

LEGISLATIVE COUNCIL**Tuesday, 11 November 2025**

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

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

*Bills***STATUTES AMENDMENT (CLAIM FARMING) BILL***Assent*

Her Excellency the Governor assented to the bill.

FAIR WORK (WORKER ENTITLEMENTS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

NURSE AND MIDWIFE TO PATIENT RATIOS BILL*Assent*

Her Excellency the Governor assented to the bill.

CRIMINAL LAW CONSOLIDATION (STREET GANGS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

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

Her Excellency the Governor assented to the bill.

HIGHWAYS (WORKS FOR RESIDENTIAL DEVELOPMENTS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

LOCAL NUISANCE AND LITTER CONTROL (MISCELLANEOUS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

PREVENTIVE HEALTH SA (COUNCIL GOVERNANCE) AMENDMENT BILL*Assent*

Her Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Report of the Auditor-General—Report 9 of 2025—States finances—insights on the 2025-26 Budget
The Training Centre Visitor and The Office of the Chief Psychiatrist—Inspection Report—Adelaide Youth Training Centre—Joint Inspection of the Mental Health and Wellbeing of children and young people detained at the Adelaide Youth Training Centre

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

Reports, 2024-25—
Controlled Substances Advisory Council
Country Health Gift Fund Health Advisory Council Inc
Eastern Eyre Health Advisory Council Inc
Mallee Health Service Health Advisory Council Inc
Mid-West Health Advisory Council Inc
Mount Gambier & Districts Health Advisory Council Inc
Murray Bridge Soldiers Memorial Hospital Health Advisory Council Inc
Renmark Paringa District Health Advisory Council Inc
Voluntary Assisted Dying Review Board
Waikerie and Districts Health Advisory Council Inc
Regulations under Acts—
Mental Health Act 2009—Community Visitor Scheme

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

Report of actions taken by the Government in relation to the Coronial Inquest into the death of Michelle Stephanie Foster

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

Regulations under Acts—
Work Health and Safety Act 2012—High Risk Construction Work

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

Reports, 2024-25—
Adelaide Venue Management Corporation
South Australian Tourism Commission
The Department of Primary Industries and Regions
Veterinary Surgeons Board of South Australia
Regulations under Acts—
Adelaide University Act 2023—Transitional—Further Transitional Provisions

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

Regulations under Acts—
Planning, Development and Infrastructure Act 2016—
Accredited Professionals—Audits
General—Miscellaneous (2025)
Road Traffic Act 1961—
Miscellaneous—Approved Apparatus
Miscellaneous—Device Testing
Miscellaneous—Drink and Drug Driving

ANSWERS TABLED

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

Question Time

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): My question is to the Minister for Primary Industries on the topic of the harmful algal bloom. What does the minister say in response to the report of the Senate inquiry into algal blooms in South Australia tabled today, which made a finding that, and I quote, 'The committee considers that the slow response by the South Australian government and delayed period before it began serious discussions with the Commonwealth has caused uncertainty and anxiety for South Australian individuals and business owners,' and will she, as Minister for Primary Industries, apologise to the people of South Australia for her government's failure?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for her question. One of the things that is not answered by those who put forward questions such as this is what they think should have happened sooner. The algal bloom was detected in roughly March this year. In April, we were already having roundtable discussions. The science was already underway for further information because this was an unprecedented algal bloom.

Members interjecting:

The PRESIDENT: Order, both sides! Minister, continue.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The member opposite says she doesn't want to hear the answer, so I won't bother continuing.

Members interjecting:

The PRESIDENT: Order!

ALGAL BLOOM

The Hon. T.A. FRANKS (14:27): Supplementary: does the minister not think that the algal bloom management and the Senate inquiry is worth discussing in this place, and will she continue her answer?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:27): Given we've got sincere interest from the Hon. Tammy Franks on the algal bloom, I am very happy to continue, based on her sincere interest in this rather than the politicisation that we see from those opposite.

As I was saying, we commenced with some round tables. The science was already being undertaken certainly from April onwards, if not prior to that. There has been a huge effort, and I would like to certainly indicate that we have very much appreciated the stakeholders—whether they be environmental stakeholders, whether they be business stakeholders, whether they be businesses specifically in the fishing industry as well as the recreational sector—for their positive engagement in terms of dealing with what is an unprecedented situation.

This is the biggest assistance package to business, I think, that we have probably seen in the state ever is my guess. We have a combined figure from the federal government and state government of over \$130 million to look at, first of all, the science, to look at the environmental impacts, to look at how we can do things such as restocking, the increase in oyster reefs, the assistance to small businesses, the assistance to the fisheries sector, the dining voucher reimbursements, assistance to regional communities by encouraging people to go to those areas, and the assistance to businesses in coastal communities, both metropolitan and regional. Those who

are sincerely committed to trying to support businesses and our communities and our environment through this algal bloom have been happy to work with government.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Supplementary: how then does the minister reconcile the words of the committee, which was made up of Liberal, Labor and Greens senators, to name a few, that state that her government's response was too slow?

The PRESIDENT: That doesn't actually arise from the original answer, but—you are up and down, okay.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): My questions are to the Minister for Primary Industries on the topic of the algal bloom:

1. Has the minister read the paper entitled 'A catastrophic marine mortality event caused by a complex algal bloom including the novel brevetoxin producer, *Karenia cristata*', and is she alarmed that the paper states, and I quote, that 'inhaling brevetoxins can lead to serious health effects including: shortness of breath, asthma exacerbation, bronchoconstriction,[and] bronchitis pneumonia'?

2. Has she instructed her department to brief SA Health on the information contained within the paper regarding these serious health effects?

3. Is the government aware of whether there has been an increase in the number of cases of bronchitis pneumonia or bronchoconstriction since March of this year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): In answer to the first question: yes. In answer to the subsequent questions, obviously health advice is—

The Hon. N.J. Centofanti: You are alarmed?

The Hon. C.M. SCRIVEN: The first question was: have I read the report? The answer to that is yes, I have read the report. In terms of the health advice, as those opposite should be aware, obviously Health is constantly being updated in terms of information that is there. The report is very much valued. Of course, some of the authors are from SARDI and also PIRSA, in conjunction with the University of Technology Sydney, the Institute for Marine and Antarctic Studies, and a number of other renowned organisations and institutions.

What is really important for everyone to be aware of is that SA Health advice is based on brevetoxins, not on the species that is producing those brevetoxins. We have known for some time that brevetoxins have been present as a result of the harmful algal bloom, and the recent study has shown that *Karenia cristata* is responsible for these brevetoxin levels. The discovery that it is called *Karenia cristata* doesn't change our advice, it just puts a name to something that we knew was already there. Really, in terms of the health advice, my advice is that it hasn't needed to change and obviously updates will continue.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): Supplementary: is the minister alarmed about what is stated in the paper regarding the serious health effects, given it states in that paper that inhaling brevetoxins from whatever species produces them can lead to serious health effects, including shortness of breath, asthma exacerbation, bronchoconstriction and bronchitis pneumonia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): That health advice is consistent with what has been issued to date.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): Supplementary: when was that advice stated? You just said it's consistent with the advice that we have been given. When was that advice first stated?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): Is that from the original answer?

The PRESIDENT: It doesn't arise from the original answer. You can choose to answer or not. The honourable Leader of the Opposition, your third question.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of the harmful algal bloom.

Leave granted.

