during the committee stage.

The Hon. T.T. NGO (11:41): I rise today to speak on the Harbours and Navigation (Miscellaneous) Amendment Bill 2025. This bill intends to keep our harbours safe, efficient and ready for the future. Our harbours are busy hubs for boats, ferries, fishing and tourism. They are places where many people gather to enjoy many different sports. Also a range of businesses, often small businesses, are located near our harbours, creating jobs for locals as they help our visitors to enjoy South Australia's beautiful coast.

This new bill is about making sure all these activities can happen safely and efficiently. It gives power to the minister responsible for our harbours the authority to set clear, tailor-made rules for each harbour. These rules will be public and easy to find online and focused on the harbours that need these changes. The rules will cover activities such as the maximum size limits for vessels, the reporting of incidents and hazards, and activities that may or may not be undertaken by people or vessels, and the priority and safety of movement of vessels within a harbour.

For example, the Kangaroo Island ferry service carries more than half a million passengers per year, around 146,000 cars and 1,400 freight units per year. Renowned for its natural beauty and rich farmlands, Kangaroo Island is one of Australia's most popular tourism spots and a vital centre for primary production. In fact, my staff member told me that when she was travelling through a small Croatian village last year, a local she met spoke of her recent travel to Australia and said that her favourite place in Australia had been her visit to Kangaroo Island in South Australia. So it is very well known around the world.

For Kangaroo Island's tourism success and economic success to continue, effective and reliable port infrastructure at Cape Jervis and Penneshaw is critical. The Malinauskas government is investing over \$70 million to upgrade the ports. This includes replacement of the berthing and mooring facilities at both the Cape Jervis and Penneshaw ports, which service ferry operations between mainland South Australia and Kangaroo Island.

This bill allows for appropriate and prompt protection of both the public and the marine environment by giving the appropriate minister power to make a safety direction. For example, a temporary ban on swimming, or a safety directive made to close off an area during a boat race or competition, will put temporary measures in place when there is a higher than normal risk to people's safety—not necessarily an emergency, but something that needs action. In this bill, noncompliance with a safety direction will prevail over a council by-law, and incur a penalty of \$10,000.

The bill also clarifies that harbours and ports can include areas owned by private people or companies but only with their agreement. It also aims to define rules about wharves and jetties. Section 15 of the law explains which harbour structures belong to the minister, including wharves, docks and jetties that are in or next to a harbour. Normally such structures are considered the minister's responsibility; however, the new bill makes it clear that this rule does not apply to wharves, docks, jetties and other structures that are privately owned and that were built after 24 October 1994.

Rules will not be created for all 33 harbours around the state. Harbours or parts of harbours that are subject to port operating agreements, like those operated by Flinders Ports, are not in scope. The bill also strengthens the powers to deal with wrecked boats. If a wreck becomes a hazard and an owner will not remove the wreck, the minister can step in to remove, destroy or sink it and recover costs from the owner. When a wreck is of historic importance, the minister must consult with the minister responsible for the Historic Shipwrecks Act 1981 before acting.

Miscellaneous changes, including updating outdated legislation references and deleting expiation fees, which will be moved to regulations, aim to make it easy to adjust fees and penalties in the future. Given the passage of time, the maximum court penalty for failing to comply with a notice will increase from \$5,000 to \$10,000.

South Australia's harbours are part of our shared heritage and our future. The Harbors and Navigation (Miscellaneous) Amendment Bill 2025 improves protections for people, supports ferry services, and safeguards the marine environment that we all value. I commend the bill to the house.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:48): I rise today to make a contribution to the Harbors and Navigation (Miscellaneous) Amendment Bill, and to raise a matter of growing concern regarding the navigability of the River Murray and the safety of those who rely upon it every single day.

Some recent correspondence from the Department for Infrastructure and Transport to a number of Riverland councils confirmed what many of us suspected; that is, under the Harbors and Navigation Act 1993 there is currently no legal requirement for a navigable channel to be maintained on the River Murray. This is because the river is no longer defined as a harbour under the act—or that was what was given in the letter. I note that the government is currently amending this piece of legislation and what has become abundantly clear to me is that no-one in the government can clearly articulate whose responsibility it actually is to ensure that the Murray remains navigable.

I just want to be clear: this is not about blame. This is something, I think, that has arisen because, for the first time in nearly 50 years, we have had a particularly major flood in the River Murray, and so it is the first time in nearly 50 years that we have had to face this issue in such a way. The last major flood prior to the 2022-23 event was back in 1974 and then, obviously prior to that, 1956. Since 1974, navigation has, I guess, largely taken care of itself, but the 2022-23 Murray River flood event really changed the physical structure of the river in quite significant ways.

As the waters rose, the river did what rivers do best, and that is the water took the path of least resistance. That has created new channels through areas thick with vegetation, which in many cases is not navigable. Meanwhile, the original main channel has shifted with the movement of sand and banks, creating areas that are shallow and unpredictable.

I want to acknowledge that the Department for Infrastructure and Transport has undertaken some local GPS investigations for safety purposes, and that is absolutely a good start, but my concern is that without proper surveying, without a clear understanding of the depth, width and course of the navigable channel, we cannot be confident that the River Murray is safe for navigation. That is what concerns me most, because the river is not just a waterway; it is a lifeline for our regional communities. Many tourism operators, many houseboat businesses, recreational boaters and countless visitors use this river on a daily basis. Ensuring safe navigation is not a nice to have: it is a matter of public safety. It is also a matter of regional economic viability as well.

Again, I just want to make it really clear that I am not standing here pointing fingers. I think what I am trying to do is sound a little bit of an alarm. This is a gap in responsibility. From my understanding, it has been identified that there is a gap in responsibility in terms of navigation and ensuring that the River Murray channel is navigable, and that must be addressed. If no agency currently holds responsibility for maintaining navigability of the River Murray, then I firmly believe that our job in this place is to ensure that someone does, that an agency does have responsibility.

As shadow minister for water resources in the River Murray, I will continue to pursue this issue, and raise this issue, because, again, I think it is really important that the people who use the River Murray on a daily basis can do so safely and with confidence. I am standing up here today to urge the minister and the government to take this matter seriously, to clarify responsibility. Let's survey the river properly, and let's make sure that this iconic waterway remains safe and navigable for generations to come.

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (11:54): I thank honourable members for their feedback today on this particular bill: the Hon. Ben Hood, the Hon. Nicola Centofanti and the Hon. Tung Ngo. I look forward to talking these matters out further in the committee stage. As we have heard from I think most members who have spoken today,

this legislation needs to be modernised. As our waterways are more modern, so, too, do our legislative requirements need to be modernised. This is a bill that started in 1913 with the original act. The new act came in in 1993. A lot has changed since 1993, and today's bill and amendments are addressing how we can further modernise this legislation.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: I indicate I have some questions in regard to the River Murray and then my honourable colleague will take care of the rest. Under the current legislative framework in South Australia, can the minister indicate to the chamber who holds ultimate responsibility for ensuring the River Murray remains safely navigable?

The Hon. E.S. BOURKE: The River Murray Act would be the primary act that covers these waterways. There is also a commonwealth act. Bear with me; we are just looking at that at the moment. I appreciate the honourable member's feedback in the chamber today. Obviously, it is a community that is dear to her, being her local community, but also the fact we are seeing a bill today before us that is modernising the act. This particular act has not ever recognised the River Murray as a harbour. That is why today is about making sure that we can have safe waterways.

I guess when I looked at it, it is like taking what we do on our roads already. When we are doing maintenance on our roads, we put out the witch's hats to say, 'This is an area of safety concern. Please stay out of this area,' or we can declare an area that needs to be highlighted to the community that this is not right for using at this point in time. I know that there are regular safety checks of the Murray. Marine safety officers are in place to make sure that they can check to see if our waterways are safe and identify those locations that are not appropriate to be using at this point in time.

As you have highlighted rightfully as well, the Murray does flood. At the moment, it seems to be doing it regularly. To be able to work with what we have and identify those locations that are not safe at that time, the amendments in this bill will enable us to be a bit more agile to put those reinforcements in place when they are required.

The Hon. N.J. CENTOFANTI: I thank the minister for her answer. I guess my confusion is around the correspondence from her department, and I appreciate that the minister was not the minister at the time. Nevertheless, the correspondence was from the minister of the time, the Minister for Infrastructure and Transport, and in that letter it stated the reason for the fact that the department had no legal requirement for a navigable channel to be maintained on the River Murray was that the river is no longer defined as a harbour under the act. When you read a letter like that, you would assume that at some point in time it was defined under the act.

I have tried to do some due diligence on this, and I cannot find where it was. Can the minister maybe confirm whether her department has been able to determine whether the river was defined as a harbour under this act or any previous acts in terms of navigation responsibility?

The Hon. E.S. BOURKE: From the opportunities that I have had to look into this myself, following your feedback—and again, I appreciate that you have raised this as a concern of yours—my understanding is that in 1913 the river was seen as a harbour. I guess times have changed since then. This is where we are getting to with the bill that is in front of us today: as we are seeing ports a bit more like Penneshaw and Cape Jervis, where we are seeing a higher commercial and recreational use of those harbours, we are seeing a need to put layers of protection in, and that is what this is in front of us today.

I guess in 1913 the River Murray was seen as having a very different purpose to what it is today. It was a route that was able to supply freight needs along the river. As times have changed, the observation of what the river is used for has also changed. Again, that is my very brief understanding of the history that is behind this. In 1993, when this new act came into place, it was not seen as a harbour.

The Hon. N.J. CENTOFANTI: I thank the minister for her answer. In appreciating that we are trying to modernise, I think it is still important to appreciate that whilst the River Murray is no longer viewed as a freight route it certainly is viewed as a route in terms of recreation and in terms of tourism. Certainly it is my understanding, when going through the River Murray Act, that that act, in particular, is silent on navigation. It is also my understanding that the commonwealth act does not apply to navigation within South Australian waters. My question is: does the department accept that there is currently a gap in the responsibility to ensure that the River Murray is safely navigable for those tourism operators and for those recreational users who use the River Murray on a daily basis?

The Hon. E.S. BOURKE: My understanding, and as I am advised, is that this bill still requires the safety navigational purposes of the river. This bill will still cover that this has to be a safe passage of water to navigate. As I said earlier, if there is an area that is identified as being of concern, buoys will be put out to identify that this is not a safe passage and that they should use another passage instead. That will take place not only on the river but also in other harbours where we identify that there may be concerns. Examples of that would be—and correct me if I am wrong here—if a jetty is being maintained or a wharf is being maintained and repaired. They would have to, as we would on our roadsides, identify that this is not a safe area to be at this point in time and to stay away from that area until we determine that it is safe to return.

The Hon. N.J. CENTOFANTI: Can the minister acknowledge, though, that obviously, in terms of navigation in the River Murray, unlike in our marine and our coastal waters—well, perhaps not particularly at the moment, but previously—it is a lot easier to see in terms of where the sand is. We know that the River Murray, in terms of visibility, is very difficult. So going back to that safe passage of navigation, does the department acknowledge that, without a clear navigation channel through things like surveying, liability and safety responsibilities are being left to individual operators?

The Hon. E.S. BOURKE: As highlighted earlier, the marine safety officers that we have in place, I am advised, are able to check these waterways regularly, including the river, to identify where there may not be a safe passage. They are able to then put those buoys out to say, 'This is the safer passage to be using at this point in time.' As you have highlighted, this might change regularly with the river because we do have such big movements in water that come through with flooding. However, those marine officers are able to ensure that the safe passages are identified through appropriate markings.

The Hon. N.J. CENTOFANTI: Thank you, minister. Can you perhaps just outline to the chamber how those marine safety officers are checking that these channels are safely navigable? What modes are they using?

The Hon. E.S. BOURKE: There might be a variety of reasons. It might just be that there is a regular routine check. A member of the community or a council may have highlighted that there is a need for this particular area to be checked. There could be a variety of reasons as to why a safety marine officer has decided to check the safety of that passage.

The Hon. N.J. CENTOFANTI: I appreciate that, minister, but how do they check? What tools do they use to check?

The Hon. E.S. BOURKE: I have been advised that it is monitoring technology and visual analysis.

The Hon. N.J. CENTOFANTI: As I think the minister can appreciate, the visual analysis in the River Murray—it is not very easy to see under water. Can the minister elaborate any further on those technologies?

The Hon. E.S. BOURKE: I will have to look into that further and get information back to you. My apologies.

The Hon. N.J. CENTOFANTI: Perhaps I might ask then: has the department undertaken any formal survey or mapping of the River Murray's navigable channel following the 2022-23 flood event within South Australian waters?

The Hon. E.S. BOURKE: I am advised there has been a safety assessment undertaken and that it commenced in 2025. That has been undertaken.

The Hon. N.J. CENTOFANTI: I think I spoke about that briefly in my second reading speech. My understanding is that safety assessment was via GPS. My question again is: has the department undertaken any formal surveying of the River Murray's navigable channel following the 2022-23 flood?

The Hon. E.S. BOURKE: I am happy to come back and clarify further the feedback you require. Be assured that assessments are being undertaken. This is being taken seriously and I guess that is the intent of this bill as well. It is about ensuring that our waterways can be safer, and not just ensuring that our waterways are safe but that we can actually act when they are not.

We have been doing what we think is the right thing, but not having the legislative framework to protect what we are doing as well. This particular bill is hopefully going to modernise and reinforce what we need to do to have safer waterways. I can appreciate your concerns and what you are raising, but we just need to take that on notice and have a look into it further.

The Hon. N.J. CENTOFANTI: Thank you, minister. I would appreciate that and I appreciate you looking into this matter. If you could also take on notice: if the department has not undertaken any formal surveying—my understanding is that they have not, but happy for the minister to clarify—what threshold would trigger formal surveying of the River Murray to ensure that it is navigable?

The Hon. E.S. BOURKE: I am not sure that it falls within the bill that is before us today. I can appreciate that this is of great interest to you. I am happy to have these discussions outside this particular bill we are debating today, but I think we all in agreement—and I know you would be as well—that the bill before us is really about creating a safer passage. If we identify that there is an unsafe passage, we can make the community aware and we can actually enforce that, instead of just hoping we can get away with it without the appropriate legislation in place.

The Hon. N.J. CENTOFANTI: Just a final comment. Thank you, minister, I appreciate your comments. We are in agreement that we need to ensure that all our waterways have a safe passage. All I would add is that it is a lot more difficult to do that in the River Murray where those waters are not clear, hence my questioning in terms of making sure that we have things like surveys in place into the future.

The Hon. E.S. BOURKE: I can add a little bit of further information, apologies. The depth is checked by echo sounders and fitted to department vessels so that when they are doing those monitoring checks they can identify if there is an area that is too shallow to be navigated. There are also third-party surveys at Settlers Bend that have been undertaken as well, in my understanding.

The Hon. B.R. HOOD: I have just one question at clause 1, the rest will be at clause 13. Can the minister advise the chamber what effect, if any, this legislation has on the Port of Whyalla?

The Hon. E.S. BOURKE: I am advised none.

The Hon. N.J. CENTOFANTI: I promise this is the last one, Mr Chairman. I am happy for the minister to take this on notice: can she provide who was the third party that did that survey?

The Hon. E.S. BOURKE: I am happy to look into that further, yes.

Clause passed.

Clauses 2 to 12 passed.

Clause 13.

The Hon. B.R. HOOD: The former minister's second reading speech states that harbour rules will not be created for all 33 harbours around the state and that harbour rules are likely to be developed particularly for harbours where the ferry services operate, such as Penneshaw and Cape Jervis. Can the government or the minister clarify exactly to which harbours it is proposed that these new harbour rules will apply?

The Hon. E.S. BOURKE: The focus at this point in time is Penneshaw and Cape Jervis. There has been consultation with those communities because, as we have highlighted not only today but also in the chamber yesterday, there has been a lot of change there. We have new, bigger vessels on their way, and we are seeing far greater use of commercial ferries alongside recreational

use as well. At the moment, as much as we can go out there and tell recreational purposes or the ferry to maybe do things differently, there is no way of enforcing it. This will enable us to put those protections in place and make it a safer harbour and one that has been acknowledged is needed.

The Hon. B.R. HOOD: I thank the minister for her response. What will stop future governments extending the way in which these rules operate and applying them to other South Australian harbours beyond Cape Jervis and Penneshaw, or beyond what the former minister had identified in his second reading speech, which was to apply these rules in harbours where ferry services operate?

The Hon. E.S. BOURKE: As I have highlighted, it will only be for those particular two harbours at this point in time. It really would be on a needs-by-needs basis, if there was a high need because of concerns about safety risk. But, really, this is about those two particular harbours at this point in time. Just as a reminder, it is harbours, not ports, so just those areas that are for public purpose as well as commercial purpose.

The Hon. B.R. HOOD: Staying on 29AA but on page 7 of the amendment bill, it is noted under this act that authorised officers may be appointed who are also local government employees. I know that this has certainly been debated in other bills in this place. The Attorney-General actually was asked, through the truncated debate on the Biodiversity Bill that passed parliament earlier this year, about liability protections for authorised officers.

In that debate, the government declined to support the amendments proposed by my colleague the Hon. Nicola Centofanti to include a new clause in the Biodiversity Act which would have addressed the issues of liability coverage for council-employed authorised officers appointed under that act. The proposed amendment for that Biodiversity Bill was:

An authorised officer who takes action under this Act in good faith does not incur any civil or criminal liability for taking that action.

At the time, the Attorney-General declined to address the issue in a piecemeal way and committed to addressing the wider issues of liability protections for council-employed authorised officers through a review of section 74 of the Public Sector Act. In circumstances where the minister has already appointed authorised officers or intends to appoint authorised officers who are also local government employees to assist in the enforcement of the new rules and directives proposed under this amendment bill, the Harbours and Navigations (Miscellaneous) Amendment Bill, can the minister advise the chamber what liabilities are afforded to them under the Harbours and Navigation Act?

The Hon. E.S. BOURKE: I am advised section 89(2) and (3) of the act operate to expressly provide that an authorised person incurs no civil liability under the act, so the protections, I guess, are already identified and seen.

Clause passed.

Clauses 14 to 21 passed.

Clause 22.

The Hon. B.R. HOOD: At 67A—Safety direction, page 8, I refer to the previous minister's second reading speech, which states that the safety directions will prevail over any council by-laws. Given that these directions may be temporary and put in place within a very short period to respond to emerging issues, how does the minister propose that adequate consultation with councils will occur to ensure that inconsistencies do not arise in any conflicts between the council by-law and the safety direction?

The Hon. E.S. BOURKE: I am advised that steps would be taken to advise the council and also provide that notice to the public, I believe on a website, and in the *Gazette* as well.

The Hon. B.R. HOOD: What is the timeframe in which you will be consulting the council and also the public before things are brought into effect?

The Hon. E.S. BOURKE: I am advised it would be on a case-by-case basis. It really depends on the incident that is at hand, but we would absolutely be seeking to advise the council as soon as possible.

The Hon. B.R. HOOD: If a safety direction overrides a council by-law, once that period of operation of that direction has expired, will the council by-law just automatically return fully to force?

The Hon. E.S. BOURKE: I am advised, yes.

The Hon. B.R. HOOD: In the previous minister's second reading speech, he stated that safety directions will be used to ensure safety and can impose restrictions, with examples such as to prohibit swimming or limit vessel speed. What enforcement activities are proposed to be undertaken by the state government under the safety direction to ensure public safety and what assurances can the minister give that these enforcement functions will not be cost shifted to local government through specific actions or activities?

The Hon. E.S. BOURKE: I have been advised that it would be unusual for a council employee to be enforcing safety precautions and directions. It would more likely be a state government employee.

The Hon. B.R. HOOD: So there is not a case in which enforcement functions would be cost shifted onto local councils? You could not think of any examples of that?

The Hon. E.S. BOURKE: I am advised it is highly unlikely.