The Hon. N.J. CENTOFANTI: At a recent hearing of the Joint Committee on Harmful Algal Blooms, senior officials from PIRSA confirmed that the government authorised the transfer of oysters from Franklin Harbour, an area impacted by the harmful algal bloom, to Haslam, which, at that time, was not affected and is still not affected by algal bloom.

The decision, according to PIRSA, was made on the basis of independent risk assessment and analysis, which the department stated was thorough and based on advice from algal bloom experts and oyster aquaculture regulators. However, further evidence presented to the committee indicates that two separate independent risk assessments and an internal PIRSA risk assessment exist. One of the independent risk assessments was commissioned by the South Australian Oyster Growers Association on the transfer of oysters during the harmful algal bloom, which was then reviewed by PIRSA veterinary officers, and the third was commissioned later by PIRSA regarding the risk of brevetoxin exposure and translocation.

Questions now arise as to whether the minister approved or allowed the transfer before receiving the final PIRSA-commissioned risk assessment, which specifically examined the risk of brevetoxin exposure and translocation associated with the *Karenia* species. Given the high risk that brevetoxin poses to both aquaculture stock and human health, and the potential to further spread the harmful algal bloom along our coastline, my questions to the minister are:

1. Did the minister approve or authorise the transfer of oysters from Franklin Harbour to Haslam prior to receiving the PIRSA-commissioned independent brevetoxin risk assessment that specifically considered the presence and risk of brevetoxin translocation, and, if so, what scientific advice or evidence was that approval then based on?
2. Was the minister aware of the second PIRSA-commissioned independent report on the brevetoxin translocation risks when that transfer approval process was being finalised?
3. If the final PIRSA report had not yet been received by the minister when the transfer was approved, will the minister explain why this decision was made before all scientific assessments were complete?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. The movement of oyster stock between harvest areas is critical to many oyster farming operations to maximise oyster growth, maintain stock quality, manage farm logistics and respond to market pressure, with specific harvest areas having environmental characteristics that support particular life stages of oyster development. Some producers have become specialised in growing a particular life stage of oyster and may sell or move oysters when they grow beyond that life stage.

The movement of oysters from a closed harvest area to another harvest area requires authorisation under the regulations. These relays have previously occurred for closures due to the presence of some harmful algae species above trigger levels, or high rainfall and E.coli, with a relay request process in place to facilitate these movements.

Predetermined criteria have been developed nationally to inform relay authorisations, and the SASQAP relay protocols ensure compliance with the Australian Shellfish Quality Assurance Program (ASQAP) Operations Manual, the ASQAP Export Standards 2004 and relevant state legislation. In anticipation of a need to facilitate the relay of shellfish from areas closed because of

biotoxins, a review of national and state relay requirements was led by the Department of Agriculture, Fisheries and Forestry (DAFF) in consultation with state governments. That was undertaken during 2023, and South Australia updated its relay guidelines in September 2024 in response to the review.

In response to the current algal bloom, and to better understand the risk that oyster relays may play in spreading *Karenia* species to unaffected areas, the South Australian Oyster Growers Association (SAOGA) commissioned an independent risk assessment. PIRSA facilitated a workshop of algal bloom experts and oyster aquaculture regulators from the United States, New Zealand, Tasmania and New South Wales to help inform the SAOGA risk assessment.

SAOGA advised PIRSA a couple of months ago that although they had finalised their risk assessment and had undertaken extensive consultation to form a position on oyster relays, there was not a unanimous view within the industry. SAOGA requested at that time that the government manage the risks in relation to oyster relays without a position from SAOGA. To inform the management of oyster relay risk, PIRSA animal biosecurity completed a risk review drawing on the risk assessment already completed by SAOGA, and 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.

PIRSA informed oyster producers who were in attendance at the annual SAOGA seminar on 17 October that PIRSA would assess oyster relay applications on a case-by-case basis, and that the relay applications needed to meet national criteria to ensure food safety standards were met. Following the SAOGA seminar, PIRSA received applications to relay Pacific oysters from Franklin Harbour, which is currently closed due to brevetoxins, to Haslam on the West Coast. I am advised there is only one oyster producer in Haslam. I am also advised that a subsequent email from SAOGA said that:

...owing to a unilateral view not being reached across the oyster sector at this time, we understand that decision making in relation to risk management of oyster movements must rest with the state government.

PIRSA had been advised by oyster producers that similar movements of large amounts of oysters were made from Franklin Harbour to Haslam in the three weeks leading up to the closure of Franklin Harbour on 30 July 2025, when at that time *Karenia* species counts were above 150,000 cells per litre, far higher than the *Karenia* detection levels at Franklin Harbour at the time of the relay request.

Importantly, weekly routine testing of Haslam has not detected an increase in *Karenia* species as a result of those movements. PIRSA assessed the relay applications against the criteria and risk assessment and the request to relay stock was authorised. The approved authorisations were time bound and to occur over a two-day period in October, which has now lapsed. The approval stipulated conditions requiring all relayed oysters to remain in a quarantined area separate to existing oysters for a period of 60 days and until brevetoxin levels met the strict food safety standards.

PIRSA will assess compliance with authorised relays through food safety audits scheduled for December 2025. PIRSA continues to monitor the presence of *Karenia* species and brevetoxin levels for impacted classified harvesting areas through the South Australian Shellfish Quality Assurance Program (SASQAP). I am aware several oyster producers and some fisheries, as well as others, have raised concerns of oyster relocation and possible potential to inadvertently spread the algal bloom.

In addition to the risk assessment, PIRSA has engaged regularly with the South Australian Oyster Growers Association over recent months. That is probably the main part of that answer, but obviously as more information comes in, we continue to assess that information and make decisions based on the information available.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): Supplementary: has the minister received updated advice from SAOGA on the relay application seeking that transfers from closed areas stop due to increased risk of brevetoxin translocation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): I would have to check what correspondence has come to me and what has come to the department, but I would also query what the member is alleging in

terms of increased brevetoxins. If I heard her correctly, she is claiming increased brevetoxin levels at Haslam, because to my knowledge that has not occurred.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): Supplementary arising from the original answer: has the minister now received the PIRSA-commissioned independent risk assessment with regard to brevetoxin, and, if so, will she table it in this parliament?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I am happy to take on notice what information may be able to be provided.

ALGAL BLOOM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:43): Supplementary: has the minister or her department received the PIRSA-commissioned independent risk assessment with regard to brevetoxins?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I already answered that.

AUGUSTA ZADOW AWARDS

The Hon. J.E. HANSON (14:43): My question is to the Minister for Industrial Relations and Public Sector. Will the minister inform the council about the winners of this year's Augusta Zadow 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) (14:43): I thank the honourable member for this important question, and I am very pleased to update the council once again on the annual Augusta Zadow Awards. Now in its 20th year, the awards recognise and support projects that improve health and safety outcomes for women and young workers across South Australia. Augusta Zadow was a fierce advocate for women's rights in the workplace and became South Australia's first lady inspector of factories in 1895. She was a woman ahead of her time and her tireless work has helped lay the foundations for many of the health and safety rights of women and young workers today.

Augusta Zadow was a major contributor to the establishment of the Working Women's Trade Union in 1890 and was a delegate to the United Trades and Labour Council of South Australia. In recognition of her pioneering efforts, SafeWork SA established the award program in 2005. Since then, 41 grants have been awarded, valued at over \$400,000, to fund practical, innovative initiatives that make our workplaces safer and more inclusive.

It was a privilege to attend this year's awards, which were presented by the Governor of South Australia, Her Excellency the Hon. Frances Adamson AC, at Government House in a ceremony on the last day of National Safe Work Month. It was especially pleasing to see many members of not just this chamber but the other place at those awards. Each winning initiative received a grant of up to \$40,000, an increase from the \$20,000 in previous years, reflecting the growing importance of investing in research, education and workplace innovation.

This year, there were a number of winners. Chris Green, Max Mawby and Michelle Rath from the Communications, Electrical and Plumbing Union were awarded \$39,600 for an education awareness program targeting workers aged 16 to 23. The project aims to reduce electric shocks amongst young workers entering the industry. Linda Grosser and Crystal Yates from the University of South Australia received \$17,752 for research to develop strategies and resources supporting women managing the combined challenges of menopause and shift work.

Jayne Boase, Dr Udara Ranasinghe, Dr Chamitha Wijewickrama, Janet Doolan, Associate Professor Karen Sinclair and Dr Aparna Samaraweera were awarded \$15,000 for their culturally safe work health and safety induction toolkit for young Aboriginal construction workers, helping to reduce the higher rates of work-related injuries amongst Aboriginal youth in construction.

This year's entries have seen a high level of innovation, collaboration and real-world impact. It was inspiring to see the talent of all the Augusta Zadow Award winners, and it remains an important reminder that improving work health and safety is a shared responsibility. Once again, I congratulate all the 2025 winners and look forward to what 2026 holds for these awards.

PRISON VIOLENCE

The Hon. S.L. GAME (14:46): I seek leave to make a brief explanation before directing a question to the Attorney-General regarding alleged violence against female inmates in women's prison facilities in South Australia.

Leave granted.

The Hon. S.L. GAME: Media outlets have reported on female inmates in Port Augusta and Adelaide Women's Prison who have allegedly been sexually and physically assaulted by a biological male offender. In 2019, a woman was forced to share a cell with a trans-identified male offender with a history of violence against women. Due to this history, the offender had previously occupied a single occupancy cell. The woman claims she was sexually assaulted while sharing the cell.

In recent days, another media report says three more female inmates now claim to be victims of the same man, two saying they were physically assaulted and a third one raped. According to the South Australian Department for Correctional Services website, the department is committed to meeting the needs of transgender and intersex prisoners and ensuring their safety is not compromised, and the department advises that transgender prisoners will have an individualised management plan developed to take into consideration their needs. My questions to the Attorney-General are:

1. In light of these latest media reports, does the government stand by the Premier's recent description of banning biological males from female-only prisons as a 'niche issue'?
2. Can the Attorney-General confirm that the government's policy, as stated on the department's website, is to allow biological men to be housed in female-only prisons?
3. What evidence can the government produce to show it is safe for biological males to be housed in female-only prisons?
4. Lastly, why is the government prioritising the individual needs and safety of biological male prisoners who identify as females over the individual needs and safety of female prisoners?

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): Many of those are Correctional Services issues, which is not one of my portfolio responsibilities. However, I will say in response to the questions asked that anytime there are allegations of a criminal offence committed, whether within a prison or outside a prison, I think we would all expect that they would be properly investigated and at the conclusion of the investigation consideration be given to prosecution.

SCIENTOLOGY IN SCHOOLS

The Hon. R.A. SIMMS (14:49): I seek leave to make a brief explanation before addressing a question without notice to the Deputy Premier and the minister representing the Minister for Education on the topic of school funding arrangements to Scientology-linked organisations in schools.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, *The Daily Telegraph* reported on the Newtown Scientology-linked Athena School in New South Wales. To quote from *The Daily Telegraph*:

Financial figures published by the Australian Curriculum, Assessment and Reporting Authority (ACARA) show state and federal funding for The Athena School rose 348 per cent between 2014 and 2023—the latest year for which data is available—despite a 70 per cent increase in enrolments over the same period.

It has received almost \$5 million since 2014, with the lion's share paid out by the Commonwealth at more than \$3.9 million over ten years, while the NSW government has given the school...over \$1 million.

My question to the minister representing the Minister for Education therefore is:

1. Is the minister aware of any funding being provided in South Australia to Scientology-linked organisations that provide education in our schools?

2. Will the government conduct an investigation into this matter to rule it out?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:50): I thank the honourable member for his question and his interest in this area, and I certainly will pass those questions on to the minister responsible in another place, the Hon. Blair Boyer, the member for Wright, and bring back a reply.

ALGAL BLOOM

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:50): I seek leave to make a brief explanation before addressing questions to the Minister for Primary Industries on the topic of the harmful algal bloom.

Leave granted.

The Hon. H.M. GIROLAMO: For over seven months the government maintained that the main species causing the harmful algal bloom was *Karenia mikimotoi*, which is generally considered non-toxic. It has now come to light that the predominant species causing the harmful algal bloom is the novel brevetoxin producer *Karenia cristata*. My questions to the minister are:

1. Why did it take so long to verify the species identified through genetic sequencing?
2. Was SARDI in possession of samples suitable for sequencing earlier in the year and, if so, why were they not analysed until now?
3. Can the minister guarantee that all marine species samples collected from April onwards were appropriately stored and preserved for retrospective testing?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): The harmful algal bloom includes a mix of *Karenia* species. The presence of *Karenia cristata* was confirmed along with several other *Karenia* species in a scientific paper published on 3 November, and the government confirmed this finding in a media conference on 5 November.

The University of Technology Sydney report—I use that as the brief description because there were multiple authors, including SARDI—discovered that *Karenia cristata* dominated most of the sites surveyed, where *Karenia mikimotoi* was consistently present. The UTS provided the original advice, according to my advice, that *mikimotoi* was detected off Waitpinga. This aligns with scientific understanding that algal blooms may include multiple species and that composition may change over time.

SOUTH AUSTRALIAN AGRICULTURAL TOWN OF THE YEAR AWARD

The Hon. R.B. MARTIN (14:52): My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the chamber on the South Australian Regional Showcase Awards celebration event held at LOT.100 last week?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53): I thank the honourable member for his question. It was a great pleasure to attend the South Australian Regional Showcase Awards celebration event last Wednesday evening, where the winner of the seventh annual Agricultural Town of the Year Award was announced.

The Department of Primary Industries and Regions, with InDaily, is proud to present the 2025 Agricultural Town of the Year Award program, which celebrates towns that excel in agricultural practices; promote and support food, wine and agriculture; and are great places to live and work. I would like to particularly congratulate InDaily and Solstice Media for their strong and consistent coverage of regional issues and regional stories, both those to do directly with agriculture and more broadly.

This year we received a record 96 town nominations from around the state, and thousands of votes were cast by the public to select the top ten towns. Against a challenging backdrop of drought, to say the least, it is pleasing to see such a high level of participation, which reflects the importance of the award to people in regional South Australia.

I would like to acknowledge the three finalist towns for the fantastic effort their communities put into being part of the awards. An enormous amount of work goes into mobilising community votes, writing compelling submissions, designing informative town visits and hosting the judging panel. The award is a powerful way to bring communities together, for them to share experiences and highlight the unity and strength of their local communities.

The judges noted the creative people they met in each town. With innovative ideas in motion, they are acting to build up their communities and industries. They observed communities leveraging their unique geographic locations in combination with hard work and creativity to generate world-class produce and additional income to support agriculture and a thriving town. Finally, the judges noted active engagement with the next generation of agricultural leaders, from school students through to young families.