The Hon. B.R. HOOD: Our local councils are often subject to Crown vesting land management arrangements for assets and infrastructure within harbours and navigable waters. They already have obligations to ensure safety and amenity for local communities under these arrangements. What assurances can the minister provide that, under the current safety directions, local government entities would not be subject to punitive measures under the safety directives for infrastructure that is already maintained for community benefit?

The Hon. E.S. BOURKE: These requirements, I am advised, are not about requiring a council to go and fix problems. This is about creating safer waterways, enabling, I guess, when someone is doing the wrong thing for that person or those people to be held accountable.

The Hon. B.R. HOOD: So these safety directions would not be used, I suppose, to impose additional costs or requirements on councils outside of existing lease arrangements? That would not be the case?

The Hon. E.S. BOURKE: I am advised that would not be the case.

The Hon. B.R. HOOD: And in a similar vein, these safety directions would not compel councils to address historical asset conditions of infrastructure?

The Hon. E.S. BOURKE: I am advised that this bill is in place to restrict people from accessing a dangerous site, so this is not, as I am advised, that you now need to fix this particular piece of infrastructure. As I said earlier, this bill is to enable us, when we are fixing a road, to put out those safety markers, enabling us to do that and having the authority to do that.

The Hon. B.R. HOOD: I thank the minister for her comments. It is just good to get that on the record.

Clause passed.

Remaining clauses (23 and 24) and title passed.

Bill reported without amendment.

Third Reading

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism)
(12:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EDUCATION AND CHILDREN'S SERVICES (INCLUSIVE EDUCATION) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 16 October 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (12:24): I rise to speak on behalf of the opposition to address the Education and Children's Services (Inclusive Education) Amendment Bill 2025. At its heart, this bill seeks to make our education system more transparent, more accountable and, ultimately, more inclusive for students with disability. It forms part of South Australia's response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, particularly recommendations 7.1 and 7.2, to provide equal access to mainstream education and to prevent the inappropriate use of exclusionary discipline. We welcome those aims and the intent of the bill before us today.

The opposition supports the principle of inclusion and transparency across all education sectors—government, Catholic and independent. We agree that every child deserves the chance to participate, learn and thrive in a safe and supportive school environment. The bill introduces several changes, including embedding inclusive education as an object of the Education and Children's Services Act 2019, making clear that education in our state should enable the participation of students with disability and support them to reach their fullest potential.

It prohibits schools from refusing enrolments on the basis of disability unless accepting that enrolment would impose an unjustifiable hardship on the school—a test drawn from the commonwealth Disability Discrimination Act 1992. It introduces an annual reporting obligation on enrolment refusals, cancellations and disciplinary action involving students with disability across both government and non-government schools. It requires non-government schools to publish their behaviour management and exclusion policies and to ensure those policies are, as far as practicable, in line with public school standards. It provides for sector-level publication of de-identified data to promote transparency without compromising the privacy of individual students.

These reforms have been shaped through collaboration between the Department for Education, Catholic Education South Australia and the Association of Independent Schools of South Australia and disability advocates. That cross-sector approach is a great example of different sectors working together. Not that I did not trust the minister, but I did in fact make sure I confirmed that this collaboration had occurred with the sector and have consulted directly with both Catholic Education and the Association for Independent Schools of South Australia. I thank both bodies for their hands-on approach and accessibility during this process.

The opposition supports the intent of this bill, but we also believe that getting the detail right will determine whether it delivers genuine inclusion or just new paperwork. In examining this bill, we have considered feedback from a range of different sources, including the Law Society of South Australia, Dr Spyrou from the Centre for Inclusive Education, and the broader education sector. The Law Society supports the bill's direction but has recommended enhancements such as including the reasons for each refusal, capturing data on children in care and justice settings, and publishing how the minister uses the data to improve system performances. These are constructive ideas for the minister to consider.

Dr Spyrou raised legitimate concerns about the government's consultation process: a 19-day window with limited publicity and no public access to submissions. That is not the level of openness that we should be aspiring to with reforms, in relation to transparency, that we have here today. Schools themselves have raised some real concerns relating to the operation of this bill, and I hope that the minister will take these on board. From consultation with stakeholders, we are calling on the government to:

- provide sector-specific training and guidance on applying the Disability Standards For Education and the changes that come through, assuming this bill passes through this house;

- develop a standardised decision-making framework for enrolments and exclusion decisions, including consistency and fairness;
- deliver templates and support to our schools; and
- commit to ongoing review once the commonwealth completes its own Disability Discrimination Act review later this year, to ensure state laws remain aligned. With that in mind, I indicate support for the Hon. Robert Simms' amendments which calls on the review prior to the third anniversary of the commencements of this act.

These are modest yet achievable steps that would turn this into a framework of lasting reform.

In summary, this bill represents an important step towards a more inclusive education system. It sends a clear message that discrimination and exclusion have no place in South Australian schools, but its main goal is to ensure that the law is not merely symbolic but is able to be implemented, resourced and consistent right across our schools. With that, I commend the bill to the chamber.

The Hon. T.A. FRANKS (12:29): I rise today to support this bill and to outline the rationale for some amendments I will seek to move to strengthen the bill, particularly in its commitment to inclusive education, transparency and accountability.

This bill presents an important opportunity to give genuine effect to South Australia's stated vision of inclusive education, a vision where every child, regardless of disability or learning profile, is given the opportunity to belong, to participate, and to thrive in their local school. Yet, as it currently stands, there remain areas within this bill that fall short of that ambition.

The amendments I will be moving have been developed following direct consultation with Dr Peta Spyrou, whose expertise in disability discrimination and inclusive education has been quite invaluable to my office, and I thank her for that. Dr Spyrou's PhD research and her evidence before the Social Development Committee's human rights inquiry in 2024 have shed light on the lived experience of families who have fought for their children who have complex learning profiles to access inclusive education in our state of South Australia.

Her work, alongside her review of public submissions to the draft Exposure Bill, including the submission from the Centre for Inclusive Education at QUT, identify some of the structural and cultural barriers that continue to limit genuine inclusion in our state of South Australia. The QUT Centre for Inclusive Education is one of Australia's leading research institutes in this field, and its researchers are internationally recognised for their work on evidence-based inclusion, school reform, and system-led accountability.

The centre played a key role in developing national frameworks for inclusive education, and conducted the 2020 Graham et al review into suspension, exclusion and expulsion processes in South Australian state schools, a comprehensive government-commissioned review led by Professor Linda Graham. That review exposed systemic overuse of disciplinary exclusions and the disproportionate impact of those practices on students with disability, on ATSI students, and students in care. It also demonstrated the importance of transparent data, of early intervention and professional support to keep students engaged in schooling.

These insights are directly relevant to the South Australian context, and have informed the amendments I propose today. I note that back then that review by the QUT centre was actually secured in an agreement with myself in collaboration with the former shadow minister and the former minister. Both former minister Susan Close and former minister and then later minister John Gardner were involved in that particular discussion, and we produced a report that should now be being incorporated into what we do as we go forward.

First, I turn to section 62 of the Education and Children's Services Act 2019. The provision there empowers the chief executive to direct a student's enrolment in certain circumstances. While originally intended to support appropriate placement decisions, it raises concerns about compatibility with inclusive education principles, and lacks procedural safeguards.

I support the government's proposal to repeal section 62(1)(a), which currently allows the chief executive to direct a child with disability to a particular school, including a special school if

deemed necessary or appropriate. That repeal is a step in the right direction; however, Dr Spyrou's expert opinion demonstrates that the remaining subsections, namely 62(1)(b) and (c), may still enable gatekeeping practices that will limit access to mainstream education for children with disabilities.

These practices occur when families are advised or pressured or informally directed away from their local schools on the basis that inclusion is 'not practical' or that the child's needs would somehow be better met elsewhere. Sometimes these decisions are framed as being in the interests of safety or welfare of others, yet far too often they actually reflect a lack of will to provide reasonable adjustments.

Dr Spyrou's research, including interviews with conciliators from three equality agencies, has documented how hypothetical or extreme scenarios are somehow invoked to justify exclusion, rather than to explore how inclusion might be achieved. Such practices, of course, undermine the right to inclusive education under Article 24 of the Convention on the Rights of Persons with Disabilities, and are inconsistent with the Disability Discrimination Act 1992 (at the commonwealth level) and the Disability Standards for Education 2005.

The amendments I have filed would address this by ensuring that, before the chief executive directs a child's placement, the child must have been given a genuine opportunity to be enrolled in their local school, with the provision of reasonable adjustments and supports based on the best available research and evidence. This amendment will give legislative force to what inclusion should already mean in practice—that is, exclusion is the last result, not the first response.

Secondly, I draw this council's attention to another area of concern raised by Dr Spyrou after reviewing the submission made by the Centre for Inclusive Education and the findings of the Graham review: the bill's proposal to exempt certain new provisions, including what would be section 63B, 80A(6) and 81B(6), from the operation of the Freedom of Information Act 1991. These exemptions would prevent public access to important information about enrolment, disciplinary and behavioural practices in our new schools. If enacted, they will conceal data that is actually essential for understanding how inclusion, exclusion and discipline operate in principle across our state education system.

Transparency is fundamental to public trust, and Dr Spyrou's review of the submissions to the draft exposure bill emphasised that without access to such data it is impossible to know whether inclusive education is being delivered equitably or whether particular groups of students, especially those with disability, are being disproportionately excluded. Therefore, all provisions, including the FOI Act's application, I will contend should be removed. Removing these exemptions will promote transparency and accountability and support public oversight of exclusionary practices, as well as enhancing confidence in South Australia's commitment to inclusive education.

An inclusive education system cannot be built behind closed doors. It requires openness, collaboration and evidence. By embedding transparency and genuine inclusion in our legislation, we take a necessary step towards ensuring that every child in South Australia can access the education that they not only deserve in their local school but that they should be able to expect in their local school, with the supports they need and within a system that welcomes them rather than shuts them out.

I acknowledge the government's positive work in bringing this bill forward and its commitment in advancing inclusive education across our state. The amendments I propose will build on that foundation. They do not seek to oppose it; rather, they aim to ensure that the legislation delivers on its promise, and that inclusion is not just an aspiration but a lived reality for every South Australian child. I invite members of this council to consider these constructive amendments.

I note that while the government so far has not been terribly receptive in our conversations, and has raised concerns such as a lack of definition currently in the act for a local school as one of those barriers, I flag also that I will soon file a definition of 'local school' for the government to further consider, so that we may perhaps have an education that is truly inclusive, does afford students in the state system to be able to be enrolled in their local school—where they have that entitlement and should have that expectation, not only under our various human rights mechanisms but in what most

South Australians would assume would be the standard practice in 2025. With that, I commend the bill and look forward to the committee debate.

The Hon. C. BONAROS (12:38): I rise to speak in support of the Education and Children's Services (Inclusive Education) Amendment Bill 2025. As we know, this bill is part of a much bigger review that is currently underway, but is in response to the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. One of the recommendations in that report was that states and territories amend their education acts, or equivalents, to create a legal entitlement for students with disability to enrol in local mainstream schools and to provide the right for enrolment to be subject only to unjustifiable hardship in the sense used in the Disability Discrimination Act.

The recommendation went as far as stating that the state and territory governments should take the following actions to prevent gatekeeping in mainstream schools: maintain a central record of decisions on enrolment refusal or cancellation and provide an annual report to the responsible Minister for Education on any trends and barriers in that space, and also establish an independent review process to enable a parent or supporter of a child or young person with a disability to challenge such a refusal for enrolment at a school.

That is only one of the recommendations. As I said and as the government has advised me, this particular bill, I suppose, incorporates the least contentious and simpler aspects of a much bigger body of work, which I understand is still underway. I accept the government's position. In fact, I think it is good of the minister to actually identify this particular aspect and say, 'We don't need to wait for that particular body of work to be completed before we get off the ground with what's in this bill.'

Having said that, I acknowledge the remarks just made by my colleague the Hon. Tammy Franks and, indeed, the Hon. Heidi Girolamo before her. Anyone who has taken the time to speak to Dr Spyrou, who, as the Hon. Tammy Franks has highlighted, is indeed an expert in this space and does know what we ought to be doing in this space, knows that when it comes to those gatekeeping practices which we are trying to address, there is a problem in the bill.

Dr Spyrou has emphasised that to me, and I am grateful to the Hon. Tammy Franks for taking up that issue and drafting amendments to deal with, for want of better words, a loophole or a barrier in terms of those gateway keeping practices, which is exactly what we are intending to address through this bill. There is no point doing it if we are going to put barriers in the way of actually achieving the end that this bill is designed to achieve.

I have had some discussions with the government in relation to this. I do not think that what the Hon. Tammy Franks is outlining is actually detrimental to this proposal. I think what she is proposing is an improvement and an oversight in terms of what we ought to be doing to ensure that we are reaching that end goal. I am very hopeful that the minister will remain open to considering the amendments that the Hon. Tammy Franks has moved.

I appreciate that they fall into two baskets, firstly in relation to the FOIs but more specifically in relation to amendment No.1, which I am sure the honourable member will speak to in further detail when we get to it, but I think we have an opportunity here to make this legislation better and to actually ensure that we are meeting our objectives in line with the recommendations that were made as a result of that royal commission that I referred to earlier.

I have indicated my willingness to the government. In fact, I have impressed upon them my hope that they will consider this amendment favourably so that we can actually achieve the ends that we all want. I do not think that it is a valid excuse to say, 'Let's pass this bill now and perhaps come back to this particular item when we look at the legislation more broadly and in terms of that bigger review that we are doing, which will cover some of the other substantive issues and perhaps some of the more contentious issues at play in this space.'

It is on that basis that I indicate that I am supportive of the amendment that the Hon. Tammy Franks is moving and that I hope the government is open to considering it on its merits and taking on board the advice that has been provided by Dr Spyrou to anyone who has been willing to take it on board. Certainly I know that efforts have been made to ensure that everybody knows what the position is, why the problem exists and how it can be addressed effectively by us in this place today.

The Hon. J.S. LEE (12:45): I rise today to speak in support of the Education and Children's Services (Inclusive Education) Amendment Bill 2025, which is an important step in South Australia's response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

This bill aims to stop gatekeeping practices, make enrolment processes fairer and improve transparency in how schools manage discipline for students with disability. It introduces a set of changes to strengthen inclusive education in South Australia. This includes updating the definition of disability to match commonwealth law, removing the chief executive's power to direct enrolment based on disability, requiring schools to report when enrolments are refused or cancelled, and asking non-government schools to publish discipline policies that align with government school standards. The bill also adds a new object to the act to support inclusive education for students with disability.

Each of these reforms is a meaningful step forward. Aligning the definition of disability ensures consistency across jurisdictions and helps schools apply the laws with clarity. Removing the chief executive's power to direct enrolment based on disability affirms the principle that students with disability should not be segregated, discriminated against or placed in schools without proper consultation or support. Requiring non-government schools to publish discipline policies brings greater transparency and consistency across sectors, helping families to understand their rights and expectations.

While the inclusion of a new object is a welcome step, I am concerned that it may unintentionally limit the idea of inclusion. Inclusive education should be a right for all students, not just those with disability but also Aboriginal students, children in care, children of diverse cultural backgrounds and those who are facing social and economic disadvantage. A broader and more inclusive object would better reflect our shared commitment to fairness across the whole education system.

It is encouraging to see stronger accountability across school sectors. However, the current reporting rules may miss important data that could help with planning and improvement. For example, while schools must report disciplinary actions involving students with disability, they are not required to report this for all students. This makes it harder to see wider patterns of exclusion or unfair treatment, especially where different factors, such as disability, culture or background, tend to overlap.

At the same time, the reporting requirements introduced by this bill are a positive step forward. They would help build a clearer picture of how students with disability are being supported and where improvements are required. This data will guide policy, resource planning and professional development and will help strengthen inclusive practices across the education system.

It is important that schools are supported to meet these obligations through streamlined systems and training, so that the focus remains on student wellbeing and learning. The need for better data is clear from the royal commission's findings. It showed that students with disability face many barriers to education, including being discouraged from enrolment, being disciplined unfairly and also not receiving the support they need.

The royal commission recommended that exclusionary discipline should only be used as a last resort and that decisions must consider the students' needs, age and disability, especially for younger children. One of the strengths of this bill is the consultation and collaboration with Catholic Education SA and the Association of Independent Schools of SA on these reforms. I also want to join with the other honourable members who spoke earlier to thank Dr Peta Spyrou for her expertise, her compassion, her extensive work and strong advocacy, and also for taking the time to consult and write to me.

I want to acknowledge the amendments put forward by the Hon. Tammy Franks to strengthen the bill's intent and address several gaps which were highlighted by Dr Peta Spyrou and, in particular, the amendment to section 62 to ensure that students with disability are given a genuine opportunity to enrol in their local school with reasonable adjustments and supports informed by best practice. This is a critical safeguard against informal segregation under the guise of safety. These amendments improve the bill's clarity and reinforce its commitment to inclusive education across all sectors.

I also want to acknowledge the amendment to be put forward by the Hon. Robert Simms which calls for a review of the operation of these providers to ensure that they are delivering the outcomes intended by the bill. This addition reinforces the importance of not only legislating for inclusive education but also monitoring its real world impact over time.

No bill is perfect, but the intention for improvement is warranted and this one makes real progress. It responds to the royal commission's findings and lays the groundwork for a more inclusive and fair education system. With continued collaboration and support for schools, I see this continuing to be built upon to keep improving outcomes for all students, especially those who have been left behind. I am committed to making sure that South Australia provides inclusive and equitable education for every child. I will be considering all the amendments favourably and, with those remarks, I commend the bill.

The Hon. R.A. SIMMS (12:51): I rise to very briefly indicate my support for the Education and Children's Services (Inclusive Education) Amendment Bill. Other members have talked about the genesis of this bill and therefore I will not traverse that similar territory. What I will say is that members will know that I have been an advocate for more transparency within the school system. I see this as being a move in the right direction.

I would, of course, like to go further. Members might recall that I had a bill before parliament, which was opposed by Labor and the Liberals, which would have subjected private schools to the same reporting requirements as public schools. I do think that is an important transparency measure. In fact, I often have people with children within the private school system speak to me about the fact that issues within that school system are being covered up or not appropriately addressed.

I think improving transparency across the board within the private school system would be a really worthwhile endeavour, and that is a matter that I intend to pursue again in the new parliament. However, that said, I think this bill, with the increased transparency that it brings towards children with disability and special needs, is really welcome.

I might use this opportunity to speak very briefly to my amendment that I will move in the committee stage. The amendment is very straightforward. It requires there to be a review that is completed before the third anniversary of the commencement of the bill. I think one of the benefits of that amendment is that it would provide an opportunity for us to again look into how this bill is working in practice and see whether there are potential gaps that need to be plugged.

I note the amendments that have been flagged by the Hon. Tammy Franks. I have an open mind to those amendments and I will listen closely to the debate in the committee stage.

The Hon. J.E. HANSON (12:53): The bill implements part of the government's response to recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. In particular, the bill responds to recommendation 7.1, to provide equal access to mainstream education and enrolment, and recommendation 7.2, to prevent the inappropriate use of exclusionary discipline against students with a disability.

The disability royal commission found that students with disabilities face multiple barriers to inclusive education, inclusive gatekeeping practices which informally discourage their enrolment and the inappropriate use of exclusionary responses. The bill was the subject of extensive public consultation, including through the YourSAy website from 20 May 2025 to 13 June 2025. In December 2024, the SA government, Catholic Education South Australia and the Association of Independent Schools of South Australia jointly announced a cross-section response to implementing key recommendations of the royal commission, and this bill has been strongly informed by that work. The main changes are:

- inserting a new object of the act to ensure that the provision of education and children's services in the state is inclusive by enabling the participation of children and students with a disability and supporting them to reach their fullest potential;
- providing that schools must not refuse enrolment on the basis of disability unless this would impose an unjustifiable hardship on the school. This obligation is already set out in the commonwealth Disability Discrimination Act 1992, and including it in state legislation affirms the spirit and the intent;

- requiring all government and non-government schools to report annually on:
 - the number of children with disability who had their enrolment refused on the basis of unjustifiable hardship;
 - the number of children with a disability whose enrolments were cancelled;
 - measures taken to reduce refusals or cancellations; and
 - the number of students with disability who were suspended or excluded, for what reason and for how long; and
- the minister must publish a report on the information provided, which aggregates the data for the government schools and for non-government schools. This means individual schools will not be identified. In addition, the bill requires that the information provided by schools must not identify any individual.

There is one provision that applies only to the non-government sector, because it already applies to government schools. Non-government schools will be required to have a published policy regarding the use of exclusionary discipline at that school. This does not apply to government schools because the act already sets out a very clear process for suspension, exclusions and expulsions in the department's procedure, which provides further details and is already published online.

During the consultation, stakeholders welcomed the increase in transparency due to these new reporting requirements. While the changes are modest, they will help all education sectors track progress towards more inclusive education for students with a disability in South Australian schools.

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (12:56): I thank members for their feedback on the bill, particularly the Hon. Heidi Girolamo, the Hon. Tammy Franks, the Hon. Connie Bonaros, the Hon. Jing Lee, the Hon. Rob Simms and the Hon. Justin Hanson. As we have heard, this is a significant bill coming into this chamber, enabling our state to be one of the first to act and make change in this crucial area, to ensure that people and students with a disability can participate in their school environment. I look forward to the committee stage.

Bill read a second time.

Sitting suspended from 12:58 to 14:16.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Deputy Premier (Hon. K.J. Maher)—

Reports, 2024-25—

Department for Health and Wellbeing

Electricity Industry Superannuation Scheme

Police Superannuation Board

The Office of the Health and Community Services Complaints Commissioner

The South Australian Community Visitor Scheme

Travel Report for Deputy Premier from 14 August to 15 August 2025 prepared pursuant to the Public Sector Act 2009

Travel Report for Minister for Infrastructure and Transport from 10 August to 11 August 2025 prepared pursuant to the Public Sector Act 2009

Travel Report for Minister for Infrastructure and Transport from 14 August to 15 August 2025 prepared pursuant to the Public Sector Act 2009

SA Health's response to the Coroner's Finding into the Deaths of Mark Furlan and Richard Miller

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

Office of the Director of Public Prosecutions: Report, 2024-25

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

Reports, 2024-25—

Community Services Sector Long Service Leave Board

Construction Industry Long Service Leave Board

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

Department for Child Protection: Report, 2024-25

By the Minister for Infrastructure and Transport (Hon. E.S. Bourke)—

Reports, 2024-25—

Child Development Council

Department for Infrastructure and Transport

Department of Human Services

History Trust of South Australia

National Heavy Vehicle Regulator

Office of the National Rail Safety Regulator

State Bushfire Coordination Committee

State Planning Commission

West Beach Trust

South Australia Police's response to the Coroner's Finding into the death in custody of Mr Duy Ngoc Pham

Ministerial Statement

OPERATION IRONSIDE

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism)

(14:18): I table a copy of a ministerial statement relating to Operation Ironside made earlier today in the other place by my colleague the Minister for Police.

Question Time

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries regarding oyster movement in the midst of an algal bloom.

Leave granted.

The Hon. N.J. CENTOFANTI: The opposition understands that there has been a recent decision by PIRSA's biosecurity division to approve a relay request for the movement of oysters from Franklin Harbour to Haslam from a fishery that has been closed under the South Australian Shellfish Quality Assurance Program to an area that is unaffected by the algal bloom. We understand approximately 20 tonnes of oysters are involved in the move from Cowell into a non-algal affected zone on the West Coast. My questions to the minister are:

1. Has there been approval for a relay request from Franklin Harbour to the West Coast?
2. If so, what are the conditions?
3. Who authorised that relay request?
4. What scientific evidence was used to approve that request?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I thank the honourable member for her question. As we

know, brevetoxins were first detected in May 2025 through routine South Australian Shellfish Quality Assurance Program (SASQAP) testing at a concentration of 0.56 milligrams per kilogram, which is below the Food Standards Australia New Zealand (FSANZ) regulatory limit of 0.8 milligrams per kilogram. Notably, brevetoxins had not been detected in Australia previously.

Since May, weekly brevetoxin testing and monitoring has triggered the closing and reopening of several harvesting areas for oysters, pipis and mussels in line with the Primary Produce (Food Safety Schemes) (Seafood) Regulations 2017. This is to maintain food safety standards and ensure the Food Standards Australia New Zealand regulatory limit of 0.8 milligrams per kilogram for the brevetoxin is not breached.

Closures of harvest areas prohibit the sale and movement of bivalve molluscs from those areas, and consistent with the biotoxin management plan, a harvest area is closed until the brevetoxin level falls below the FSANZ level of 0.8 milligrams per kilogram for two consecutive weeks and the *Karenia* species count is decreasing.

The movement of oyster stock between harvest areas is critical to many oyster farming standard operations to maximise their growth potential. The movement of oysters from a closed harvest area to another harvest area requires authorisation under the regulations, which has historically occurred in the past for closures due to other algae species or high rainfall and *E.coli*, with a relay request process in place.

PIRSA received applications to relay Pacific oysters from Franklin Harbour, which is currently closed due to brevetoxins. The initial request received has been assessed and the request to relay stock was authorised. The approved authorisations require all relayed oysters to remain in a quarantined area separate to existing oysters for a potential period of 60 days, with the reduction of brevetoxin to food safety level before any harvest can occur.

PIRSA will assess compliance with authorised relay through food safety audits. PIRSA continues to monitor biotoxin levels for impacted classified harvesting areas through the SASQAP. Predetermined considerations have been developed nationally, and the SASQAP relay protocols ensure compliance with the Australian Shellfish Quality Assurance Program (ASQAP) operations manual, the ASQAP Export Standards 2004.

PIRSA has undertaken a detailed risk assessment framework to evaluate against food safety and biosecurity criteria. A risk assessment completed by PIRSA considered both food safety risks along with consideration of potentially inadvertently spreading the algal bloom from a biosecurity risk perspective from closed harvest areas to open harvest areas that have not been impacted by the bloom. The assessment concluded that both the absolute risk of spread of the algal bloom via oyster relays as well as the relative risk these relays may play in spreading the algal bloom compared to other means of bloom spread are low.

I am aware several oyster operators and some fisheries have raised concern of oyster relocation and possible potential to inadvertently spread the algal bloom. While I understand there are varying positions on support for oyster relays within the industry, SAOGA (South Australian Oyster Growers Association) advised PIRSA in August 2025 that the group was unable to come to a unanimous position and PIRSA should progress a process of relay.

In addition to the PIRSA risk assessment, PIRSA has actively engaged with SAOGA over recent months. SAOGA commissioned an independent risk assessment which drew on expert advice from algal bloom experts and oyster aquaculture regulators from the US, New Zealand, Tasmania and New South Wales and assessed the risk of transference of *Karenia* species to generate bloom to be low to moderate. PIRSA has provided oyster growers in closed areas with several options to maintain the health and quality of their oysters, including:

- supporting growers to spread out oysters and/or adding additional infrastructure to their existing sites;
- working with industry representatives within harvesting areas to identify underutilised space within licensed sites into which stock can be moved; and

- supporting the granting of an emergency lease and corresponding licence either inside or outside of an aquaculture zone.

We will continue to work with the oyster industry and continue to support impacted oyster growers.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: when was the independent risk assessment obtained by the government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I don't have that information in front of me. There have been a number of different pieces of data that have fed into this decision.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: was the department's risk assessment independently verified and were industry consulted in regard to that risk assessment?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): Industry has been involved all the way through. I refer to an email that came from SAOGA, which stated the following:

In regards to the transfer of algae, the likelihood of this occurring is moderate to high. In regards to the transfer of algae setting off a bloom, the likelihood is low to medium however, the risk mitigation recommendations will also reduce the transfer.

Noting all this and the fact that industry is built on the reliance of stock movement between bays, industry can't sustainably operate without stock movement for lengthy periods of time. The SAOGA and SAORC Boards found it difficult to land on a final decision but the majority were looking for a process to allow relays to occur. Therefore, SAOGA recommend to PIRSA that relay requests should begin to be processed and then allowed where at least one method of risk mitigation is used prior to movement.

So we have worked closely. We have involved the information that is available, which has included a report commissioned by SAOGA in regard to *Karenia*, an animal health assessment and also assessment of brevetoxin cross-contamination.

ALGAL BLOOM

The Hon. T.A. FRANKS (14:26): Supplementary: the minister mentioned that the brevetoxins were identified for the first time in Australia. What were the specific brevetoxins?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): I thank the member for her supplementary question. She referred back to the early times. The results received, taken on 25 May 2025, are: Port Vincent total brevetoxins, 2.3 milligrams per kilogram; Stansbury total brevetoxins, 3.6 milligrams per kilogram; Coobowie total brevetoxins, 5.4 milligrams per kilogram; and American River total brevetoxins, 2.5 milligrams per kilogram. It's important to note that that was when this began and, of course, the detection levels are changing constantly.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: what additional harm mitigation or insurance is offered to neighbouring aquaculture licence holders and can the minister answer the question as to who authorised the relay request?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): The translocation was to Haslam, which I am advised is an aquaculture zone with only one licence holder in it. The nearest licence holder to that, I understand, is about 6.4 kilometres.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to provide a brief explanation before asking the Minister for Primary Industries questions on the topic of the algal bloom information packs.

Leave granted.

The Hon. N.J. CENTOFANTI: Can the minister indicate to the chamber how many copies of the algal bloom information pack were printed and distributed and what was the cost of the creation and distribution of the algal bloom information pack in total? How were the distribution areas for the algal bloom information pack selected? Was it by council area or by state electorate?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): I thank the honourable member for her question. I haven't been involved in that information pack, so I am happy to take that on notice and bring back a response.

ALGAL BLOOM

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

The PRESIDENT: I will listen to it.

Members interjecting:

The PRESIDENT: Order! Just hang on. I will listen to it.

The Hon. N.J. CENTOFANTI: Given that the minister's own Professor Mike Steer signed the information pack, how is the minister not aware? How is the minister not aware of the information pack, given Professor Mike Steer's signature is in that pack?

ALGAL BLOOM

The Hon. T.A. FRANKS (14:30): Supplementary: was Professor Mike Steer given an option not to have his photos in the information pack?

The PRESIDENT: I never heard anything about Mike Steer. Your third question.

Members interjecting:

The PRESIDENT: Would you like to ask your third question or do you want to wave your hands around?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: You are not helping. Stop it.

PUBLIC SECTOR ENTERPRISE AGREEMENTS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking a question of the Minister for Industrial Relations regarding payment of public servants.

Leave granted.

The Hon. N.J. CENTOFANTI: Today, on the steps of parliament, South Australian public sector nurses and midwives are holding a major protest over a rejected pay offer. They join a chorus of public sector workers who are at the mercy of a government who have spent more than \$200 million on self-aggrandising advertising—

Members interjecting:

The Hon. N.J. CENTOFANTI: —self-aggrandising advertising and half a billion dollars on his failed hydrogen project hoax, including a whopping \$800,000-plus payment to one government employee. So my questions to the minister are:

1. How can the Deputy Premier of this state justify paying \$800,000 to a single government executive when our whole health system relies on our nurses and midwives, who just want a real wage increase?

2. What does this \$800,000 plus payment communicate to public sector staff, including your own parliamentary and electorate staff, who are all waiting for the finalisation of their enterprise bargaining agreement and real wage increases?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:31): It is a good question and I will try not to 'agronise' anyone with my answer. We have traversed this a number of times, and I am extraordinarily surprised to hear the opposition asking about paying public sector workers and valuing them appropriately. We have heard time and time again in this chamber the attitude the Liberal Party have taken in the past about valuing public sector employees. Let's have a quick examination of that again.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: We had my predecessor, the Hon. Rob Lucas, regularly get up in here and chastise union bosses as if that wasn't something to be proud of. It was remarkable the way he treated those who choose to spend their lives representing workers.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: In the time of the last Liberal government, we saw real wages fall. We saw a deliberate policy to make sure public sector workers got less and less year on year.

Members interjecting:

The PRESIDENT: You asked a question, you are getting the answer. I can't hear it. The Hon. Ian Gilfillan is in the gallery. I don't want you to embarrass yourselves in front of the Hon. Ian Gilfillan.

The Hon. K.J. MAHER: Sorry, sir, we won't 'agronise' too much longer on this with people in the gallery listening. The previous Liberal government cut the real wages of public sector workers in South Australia. They demonised those who led those unions. We don't do that. We value public sector workers. We value those who represent public sector workers. Just this year, we have seen public sector enterprise agreements voted up and approved by the SAET for allied health professionals, giving real wage increases over and above inflation.

We have seen enterprise agreements voted up by their membership and approved by the SAET for public sector doctors, giving real wage increases over and above inflation. This stands in stark, stark contrast—stark, stark contrast—to those opposite. Don't look at what they say—and they are pretending that they value public sector workers now—look at what they do when they get the chance to do it: they cut wages. We will continue to negotiate in good faith. Another thing we won't do that the previous government did is set artificial boundaries on negotiations.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: 'There will be no back pay. Ambos will go four years without a pay rise.' That's not what we do, that's not we're doing, and we will continue those negotiations because that is the right thing to do.

NURSES AND MIDWIVES

The Hon. R.A. SIMMS (14:34): Supplementary: why are South Australian nurses and midwives the lowest paid in the nation, and why won't Labor pay them what they're worth?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:34): I thank the honourable member for his question. I will look forward to the honourable member supplying the data that compares all pay points for nurses and midwives, because I'm not sure that's quite correct, but I am happy to sit down with the honourable member. I think for various different

levels of public sector nurses and midwives it varies. There are some where we are down lowest. There are other points where we are not down lowest—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —but we will continue to negotiate in good faith with the union that represents these workers. Indeed, just yesterday we increased the offer that we previously made, but we are happy to continue those negotiations.

MAIN SOUTH ROAD DUPLICATION PROJECT

The Hon. R.P. WORTLEY (14:35): My question is to the Minister for Infrastructure and Transport. Will the minister provide an update about the Main South Road duplication project?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (14:35): I thank the honourable member for their question and interest in this project that is close to many people's hearts in the local community. Stage 2 of the Main South Road duplication between Aldinga Beach and Sellicks Beach is being delivered as part of the \$810.4 million Fleurieu Connections project with the Malinauskas state Labor government contributing \$588.8 million and the Albanese Labor government contributing \$221.6 million.

Main South Road carries around 19,000 vehicles a day, which is only set to increase with traffic volumes expected to grow to 26,000 vehicles a day by 2036. Numbers like this highlight where projects like the one we are building are incredibly important. The project will support 405 full-time equivalent jobs throughout construction, and will improve safety, traffic flow and freight efficiencies along this critical corridor. It will allow for stronger connectivity between southern communities and Adelaide.

It is interesting to know that the new Main South Road is being built with repurposed glass instead of sand, which is the equivalent of 31 million bottles. That means we are not only building a safer road, but a more sustainable one at that.

As this project is unfolding, with stage 1 already complete, people travelling south from the city are really noticing the benefits of the work that has been undertaken to date, like the opening of the Aldinga Bridge and the northbound carriageway. They are really visible signs to the community that we are on track and going well. Already travel for local families, tourists, residents and businesses is easier and faster and, most importantly, safer to connect this community.

Stage 2 includes works from intersection upgrades at Hart and Colville roads, Norman and Rogers roads, Hahn and Cox roads, and Sellicks Beach Road. They also include other upgrades, including three U-turn facilities to maintain local access, and a shared use path for pedestrians and cyclists from Aldinga to Sellicks Beach.

Just recently, I attended a pre-start barbecue at the Aldinga site with local MP Leon Bignell from the other place. As we listened to the fast-paced and thorough pre-start instructions, you could feel the immense sense of pride of those who are working on this project. These upgrades are welcomed by the local community, with the Main South Road Action Group among the project's strongest supporters and present on the day.

At this particular pre-start breakfast barbecue, Fred Shields from the action group bravely shared his story whilst holding his red roadside marker as a clear symbol of the fight that he had to go through to be there. After a near-fatal crash on Main South Road, Fred spent more than 40 days in hospital in a wheelchair and was unable to speak or read. From that moment, he made it his mission to make sure that no-one else had to go through what he did.

Fred has since dedicated his time to campaigning for safer roads and intersections in his community, and he has delivered. Fred has been a powerful advocate for the improvements of this stretch of road, and stories like his remind us of the real stories behind why we build safer roads. They don't just connect us; they leave a safer legacy for everyone to enjoy. These upgrades are welcomed by the local community, with the Main South Road Action Group among the strongest supporters of this project.

*Parliamentary Procedure***VISITORS**

The PRESIDENT: Before I go to the Hon. Mr Simms, I will formally acknowledge the presence of the Hon. Ian Gilfillan in the gallery. Welcome, the Hon. Ian Gilfillan.

*Question Time***ALGAL BLOOM**

The Hon. R.A. SIMMS (14:39): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Primary Industries on the topic of the algal bloom.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, the *Adelaide Advertiser* reported that Associate Professor Jochen Kaempf, an oceanographer at Flinders University who has conducted extensive research into South Australia's toxic algal bloom—I hope the minister won't tell me off for using that phrase—was recently informed that his employment will be terminated as part of a Flinders University restructure. My question to the Minister for Primary Industries, therefore, is:

1. Is the minister concerned that South Australia will soon lose the expertise of this oceanographer who predicted that the bloom would remain in our waters and whose work this government's summer plan is based on?

2. If she is concerned, what action is she taking?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): I thank the honourable member for his question. Matters of employment are between Flinders University and their employees. I am confident that there will be other opportunities that the employee can apply for.

ALGAL BLOOM

The Hon. R.A. SIMMS (14:40): Supplementary: will the minister raise this matter with the university administration?

The PRESIDENT: It's not really a supplementary. We will go to the Hon. Ms Franks.

NURSES AND MIDWIVES

The Hon. T.A. FRANKS (14:41): I seek leave to make a brief explanation before addressing a question to the minister responsible for public sector employment on the topic of the nurses' rally today.

Leave granted.

The Hon. T.A. FRANKS: Today, nurses and midwives from right around the state rallied on the steps of our Parliament House. They came from Mount Barker, Flinders, the Lyell McEwin, Hampstead, Noarlunga, Modbury, The QEH and Glenside in buses. They walked down from the Women's and Children's and the RAH. In fact, many made their own way from various other workplaces. Some of the placards included 'Tiny patients, big responsibilities—fix our ratios now'. One of the chants was, 'Count the babies'.

As we know, babies are not currently counted in the government's proposed nurse to patient ratios. They quite rightfully outlined that we had relied on their workforce during COVID, when nurses working in our emergency departments slept in tents in their backyard so that their families would not potentially come into contact with COVID, and that they are amongst the lowest paid in the country in the public system.

Even with the 13 per cent over four years offered this week, that would actually only bring them to the second lowest paid workforce in the country. They also outlined that they face physical and verbal abuse and violence in their workplaces. They called for respect. My question to the minister is: when will the Malinauskas government give the nurses and midwives of this state in our public sector respect and meet their demands?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:42):

I thank the honourable for her question and her advocacy for some of the hardest working, most respected parts of our public sector. The thousands of nurses and midwives right across South Australia do a remarkable job, as the honourable member outlined, of keeping us safe in times when it is needed, such as the COVID pandemic, but also every single day as public sector nurses in hospitals from Mount Gambier to Coober Pedy to Ceduna and all points in between. There wouldn't be a South Australian who isn't able to recall a time when a nurse has shown that extraordinary kindness and dedication to themselves or a family member, sometimes in the most difficult times of their lives, when they or loved ones are very sick in the public sector health system.

We continue to negotiate in very good faith with the nurses. The honourable member outlined the current headline wage offer, which stands, I think, at 13 per cent over four years. Just yesterday there were further increases to that wage offer that were formally put to the ANMF, the nurses' and midwives' union, that included bonus payments in between each yearly pay point and additional payment for regional incentives. They were starting at \$1,000 but going up from that, as I understand it, at various regional locations for the first five years. There was a further payment for completion of five years in a regional area of another amount and then, for every three years after that, further payments as regional incentives for nurses.