The winner of the 2025 South Australian Agricultural Town of the Year is Lameroo. The Mallee town of Lameroo is home to almost 900 people, who are active in their pursuit of excellence in agriculture and regional development. The progress association Lameroo Forward—I particularly commend their chair, Nicole McMahon, as well as her team—is a driving force in the town and is behind the new silo art project that depicts the town's farming past as a foundation on which its youthful agricultural future is built. I would encourage members if they can to visit Lameroo to view that silo art. It is absolutely incredible.

For the size of the town, Lameroo is making the most of opportunities and using their location and surrounds to their advantage. As one of the judges commented, the town has 'stamped ag on everything'. The area is a food bowl and is home to large agricultural businesses. Women are playing key leadership roles in the community and local industry: from the progress association and big and small production businesses alike to internationally recognised agricultural research as well as child care and sports. To bolster the local agricultural workforce, Lameroo has proactively built and embraced a multicultural community, including offering Afrikaans at school to enable the growing South African community to maintain a link to their roots.

I congratulate Lameroo on this well-deserved achievement. Also last week were the winners of the 2025 Regional Showcase Awards. I look forward to updating the chamber further about those in the future.

FOOD PRODUCTION AREAS

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

Leave granted.

The Hon. T.A. FRANKS: Farming land outside Mount Barker is being adversely impacted by the redevelopment that continues quite rapidly in that area. My office has been contacted by at least one local farmer who was recently visited by the Valuer-General after a letter sent to that farmer advised them that, although part of the property is used for primary production, the property's value is enhanced because of, and I quote, 'an existing subdivision, potential for subdivision or potential for use other than the business of primary production'.

This so-called enhanced value is, of course, of no use to the farmer. It brings with it higher rates, and closer residential zoning has brought with it higher costs as stock now needs to be trucked rather than walked on the road. The buffer to separate residential land from farming land has disappeared, meaning that managing injured or sick stock can be incredibly challenging as potential impacts on neighbours have to be considered. These are not always in the best interests of the animal.

An increase to the value of that land serves no purpose to that farmer; in fact, it forces the farmer to pay higher rates to council yet there is no increase to their farm income. The only way that farmer could realise the extra value of the now revalued land is in fact by selling to a developer—and

let's face it, that is not why farmers farm. Of course, this would see us lose yet more of our best primary production land to housing, and once it is gone there is no getting it back.

My questions therefore to the Minister for Primary Industries are: have you had discussions with primary producers on this issue, and what are you doing to advocate for change on their behalf?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): I thank the honourable member for her question. I have certainly met with primary producers as well as their peak bodies on many occasions since becoming minister 3½-odd years ago. I have had discussions in particular with the Minister for Planning in the other place and he has committed to working with industry in regard to buffer zones.

Obviously, as we go forward we need to ensure as best as possible that there is the opportunity to work collaboratively between the increase in residential development—which is part of addressing the housing crisis that we currently have—while still enabling agricultural industries to continue. They are incredibly important to our state. They are feeding the state, they are feeding the nation and they are feeding the world.

FOOD PRODUCTION AREAS

The Hon. T.A. FRANKS (14:59): Supplementary: what has the minister done specifically with regard to the increased rates and working with local government?

The Hon. C.M. Scriven: Did that come from my answer?

FOOD PRODUCTION AREAS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:59): Supplementary, Mr President.

The PRESIDENT: It has to be arising from the answer.

The Hon. N.J. CENTOFANTI: Instead of buffer zones, will the government exempt primary production from the Local Nuisance and Litter Control Act?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): I did indeed mention buffer zones.

Members interjecting:

The Hon. C.M. SCRIVEN: That's what I said. I said, 'I did indeed mention buffer zones.' You need to listen more carefully; I can say that because I often mishear. I said, 'I did indeed mention buffer zones.' I think the interesting situation with the matter to which the honourable member referred is that that particular bill has had long consultation. Did the honourable member participate in that consultation? Did she, indeed, take up the offers to have briefings on—

The Hon. N.J. Centofanti: What, about shopping trolleys?

The Hon. C.M. SCRIVEN: So now she says it was all about shopping trolleys but is raising an issue around the agriculture interactions, which have been in place for some time.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: My advice is that the recent bill and its amendments have not changed any requirements for primary producers. They are exactly the same as they were under the former Liberal government. However, notwithstanding the fact that the bill has not made any changes whatsoever, I am advised by the minister in the other place who is responsible for this legislation that the government will now develop administrative regulations to support the new legislation.

The government will also consult on potential impacts of an amendment to schedule 1 of the act through regulation to exclude primary production from constituting a local nuisance. Consultation on these matters will be undertaken over a minimum of six weeks and is expected to occur after the state election, subject to approval from the new government.

ALGAL BLOOM

The Hon. J.M.A. LENSINK (15:02): My question is to the Minister for Primary Industries. Will the minister commit to a royal commission into the handling of the toxic algal bloom, from early detection to public communication and scientific verification?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): Those opposite might wish to line the pockets of highly paid lawyers. Here on this side, we want to support our industries, our environment and our coastal communities, and that is exactly what we are doing.

ALGAL BLOOM

The Hon. J.M.A. LENSINK (15:02): Supplementary question: why, then, did the former Labor government commission a royal commission into the Murray-Darling Basin that was a complete fabrication?

The Hon. I.K. Hunter: That's a long bow.

The PRESIDENT: The Hon. Mr Hunter, could I say that? 'That's a long bow.' That's my job.

The Hon. I.K. Hunter: I will hand it over to you entirely, sir.

The PRESIDENT: That is very kind.

Members interjecting:

The PRESIDENT: Order!

COOPER CREEK BARGE

The Hon. R.P. WORTLEY (15:03): My question is to the Minister for Infrastructure and Transport. Will the minister provide an update on how the state government is reconnecting key freight and tourist routes in the north-east of the state?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:03): I thank the member for his question and interest in this topic. As members would be aware, there has been an unprecedented flood event in the far north-east of our state. Following significant rainfall in Queensland earlier this year, huge amounts of water flowed into South Australia, causing major flooding in this area, particularly around Cooper Creek. I understand it is about half the size of Tasmania. At its peak, Cooper Creek reached one of the highest levels on record at Innamincka, surpassing the 1974 flood event. The flood waters covered approximately 32,000 square kilometres to enable this record amount.

Earlier this year, in June, I had the pleasure of visiting this area to witness the extent of the floodwaters. It was hard to comprehend the sheer amount of water that had inundated our remote communities, effectively cutting them off. The floodwaters cut off the Birdsville Track, which connects South Australia through to Queensland. The Birdsville Track is an important transport route for livestock producers, as well as being a popular route with tourists.

Since the closure in June, there has been no direct route for pastoralists to transport cattle to Adelaide. Now, thanks to the Albanese and Malinauskas governments, pastoralists and tourism operators are once again reconnected with a new heavy vehicle barge, securing the state's beef supply and supporting local jobs and tourism and meat industries. This is a first for SA. The \$27.4 million barge, jointly funded by the Albanese and Malinauskas governments, under the disaster recovery funding agreement, will allow safe crossings in Cooper Creek until permanent road access is reinstated.

This is the biggest barge of its type in South Australia, capable of transporting a fully-loaded A-double truck or a road train. This barge is an investment from the federal and state Labor governments and one that will enable our operators to continue to benefit. We are enabling the industry to keep rolling and keep South Australian beef on South Australian shelves.