We will of course continue to have discussions with the Nursing and Midwifery Federation in South Australia. I know that I, the health minister and occasionally the Premier will be involved in those and other public sector discussions and will continue to do so.

CHILD SEX OFFENDERS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:44): I seek leave to give a brief explanation before asking questions of the Attorney-General regarding paedophiles in childcare centres.

Leave granted.

The Hon. H.M. GIROLAMO: The ABC *Four Corners* program and related media reports have revealed that almost 150 childcare workers across Australia have been convicted, charged or accused of sexual abuse or inappropriate conduct involving children in their care. This investigation raises serious concerns about the adequacy of current safeguarding and regulatory systems within the childcare sector, including the monitoring of working with children checks, supervision standards and enforcement of compliance obligations.

Given the national scope of these revelations, South Australian parents and families deserve clarity about how many of these incidents may relate to services operating within our state and what is being done to ensure children in South Australian care are properly protected. My questions to the Attorney-General are:

1. Of the almost 150 childcare workers identified nationally as having been convicted, charged or accused of sexual abuse or inappropriate conduct, how many are known to have worked in childcare services in South Australia?
2. How many of those cases resulted in convictions, ongoing charges or investigations within South Australia?
3. What is the government going to do to address this horrendous issue?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:46):

I thank the honourable member for her question. I want to say very, very clearly at the outset that we have a zero tolerance approach to those who would seek to abuse trust and to commit crimes against children. I know from attending—and I have talked about it in this place before—the Standing Council of Attorneys-General that, in terms of working with children checks and taking into account what happens in other states, we have amongst the most stringent laws anywhere in Australia for those working with children checks.

In addition to that, we have significantly increased penalties in relation to the sexual abuse of children in South Australia. In fact, we now have the very toughest laws for repeat child sex offenders in South Australia. If you are sentenced to a second term of jail as a child sex offender, you will face indefinite detention—that is, the rest of your life in jail—until you can demonstrate to a court that you are no longer a danger to society and a danger to children. Even if you can do that, you still face electronic monitoring for the rest of your life. This demonstrates an approach that says to the community that this is not something we tolerate in South Australia and as South Australians.

CHILD SEX OFFENDERS

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:47): Supplementary: can the minister take on notice whether any of these 150 childcare workers were within South Australia?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:47): I don't think I touched on that, but it is an important question. It's certainly not within my portfolio area. I am happy to see if there is some information I can bring back from somewhere else in government.

TARNANTHI FESTIVAL

The Hon. T.T. NGO (14:48): My question is to the Minister for Aboriginal Affairs. Can the minister tell the council about this year's Tarnanthi Festival?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:48): I certainly can, and it would be a pleasure to do so. I thank the honourable member for his question. I note that he and—as I look around this chamber—many other members of the Legislative Council have been regular attendees at Tarnanthi Festival over its first decade. The Tarnanthi Festival, which now becomes Australia's leading First Nations arts festival, is a vibrant celebration of contemporary Aboriginal and Torres Strait Islander art presented by the Art Gallery of South Australia.

Tarnanthi is a central meeting place for culture, where old traditions meet some of the very newest art forms. This year is especially significant, marking Tarnanthi Festival's 10th anniversary. I was delighted to be at the first Tarnanthi Festival opening in 2015, and I have been a regular visitor to exhibitions ever since. In the last 10 years, more than 10,000 Aboriginal and Torres Strait Islander artists have created work for exhibition at Tarnanthi or put it on sale at the Tarnanthi Art Fair. What's even more remarkable is that in excess of two million visitors have experienced Tarnanthi exhibitions and events at the Art Gallery of South Australia, partner venues across SA and at the touring exhibitions that result.

The centrepiece of this year's festival is an exhibition at the Art Gallery entitled 'Too Deadly: Ten Years of Tarnanthi' celebrating 200 major works acquired through Tarnanthi exhibitions since its inception. A selection of works from this exhibition will be travelling nationally from mid-2026 until 2028 to six venues in Queensland, New South Wales, Victoria and Western Australia.

Alongside this major showcase, Tarnanthi 2025 features over 30 exhibitions, performances, screenings, talks and events at partner venues across Adelaide and in regional South Australia, creating a statewide celebration of First Nations arts and culture. I have had the pleasure of visiting a number of exhibitions so far, including four powerful Tarnanthi exhibitions at the Jam Factory. Just the variety in these four exhibitions under the one roof was incredible; collaborations that blend traditional craft from weaving and furniture to glassworks with modern design, alongside striking solo works that use contemporary ceramics to deliver messages about culture and community.

These works show just how First Nations artists are leading the way in skills and storytelling across a huge range of mediums. To all the artists who have contributed to Tarnanthi over the past 10 years, I thank you for sharing your talent and your vision, and particular thanks go to the Art Gallery of South Australia for its leadership of the Tarnanthi Festival. I encourage everyone to do themselves a favour and experience Tarnanthi for themselves. It is bold, moving and unforgettable.

PARLIAMENTARY STAFF, ENTERPRISE AGREEMENT

The Hon. C. BONAROS (14:51): I seek leave to ask a question of the Minister for Industrial Relations regarding EB agreements.

The PRESIDENT: Do you seek leave to make a brief explanation?

The Hon. C. BONAROS: No, I don't need to make an explanation. I just have a question.

The PRESIDENT: Just ask your question.

The Hon. C. BONAROS: Can the Minister for Industrial Relations please provide an update on EB agreement negotiations for non-party staff working in this building?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:51): I am happy to take it on notice but that is not something that the government is a party to or part of the negotiations, as I understand. My understanding is that it is the JPSC, but I will get some information and come back to the honourable member.

APY LANDS

The Hon. J.M.A. LENSINK (14:51): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs regarding violent incidents in the APY lands.

Leave granted.

The Hon. J.M.A. LENSINK: It was reported in the media last Tuesday that police from across the APY lands were called to Pukatja to respond to reports of a fight involving rocks and sticks being thrown. Apparently, TAFE SA staff were forced to barricade themselves indoors in order to remain safe, with some of the town's businesses also closing. Further to these developments, the President of the Australian Education Union (SA Branch) stated:

The unrest in the community reflects deeper, systematic issues of poverty and intergenerational trauma. While events were not connected to the [Ernabella] school or TAFE, their impact is felt by the educators and the children and students they support every day.

In 2024, Mimili Anangu School closed twice due to escalating violence between families in the area. My questions to the Minister for Aboriginal Affairs are:

1. What immediate support has the state government provided to TAFE SA and local school staff and students in response to the violence in Pukatja?
2. What long-term measures is the government taking following escalating incidents of violence in the area, particularly in relation to the Mimili Anangu School?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:53): I thank the honourable member for her question. I am happy to go and check but my understanding was that the recent incidents in Pukatja that have been reported involved conflict between two family groups. I am happy to see if there is anything further I can add but certainly from various sources it was reported to me and my office in relation to incidents that have occurred recently in Pukatja.

There are new programs being developed and run in Pukatja for young people in particular. The youth shed in Pukatja that I visited only a month or two ago, with the new swimming pool that has thankfully opened for summer, is running programs for young people in that community. I know in Mimili there are various programs that are being run. I am happy to get a list of some of those and bring them back for the honourable member.

SOUTH AUSTRALIAN DAIRYFARMERS' ASSOCIATION

The Hon. J.E. HANSON (14:54): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the council on the recent visit by PIRSA and SARDI representatives for a tour of dairies in the Fleurieu, organised by the South Australian Dairyfarmers' Association?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the honourable member for his question. The dairy industry is an incredibly important industry in South Australia. According to the latest PIRSA scorecard, the industry has a production value of \$346 million and a processed value of \$734 million, and exports of dairy products from South Australia in 2023-24 totalled \$151 million.

For these reasons, I was pleased that in September PIRSA and SARDI representatives were invited by the South Australian Dairyfarmers' Association (SADA) for a tour of dairies in the Fleurieu, gaining valuable firsthand insights into the state's dairy industry. They visited four sites on the itinerary designed by SADA, which highlighted a range of farm and processing businesses. Each site demonstrated how investment in technology, animal welfare, sustainability and data-driven decision-making is contributing to the success of the sector.

An overview of the key features of each site visited included McHugh's Mosquito Hill: participants saw a fully off-grid dairy operating on solar and battery systems, alongside a newly commissioned robotic voluntary milking set-up. Nangkita Dairy showcased how a multigenerational farm is embracing data genomics and robotics, including the use of drones for spraying. Amdena Dairy at Mount Compass provided an interactive look at the state-of-the-art rotary system, and Paris Creek Farms closed the day with a tour of their processing plant and a taste of their South Australian dairy produce.

As a result of these visits, a number of learnings were gained by PIRSA and SARDI staff, including technology adoption, robotics, drones and genomics, and delivering efficiencies and better milk quality, animal welfare, enhanced monitoring and real-time milk quality measures, improving herd health and wellbeing. From sustainability from off-grid power systems to methane reduction initiatives, dairies are actively lowering their environmental footprint. Work-life balance, automation and voluntary milking support both pharma and animal wellbeing.

For the participants, the immersive tour was a highly valuable opportunity to see industry innovation in practice, strengthen connections with producers and deepen understanding of the challenges and opportunities shaping the sector. This background supports policy development and helps identify areas for collaboration.

Last year, I had the opportunity to join the Premier in launching the South Australian Dairy Industry Action Plan 2024 to 2029. The Fleurieu tour clearly demonstrated the resilience, innovation and pride that underpins South Australia's dairy sector and reinforced the importance of government and industry continuing to work side by side in supporting its future and ensuring collaboration to achieve the outcomes of the dairy industry's action plan. I thank the South Australian Dairy Association for this initiative and invitation and look forward to continuing collaboration between industry and government.

ACCESS TAXIS

The Hon. J.S. LEE (14:57): I seek leave to make a brief explanation before asking a question of the Minister for Transport and Infrastructure regarding changes to Access Taxis' bookings.

Leave granted.

The Hon. J.S. LEE: Advocacy organisations and disability community members have voiced frustration over a recent Access Taxis policy, removing the option for passengers to request specific drivers. Intended to improve efficiency, the change has instead increased anxiety, reduced confidence and discouraged vulnerable users from accessing the transport.

The system is described as unreliable and unsafe, with missed bookings for essential medical appointments. South Australia's monopoly structure offers no competition to drive improvements, and drivers themselves have warned it is penalising those drivers who have good relations with the customer and who really look after the customer.

Other evidence shows that there has been an impact on multicultural community members, as elderly users prefer the drivers who can speak their language. The previous minister acknowledged Access Taxis as an essential public service, yet the system continues to fail those

who rely on it most. The lack of consultation and broader impacts on social inclusion and NDIS costs raise serious concerns about the system's inclusivity, reliability and value. My questions to the minister are:

1. Can the minister confirm what consultation was undertaken with Access Taxis users and drivers prior to the decision to remove driver selection and whether any assessment has been made of the impact this change has had on wait times and service reliability for people with disabilities?
2. Will the government commit to reviewing the policy and design improvements in collaboration with end users to ensure safety, reliability and trust in the system?
3. Given the ongoing dissatisfaction and lack of competition in the sector, does the minister accept that the government's approach has failed in delivering a responsive and inclusive transport system for people with disabilities?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:00): I thank the honourable member for her question, and I agree it is a really important question to be asking about access cabs. They are there to, as a primary purpose of their licensing, support the people who are most vulnerable in our community, who require an access cab. That is why, as we have heard, the state government has taken action to help ensure Access Taxis do turn up when they should, by banning preferential bookings from May of this year.

This was done because, like many people in this chamber and probably the other chamber, people were hearing about people putting a request in and not being picked up, because people were having to travel from the other side of town to be able to get to that job to pick them up. Sometimes, because we didn't have at that point the banning of preferential taxis, there could have been a taxi closer, but they had gone to a different service instead.

What we have seen since this system has come into play is that there has been a better service. If there are people—and I really do appreciate this, particularly putting on my other hat as the Minister for Autism—who really do have a preference for a particular driver, they can request that and go through the process, but what we can't have is people not getting picked up and only a few of those people in the community getting those jobs allocated to them.

Now that we have made it that you can't have preferential bookings, those callouts are going to everyone in the network at that time. This is a change. At this point in time, we are noticing that it is having a positive impact for the people who need it. Just as I have with the Taxi Council, I have been working with access cabs to hear their stories and figure out what we can be doing here. We know that access cabs in particular are unique in South Australia. They do have a niche part of the market in the fact that they are able to go and support the most vulnerable. I am more than happy to keep working with them. I have been working with them over the last few weeks. I have learnt a lot from them, and I will continue to do so.

ACCESS TAXIS

The Hon. B.R. HOOD (15:02): Supplementary: can the minister advise the chamber how many requests have been made for exemptions to have preferred drivers and how many have been granted?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:02): I would have to look into that further, but the overwhelming response that we are receiving is that there are shorter wait times.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST AND OTHER REGIONS OF SOUTH AUSTRALIA

The Hon. B.R. HOOD (15:02): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding forestry.

Leave granted.

The Hon. B.R. HOOD: The report of the Select Committee on Matters Relating to the Timber Industry in the Limestone Coast and Other Regions of South Australia was tabled in this place on

4 February 2025 and finally passed this chamber on 18 June. For those who are counting, that is nearly nine months since it was tabled. My question to the minister is: when can this council expect the minister's formal response to the committee's recommendations?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I thank the honourable member for his question. It is nice to see that occasionally those opposite have an interest in the forest industry. I would like to see it a little bit more, given how important it is to South Australia and given the significant investments that we have been making.

There certainly has been preparation of a formal response, which is nearing finalisation, but I might point out that most of the recommendations that were in there were things that we have already done or that we are already doing. It is quite remarkable that those opposite are asking about the responses to it, given the fact that many of them had been responded to well before this report came down.

Our government has a strong record on investment in the forest industry. The dinner last week that I referred to in this place earlier this week was certainly well attended and there were lots of very positive comments from those who were speaking on the night—and I am not referring to myself—about the relationship that they have with the government and the support that they have received.

In fact, I think it was one of the legends, Laurie Hein—I think it was Laurie, and I will certainly be happy to correct the record if I was mistaken—who said that he has never seen such strong support from government and such a close relationship with forestry, never seen before. I am very pleased that we continue to support the forest industry, that we have seen it go from strength to strength. We continue to invest. We continue to work closely with all the different sectors of the forest industry.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST AND OTHER REGIONS OF SOUTH AUSTRALIA

The Hon. B.R. HOOD (15:05): Supplementary, Mr President.

The PRESIDENT: I will struggle to acknowledge it because I couldn't hear the answer.

The Hon. B.R. HOOD: Can the minister advise the chamber if her response to the report will be tabled by the end of this term?

The PRESIDENT: We talked about the report, so I will allow it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): That is certainly my intention.

APY LANDS, DRIVER EDUCATION

The Hon. R.B. MARTIN (15:06): My question is to the Minister for Infrastructure and Transport. Will the minister please provide an update on the driver education programs changing lives in the APY lands?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:06): I thank the member for their question and interest in the important driving program supporting people in the APY lands. During our recent country cabinet visit to the APY lands, I met with a couple of wonderful women called Amy and Jade who are part of the dedicated team changing lives in the region with the On the Right Track driving training program.

On the Right Track first hit the road in February 2015. Back then, fewer than one in five people over the age of 16 living in the APY lands had a driver's licence or learner's permit. Now, 10 years later, about 60 per cent of the community over the age of 16 living across the 16 communities hold a driver's licence or a learner's permit. The past decade has seen more than 3,500 people access On the Right Track for licensing and road safety services. More than 1,400 learner's permits and 700 provisional licences and hundreds of proof of age cards have been issued along the way.

Over the last 10 years, the program has extended to other areas as well. A team of five staff now work across 16 communities, stretching across the vast area of the APY lands and also into the Flinders Ranges, Ceduna and Coober Pedy. In 2020, the program was expanded to include the installation of child seats in cars, and more recently it has expanded to include heavy vehicle training, which has seen seven people become qualified to drive trucks, further boosting employability and participation, with some going on to drive the local garbage truck as well.

Aboriginal and Torres Strait Islander people are over-represented in fatalities and crash statistics. According to the National Road Safety Strategy 2021-30, Aboriginal and Torres Strait Islander people are up to three times more likely to be killed in a road crash than non-Aboriginal people. But this program is about much more than just driving. On the Right Track is helping people get photo identification and learn the road rules. It provides road safety education and gives isolated communities access to a pathway without barriers to work and to be independent.

Funded by the state government, the On the Right Track program has been expanded as part of an ongoing commitment to Aboriginal road safety. The program's long-term goal is simple: fewer lives lost on the road, more people driving safely, confidently and legally. On the Right Track has been about bridging the gap between two systems, one built on forms and procedures and the other grounded in culture, ceremony and community practices. It was built from the ground up with Aboriginal people on country and within their community.

Amy and Jade and their entire team are making a real difference to the lives of people across remote areas of our state. It was easy to see the trust that the community had in this team. They were actually seen as rock stars around the community. It was a slow process: everywhere we went we had to stop because everyone wanted to talk to Jade and Amy. I want to say a big thank you to them and congratulations on achieving 10 years of this incredible program.

GIANT CUTTLEFISH POPULATION

The Hon. F. PANGALLO (15:10): I seek leave for a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding cuttlefish.

Leave granted.

The Hon. F. PANGALLO: The government recently announced that cuttlefish breeding in the north of Spencer Gulf had proceeded successfully, which did not necessitate using the air bubble curtain, installed at a cost of \$700,000 to taxpayers. My questions to the minister are:

1. Is the air bubble curtain operational and has it been activated and, if so, on how many occasions?
2. Can and will it be left in place for following breeding seasons, considering the advice is that this bloom will ebb and flow in our gulf for several years?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:11): I thank the honourable member for his question. I will just correct that last part: it is that the algal bloom may ebb and flow in our gulfs for the next however many years. The biggest challenge around the harmful algal bloom is that we don't know how it will behave. We can look at how similar blooms have behaved elsewhere around the world, but it will not necessarily behave in the same way and that is why we have needed to have in place a number of different measures trying to mitigate the bloom as best we can and, on this particular topic, in terms of protecting the iconic giant Australian cuttlefish.

This is iconic and world renowned. It is the only place where we have that type of aggregation of cuttlefish for their breeding season each year. That is why it was so important to put in place additional measures in case the algal bloom did reach that area. We are fortunate that, to date, that has not occurred and, as the honourable member mentioned in his question, breeding has been able to continue. It has been achieved, which is a wonderful outcome, but it was important to have that protection in place.

In answer to the question of whether it is still in place, the plan is to have it removed so that it does not deteriorate in the marine environment between now and next year and then it can be brought out again if needed in the event that we do have either an ongoing or a new harmful algal

bloom. That means that it is an asset that we have that can be used in the future. Indeed, I understand there is work going on to see whether there are alternative uses as well. So this is an important piece of infrastructure that we now have. It is important to be able to protect what is an iconic species in the Upper Spencer Gulf.

GIANT CUTTLEFISH POPULATION

The Hon. F. PANGALLO (15:13): Supplementary: part of the question was whether it been activated, in light of the fact that there is video on YouTube showing that it seems to be working. Has it been activated?

The Hon. K.J. Maher: It could be AI, Frank.

The PRESIDENT: Deputy Premier, interjections are out of order. Don't interrupt the minister when she is prepared to answer the question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:13): I thank the honourable member for his supplementary, but since I don't know what particular video he is referring to, whether it is indeed AI-generated or whether it is an actual video, I would have to ask the honourable member to send me the reference, which I hope would be complete and accurate.

However, what I can say is my understanding from memory is that it was turned on to make sure that it was working, essentially—I am using very much layperson's terms—but it hasn't needed to be activated because the harmful algal bloom has not reached that area. I would have thought those opposite, and the member in particular, would be pleased that was the case—that we could actually celebrate the fact that the harmful algal bloom has not reached the giant Australian cuttlefish area, but that we were prepared with additional mitigation measures if that had occurred.

SA MUSIC AWARDS

The Hon. R.P. WORTLEY (15:14): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the success of the Aboriginal artists at this year's South Australian Music Awards?

The Hon. K.J. MAHER (Deputy Premier, 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 his question hot on the heels of being asked by another member of this chamber about Tarnanthi. I am very pleased to be able to inform the chamber about the success of Aboriginal artists at this year's South Australian Music Awards. The SA Music Awards are presented annually and every year we see a star-studded group of South Australian musicians being celebrated because of their local, national and international success.

It was fantastic to see that this year's awards were filled with many First Nations musicians who were recognised not only as finalists but winners across multiple categories. One of the very notable groups, and one of my favourites, is the extremely successful group on the evening, Dem Mob, a hip-hop group hailing from the APY lands and known for their energetic performances. Dem Mob actually about this time a year ago performed in the Old Chamber of Parliament House when South Australia hosted the Joint Council on Closing the Gap. I suspect they may be one of the first hip-hop groups to perform in the Old Chamber of parliament and they absolutely blew everyone away with their ability and their energy.

In the last couple of years, at the Kulilaya Festival, which celebrated the 40th anniversary of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act—and I know there were a number of members of this chamber and the other chamber who were in Umuwa on the APY lands in I think it was about March 2024 for those celebrations—Dem Mob also played. I have been fortunate to see Dem Mob play in places around Adelaide in their own right and as a support act for other groups.

Dem Mob won four awards on the evening, including the major awards of Best Regional Artist, Best Aboriginal Torres Strait Islander Artist, the industry award for Best Music Educator and

the People's Choice Award for Best Hip-Hop. This is, I understand, something like their 10th award in just three years—testament to their talent and standing in the music industry.

In addition, Rob Edwards, an Adelaide-based Western Arrernte singer/songwriter, won the special award category UNESCO 10th anniversary award. Rob has recently supported no less than Robbie Williams at the Adelaide 500, performed at WOMADelaide, Queenscliff Music Festival and Harvest Rock in 2022. I would like to congratulate all finalists across all categories on their success and the recognition of their creative work and their contribution to the art scene in this state.

NORTH-SOUTH CORRIDOR

The Hon. R.A. SIMMS (15:17): I seek leave to ask a question of the Minister for Transport on the topic of the north-south corridor.

Leave granted.

The Hon. R.A. SIMMS: Can the minister advise how much the state government has spent on the north-south corridor project to date and the estimated costs of the project overall?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:18): I thank the honourable member for his question to talk about this significant project, the largest project we have ever seen in our state and one that will make a very big difference for not only people living in that surrounding community but as a major freight connector and also to keep our community moving safely.

This is a \$15.4 billion project, and it is fifty-fifty, creating that nonstop freeway. We are the only mainland city that does not have a nonstop freeway. This will put an end to that outlying of us not joining the other main states. This is a significant project.

The Hon. R.A. Simms interjecting:

The Hon. E.S. BOURKE: So \$15.4 billion on a half basis to create a nonstop freeway. This is a significant project and that is why it is our biggest project that requires the biggest infrastructure we have ever had. We spoke the other day about our tunnel boring machines that have started to arrive. We will see 21 sets of traffic lights removed just in the T2D section. It will enable people to get to where they need to in peak hour up to 40 minutes faster.

We are seeing big differences. This is creating about 5,500 jobs every year in construction. Obviously, it will also provide jobs, not just on the actual project but those sources as well around the state. Overall, we are seeing that this project has been able to generate a lot of interest. We know that this isn't just a big project by South Australian standards; this is a big project by Australian standards and probably world standards.

We are seeing people come from around the world to work on this project. We are seeing people return to South Australia to work on this project. I think that is a good story. We are not losing members of our community to other states. People are coming here because they know that we are building, they know that we are building big, and it is a really exciting project for them to be a part of. That story has been told to me time and time again, that we are being taken seriously. We are being seen as a state that is growing up and finally having that nonstop freeway that people have been calling for for far too long. It's finally happening, and I don't think we could be prouder that it is happening as it is.

Bills

EDUCATION AND CHILDREN'S SERVICES (INCLUSIVE EDUCATION) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I draw the council's attention to the fact that I filed a new set of amendments before lunchtime. They have just been tabled, so I am drawing your attention to the new set of amendments. I do have questions at clause 1, but I suspect other people do, too.

The CHAIR: The Hon. Ms Franks, that set of amendments replaces the—

The Hon. T.A. FRANKS: It replaces the previous set of amendments. I will draw to members' attention that it simply defines 'local school', because that had been a concern the government had raised with me about the previous set of filed amendments, that there was no definition of 'local school' currently in the relevant act the Education and Children's Services (Inclusive Education) Amendment Bill seeks to amend. Currently, under the act, there is no definition of 'local school'. The government is quite right on that, so this set of amendments addresses that issue by creating a definition of 'local school'.

With the government's intent here, what was the policy rationale for singling out disability rather than embedding a broader intersectional principle of inclusion that would recognise multiple and overlapping forms of disadvantage?

The Hon. E.S. BOURKE: I am advised it is because we narrowed it down to the recommendations in the disability royal commission. I understand this will enable us to be the first jurisdiction anywhere in the country to undertake these nation-leading steps in identifying that a child with a disability should not be refused the right to go to their school.

The Hon. T.A. FRANKS: Was that the intent of the recommendation from the royal commission?

The Hon. E.S. BOURKE: I am advised that this bill is based off recommendations 7.1 and 7.2. In particular, recommendation 7.2 prevents the inappropriate use of exclusionary discipline against students with disability.

The Hon. T.A. FRANKS: Minister, do you think the royal commission meant to define disability in this more restricted way? Why did not the government include an intersectional approach?

The Hon. E.S. BOURKE: As I highlighted earlier, this is a significant step forward in a very good direction. This is a first in the country, where a state has decided to take these steps and implement the recommendations from the royal commission: recommendations 7.1 and 7.2. In a sense, we have been able to work alongside not only government taking this important step but also independent and Catholic schools. It is getting those two private bodies to work together with government to come to an agreement to ensure that this can happen and happen first in South Australia.

The Hon. T.A. FRANKS: Is the government choosing to be first rather than best by making this more narrow definition the way they have chosen to approach it?

The Hon. E.S. BOURKE: I believe we have gone with the definition that is in the Disability Discrimination Act. As I said earlier, it is not necessarily about being the first. It is not about trying to have that title. It is about making sure that we can get started, and that is what we have done. We have been able to work across not only Catholic but independent education, to work with government to make sure we can really start to make some change here.

This is an issue that comes up regularly. I really do appreciate the honourable member's advocacy in this space. It is a space I know you are very particularly passionate about, for good reason, because we want kids to be able to go to their school, and we do not want them not going to school because they have a disability.

With my title as the Minister for Autism, I have heard time and again of children not being able to go to school because they have a disability. That is the basis of them being removed from their school—how they felt. I feel this is a really important step in the right direction. There is obviously always more that we could do, but this is a good starting point where we have been able to get an agreement not only with government but with independent and Catholic schools to start this journey.

The Hon. H.M. GIROLAMO: Stakeholders have raised concerns about the limited consultation period of approximately 19 days. Can the minister outline the consultation process undertaken? Do you consider that timeframe sufficient, given the importance of this legislation?

The Hon. E.S. BOURKE: I understand the consultation process opened up through YourSAy on 20 May 2025 and closed on 13 June 2025. I understand the minister also wrote to 51 stakeholders to inform them of the consultation period. I understand that seven stakeholders submitted feedback via the appropriate channels for providing that feedback to the minister, 25 written submissions were received directly from stakeholders and 16 meetings with stakeholders were also held.

The Hon. H.M. GIROLAMO: Why was that time period chosen? You have obviously indicated that it was less than a month, basically, that was provided for YourSAy.

The Hon. E.S. BOURKE: I have been advised that a four-week time period is quite normal for a YourSAy survey.

The Hon. H.M. GIROLAMO: Will the government issue guidance or regulations to assist schools and early childhood services to interpret inclusive education in a way that promotes participation and full development for the student, for all students and not just those with disabilities? What is the plan there?

The Hon. E.S. BOURKE: This particular bill is doing something quite significant. I guess we can look at changes outside of this, but I think that, as a government, we have set a pretty clear example of trying to be as inclusive as possible by building that knowledge in our schools. This is one piece of the story of how we can start to recognise that we should not be excluding kids at schools because they have a disability. This bill is making very clear what we stand for as a government. We are working across both independent and Catholic education to make sure that we can get kids to school in a safe way, and also through other things that we have been doing as a government.

Obviously, there are the autism inclusion teachers, which we see have been a successful program in our primary schools, and we have also seen that roll out as a trial in our high schools. There is \$15 million that has been committed to mental health and learning specialists to go into our schools and provide that support, and there is \$14 million in infrastructure to span special options and mainstream settings. These are some of the things that we are doing as a government. There will always need to be more done, but this bill, in particular, is a really important piece of making sure that we can make our schools more inclusive.

As we have said in this bill, we will be providing data so that people can see how it is tracking and whether it is working. We know that in South Australia—I think I saw some stats here before—we have seen a significant drop in suspensions and exclusions. In term 2 of 2025, compared with term 2 of 2024, suspensions are down 7.3 per cent and exclusions are down 20.8 per cent. That is a good indication that some of our policies are working. As I said, we can always do more, and this is the next piece of that story.

The Hon. H.M. GIROLAMO: In regard to this specific bill, what guidance and regulations will be provided to assist schools?

The Hon. E.S. BOURKE: I understand there is a cross-sector group that has been pulled together to agree on a set standard of responsibilities and on how that will be rolled out.

The Hon. H.M. GIROLAMO: Will there be dedicated professional development for distinguishing behavioural issues from disability-related behaviours for both teachers and principals?

The Hon. E.S. BOURKE: Sorry, could you repeat that?

The Hon. H.M. GIROLAMO: Will there be any dedicated professional development or support for teachers to allow them to be able to clearly distinguish whether it is a behavioural issue or whether it is a disability-related behavioural issue?

The Hon. E.S. BOURKE: Going back to what I was saying before, the autism inclusion teacher role is very much a big part of that in building knowledge. We know that knowledge is a critical part of supporting our teachers and having a greater understanding in our classes about what autism is. They are there as a pillar of knowledge to support their peers. But what we have also recognised is taking that knowledge beyond the classroom and going back to where we need to while people are at university studying to be a teacher.

We have been able to work again across the private sector to bring all universities to one table and seek to have modules about what is autism and what it is to have a disability inserted into our teachers' learnings whilst they are at university. We have achieved that. Those modules have been rolled out over the past couple of years and are making a significant difference for people. Before they enter the classroom they are getting knowledge and whilst they are in the classroom we are providing that knowledge through the autism inclusion teacher role.

We are, as a government, investing not only time but the autism inclusion teacher is \$28.8 million. That is a significant investment and one that is enabling teachers to have time to come out of the classroom and learn more about autism, the largest disability cohort in our community.

The Hon. H.M. GIROLAMO: How will success be measured? Will the government monitor not just compliance but improvement in actual student inclusion, and how will this be done?

The Hon. E.S. BOURKE: I am advised that the new section 63B will require schools to report to the minister annually on the number of children with a disability who had their enrolment refused on the basis that it would impose unjustifiable hardship on the school. They will also need to report on the number of students with a disability whose enrolment was cancelled or any measures taken by the school to reduce the number of refusals or cancellations of an enrolment of a student with a disability.

I am also advised that the number of times students with a disability were suspended, excluded or expelled will need to be reported on, including the number of students with a disability who were suspended, excluded or expelled, and of other students; the number of instances that each student was suspended, excluded or expelled and for how long; and the total number of students with a disability enrolled at the school for the proportion of those who were suspended, excluded or expelled.

The Hon. T.A. FRANKS: I have a supplementary on the collection of that data. Will that data also include where an appeal has been successfully lodged against those actions?

The Hon. E.S. BOURKE: I am advised that it will not.

The Hon. T.A. FRANKS: Why will that data not include the times that was attempted to be tried and the student and their carers have successfully appealed it? Surely that would also be data that would be really useful to ensure that we have inclusive education in this state.

The Hon. E.S. BOURKE: I appreciate the member's feedback. My understanding is that this has been a co-designed guiding principle from government, independent and Catholic schools. These are the requirements that have been landed on. As we know, there will be an opportunity to review this if the amendment is successful, and that could be one of the things that was looked at.

The Hon. T.A. FRANKS: What is the intended commencement date of the actual operation of this act once it passes this place?

The Hon. E.S. BOURKE: I understand this will be rolled out in stages, as administrative requirements will need to be put into place. I understand that it is anticipated that we will be collecting data in the calendar year of 2027.

The Hon. H.M. GIROLAMO: How will the department assist small or regional schools that lack local allied health or inclusion experts to meet inclusion expectations?

The Hon. E.S. BOURKE: I am advised that a number of the mental health support specialists that we have are also based in our regions. There are also general programs that support the disability inclusive programs that we have through the education department that are also able to support our regional communities. The autism inclusion teacher role is also within our regional communities, where they are given the opportunity to learn and build their knowledge.

The Hon. T.A. FRANKS: Why has the government chosen to seek only data about students with disability and not other equity groups?

The Hon. E.S. BOURKE: I have been advised that the focus of this bill is recommendations 7.1 and 7.2 of the disability royal commission. As we have highlighted, this is a

really important step in that right direction to get started with collating data and also making our schools more inclusive.

The Hon. T.A. FRANKS: Are the government and our state schools in particular currently collecting this data—to be specific, not just on disability but on other equity groups?

The Hon. E.S. BOURKE: I am advised that the department currently publishes limited suspension, exclusions and expulsions data through the Data.SA website and the South Australian government data directory.

The Hon. T.A. FRANKS: My question was: is the government ensuring that there is the collection of data that can be broken down into other equity groups to identify perhaps, for example, whether there are more Aboriginal and Torres Strait Islander children falling into the cohort of suspension, exclusion or expulsion than non-Aboriginal children?

The Hon. E.S. BOURKE: I am advised that this bill does not capture that within the current parameters. I appreciate what the honourable member is asking in regard to what actual data is collated to support the more vulnerable groups that are missing out on our schools and schooling. We know that children with a disability are more likely to miss out on school through exclusions, and that is why the significance of this bill needs to be progressed, so we can ensure that those who are vulnerable are not missing out on school purely because the knowledge might not be there about how to best support them and also have the parameters in place to say that they need to have a place in our schools.

The Hon. T.A. FRANKS: I referred in my second reading speech to the report commissioned by Linda Graham and her team that inquired into suspension, exclusion and expulsion processes in South Australian government schools. Recommendation 28(c) of that required that the SA Department for Education:

Make exclusionary discipline data publicly available and disaggregate by gender, year level, priority group status, school phase, category of school, reason and duration to enable greater public scrutiny of progress towards reduction in use.

Why has the government failed to act on that recommendation here?

The Hon. E.S. BOURKE: I am happy to look into that further for the member.

The Hon. T.A. FRANKS: If the government is happy to look into that further, why are they not doing it now and why can they not provide a reason why they have not actually acted on that recommendation?

The Hon. E.S. BOURKE: As I said, this bill is really about the recommendations 7.1 and 7.2. As I have said, this is not something that other states have done. This is something we are getting on with doing and something that I think we can all recognise is an important very first step in this process of making sure that students who have a disability are not missing out on the opportunity to go to school. As we said, we have seen data that is already showing that our exclusions are coming down. That is a good step, but we also need other pieces of legislative framework that can help support and make sure that our kids can go to school.

The Hon. T.A. FRANKS: For those kids who are not currently going to school because they have been excluded, suspended or expelled, do you think they might actually appreciate that we look at the recommendations of previously commissioned reports, not just the one particular report at this time? Further, why is information under section 80A, which provides detailed data on suspensions, exclusions and expulsions of students with disability, exempt from the Freedom of Information Act, given the importance of transparency and accountability?

The Hon. E.S. BOURKE: I appreciate the member is wanting to get a broader understanding of the data that is available. I am happy to look into that, but this bill that is before us today is really going to make a significant step in the right direction. I know I am sounding like a broken record and I apologise, but it is something that should be celebrated. It is something that we are doing as a first in the country and something that is going to support some of our most vulnerable kids and their families by making sure there is a space for them in our schools.

The Hon. T.A. FRANKS: I note that in a previous answer the minister said that it was not about being first, but apparently it is about being first again. We were the first to have Linda Graham do an examination of our suspension, expulsion and exclusion processes, and when she started that she was told that there was not the data at all. In fact, she had to go digging, digging, digging to pull it together to produce that report, because it was not being collected and collated in the way that should have always been happening.

What we have here, I think, is *deja vu* all over again, and a little bit of window dressing, a little bit of celebration of a very small bit of progress, when we could be doing so much better. My question to the minister is: who made a submission to the YourSAy consultation process? You have given us the numbers, but you have not told us which organisations or individuals made a submission.

The Hon. E.S. BOURKE: I thank the member for her question. I cannot recall the exact number that I said earlier, but those that did provide submissions included the Association of Independent Schools of SA, the Attorney-General's Department, Catholic School Parents SA, the Centre for Inclusive Education at Queensland University of Technology, the Child Development Council, Children and Young People with a Disability Australia, the Education Standards Board, First Peoples Disability Network, the Guardian for Children and Young People, the Law Society of South Australia, Siblings Australia, the Australian Alliance for Inclusive Education and South Australia Police. Some of the other stakeholders also included were the Disability Minister's Advisory Council, the South Australian Primary Principals Association and the State First Nations Voice to Parliament.

The Hon. C. BONAROS: Can I ask a question in relation to the reporting of data that is collected? The number of times children are refused, the number of times at government schools is included, non-government schools is included, and the list is substantial there, but there are also provisions there which say that whilst identifying trends you also cannot disclose, obviously, the schools in question.

Behind the scenes, is there an intention of government to actually monitor that data to see whether specific schools are refusing enrolment in higher numbers? I appreciate that publicly, in what the government is going to place on the public record, you do not intend to do that, but will that trigger a separate process behind the scenes where the government can actually monitor which schools, if any, are actually refusing enrolments, and if there is a pattern, I guess is what I am asking, amongst any schools?

The Hon. E.S. BOURKE: It is a very valid point that you have raised. There is significant data that it can help influence the outcomes of what happens within our education department, and also within our independent Catholic schools. I am happy to take that on notice and look into it further.

The Hon. C. BONAROS: Perhaps just to refine that a little: I guess what I am asking for is red flags. If there are red flags about specific schools, will they be acted upon and monitored behind the scenes?

The Hon. E.S. BOURKE: I appreciate that and I will look into it further.

The Hon. T.A. FRANKS: I will make this the final question because we are clearly not going to get that many answers. Will, in the same way, schools that are actually adopting good practice and keeping children included in their school also be monitored and perhaps those examples replicated? Will the government ensure that happens within our education system?

The Hon. E.S. BOURKE: I can speak very confidently with the autism inclusion teacher role in this space. We have very much celebrated the people who have gone above and beyond to show that they have not only increased education knowledge for themselves but knowledge for their peers. Every year, we acknowledge them through an award for the autism inclusion teacher of the year.

This demonstrates, not only for that individual, how significant it is when you do build your knowledge and the impact that you can have on a school community, it is also recognition in front of your colleagues and also in front of your local school community that you have made the effort, you have gone above and beyond and been able to achieve something that then makes sure that students feel welcome in their school, that they want to participate, and also that that knowledge can be shared with their fellow teachers.

Clause passed.

Clauses 2 to 5 passed.

Clause 6.

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

Amendment No 1 [Franks-2]—

Page 3, after line 37—Insert:

(2) Section 62(2)—delete subsection (2) and substitute:

(2) Before giving a direction under this section, the Chief Executive—

(a) must, in the case of a child with a disability—subject to any relevant measures relating to the management of the enrolment capacity of a school, ensure that the child has been given a genuine opportunity to be enrolled in the child's local school (being the school closest to the child's usual place of residence) with the provision of reasonable adjustments and support that are based on the best available information and research; and

(b) must, in any case—take reasonable steps to consult with—

(i) each person who is responsible for the child; and

(ii) any other person or body prescribed by the regulations,

and may consult with such other persons or bodies as the Chief Executive thinks fit.