I thank the livestock industry and the local community for their patience while we delivered a solution to this situation and reconnected one of Australia's most remote regions. Its operations reopened a crucial transport route in the state's outback for the movement of livestock and essential goods. The barge initially opened for livestock transportation just last week, and now tourists and

locals using their vehicles can enjoy this new link in their transport system. There are well over 10,000 cattle isolated in remote parts of the state due to these floodwaters. As well as being an important connection for the livestock industry, the area is a popular route for tourists, forming a crucial connection to the Birdsville Track.

We have a record number of cranes in metropolitan Adelaide, and we had also for a rare time two cranes in the outback to help build this barge connection. The barge is constructed from 12 modular pontoons, which were first floated in the water and then bolted together. Rigorous testing was undertaken before the barge opened to public bookings, and we can now confirm it is operating 24/7, it is that popular.

Throughout preparation works for the barge, the state government worked closely with the local community to find effective solutions that answer their needs and suit the unique requirements of that location. I would like to thank particularly David and Sharon from the Cooper Creek community for their feedback and advocacy throughout this process.

COOPER CREEK BARGE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:07): Supplementary: will the minister inform the chamber about what the cost will be for locals using the ferry per car and per truck?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:07): There is a cost associated with this, and this is something we discussed quite closely with the local community, even when I first visited some months ago, and whether, if there was to be a barge, they would be happy for a cost to be associated with it. It is a substantial investment. Usually we only have a ferry in place, which enables a single car to travel to and from and to cross the creek area.

This is the first time ever that cattle will be able to continue to move throughout this area and stay in South Australia. Without this connection they would have had to go up through Queensland and maybe stay in Queensland in those markets—that was what we were advised. The alternative was to travel up through Queensland, which could have added at least an extra day to their trip, to bring them back down through South Australia.

In regard to costs, on the website I understand there is a booking link to be able to go and book a trip. We also understand that at the moment our priority is getting that cattle to Adelaide, and that is why we have increased it to 24/7. I believe that motorcycles are \$10, caravans and trailers with a vehicle fee are \$15, a light vehicle is \$25, a medium vehicle is \$50 and a heavy vehicle is \$375 per trailer.

CHILDLIKE SEX DOLLS

The Hon. C. BONAROS (15:10): I seek leave to make a brief explanation before asking the Deputy Premier a question about sex dolls.

Leave granted.

The Hon. C. BONAROS: Last sitting week, I asked the Deputy Premier some questions in relation to childlike sex dolls being sold in parts to get around laws criminalising them under our child exploitation laws in this state. It has since been reported that online retailers are selling adult sex dolls that are programmed to mimic women being raped; that is, they have inbuilt modes of resistance and an unwillingness to have sex. The life-size rubber dolls mimic lifelike movements, as I have described previously, and are said to be made so that men can live out their rape fantasies against women.

Concerns have quite rightly been raised in response to this issue, particularly as it relates to normalising the act of rape against women and desensitising acts of violence and degradation. My question to the Deputy Premier is: will he undertake a review of our current laws with a view to considering criminalising the sale of these sorts of products in 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) (15:11):

I thank the honourable member for her question and for bringing regularly these sorts of issues to the chamber. I am happy to go away and ask for advice on the matter. As technology changes and as we see new and, quite frankly, often very, very disturbing developments, we need to look at how we respond in ways that we can, both by legislation and for law enforcement in the techniques that they use. I thank the honourable member for raising the issue, and I will get some advice on it.

ALGAL BLOOM

The Hon. B.R. HOOD (15:12): My questions are for the Minister for Primary Industries and Regional Development on the topic of the harmful algal bloom:

1. Can the minister confirm when her department first received confirmation that the species responsible for the harmful algal bloom is *Karenia cristata*, known to produce brevetoxins that are toxic to fish and humans?

2. Notwithstanding the Premier's very pointed assertion to ABC's Jules Schiller that the bloom is not toxic, will the minister now publicly acknowledge that this is a toxic bloom, given the scientific evidence that *Karenia cristata* produces brevetoxins?

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 question. I am happy to take on notice the first part of the question, but my advice is that the scientific paper was published on 3 November. Secondly, we have known for some time that brevetoxins have been present as a result of the harmful algal bloom. As I mentioned earlier in this place, the discovery of *Karenia cristata* doesn't change the health advice. It just puts a name to something that we knew was already there.

ALGAL BLOOM

The Hon. B.R. HOOD (15:13): Supplementary: can the minister explain the Premier's very pointed assertions to the ABC's Jules Schiller that the bloom is not toxic?

The PRESIDENT: I am not sure how you get that out of the original answer.

NATIONAL SURVIVORS' DAY

The Hon. T.T. NGO (15:14): My question is to the Attorney-General. Can the Attorney-General tell the council about National Survivors' Day?

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. Some will be aware that 12 November is National Survivors' Day, which is a day to especially pay tribute to, and recognise, survivors of sexual assault and institutionalised child sexual abuse. It is a day to commemorate their courage and their experiences, to acknowledge those victims who are no longer with us, as well as the supporters behind the victims, like their family members and whistleblowers on this kind of abuse.

Sexual assault and child sexual abuse are some of the most unimaginable types of offending that are never justified and are never, in any way, the fault of the victim. It is important that on days like this—and, frankly, every day—we are able to talk openly in a way that destigmatises this offending for survivors, and that we will continue to work to ensure that this kind of callous and senseless offending does not happen.

I am proud this government has had an unapologetic focus on cracking down on sexual offending, particularly against children. In this term of government already, we have legislated to increase a range of penalties for child sex offences, such as increasing the maximum penalty for gross indecency with or in the presence of a child from five to 15 years. We have amended section 39A of the Criminal Law Consolidation Act, better known as Carly's Law, to ensure that an offence can apply where the unlawful communication is made to a fictitious child; for example, a police officer posing as a child can still constitute an offence.

Further, we have changed the important ways that we describe laws, such as section 50 of the Criminal Law Consolidation Act where 'unlawful sexual relationship with a child' has been changed to 'sexual abuse of a child' in 2023, as recommended by many, amongst others the Grace Tame Foundation, to better reflect the serious nature of this offending.

We have passed legislation to close loopholes that allow offenders who possess child pornography or childlike sex dolls to access better sentencing discounts or bail. With the championing of the Hon. Connie Bonaros, who has asked questions in relation to this just today in this place—as she does in most weeks—we have changed the heading of offences related to commercial sexual services to 'commercial sexual acts', to better reflect the exploitative nature of using children in commercial sexual acts.

We passed legislation to create a default rule that accused and convicted child sex offenders may not work in businesses that employ children if their employment would involve contact with child employees. We have made nation-leading changes for the indefinite detention of serious repeat child sex offenders. Under these changes, courts must sentence child sex offenders who have served a prison term and then go on to commit further serious child sexual offences and are given a prison term to indefinite detention.

These dangerous offenders will never be released unless they can prove that they are no longer a threat to the community by demonstrating that they are willing and able to control their sexual instincts. Even if these offenders are ever released on licence they will face the prospect of being electronically monitored for the rest of their living days.

The government has also made changes to allow police officers to search and inspect items in possession of all registerable child sex offenders, both of their residence and also when away from their home premises. For sexual offending more generally, we have made legislative reforms to have sexual assault cases dealt with in court when consent is an issue, expanding the type of jury directions that are allowed, such as there being no normal response to sexual assault.

I want to thank members of this chamber who have contributed, and as I have said particularly the Hon. Connie Bonaros. As a parliament we have, for example, explicitly criminalised stealthing, and the government has strengthened the offence of domestic strangulation. Over close to four years now, this parliament has been very active in making sure we are legislating to better protect, particularly children, but also recognising the impact that this sort of offending has on victim survivors.

REGIONAL SERVICES

The Hon. J.S. LEE (15:18): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding access to services in regional South Australia.

Leave granted.

The Hon. J.S. LEE: Peterborough has experienced a series of closures in 2025 that has significantly impacted the community's access to essential services and economic stability. These include the recent closure of the Rural Transaction Centre (RTC) and withdrawal of medical services by Goyder's Line Medical clinic, the ongoing closure of the Steamtown Heritage Rail Centre and Visitor Information Centre, and the closure of multiple local businesses. These closures compound the challenges already faced by regional communities and raise serious concerns about the sustainability of small towns. My questions to the minister are:

1. What immediate support is the minister providing to towns like Peterborough to address the loss of essential services, such as medical support and access to services such as Service SA and Centrelink?
2. Given the number of closures in Peterborough this year, is the government's regional development strategy simply to wait and see which services collapse next, or will the minister take proactive steps to prevent further erosion of essential services in our regional communities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:20): I thank the honourable member for her question. A number of the matters that she is referring to are obviously matters to do with federal services, such as Centrelink, and private business decisions. In terms of regional development, we have a number of grant programs, which may be applicable to some businesses or other services that might be in regional communities.

The Thriving Regions Fund includes several streams, including those for enabling infrastructure, for small grants for community groups or community development, as well as those to strengthen industries. Across government, as has been released today, we are the leading jurisdiction in terms of being able to encourage people to do business, but that of course does not take away from the fact that regional areas, particularly those areas in drought—and Peterborough of course, has been a central one to that—are facing challenges.

As a government, we continue to work to support industries and businesses across the state, and I certainly encourage people to look at the sorts of grant programs that might be applicable to their situations.

ALGAL BLOOM

The Hon. F. PANGALLO (15:21): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries about brevetoxins in toxic algal blooms.

Leave granted.

The Hon. F. PANGALLO: When it was revealed that the harmful algae in South Australia's toxic bloom was identified as *Karenia cristata*, which produces brevetoxins, I wrote to Professor David Caron, the Endowed Chair in Marine Sciences in the Department of Biological Sciences at the University of Southern California, asking whether he knew about this microalga. He is a highly distinguished academic and world expert in harmful algal blooms and has authored scientific papers, one of which I have supplied to PIRSA—correctly. While not familiar with *cristata*, his response—

Members interjecting:

The Hon. F. PANGALLO: I just told you that—listen.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: While not familiar with *cristata*, his response to my questions included this, and I quote:

If it is producing brevetoxins, that's quite serious. *Karenia brevis* is found on the west coast of Florida and it is a serious threat to human health. *Karenia brevis* cause serious respiratory issues. For people who may be compromised in that way e.g. many elderly, it can be very harmful.

On the Premier's comments that the algal bloom was not toxic, Professor Caron said, and I quote:

I have no idea why he would say that. *Karenia brevis* is considered toxic and it also produces brevetoxins.

On whether people should risk swimming, he said, and I quote:

If this organism is similar to *Karenia brevis*, I would not risk swimming. *Karenia brevis* cells break in the waves at the beach, releasing brevetoxins into the atmosphere. Breathing that toxin poses a significant health risk.

My questions to the minister are:

1. How can the minister and the government keep telling South Australians that the toxic algal bloom doesn't pose serious health risks and it is safe to go swimming—just wash afterwards—when the government knows very little about *cristata* and what it can do to human health, after catastrophic fish deaths in Gulf St Vincent?

2. Should the government now be urgently reviewing its health advice until it knows more about *cristata*, or will it not change its current advice?

3. Does the government have any updated advice about *cristata*, and is it similar to *Karenia brevis*?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:24): I thank the honourable member for his question. I think it really does indicate how if one was to rely not on actual scientific papers but, for example, on an AI summary of such, you could get very confused, because the honourable member has just spoken at length about *Karenia brevis* despite the fact that *Karenia brevis*, certainly according to my advice, has not been found in South Australia.

If we talk about *Karenia cristata*, according to the recently released report it says it has only ever previously been reported from two locations internationally: False Bay and Walker Bay in South Africa in the mid-nineties, and a remote island off the coast of Newfoundland in French territory. The honourable member is talking all about *Karenia brevis*, and we have spoken on many occasions about how *Karenia brevis* has been the situation in Florida and that it has significant impacts. *Karenia mikimotoi* is present, according to all of the research, across much of this algal bloom. *Karenia cristata* is now considered to be the leading type of the *Karenia* species. I have not seen anything to indicate that the pinpointing of *Karenia cristata* changes the impacts of *Karenia* on fish gills, and it's those impacts that kill the fish.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:26): I move:

That standing orders be so far suspended as to enable the report of the Auditor-General 2024-25 to be referred to a Committee of the Whole and for ministers to be examined on matters contained in the report for a period of one hour's duration.

Motion carried.

In committee.

The CHAIR: I note the absolute majority.

The Hon. B.R. HOOD: My questions will be, in the first instance, to the Attorney-General on the Victims of Crime Fund, speaking to the Auditor-General's Report, Part C: Agency Audit Reports, page 14. What is the current value of the Victims of Crime Fund and where is the government holding those funds?

The Hon. K.J. MAHER: I am very pleased to be able to say that in anticipation of such a question—I think I have had it every year that we have had the Auditor-General's Report—my advice is that as of 31 October 2025 the balance of the Victims of Crime Fund stands at \$195 million.

I have mentioned before in this chamber during question time the significant contributions that are being called on the Victims of Crime Fund for the National Redress Scheme. I think originally, in 2017-18, \$146.4 million was set aside from the Victims of Crime Fund for the National Redress Scheme. In 2022-23, a further \$25 million was set aside for the National Redress Scheme and that brought it up to \$171.4 million at the time. As part of the 2024-25 Mid-Year Budget Review, an additional \$135 million was announced from the Victims of Crime Fund for the National Redress Scheme. I think the second question was: where are the funds held? My advice is they are held by Treasury.

The Hon. B.R. HOOD: I thank the Attorney-General for his pre-prepared answers. Can he advise the chamber that any interest incurred on the Victims of Crime Fund is put back into the fund, or is it applied elsewhere?

The Hon. K.J. MAHER: My advice is that any interest accrued from investments made by the fund is put back into the fund. So my advice is that it is not syphoned off to general revenue, but put back into the fund.

The Hon. B.R. HOOD: Could the Attorney-General advise what is the quantum of the total interest earned?

The Hon. K.J. MAHER: I thank the honourable member for his questions. I will not just provide the last one, but will have to go back a few years for social completeness. My advice is the interest that the fund accrued in the actual for 2024-25 was \$9.638 million; in 2023-24, \$8.810 million; and in 2022-23, \$6.033 million.

The Hon. B.R. HOOD: I appreciate the answers from the Attorney-General there. Can the Attorney-General advise how many payments were made to the Victims of Crime Fund in 2024-25?