This indeed addresses that a child must be given a genuine opportunity to be enrolled in their local school with the provision of reasonable adjustments and supports based on the best available research and evidence being our first response, not in fact using exclusion, which should in fact be the last resort. I commend the amendment to the council.

The Hon. R.A. SIMMS: I have a few questions for the mover, if I may, because I have only just had an opportunity to see this now. How has the definition of 'local school' been arrived at? Is that consistent with the definition in terms of school zones and has there been consultation with stakeholders in terms of arriving at that definition?

The Hon. T.A. FRANKS: I thank the Hon. Robert Simms for that question. The reason I have inserted—and the only difference in this set of amendments—a reference to 'local school' being defined as that which is geographically closest to the place of residence of the student is because the minister and the minister's office in considering these proposed amendments said on Monday at 4.49pm this week on 27 October that they had received advice from the department that was suggesting a different set of words for proposed amendment No. 1, but were still finalising the exact options for wording, along the lines of:

Requiring the CE, prior to directing the enrolment of a child with disability, consider that the school at which the child has applied for enrolment, or is enrolled at, has complied with any relevant matters referred to in the Disability Discrimination Act 1993 and the Disability Standards for Education 2005 in relation to the child.

The email from the minister's office went on to state:

There are concerns from the department about the ambiguity of the current wording of the proposed amendment, that it introduces a subjective standard for the CE, and that new concepts like local school, which is not currently in the Act, would be introduced.

It further states:

Let me know. If you are amenable, I can get the department to do up some wording that Tammy could then move as an amendment.

I then had my office write back to the minister's office to say, 'Sure, draft up some wording.' They then came back not wanting to support the amendment after all, so I am here moving it with their suggested 'local school' definition being defined as something that is geographically the closest to where the student lives. Perhaps, the government has a different definition they would like to insert of 'local school'.

It is actually quite interesting that the act currently does not have a definition of 'local school'. The minister in her answers today has repeatedly referred to the local school being the one where the child should be able to have that entitlement to education, but has not actually defined 'local school' herself in outlining that entitlement. Every child in the state actually has an entitlement to education. It is not just the UN that says that; it is our state laws. If the government has a different definition, I would like to see it and progress this amendment in a way that at 4.48pm on Monday they seemed willing to do but now are unable to.

The Hon. E.S. BOURKE: I thank the member for her question and for the time she has given to draft these amendments. I understand that the minister's office has provided those briefings. As you are aware, we are unable to support these amendments at this time because, as we have highlighted, stakeholder engagement is important and we understand that this would not necessarily be clear in being able to interpret how this would actually play out and be used at a practical level, so that is why we are not able to support it today.

The Hon. H.M. GIROLAMO: On behalf of the opposition, we would also like to thank the honourable member for her great work in this space and also engagement with key stakeholders. It is concerning that there have obviously been some issues. At this stage, I think we will have to vote with the government and not support the amendments, but we will be supporting, which I will note for the record at a later stage, the Hon. Robert Simms' amendment. I do hope that, overtime, if there are issues in this space, we can address them in a timely fashion as well.

The Hon. C. BONAROS: I think the Hon. Tammy Franks has just made it even more difficult to oppose this amendment in its current form, and there is certainly some logic in the changes that have been made to make it consistent with what the government thinks could work in this. Notwithstanding that, I have already indicated that I do support this amendment and will continue to support this amendment and, for the record, indicate that I will support all of the Franks amendments and the Simms amendment that has been filed.

The committee divided on the amendment:

Ayes3
Noes.....13
Majority10

AYES

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

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

Amendment thus negatived; clause passed.

Clause 7.

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

Amendment No 2 [Franks–2]—

Page 5, lines 37 and 38 [clause 7, inserted section 63B(7)]—Delete subsection (7)

I draw the council's attention to this issue in the submission that was made to this bill by the Centre for Inclusive Education and, of course, the findings of the Graham review. The bill now actually does propose to exempt certain new provisions, including what would be sections 63B, 80A(6) and 81B(6), from the operation of the Freedom of Information Act 1991. These exemptions would prevent public access to important information about enrolment, disciplinary and behavioural practices in our

schools and, if enacted, would conceal the data that is essential for understanding how inclusion, exclusion and discipline operate in practice across our education system.

As Dr Spyrou has said, transparency is fundamental to public trust. Indeed, I understand many of the submissions to the draft exposure bill emphasise that, without access to data, it is impossible to know whether or not inclusive education is being delivered equitably, or whether particular groups of students, especially those with a disability in this case, are being disproportionately excluded.

I note that I have a further two amendments not at this clause. I will treat this as a test vote for those further amendments. This measure would promote transparency and accountability, support public oversight of exclusionary practices, and ensure that we have confidence in our state's commitment to inclusive education.

The Hon. C. BONAROS: I rise to indicate my support for the amendments.

The Hon. E.S. BOURKE: I am advised that the government does not support this amendment. This would remove the FOI protections in respect to the information provided by non-government schools to the minister. This bill has been co-designed closely with the Catholic and independent school sector and the FOI exemptions in relation to their data has been a critical consideration. Under usual circumstances, their data sits outside of the scope of the Freedom of Information Act. To remove this exemption would significantly undermine the spirit of the agreement reached across the sector over the course of the development of this legislation.

The Hon. H.M. GIROLAMO: Just touching on my contribution around the fact that this bill has had consultation and, as I said, I did verify that and speak directly with both Catholic Education and independent schools, I do think they have been very cooperative throughout this process, so therefore we will not be supporting this amendment.

The Hon. R.A. SIMMS: I support this amendment. As I indicated in my second reading remarks, I do believe we need to have more transparency when it comes to the private school and independent school sector, and so I support the amendment on that basis.

Amendment negated; clause passed.

Clause 8 passed.

Clause 9.

The Hon. T.A. FRANKS: My amendment is consequential, and I will not be proceeding with it.

Clause passed.

Clause 10 passed.

New schedule 1.

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

Amendment No 1 [Simms-1]—

Page 9, after line 26—Insert:

Schedule 1—Review of operation of Act

1—Review of operation of Act

- (1) The Minister must cause a review of the operation of the provisions of the *Education and Children's Services Act 2019* enacted or amended by this Act to be conducted, and a report on the results of the review to be submitted to them.
- (2) The review must be completed, and the report submitted to the Minister, before the third anniversary of the commencement of this clause.
- (3) The Minister must cause a copy of the report on the review to be laid before both Houses of Parliament within 12 sitting days after the Minister receives the report.
- (4) In this clause—

Minister means the Minister to whom the administration of the Education and Children's Services Act 2019 has been committed.

This amendment is fairly self-explanatory. It requires that there be a review conducted and reported to the minister before the third anniversary of this bill coming into effect. I think this review provides an opportunity to address some of the issues that have been raised by the Hon. Connie Bonaros, the Hon. Ms Franks and others during the committee stage of this bill.

It also gives an opportunity to hear sector feedback on how this is working in practice. I think it is a fairly non-controversial proposal, but one that makes sense in this context when we are undertaking reform such as this.

The Hon. T.A. FRANKS: I certainly support a review. It is disappointing the government did not have one themselves. I ask the mover: what year would the review take place in?

The Hon. R.A. SIMMS: It would be three years after the point of commencement of this clause, so I assume that if the bill comes into effect this year, then the review would happen around this time in 2028.

The Hon. T.A. FRANKS: If the member had been in the chamber when this was discussed, he would realise that they are not starting to collect data until 2027 and, in fact, this is probably not going to happen until 2030. Is he disappointed that, instead of 2028, it is going to be 2030 before we see an actual review, and would he be able to perhaps specify a calendar year in his review clause?

The Hon. R.A. SIMMS: I am not quite sure what the purpose of the questioning is, other than to potentially embarrass the mover.

An honourable member interjecting:

The Hon. R.A. SIMMS: Yes, mission accomplished, the Hon. Ms Franks. But from my perspective, it is fairly clear it is three years from the commencement date, so I am not going to play calendar games with Tammy Franks.

The Hon. T.A. FRANKS: Can the government confirm that they are not intending to collect the data until 2027, as they previously answered at the clause 1 questioning?

The Hon. E.S. BOURKE: We are anticipating collecting the data in 2027. Whilst I am on my feet, I am happy to support the mover's amendment. I know this is not about firsts, but it is something that is new. I appreciate the mover putting the review process in, and I am sure everyone in this chamber will be looking forward to seeing what those results are.

The Hon. H.M. GIROLAMO: We are supportive of the amendment, and I thank the honourable member for putting this forward. I think it is very important given that it is a new change and also to make sure that the sector also has the opportunity to provide feedback as well.

The Hon. C. BONAROS: I am hoping the minister can confirm for the public record that, as part of the review that does eventually take place, the specifics of the amendments that have been moved by the Hon. Tammy Franks will indeed be revisited and reconsidered.

The Hon. T.A. Franks interjecting:

The Hon. C. BONAROS: In the absence of any political will to reconsider them before 2030, can we have a commitment and some assurance that that indeed will occur at least by the 2030 review?

The Hon. E.S. BOURKE: I am getting nods from the advisory box, so I am advised that that would happily be looked at during the review process.

New schedule inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (16:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**LAND AND BUSINESS (SALE AND CONVEYANCING) (BUILDING INSPECTIONS)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 6 March 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:13): I rise to speak briefly on the Land and Business (Sale and Conveyancing) (Building Inspections) Amendment Bill 2024, introduced by the Hon. Robert Simms. Whilst we appreciate the intent behind this bill, that being to provide greater transparency and confidence for prospective purchasers, the opposition will not be supporting the proposed amendments. This bill would require vendors to provide a building inspection report as part of the Form 1 disclosure process.

Whilst this may sound reasonable in theory, in practice it imposes additional cost, complexity and liability on the vendors, agents and inspectors—costs that will inevitably be passed on to the purchaser. In the housing market we are already under significant pressure and now is not the time to add another layer of red tape or expense to those who are simply trying to buy or sell a home.

The bill also creates a new avenue for legal action against vendors, agents or inspectors for any allegedly false or misleading report. This will open the door to costly disputes, uncertainty and potential delays in settlements, with little evidence that it will achieve any meaningful improvement in consumer protection beyond what already exists. South Australia already has clear and robust provisions within the Land and Business (Sale and Conveyancing) Act 1994 to protect purchasers, including requirements for vendor disclosure, cooling-off rights and the ability to obtain independent building inspections prior to purchase.

Rather than creating duplication and confusion, we believe the focus should remain on educating buyers and strengthening existing consumer awareness measures, not on legislating additional regulation. For these reasons, as I outlined earlier, the opposition will not be supporting this bill.

The Hon. R.P. WORTLEY (16:15): The government opposes the Land and Business (Sale and Conveyancing) (Building Inspections) Amendment Bill 2024. On 6 March 2024, the Greens introduced this bill into the Legislative Council.

The bill requires a vendor of residential land to pay for and provide a building inspection report to a purchaser. The bill proposes allowing a purchaser to request a report from a vendor. The vendor must provide the report within two business days of that request. The report must be attached to the vendor's statement (Form 1) when it is made available for inspection prior to an auction and when it is served on the purchaser. The report must not be more than three months old at the time the property is first put on the market. Passing of the bill may not achieve the intended outcome and would have the following consequences:

- the report may not be accurate by the time the property is sold;
- the requirement for the vendor to pay for the report puts the building inspector in a position of conflict due to the competing interests of vendor and purchaser; and
- the report may not provide a purchaser with the information they want.

The bill contemplates further regulation of building inspectors by the commissioner for consumer affairs. It proposes that the reports should only be provided by a person who is recognised by the commissioner as a building inspector. Building inspectors are not licensed in South Australia and do

not require specific qualifications to deliver services. As part of the building and construction industry review, the government is considering options for the regulation of building inspectors. For the reasons that have been outlined, the government opposes the bill.

The Hon. J.S. LEE (16:17): I rise to speak about the Land and Business (Sale and Conveyancing) (Building Inspections) Amendment Bill 2024, introduced by the Hon. Robert Simms. We are in the midst of a housing crisis, and for many South Australians the dream of home ownership is becoming increasingly difficult to achieve and can often feel impossible. This bill proposes a simple reform that will reduce the up-front cost of buying a home, provide peace of mind and allow buyers to make informed decisions.

In South Australia, while prospective buyers are encouraged to consider having a professional building inspection done before purchasing a property, it is entirely their responsibility to identify any issues that might affect their safety and enjoyment or the value of the property. These inspections are also at the buyer's expense and can cost hundreds of dollars at a time. When you are looking at multiple properties and there is no guarantee that you will be the successful purchaser, this cost can add up very quickly and become financially unfeasible. There is a worrying trend in the market where we are seeing a growing number of buyers skipping building inspections altogether. This happens quite often due to the cost of inspections.

Buyers can also be pressured, either directly or indirectly, by vendors and agents to forgo inspections to avoid missing out on their dream home. This particular situation was brought to my attention by a constituent recently. Offers subject to satisfactory building inspections are frequently viewed less favourably and, in a market where properties attract significant interest, many feel that they have no choice but to take the risk. This bill offers a simple solution, placing the responsibility on the vendor to provide a pre-purchase building inspection report.

Under this bill, vendors will be required to include a recent building inspection report no older than three months in the Form 1 disclosure. The vendor, agent or auctioneer would be required to provide the Form 1 10 days prior to settlement and three days prior to an auction. This report must also be made available to prospective buyers within two days of request, ensuring timely access to important information.

I understand a similar scheme already exists in the ACT, where a building and a pest inspection report is required to be made available to a buyer before a property is offered for sale. By including a building inspection with the Form 1, all prospective buyers would have access to the same information, helping to level the playing field and ensuring that those trying to do their due diligence are not disadvantaged.

I acknowledge that some concerns have been raised about the potential conflict between the interests of buyers and sellers; however, this can be addressed through sensible regulations. By specifying the minimum standards and required information to be included in the building inspection reports, we can ensure consistency and transparency without placing undue burden on vendors.

I believe this is a sensible reform that will increase fairness and transparency and empower prospective buyers to make informed decisions about the most important investment of their lives—in most cases—and also go a small way towards reducing the cost of buying a home. With those remarks, I commend the bill to the chamber.

The Hon. R.A. SIMMS (16:21): I thank honourable members for their contributions. I did have a glimmer of hope when I saw the Hon. Russell Wortley rising to his feet rather than the usual suspect who is deployed to kill off my bills but, no, in this instance unfortunately the answer was still a no—very disappointing.

As has been articulated, I think very well by the Hon. Jing Lee, this is a really modest proposal. We are in the middle of the worst housing crisis we have seen for generations and more and more people are struggling to get into the housing market than ever before. In the ACT they have a very effective way of managing this question of building inspection reports where they require the seller of the property to commission a building inspection report, and that report is then provided as part of the Form 1 process.

The benefit of that, of course, is that the same information is available to every prospective buyer and you do not have a situation where a prospective buyer is disincentivised from taking out a building inspection report because they think the owner may not accept a conditional offer. You also ensure that all of the information is made available and it is less of a financial impost on the potential purchaser, particularly if one considers, as the Hon. Jing Lee identified, when you are looking at a home you may be required to put in multiple building inspection reports, and at \$500 a pop that can be an additional cost that a prospective buyer does not want.

This is a pretty simple, straightforward, cost-of-living measure. It is disappointing to see that it is not being supported by the government or, I understand, the Liberal opposition, but I hope that people consider this idea again in the future.

The council divided on the second reading:

Ayes4
Noes.....13
Majority9

AYES

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

Franks, T.A.

Lee, J.S.

NOES

Bourke, E.S.
Hanson, J.E.
Lensink, J.M.A.
Ngo, T.T.
Wortley, R.P. (teller)

Centofanti, N.J.
Hood, B.R.
Maher, K.J.
Pangallo, F.

Girolamo, H.M.
Hunter, I.K.
Martin, R.B.
Scriven, C.M.

Second reading thus negatived.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (AFFORDABLE HOUSING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 August 2023.)

The Hon. J.S. LEE (16:26): I rise today to speak on the Planning, Development and Infrastructure (Affordable Housing) Amendment Bill 2023. While I acknowledge the intent behind this legislation to increase the supply of affordable housing, I must express serious concerns about the unintended consequences that risk undermining the very objective of affordability. Mandating affordable housing quotas on all developments of more than 20 dwellings may seem to seem like a straightforward solution, but in practice it introduces significant economic and planning challenges. By imposing artificial price caps, the bill increases development risk and threatens the viability of many housing projects.

Developers will be forced to offset the cost of subsidised dwellings, only serving to drive up housing prices and make it more difficult for South Australians to enter the housing market. Currently, the planning system provides incentives through the affordable housing overlay. The minimum site area for a dwelling can be reduced by up to 20 per cent, and the maximum building height in certain zones can be increased by one storey where the building includes at least 15 per cent affordable housing.

These mechanisms encourage affordable housing without compromising project feasibility. This bill, however, replaces incentive with mandate, and that shift is problematic. I must also question who will be purchasing the mandated affordable housing stock. Will the SA Housing Trust or social

housing providers be compelled to acquire these properties en masse? The potential financial burden on government and providers could be immense, and those are unknown.

While I fully support the goal of increasing housing supply and affordability, I do not believe this is the right mechanism and I am concerned that this bill would introduce a highly counterproductive reduction in housing supply. The proposed approach would risk reducing housing supply, increasing prices and ultimately making it harder and not easier for South Australians to find a home. For these reasons, I cannot support the bill.

The Hon. R.P. WORTLEY (16:29): I drew the short straw. The Hon. Mr Tung Ngo has been traumatised over the last few weeks, being referred to as the Grim Reaper, so I have now been put into that role.

The Hon. R.A. Simms interjecting:

The Hon. R.P. WORTLEY: That is right. On 30 August 2023, the Hon. Robert Simms MLC introduced the Planning, Development and Infrastructure (Affordable Housing) Amendment Bill 2023 in the Legislative Council. The bill seeks to require a relevant authority to impose a condition on development authorisations for significant development that forces compliance with the affordable housing requirements set out in the bill.

This would essentially require developments providing 20 or more dwellings to ensure 30 per cent of those dwellings are maintained as affordable housing. The Planning and Design Code already requires development within the Affordable Housing Overlay that comprises 20 or more dwellings or allotments to incorporate affordable housing. The overlay applies to neighbourhood zones, or zones which envisage residential development where affordable housing is anticipated or where zoning anticipates an increase in housing diversity or urban growth.

The code defines affordable housing as housing that meets the relevant criteria as determined by the minister responsible for the South Australian Housing Trust Act 1995. The deemed-to-satisfy criteria in the code require a development to include a minimum of 15 per cent affordable housing, otherwise it will be performance assessed.

The code provides a number of incentives for providing affordable housing, including—other than in the character area or historic area overlays—minimum allotment size may be reduced by up to 20 per cent; maximum density per hectare may be increased by up to 20 per cent; and building height in specified zones may be increased by one building level, or by up to 30 per cent in other zones.

The state government does not support the bill for the following reasons. The code already adequately encourages developers to incorporate affordable housing in areas where it is appropriate. In its current state, the bill would apply across all of metropolitan Adelaide, and it is not possible to incorporate affordable housing in all locations. Planning and Land Use Services of the Department for Housing and Urban Development already consistently receives feedback that it is not feasible to provide affordable housing in locations where market value is already high, such as apartment buildings along the Glenelg foreshore.

Requiring a minimum of 30 per cent of dwellings to meet the affordable housing requirements in the bill would significantly increase costs for housing development and/or may discourage developers from undertaking housing development projects, thus further constraining supply and worsening housing affordability. There is no consideration in the bill as to funding mechanisms that would enable not-for-profit community housing providers or the South Australian Housing Trust to purchase land or build or directly purchase up to 20 per cent of dwellings in any new development.