The Hon. K.J. MAHER: My advice is we have the data for applications approved, which I think would be a fair proxy or, if not, exactly the same number for payments, but the wording that is used is 'applications approved'. In 2024-25, I am advised, it was 1,204; in 2023-24, 1,175; and in 2022-23, 1,091. So over the last three financial years there has been a slight increase each year from just under 1,100 to just over 1,200 applications approved.

The Hon. B.R. HOOD: Out of those applications approved, is it possible for the Attorney-General to provide the breakdown of the number of payments of each of those applications?

The Hon. K.J. MAHER: Just to check I have the question correct, is the member saying by value of the amounts of payments?

The Hon. B.R. HOOD: Yes.

The Hon. K.J. MAHER: I do not have the breakdown in terms of all the values of payments. I am happy to take that on notice, but what I can do is, again, for the last three financial years, give an average payment for the applications approved. I am advised that in 2024-25, that was 19,500; in 2023-24, 20,600; and in 2022-23, 18,300, but I am happy to take that away. I do not know to what extent there are statistics available, but I am happy to take that on notice and see.

The Hon. B.R. HOOD: I thank the Attorney-General for taking that on notice. Can the Attorney-General advise the chamber on how many claims would have been denied to the Victims of Crime Fund?

The Hon. K.J. MAHER: This is not an exact answer, and I can only go on the way things are described and the information I have but, for the previous three years that we have talked about, I can give information about the number of applications received. The number of applications received minus the number of applications approved will give an indication of that, but it might be the case that there are ones that have been received that had not necessarily been denied but might not have finalised. In terms of applications received, in 2024-25, I am advised, it was 1,966; in 2023-24, 1,920; and in 2022-23, 1,551.

The Hon. B.R. HOOD: Just on those figures as I have scribbled them down, in 2024-25, 2023-24 and 2022-23 we see it at around 1,500, then we see an increase of about 400, I suppose, in those claims. What can we attribute that to?

The Hon. K.J. MAHER: I do not have specific information. One explanation could be an increase post COVID. We see in many crime statistics a significant low or downturn during COVID and then, frequently, a return in some of those stats to pre-COVID levels. That could be one explanation for that, but I do not have any other information or analysis in relation to that.

The Hon. B.R. HOOD: I certainly understand where the Attorney-General is going with that. Can the Attorney-General advise the chamber what is the total of funds outstanding from offenders, if known?

The Hon. K.J. MAHER: I do not have information in relation to that amount, but I am happy to take it on notice and see if anything can be supplied in relation to that.

The Hon. B.R. HOOD: Can the Attorney-General give a breakdown of any legal or other costs that are incurred in administering the Victims of Crime Fund—just the administration of the fund?

The Hon. K.J. MAHER: I am not sure if this was a question asked in terms of the legal costs for administering the system, but information I do have that I can provide is what I am advised are the payments for victims' legal costs. I am advised that in 2024-25 they came to \$2.31 million, in 2023-24 they came to \$2.117 million, and 2022-23 they came to \$1.831 million.

The Hon. B.R. HOOD: Just one last question on the Victims of Crime and then I will move on to the Courts Administration Authority. Looking at the quantum of payments that have been made and the averages that the Attorney-General has provided the chamber, does he expect those totals of those payments or those averages of payments from the fund to increase?

The Hon. K.J. MAHER: In relation to the average payment, the number of payments, we do not have information or reasons as to how they might increase or decrease significantly over time. The one thing that I have more certainty over is the potential call on the Victims of Crime Scheme for

the National Redress Scheme. The National Redress Scheme, I am advised, is accepting applications up until 30 June 2027.

As we have talked about, this government has put in a further \$135 million on top of the \$171.4 million, I think at the point. With the scheme closing on 30 June 2027, I think it would be reasonable to assume there will be those, and then it might even be the case that there is a significant number coming in to meet the deadline of the scheme. I think it would be reasonable to expect there will be further calls and they may be significant on the Victims of Crime Fund for the National Redress Scheme.

The Hon. B.R. HOOD: I thank the Attorney-General for his answers on the Victims of Crime Fund. Just moving to the Courts Administration Authority, in the Auditor-General's Report, Part C: Agency Audit Reports, page 44, regarding payroll, the Auditor-General identified that the Courts Administration Authority had no formal time recording or leave monitoring processes for judges. How did the Auditor-General identify how much undeclared leave judges had taken in the past 12 months that the state is therefore liable for on the leave balance sheet for these judges?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that in terms of the management of leave for courts the concern was that it is managed through a manual process rather than another sort of process. My advice is that the audit office found no errors or irregularities, however have recommended that judges' leave be systematised rather than a manual process.

The Hon. B.R. HOOD: I thank the Attorney-General for his response there. That was going to be my next question: was there any financial loss or avoidable errors that had come from that manual process? The Auditor-General noted that the CAA responded that it will investigate options for a system-based solution, as the Attorney-General stated. When could we reasonably expect that system to be rolled out?

The Hon. K.J. MAHER: My advice is that there are discussions occurring with the relevant heads of jurisdictions this financial year.

The Hon. B.R. HOOD: Staying with the Courts Administration Authority, speaking to IT general controls, still on page 44, the Auditor-General has identified that the CAA did not have detailed processes to monitor and review privileged access for the payroll database and the operating system. Had this been identified by the CAA itself, or was it the Auditor-General's examination that uncovered the issue?

Parliamentary Procedure

VISITORS

The CHAIR: While the Deputy Premier is collecting his thoughts I would like to welcome to the gallery His Excellency Pierre-André Imbert, Ambassador of France to Australia, and Consul-General of France, Paule Ignacio, in Melbourne, responsible for South Australia, in the company of the Deputy Leader of the Opposition from the lower house, Josh Teague. Welcome.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

Debate resumed.

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that the payroll external provider is Frontier. I am further advised that Frontier are used across government by Shared Services SA. I am advised the Courts Administration Authority have a direct contract with Frontier through a historical arrangement. My advice is the audit finding primarily relates to assurances we need from Frontier; for example, for disaster recovery, backups and user access reviews. I am advised that the Courts Administration Authority have now sought those assurances.

The Hon. B.R. HOOD: I just note in the response there from the Attorney-General: am I right to say that Frontier was managing many services across government in terms of payroll?

The Hon. K.J. MAHER: My advice is that Frontier are used across government by Shared Services SA.

The Hon. B.R. HOOD: So it would be right to assume, then, that there are issues with regard to access, with regard to payroll databases and operating systems across government?

The Hon. K.J. MAHER: That is not something I could speak to at all. As I have said, for historic reasons there is a direct contract that the Courts Administration Authority has with Frontier. I do not think it would be fair to draw a conclusion that anything that is similarly needed for assurances are right across government.

The Hon. B.R. HOOD: I appreciate that, Attorney-General. I was probably casting the net a little bit too wide.

The Hon. K.J. MAHER: Even from opposition.

The Hon. B.R. HOOD: The Auditor-General's Report references that a review and updates to its procedural documents will tidy up this access and payroll database issue. What will that ultimately look like? Is that something that Frontier will do for the CAA?

The Hon. K.J. MAHER: My advice is that that is essentially the Courts Administration Authority seeking those assurances. They have done that, I am advised. That has been sought by letter, so that will be needed for Frontier to provide such assurances.

The Hon. B.R. HOOD: I am going to attempt one more wide casting of the net. We see these issues with regard to the CAA payroll and, as we have learned, Frontier is covering across different agencies. Why is the government then persisting in using this provider if there are issues?