The South Australian government is addressing housing affordability through other key measures through the South Australian Housing Roadmap and Greater Adelaide Regional Plan. We are increasing supply through rezoning and investing in critical infrastructure such as water, and we are investing in our Housing Trust and reversing the sell-offs of previous governments.

The government is also undertaking a significant maintenance and renewal program of its existing public housing asset base. We are delivering rent-to-buy programs, ensuring South Australians can enter the property market sooner, and we are working with community housing

providers in the community to deliver key social housing projects throughout the state. For this reason, the government opposes the bill.

The Hon. J.M.A. LENSINK (16:34): I rise to place some remarks on the record in relation to this particular piece of legislation and indicate that the Liberal Party will not be supporting this bill. We all agree, I think, that housing affordability is one of the defining issues of our time, with the dream of home ownership slipping further out of the reach of many South Australians, with an urgent need to supply affordable homes across our state. Can I say at the outset that the definition of 'affordable housing' is a different definition for different people, depending on who you speak to.

The gazetted price point for affordable homes for purchase I think at the moment is somewhere in the order of \$480,000 but the industry is actually struggling to build homes at that price point because the construction costs both through materials and labour have gone up so much. That is why the government, which has not advertised this very widely, is advertising a lot of the homes through HomeSeeker, which was an initiative of yours truly in the Marshall Liberal government, using shared equity, which means that the effective price point for a lot of those homes is much more in the order of \$650,000.

This proposal by the Greens would impose a mandatory quota of 30 per cent affordable and social housing in every new residential development of 20 dwellings or more—if only that was achievable. Ten per cent would be for affordable purchase, 10 per cent for affordable rental, and 10 per cent for social housing.

However, because of these cost increases to build new dwellings, this bill would effectively strangle new housing supply across the board before it even begins because a lot of the affordable homes, whether they are affordable for sale or what the community housing providers provide at 74.9 per cent of market rent, often have to be cross-subsidised through homes which are built at the same time, often in complexes, whether they are units and apartments or groups of townhouses and the like, sort of medium density. They have to have some of those sold on the private market and that is how they manage to make the economics stack up.

This proposal adds to the build cost and complexity and forces the developer to try to absorb the financial burden without any mechanism for making sure that it is actually going to be viable, which is going to lead to fewer developments, delayed projects and high costs for everybody else. So effectively, it is going to strangle supply at a time when we need to be increasing supply.

In recent correspondence, the UDIA has warned that mandatory quotas will drive up construction costs, deter investment and undermine the very goal of affordability. They described the bill, and I quote, as, 'well-intentioned but economically unsound', pointing out that housing affordability is a product of supply, infrastructure and planning inefficiency, not blunt quotas. It is unfortunate that there are a range of economic realities which the Greens ignore. You cannot build houses without capital—that is just the reality. These projects really need to stack up, otherwise they will not take place.

The Liberal Party has a proud record in terms of inclusionary housing and we can go back as far as Tom Playford, who built a large part of the public estate, some of which resulted in home ownership, and more recently the target of 15 per cent—which Jay Weatherill talked about but did not walk the walk—affordable housing within developments, was never actually put into force because it was never enforced. The 15 per cent overlay, which I think Vickie Chapman introduced to make sure that the 15 per cent was actually enforced, has delivered thousands of affordable homes without undermining the financial feasibility projects because it is a practical measure.

The message in this bill is a very simple sell for the Greens, but unfortunately it is not going to actually deliver. Knowing that the Greens will not actually be a party of government, I think they can make these sorts of aspirational but completely impractical suggestions. I am not trying to be disrespectful, but I kind of get a bit tired of having to defend against slogans that we know are not actually going to have the impact they are supposed to.

The Liberal Party is supporting practical measures that will expand supply and opportunity. We support a planning system that encourages investment, rather than punishing it. We are particularly focused on first-home owners. Our policies that we have released thus far have focused

very much on first-home owners by scrapping stamp duty for homes of up to \$1 million to help first-home buyers get into the market. We proposed additional land through the EPA legislation, which sadly this parliament and the Labor Party rejected, and modern methods of construction to deliver homes faster and more affordably, and we will have more to say in a range of areas.

I will make some more comments in relation to the recent parliamentary forum on housing that we held yesterday, which was attended by SACOSS. One of the SACOSS board members is Professor Dave Adamson and he addressed the meeting via a video link. I think that what he presented is an extremely useful way to look at housing.

I will not table his slide, but he has divided the housing system into eight segments. Some are market segments. They are basically classic supply and demand measures and then there is the non-market housing sector, which is homelessness services, emergency shelters, transitional housing, supportive housing, community and social housing or below market rental, which is the one I referred to, which is affordable rental (74.9 per cent of market rate). Then there are the two that most people are very familiar with, which is market housing that is private rental and home ownership.

He made the point, which I think is very valid and sometimes gets lost in the debate because people always focus on the crisis end, that if you have for instance less supply in the private rental market, as we have seen in South Australia, prices go up and that leads to—which I am very familiar with because I get a lot of contact with people who have experienced this—people who have very successfully been in the private rental market who lose their tenancy for whatever reason and quite a number of them have needed homelessness services because we just do not have enough supply in that middle space.

So it is very useful to think of it as a continuum, rather than a 'us and them' and sort of picking on different groups because picking on different areas and pointing to them and saying they have more than someone else is not going to get us out of this crisis.

There is one thing that I agree with the Greens on: housing is a human right. I think we all want to resolve this issue, but some things will work and some things will not. Unfortunately, this proposal will actually make it worse, so we will be opposing this bill.

The Hon. R.A. SIMMS (16:43): I thank honourable members for their contributions: the Hon. Russell Wortley, the Hon. Jing Lee and the Hon. Michelle Lensink. Naturally, I am disappointed that the Labor and Liberal parties are not supporting this bill, but I am not surprised. I will not reflect on the irony of being lectured about empty slogans by the Liberal Party. Let's not forget the Liberal Party's track record, the party of 'stop the boats', 'end the waste' and every other empty slogan one can think of that was parroted by the Liberal Party over the years.

In the case of the Greens, at least we actually have some policies and we look forward to being able to talk to voters about those in the lead-up to the election. I look forward to seeing the Liberals announce a housing policy at some point. But on the substantive issue of the bill before us—

Members interjecting:

The PRESIDENT: Order! You are attacking the Hon. Mr Simms.

The Hon. R.A. SIMMS: On the substantive point of the bill before us, I think one of the things honourable members are neglecting in their contributions is the fact that the Malinauskas government has really rolled out the red carpet for developers in our state over the last four years. Everything is the developer's way: land releases, getting the community to pay for new infrastructure, and we are now changing the height limits in the CBD so that we can go sky-high with development. The government has even done a code amendment that does away with some of those basic amenities like private bathrooms and kitchens and balconies.

If the developers are getting all of this land release, all of these planning changes that make it easier for them to develop, then surely there should be a return to the South Australian community by way of an increased return of social housing. Let's not forget there is a requirement for 15 per cent affordable housing already under the law. We are proposing that that be increased to 30 per cent: 10 per cent affordable to buy, 10 per cent affordable to rent and 10 per cent public housing. I do not think that is too much to ask in the middle of the worst housing crisis we have seen in generations.

Many members have reflected that we all recognise this as a problem. The reality is, though, some political parties do not want to do anything about it because the policies they support are allowing housing to be treated purely as an investment class rather than a fundamental human right of each and every South Australian. It is one thing to unlock land for development and it is one thing to change planning laws to facilitate development, it is quite another to actually mandate a return of social and affordable housing.

I note the government's announcement on the weekend that they are putting \$500 million down so they can act as guarantee for private development. More penthouses in the CBD—million-dollar penthouses in the CBD with views of the ocean—are not going to be a solution to the housing crisis. That is not going to fix the housing crisis. We need to see developers stepping up and investing in social housing. We need to see the government incentivise that investment. We also need to see the government put some money on the table for more social housing, more public housing.

The Hon. Michelle Lensink referenced Thomas Playford, and I am glad she did because he was a visionary Premier. One of the things that he did was set up the South Australian Housing Trust as a public builder, and that was the biggest builder in South Australia during a period of his premiership. We can do that again if there is a political will to do so. I might add in concluding that we heard from the transport minister today that South Australian taxpayers have spent \$7.5 billion on the north-south corridor. Imagine what we could do with that money if we invested it in housing. We can solve the housing crisis if there is the political will to do so. That is not a slogan; that is a fact.

Second reading negatived.

Motions

KIRK, MR C.

Adjourned debate on motion of Hon. B.R. Hood:

That this council—

1. Notes with deep sorrow the assassination of American political commentator Charlie Kirk on 10 September 2025;
2. Extends its sincere condolences to his family, friends, colleagues and supporters;
3. Affirms that political violence has no place in a free society;
4. Condemns all forms of political violence and intimidation; and
5. Calls on all South Australians, particularly political leaders, to commit to respectful and peaceful public discourse.

(Continued from 16 October 2025.)

The Hon. I.K. HUNTER (16:48): I indicate that government members will support this motion. Political violence has no place anywhere in the democratic world, or anywhere really. The shooting of Mr Charlie Kirk, a conservative political commentator, on 10 September 2025 was both shocking and horrific. It robbed Mr Kirk's family of a son, a husband and a father, and no doubt caused tremendous distress to all those who had to witness that event at Utah Valley University.

I note the motion put forward by the Hon. Ben Hood calls on South Australian political leaders to 'commit to respectful and peaceful public discourse', and I agree that respectful discourse is indeed needed. Respect is fundamental in our system. It ensures we can express our own views whilst understanding the opinions of others. As the Hon. Ben Hood acknowledged in moving his motion, this is not, of course, confined to one side of politics or the other.

Mr Kirk was a significant figure in American conservative politics. Similarly, figures such as President Trump and the Republican Congressman Steve Scalise have been victims of shootings in recent years. On the other side of politics, Minnesota Democratic legislator Melissa Hortman was tragically killed in a shooting in her home in June this year, along with her husband, Mark. That same night, another progressive lawmaker, Mr John Hoffman, and his wife, Yvette, were also shot, although they, thankfully, survived.

I think all South Australians have been shocked to witness the seemingly endless parade of escalating violence in the United States, particularly in relation to political discourse. The United States is, of course, one of the world's most prominent democracies. It is one that we all watch and we all look to and I for one—and I am sure every member of this chamber—am concerned at the increasing levels of violence we seem to be seeing.

We need to understand how US politics has come to such a pass. No doubt there are many and complex reasons for this increasing challenge to the public discourse in that country. I am somewhat concerned, therefore, about the rather hagiographic descriptions of Mr Kirk that have followed his assassination: simplistic, non-critical and ultimately failing our responsibilities to reflect deeply on our own actions.

To my mind, such hagiographic claims gloss over the fundamental problem with Mr Kirk's approach to politics. If we do that, we miss the key lesson from these dreadful events. So first of all, let's have a quick look at some of things that Mr Charlie Kirk thought important enough to record on his social media. He said:

The pride and trans movements have always been about grooming kids. They call it 'normalising'. They cannot procreate so they recruit, and now they're bragging about it. (X post, 9 May 2024)

These doctors need to be put in prison quickly. We need to have a Nuremburg-style trial for every gender-affirming clinic doctor. We need it immediately. (*The Charlie Kirk Show*, 1 April 2024)

One day we will look back on gender insanity as one of the darkest periods of American history, an era President Trump brought to an end. (X post, 18 July 2025)

Someone should take care of [trans people] the way we took care of things in the 1950s and 60s. (*The Charlie Kirk Show*, 18 February 2023)

...Birth control like really screws up female brains, by the way. Every single one of you needs to make sure that your loved ones are not on birth control. It increases depression, anxiety, and suicidal ideation. Birth control is the number one prescribed medication for young ladies under the age of 25...It is awful, it's terrible, and it creates very angry bitter young ladies and young women. (Turning Point USA Faith event, 21 March 2024)

Having children is way more important than having a good career. (*The Ingraham Angle*, 9 September 2025)

Okay, that is arguable, I suppose. He also said:

Reject feminism. Submit to your husband, Taylor [Swift]. You're not in charge. (*The Charlie Kirk Show*, 27 August 2025)

[Jewish people control] not just the colleges. It's the nonprofits, it's the movies, it's Hollywood, it's all of it. (*The Charlie Kirk Show*, 26 October 2023)

If I see a Black pilot, I'm going to be like, 'Boy, I hope he's qualified.' (*The Charlie Kirk Show*, 23 January 2024)

Black people were better off in the 1940s...it was bad and it was evil, but they committed less crimes. (*Surrounded, Jubilee* (YouTube), 9 September 2024)

There is no separation of church and state. It's a fabrication, it's a fiction, it's not in the constitution. It's made up by secular humanists. (*The Charlie Kirk Show*, 6 July 2022)

The great replacement strategy, which is well under way every single day in our southern border, is a strategy to replace white rural America with something different. (*The Charlie Kirk Show*, 1 March 2024)

America has freedom of religion, of course, but we should be frank: large dedicated Islamic areas are a threat to America. (*The Charlie Kirk Show*, 30 April 2025)

Islam is the sword the left is using to slit the throat of America. (X post, 9 September 2025)

America does not need more visas for people from India. (X post, 2 September 2025)

America was at its peak when we halted immigration for 40 years and we dropped our foreign-born percentage to its lowest level ever. We should be unafraid to do that. (*The Charlie Kirk Show*, 22 August 2025)

I think it's worth it to have a cost of, unfortunately, some gun deaths every single year so that we can have the Second Amendment to protect our other God-given rights. (Turning Point USA Faith event, 5 April 2023)

These are some of the statements made by Mr Kirk—the bold beliefs he is said to have stood for. The problem for us, as political actors, is this: when we embark on political discourse, we need to decide whether we seek to unite our society around some fundamental bedrock of shared values and our mutual support for each other, or whether we seek to promote division in our community, to

divide us into separate camps, us and them, and then to demonise the 'them', the other, as not being like us and therefore not worthy of sharing equally in the benefits of the society that we create.

This incitement to othering, to division, to fear, inevitably leads to hatred and, from there, to verbal attacks, abuse and, yes, violence. We can see all this play out in US politics today: a stark lesson for those who seek to emulate Mr Kirk's approach to public discourse.

I do not believe the Hon. Ben Hood seeks to go down that path with his motion before us today. Indeed, from what I know of the Hon. Mr Hood he has a completely opposite point of view, but the focus on Mr Kirk requires us to consider some of that background that I just put on the record today. The Hon. Mr Ben Hood did in his contribution speak of the many others who have experienced assassination and politically inspired violence. I note the Hon. Mr Simms has brought forward an amendment to include some of that commentary in the motion. The government will also be supporting that amendment.

All of us have a role to play not only in calling for an end to political violence overseas but in maintaining respectful debate in our country, combating extremism in politics in our country, to make sure that we are not inciting hatred, to make sure that we are uniting our community, not dividing it. We do not want to be going down the same path that they are in America.

Politically motivated violence not only takes lives and robs families of their loved ones it also undermines our basic trust in institutions and our democracies, and that is something we should not be doing as political actors ourselves. The government will support the motion and the amendments and joins all honourable members in standing against violence in politics.

The Hon. R.A. SIMMS (16:56): I move to amend the motion as follows:

Delete paragraph 1 and substitute:

1. Notes with deep sorrow the assassinations of American political commentator Charlie Kirk on 10 September 2025 and the Speaker of the Minnesota House of Representatives of the United States of America, Melissa Hortman, and her husband, Mark Hortman, on 14 June 2025;

Delete paragraph 2 and substitute:

2. Extends its sincere condolences to their family, friends, colleagues and supporters;

Peace and nonviolence is one of the fundamental principles of the Greens. It is for that reason that I have advanced this amendment, because it includes a reference to an act of political violence that occurred just a few months before the other event that the Hon. Ben Hood has flagged. Whatever people's views on the individuals involved, ultimately in a democracy we should all be able to participate as political actors without fear of violence or, indeed, death.

I thank the Hon. Ian Hunter for his thoughtful contribution and for the important reminder he has provided around the need for civility and respect in public life. I think all of us look at what is unfolding in the United States at the moment with a degree of sadness and concern and a real desire to not see our country go down that path as a democracy, because it is very clear that democracy in the United States is not working effectively and that that discourse has become deeply, deeply toxic.

I advance this amendment on the basis that it also recognises an act of violence that occurred just a few months ago in the United States. Of course, all political violence should be condemned.

The Hon. B.R. HOOD (16:59): I want to thank the Hon. Ian Hunter and the Hon. Robert Simms for their thoughtful contributions to this motion and indicate the Liberal support of the amendment from the Hon. Rob Simms.

As the Hon. Mr Hunter pointed out, it was important for me, when I gave my second reading speech on this motion, to include those other people who have died or have been seriously injured at the hands of political violence, because this is not a disease or an evil that just affects one side of politics, it affects all sides of politics. It is something that we must rally against in Australia. We do not want to see the same violence, the same rhetoric and the same hatred that we have seen in America, and indeed in the UK as well, in regard to their politicians. It is important that this place makes it clear to the public that we will not stand for political violence; that we will respect each

other's opinions, whether we disagree or not; and that, at the end of the day, we will break bread despite it.

Again, I thank the honourable members for their honourable contributions. I commend the motion, along with the amendment from the Hon. Rob Simms.

Amendment carried; motion as amended carried.

Bills

TAFE SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 October 2025.)

The Hon. B.R. HOOD (17:01): In place of the shadow minister for education, training and skills and the second best Hood in the parliament, the Hon. Dennis Hood—of course my sister being the first—I rise to speak on this bill on behalf of the Liberal opposition and to indicate our broad support for the proposed legislation.

TAFE SA is South Australia's largest vocational education and training provider, seeking to deliver job-focused training across a range of industries, from entry-level certificates through to bachelor degrees, at numerous locations across our state. It endeavours to focus on practical, hands-on skills and experience in an effort to ensure students are offered flexible study options, both in person and online.

Despite the significant role of TAFE SA in skilling South Australians, it would be remiss of us to neglect to acknowledge what has transpired in TAFE's recent history. Between the years of 2013 and 2018 there was a huge drop in campuses, with closures in areas including Millicent, Naracoorte, Bordertown, Kangaroo Island, Cleve, Clare, Kimba, Waikerie, Renmark, Gawler and Morphettville. In 2018 the Auditor-General revealed that almost 600 TAFE staff received targeted voluntary separation packages in this period. Commencements of trainees and apprentices decreased from 36,000 to a staggering 15,000.

Members would remember the TAFE SA accreditation crisis that occurred just before the Liberals took office in March 2018, a crisis which considerably tarnished the training provider's reputation. The Australian Skills Quality Authority had audited TAFE in the year prior and had issued a notice of intention to remove or suspend 16 qualifications: 2,500 students were identified as having problems with their courses, and every single course TAFE SA offered was subject to a quality review. It appeared that adhering to budget requirements, as opposed to committing to quality, was the focus of the TAFE board at the time.

Our colleague in the other place the Hon. John Gardner MP, when debating this bill, recalled that when he was appointed to the relevant ministerial portfolio following the 2018 election he was stunned to discover that a total of \$97 million in budget cuts to TAFE SA was projected by the previous Labor government. The Marshall Liberal government, by contrast, injected more than \$350 million into TAFE SA over the course of its four budgets, which left the organisation in a sustainable position by 2022. It is indeed an achievement of the former Liberal government that it is proud of.

In 2023, following the Liberal government's accomplishments in re-establishing confidence in TAFE, the current state government commissioned the Roadmap for the Future of TAFE SA which sought to engage with industry, unions, government and TAFE staff and students, to determine long-term changes required to enable training providers to deliver the skills needed for South Australia.

The TAFE SA Bill 2025 responds to a recommendation from Associate Professor Jeannie Rea on the road map's report that the TAFE SA Act 2012 be reformed to articulate the repositioning of TAFE in relation to its functions, its governance and management structure. The state government's intent with the introduction of this bill is to provide for TAFE SA to deliver high-quality, responsive and, importantly, industry-relevant education and training that responds to the current

and future needs of employers, which is now more important than ever given the critical skills shortages we have in this state.

Indeed, according to Skills SA, our state is confronted with persistent skills shortages with no less than 351 occupations currently experiencing deficits, up from just 149 in 2021, with 60 per cent of recruiting employers reporting recruiting difficulties. South Australia has the lowest proportion of a working age population with a non-school qualification in the nation, the lowest percentage of young people fully engaged in employment or study, and a completion rate of VET qualifications at only 48.8 per cent. There is clearly a need for the state government to address these challenges.

This bill enables TAFE SA to transition from a public corporation to a statutory authority without compromising corporate governance performance and accountability standards currently applied to TAFE SA through the general provisions of the Public Corporations Act 1993. The bill defines TAFE SA's objectives and functions as a private provider and, unlike the current act, broad application of the Public Corporations Act and the commercial principles therein, will ensure that TAFE SA functions in the public interest first and foremost.

The bill changes the attributes for TAFE SA board membership to include members who collectively have expertise, abilities and experience required for the performance of TAFE SA's functions. The board is to consist of not less than six and up to 10 members nominated by the minister and appointed by the government. I acknowledge that there are some amendments that have come on which the Hon. Dennis Hood will, of course, look at, but one of them was to ensure that we have a board member from a rural or regional location, and that certainly warms my heart.

The opposition notes that there is no requirement for a regional representative to be appointed to the board. I am reading Dennis's speech and that is why I am ad-libbing here. Given that the bill stipulates that one of TAFE SA's functions is to provide access to training and education to persons in metropolitan, non-metropolitan, regional and remote areas, it would be great to see that there is an amendment to do that.

The bill also formalises the authority of the TAFE SA board to establish committees or subcommittees to advise and assist TAFE SA in relation to its functions. The bill requires TAFE SA to prepare a business plan and compels the minister to provide a statement of priority to TAFE SA, which will replace the current ministerial charter and performance statement requirements under the Public Corporations Act 1993. The minister must consult with the Treasurer and TAFE SA in the development of a statement of priority and TAFE SA must address the requirements contained within the statement of priority in preparing its business plan.

Notably, a new power is included in the bill to authorise TAFE SA to issue barring notices in relation to specified conduct, with a breach of such an order resulting in a penalty that is enforceable. We understand that this provision endeavours to protect staff and students of TAFE SA on all of its campuses from unwanted conduct by others. Again, I advise members present that the Hon. Dennis Hood will introduce an amendment to enable individuals subject to a barring order to appeal to the minister, not unlike that which was eventually included in the Education and Children's Services (Barring Notices and Other Protections) Amendment Bill 2024.

The bill increases the maximum fine for a breach of a by-law from \$1,250 to \$2,500. TAFE SA's rule-making powers are further expanded to include setting standards in relation to student admission and selection, staff behavioural conduct and staff or student academic standards. The requirement for Governor confirmation of a proposed TAFE SA rule or by-law is removed from the current act by this bill. Proposed rules and by-laws will, however, continue to require agreement of the TAFE SA board and, in addition to ministerial approval, by-laws will continue to be tabled in parliament and are subject to disallowance.

The opposition has consulted with peak bodies and stakeholders on this provision and there is no indication of any serious concerns with the proposed legislative changes. It has, however, been suggested that questions be raised pertaining to the definition of technical and further education, the functions of TAFE SA and the ministerial directions contained within the bill. The opposition will do so accordingly during the committee stage.

Finally, I wish to add that the Hon. Dennis Hood will be introducing an amendment to mandate a three-year review of the legislation, should the bill be enacted. The opposition considers this to be a prudent and appropriate measure. Further reform with respect to TAFE SA is certainly a worthy and necessary objective to assist in addressing South Australia's skills shortages, and the opposition looks forward to working with the state government to this end. I commend the bill to the council.

The Hon. R.A. SIMMS (17:10): Sounds like this might be one of those moments where we are all in agreement in the parliament. The Christmas spirit is coming here to North Terrace. That is good to see. I also rise to indicate my support for this bill. TAFE SA plays a vital role in providing South Australians with access to tertiary education, a pathway to a career change or a specialist course in a field of study that they are passionate about. It is critical that TAFE has a governance framework, as well as the funding required, for it to be a high-quality provider of vocational education for its students.

I am pleased to see this bill, which responds to the recommendation of Associate Professor Jeannie Rea in her report on the 2023 Roadmap for the Future of TAFE SA. It refocuses the existing act to clarify that the public provider that delivers high-quality vocational outcomes to the people of our state is TAFE. It is good to see this reflected in the new objects added to the bill that explain that TAFE SA is responsible for the delivery of high-quality, responsive and industry-relevant education and training, equitable access to education and training for all eligible South Australians and a commitment to public interest and educational excellence.

It is also good to see that the functions of TAFE have been updated to include the requirements that TAFE will provide appropriate student support services and be responsive to the diverse needs of students. It will focus on the impact and success of its services on students, staff and the communities that TAFE SA serves. It will engage with Aboriginal and Torres Strait Islander peoples to provide education and training appropriate to meet their needs and to those of their communities, and it will provide inclusive and culturally-safe services on all TAFE SA campuses.

I further welcome that this bill changes the attributes of the TAFE SA board membership. The new board will include members who collectively have expertise, abilities and experience required for the effective performance of these functions, including direct industry experience or direct experience in the education, training or employment sectors, and knowledge or expertise in the education and training of persons who have experienced disadvantage in accessing education, training and work, or those who are from non-metropolitan, regional and remote areas.

I indicate that I will be moving amendments to the bill that will ensure that the TAFE SA board includes a person nominated by the minister after consultation with SA Unions and a person nominated by the minister after consultation with the Australian Education Union and the Public Service Association. These amendments will ensure that workers who have direct experience on the ground will have a direct voice in TAFE SA's strategic decision-making, and not just act as participants in indirect consultation. The Greens will always support accessible public education for all South Australians.

Might I say, campaigning against the corporatisation of TAFE has been a long-term campaign for the Greens. I really welcome the government taking this up. In particular, I acknowledge the leadership of the minister, the Hon. Blair Boyer, and his office in taking up this reform and moving on this during this term of parliament. I think this is a really worthwhile endeavour and something that I hope sets TAFE on a new course. The Greens are very pleased to support it and I hope my amendments will be supported in the committee stage. I note the amendments from the opposition. I will certainly consider those and form a view by the time we get to the third reading stage of the bill. With that, I conclude my remarks.

The Hon. C. BONAROS (17:14): I rise to echo the very favourable contributions of the honourable members who have spoken already on this piece of legislation and in so doing commend the minister for his genuine desire, I think, to reform the functions of TAFE SA, not only in line with best practice but, perhaps even more importantly, with public expectations.

This is a good bill, and when we have a good bill brought to this place it deserves acknowledgement. I think that the minister in this instance has delivered a piece of legislation that

we can back and support, on the basis that he has done his homework and he has presented something that we know actually seeks to achieve those best practice and public expectation ends.

We know, as has just been referred to, that the bill responds to the recommendations of Associate Professor Jeannie Rea in the report for the 2023 Roadmap for the Future of TAFE SA and that the previous legislation, the 2012 legislation, was in dire need of reform in order to not only reposition TAFE SA but ensure that its functions, its governance and its management structure are suited to today's climate.

As I said, I genuinely do think the minister has put his all into producing a model—subject to a few amendments here and there—that we can all overwhelmingly say is a good bill. Part of that is reflecting on the fact that since 2012 there have obviously been lots of changes in this education market space. The legislation that was passed then simply is not fit for purpose today, and it is being addressed by this bill.

I will take this opportunity to thank the minister and indeed, more particularly, to thank TAFE SA for their commitment to learning in all aspects. I was very pleased to have the privilege of attending the announcement that was made by TAFE SA in tackling the issue of period poverty in South Australia. I attended that with the Minister for Education and the Minister for Women during Menstrual Hygiene Day, and it was an exciting day. It fell during Menstrual Hygiene Day on 28 May and resulted in a day of acknowledging various activities that are undertaken across the state to ensure that we do our level best to eradicate period poverty in the absence, I will say—because I will always maintain this—of a statewide approach.

I have to acknowledge the good work of the people at TAFE in launching their Equity for All period initiative on that day and ensuring that they now provide free menstrual hygiene products on all of their campuses. I commend the government for committing \$300,000 a year towards that end for the installation in TAFEs of dispensing machines providing free pads and tampons across all their campuses and across the entire state.

That is a good initiative, and I am very grateful to the minister for pushing that sort of initiative and for his ability to think, I suppose, outside the square of anything we are considering in here. It is not something that needed to be canvassed in legislation, but I think his commitment to that issue is another example of his commitment to ensuring that TAFE SA, as I said, is operating at its best and that we are doing everything we can to remove barriers to learning and to address disadvantage across our TAFE SA students.

These are things to be celebrated. This piece of legislation is a worthy piece of legislation in terms of the support that we are providing for it, and I look forward to seeing its passage through this parliament. I know that it has not been an easy job for the minister, given that we have had to tackle not only the issue of TAFE but RTOs operating across this state, and it has, from the federal level down, become a bit of a basket case in terms of the education that is provided.

I know that this is something that the minister remains committed to addressing and remains committed to ensuring is in line with today's public expectations, today's market and today's standards. I do not know if I can take this moment to say any more good words about Mr Boyer—I think I have done my bit for the day—but I am extremely pleased to support this piece of legislation.

The Hon. J.S. LEE (17:20): I rise today to also speak in support of the TAFE SA Bill 2025, which seeks to re-establish TAFE as a statutory authority and implement key recommendations from the 2023 Roadmap for the Future of TAFE SA. This bill marks a positive step in strengthening TAFE SA's core mission as a public provider of vocational education and training, particularly for regional and disadvantaged communities, including those from culturally and linguistically diverse backgrounds.

TAFE SA has long been a cornerstone of South Australia's education and workforce development landscape. It is often the only provider in regional and remote areas and its presence is deeply valued by communities who rely on it not just for skills training but for opportunity and connection. The bill's emphasis on public interest, regional equity, and education excellence is both timely and necessary.

To fully appreciate the significance of this reform, it is helpful to consider the path that has led us here. The corporatisation of TAFE SA in 2012, while well intentioned, did not deliver the financial outcomes anticipated. For more than a decade, the model struggled to reconcile commercial imperatives with the broader public mission of vocational education. The framework often placed commercial principles ahead of public purpose—something this bill seeks to correct.

A key structural issue under the previous framework was the legal obligation of the board to act in the best interests of the corporation, which at times has diverged from the best interests of the South Australian community. By repositioning TAFE SA as a statutory authority rather than its current structure as a statutory corporation, this legislation removes that tension and enables the board to focus on prioritising community need, regional access and educational excellence as set out in the objects of this bill.

I note that the minister will now have more power to outline the government's priorities and TAFE SA will be required to implement a business plan and statement of priority mechanism. This will replace the current Ministerial Charter and Performance Statements required under the Public Corporations Act 1993. This legislation also enables the institution to better align its offerings with workforce needs, particularly in thin markets and regional areas where private providers are often absent. This is especially critical in the context of South Australia's ongoing skills shortages. From aged care and construction to hospitality and emerging industries, employers are calling for a more agile, contemporary and responsive training system.

The inclusion of a statement of priority mechanism and the creation of a TAFE fund for low enrolment courses are practical steps towards ensuring that training is available where it is most needed, not just where it is most profitable.

I will carefully consider all amendments during the committee stage. I look forward to examining these matters in detail to ensure the final legislation is both robust and reflective of the diverse community it is designed to serve. I am encouraged by the purpose of the bill to continue TAFE SA under a new legislative framework that will strengthen its governance, align its operations with government priorities and ensure it delivers high-quality, accessible and, most critically, industry-relevant education and training across South Australia.

I emphasise the importance of industry-relevant training because we need a skills workforce that can contribute to our different industries and our economy across South Australia. We want to see all individuals have the opportunity to have fulfilling jobs and do their work and contribute fully to society.

This bill will help reposition TAFE SA as the cornerstone of a vocational education system that is responsive, inclusive and in line with the needs of all South Australians. I also want to compliment the government and the minister, as well as all TAFE personnel and their team, for their work on this particular bill. With those remarks, I commend the bill.

The Hon. T.A. FRANKS (17:25): It is with great pleasure I rise to support the TAFE SA Bill 2025 and I will restrain myself from saying—no, I will not. I will say I was right: it was wrong to corporatise TAFE. I am proud that I voted against it when it was done. I am proud that I had a private member's bill to decorporatise TAFE and I am really pleased to see that the government is getting on and actually decorporatising TAFE.

We should never have corporatised it in the first place. We knew when it was happening and I put on the record my concerns that it would actually lose the role that public training should have always held in this state. At the time, it was the flavour of the year for the Gillard government and I think the then minister has even now gone on public record admitting it was folly. At the time, I think people were well meaning and it has taken quite a while to correct the error of those ways.

I commend the bill. I support the amendments that have been circulated not just by the government but by the opposition. I think they are constructive, as well as the Greens' amendments. I do believe the staff and their union should have a voice in what is our public training provider. I also believe that the regions should have a voice to ensure we do not forget to include them in the decision-making. The regional role of TAFE is incredibly important to consider.

I note that previously there have been some culture wars around who should or should not be involved in those bodies, such as the board, and indeed performance reviews within TAFE. I hope the days of those culture wars are gone and that people can understand that it is best to have as many of those voices at the table as possible when we make decisions about public training in this state. With that, I say bring on the committee debate and let's pass this bill.

The Hon. T.T. NGO (17:27): This bill is about securing the future of vocational education and training in South Australia. It repeals and replaces the outdated TAFE SA Act 2012 and responds directly to the key recommendation from Associate Professor Jeannie Rea's 2023 Roadmap for the Future of TAFE SA. This road map report was developed via extensive consultation with industry, unions, TAFE SA staff, students, regional communities and other stakeholders.

Some of the key recommendations in the road map include reforming the legislative and governance basis of TAFE SA, embedding a strong industry partnership model, prioritising regional and inclusive delivery, and strengthening the institution's culture and workforce.

The bill positions South Australia's TAFE for a decade of transformation, recognising global trends such as digitalisation, climate transition, equity inclusion and South Australia's changing workforce. With a focus on the future, programs will be designed for emerging skills, flexibility, lifelong learning, innovation in teaching and technology, and being adaptable to changing labour markets.

With the introduction of the TAFE SA Bill 2025, we are setting a clear vision to modernise the legislative foundation of TAFE SA to reflect its renewed purpose in the public interest. Under this new legislation, TAFE SA will transition from a statutory corporation to a statutory authority. This change provides a modern governance framework that clearly defines the responsibilities of the TAFE SA board and its chief executive, ensuring strong leadership, accountability and alignment with the government's strategic priorities.

The minister retains the power to issue directions and to approve the appointments of the chief executive. The board remains the key body for strategic oversight. A new ministerial statement of priorities developed in consultation with the Treasurer will guide TAFE SA's annual business plan. The minister and the Treasurer's representatives will continue to have access to board meetings and papers, and the annual report will be tabled in parliament for full transparency. The bill also introduces new objectives and functions that reflect the contemporary values of the vocational education and training sectors, similar in spirit to the South Australian Skills Act 2008 and the Adelaide University Act 2023.

For the first time, the law will clearly articulate that TAFE SA exists to serve the public interest and enshrines in legislation a focus on excellence, not just efficiency; equity of access for students, regardless of their location or background; and offering support services to ensure all learners have the opportunity to succeed. The TAFE SA Bill 2025 ensures operations align with the strategic priorities of the state, not simply by a ministerial direction but as a core part of its purpose.

This bill clearly proposes that TAFE SA must continue to deliver in the public interest, support regional development, strengthen industry partnership and provide all South Australians with the skills and confidence to thrive in a changing economy. With that, this is a reform with both vision and accountability. TAFE SA must remain as the backbone of our training system, a place of opportunity, excellence and public value. This bill will ensure it stays that way and I hope all honourable members give it their support.

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (17:32): I thank honourable members for their contribution today. I think it is nice to end the day with everyone agreeing on the importance of this bill. I would also like to congratulate the Minister for Education, Blair Boyer, and his team for the work they have put into this, and also in briefing members in this chamber. I look forward to the committee stage, which will be occurring at the next sitting and, once again, thank all members who participated in this debate.

Bill read a second time.

FIREARMS (DIGITAL BLUEPRINTS FOR 3D PRINTING) AMENDMENT BILL*Introduction and First Reading*

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

Second Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:34):
I move:

That this bill be now read a second time.

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

Leave granted.

Today I introduce the Firearms (Digital Blueprints for 3D Printing) Amendment Bill 2025, a vital step in ensuring our firearms legislation keeps pace with emerging technologies and continues to protect public safety in our state.

This Bill responds to a growing and deeply concerning trend: the proliferation of digitally distributed blueprints for 3D-printed firearms. These files, often obtained online, allow individuals to manufacture lethal weapons without serial numbers, without regulation, and without accountability. This undermines our firearms licensing system and poses a serious threat to community safety.

Our government is committed to a safe, fair, and modern society. We believe in the responsible regulation of firearms, and we recognise that technology must not be allowed to outpace the law. This Bill ensures that our legislation reflects the realities of the digital age.

The key provisions of the Bill are as follows:

1. Prohibition on possession and distribution of digital blueprints for 3D-printed firearms, firearm components, and accessories—unless authorised.
2. Clear definitions of what constitutes a digital blueprint, including CAD files and other formats used in additive manufacturing.
3. Exemptions for legitimate research and development, including licensed manufacturers and approved educational institutions, under strict regulatory oversight.
4. Penalties aligned with existing firearms offences, ensuring consistency and deterrence.

This Bill does not target innovation or legitimate use of 3D printing technology. It targets the unregulated and dangerous use of that technology to produce weapons outside the law.

We have consulted with law enforcement, legal experts, and industry stakeholders. The message is clear: we must act now to close this loophole before it becomes a gateway for criminal activity and community harm.

This is a responsible, measured, and necessary reform. It reflects our Labor values—protecting communities, supporting law enforcement, and ensuring our laws evolve with technology.

I commend the Bill to the House.

*Explanation of Clauses***Part 1—Preliminary****1—Short title****2—Commencement**

These clauses are formal.

Part 2—Amendment of *Firearms Act 2015***3—Insertion of section 37A**

This clause inserts new section 37A as follows:

37A—Possession of digital blueprint for firearms etc

It is an offence under this section to possess a digital blueprint for a firearm, a firearm part, a sound moderator, a restricted firearm mechanism or a prohibited firearm accessory, with the maximum penalty determined by reference to the kind of item the digital blueprint is for. The offence does not apply to a person who is authorised or otherwise permitted under the Act to manufacture the item the digital blueprint relates

to. Provision is made for a number of defences. Definitions are included for various terms used in the section, including what constitutes a digital blueprint, and what amounts to possession.

Schedule 1—Amendment of *Summary Offences Act 1953*

1—Amendment of section 74BN—Interpretation

2—Amendment of section 74BR—Order to provide information or assistance to access data held on computer etc

3—Amendment of section 74BS—Application for order

4—Amendment of section 74BT—Order required in urgent circumstances

5—Amendment of section 74BW—Effect and operation of order

6—Amendment of section 74BY—Reporting

These clauses together make amendments to Part 16A of the *Summary Offences Act 1953*, such that if there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of an offence against section 37A of the *Firearms Act 2015*, a police officer may apply to a magistrate for an order requiring a person to provide assistance to the police officer in accessing that device or computer.

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

EDUCATION AND CHILDREN'S SERVICES (ENROLMENT AND ATTENDANCE) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (BUILDING AND CONSTRUCTION INDUSTRY REVIEW - PENALTIES) BILL

Introduction and First Reading

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

CRIMINAL LAW CONSOLIDATION (STREET GANGS) AMENDMENT BILL

Final Stages

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

CARERS RECOGNITION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

At 17:37 the council adjourned until Tuesday 11 November 2025 at 14:15.