The Hon. K.J. MAHER: As I have said, my advice is that this is a specific issue that has been raised by the audit in relation to the Courts Administration Authority's direct contract with Frontier, as separate and standalone from Frontier's agreement arrangements or contract across government with Shared Services.

The Hon. B.R. HOOD: That is it for Courts Administration Authority. I direct the Attorney's attention to the SA Forensic Centre, if you need to make a change. I go to page 112 of Part C, Agency audits, increase in appropriations for the SA Forensic Centre. Appropriations increased by \$45 million in 2024-25, including \$19.2 million for the new SA Forensic Centre, contributing to a net result of \$33 million. The questions to the Attorney are: how does this funding align with the long-term departmental priorities, and what oversight mechanisms are in place to ensure that the project costs remain within budget amid the land purchase in June 2025?

The Hon. K.J. MAHER: The new Forensic Centre remains a priority for the government. We have talked about it a number of times in this chamber before, particularly during question time and some of the deficiencies we are seeing with the Divett Place facility.

In terms of oversight and management of the project, I am informed that there is significant work that is done between SAPOL—which will be a co-user of the facility for their forensic needs—Treasury and also the Department for Infrastructure and Transport. The design process is currently being worked through.

The Hon. B.R. HOOD: When can we expect that design to be finalised?

The Hon. K.J. MAHER: I am happy to take it on notice. I do not have a date here. I am not sure that there will be an absolute firm drop-dead date. Obviously a forensic centre is a bespoke sort of project and a bespoke sort of development that you do not do every day in every state. It is being worked through. If there is a drop-dead date, which I suspect there is not, I am happy to make inquiries about it.

The Hon. B.R. HOOD: I thank the Attorney-General for his answers. While I am on my feet, I will move on to the Minister for Infrastructure and Transport. I am looking at Part C: Agency audits, page 234, under the heading 'AGFMA current status', about the standstill agreement between DIT and the AGFMA, the failed commercial review and the commercial approach proposed in May 2025. My question to the minister is: given that we are now four years into a \$2.4 billion contract, why is the AGFMA still 'not operating as intended', to quote the Auditor-General?

The Hon. E.S. BOURKE: I thank the honourable member for his question. As highlighted, this was a contract signed off under the previous government, one that has left us, I guess, in a situation where it is difficult to dig up. This is a contract we have inherited that is not fit for purpose. Needless to say, we do continue to work with Ventia to ensure that we can have better outcomes.

Just to highlight some of the things that are highlighted in the Auditor-General's Report, I think on the same page—page 234 from memory, or maybe further—are the things that the contractor is seen as not achieving. Subcontractors are engaged who charge above the maximum trade ceiling rates established under the contract, with agencies charged at rates higher than those allowed for some work; failure to meet KPI targets for response and restoration times for breakdown jobs; and maintenance work often not completed within the required timeframes.

I understand the department has been working with Ventia to work through this contract. Yes, there are improvements that can be done on both sides, and that is acknowledged. That is something that both the department and Ventia are working towards.

The Hon. B.R. HOOD: I thank the minister for her response. Still, I do want to go back to the language the Auditor-General uses, and I think he uses it intentionally, that this contract is 'not operating as intended'. There was obviously an intent to a contract that was signed, irrespective of who it was signed with. We are now at year 4, where we see multiple Auditor-General reports saying that it is not operating as intended. What does the minister take that to mean, and when will the minister's department begin to ensure that this contract is operating as intended? There are KPIs. If there are KPIs to be met within the contract, then it is up to the department to ensure that they are met.

The Hon. E.S. BOURKE: I thank the member for his question. As I am advised, the department restructured its AGFMA directorate, increasing FTEs to allow appropriate resourcing to manage the arrangements. A key area of commitment has enabled the AGFMA directorate to bolster audit and governance functions. These are steps that have been taken to try to address the issues that are being faced.

The department has followed and continues to implement several principles and approaches within the contract management plan to ensure that it provides AGFMA with the appropriate management and monitoring tools. I am further advised that the department has continued to apply extensive guidance and contract management advice, escalated to Ventia for all the raised findings. Additionally, the department has issued formal notifications to Ventia under the agreement, including contractual breach notices, in an attempt to remedy areas of persistent performances outside the agreed contract levels.

Internal and external assurances and audit activities of the systems, processes and work orders have been performed. These activities are being used to further update the information, the risk register and audit, and the insurance plans and contract management plans. Steps have continuously been put in place to make sure that Ventia can meet their contractual requirements here. The conversations do continue, and they have had to continue regularly to try to make sure we can have an outcome that we can all hope is a positive one, because at the end of the day it is our facilities in our communities that are missing out.

There are definitely steps being put in place—that is acknowledged I think also in the Auditor-General's Report of what actions they are taking. That is highlighted within the report and recorded in there as well.

The Hon. B.R. HOOD: I thank the minister for her response. Going to the substance of the original question, until we started talking about why it is not operating as intended, talking about the standstill agreement, which commenced with a commercial review process in May 2024 by the department, what specific outcomes did the standstill agreement aim to achieve and why did it ultimately fail?

The Hon. E.S. BOURKE: We were hoping to be able to have a contractual reset as a process was followed. It unfortunately did not have the desired outcome and now other steps have been taken. I believe that is also mentioned within the report's findings of those steps that were undertaken.

The Hon. B.R. HOOD: Can the minister advise whether there was any cost to taxpayers of the commercial review that failed to achieve any significant process in resolving identified issues, as quoting the Auditor-General?

The Hon. E.S. BOURKE: I do not have that information.

The Hon. B.R. HOOD: Can the minister take that on notice?

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

The Hon. B.R. HOOD: We are going to stay on the AGFMA audits, but move to page 235. This is regarding internal controls that need improving in other areas not operating in line with the contract. Given that many of the unresolved issues raised in the report are precisely the same unresolved issues that were raised in last year's Auditor-General's Report, why is it that they have not been addressed?

The Hon. E.S. BOURKE: I understand from the advice given that every effort is being made and we are now at the point of having to provide breach notices where that is required, but as highlighted before this is not a matter of set and forget. This is something where the department has regularly been in contact. They are trying to work through these matters. I think that is also highlighted in the Auditor-General's Report on page 234, the opening line acknowledging that DIT has been working continuously to improve Ventia's service delivery.

Yes, it is acknowledged that there is work that has been undertaken and it is acknowledged that work still needs to be undertaken. We appreciate that and it has been addressed within the report findings, but at the end of the day this is a contract that we inherited, it is not fit for purpose and we are now having to find ways to manage a contract that was not built to be able to support the services that are needed in South Australia.

The Hon. B.R. HOOD: I appreciate the minister's response. When the minister uses terms such as 'not fit for purpose' but the Auditor-General's language is 'not operating as intended', we can only assume that we have a contract which has an intent of correct operation, and that operation is not happening. In terms of the breaches that the minister spoke about and are now being issued, can the minister advise the chamber how many breaches have been issued? When was the first breach issued to Ventia? What constitutes a breach by Ventia?

The Hon. E.S. BOURKE: I am advised that a breach is a failing of the specific requirements under the original contract. Unfortunately, I do not have the numbers on me today regarding how many there are of those breaches. We know there are enough to be of concern, and that is why we have been able to say to Ventia that we will work through these. This is acknowledged again in the report. It is not a matter of not looking at the concerns: those concerns are being worked through. As I said earlier, where required, those breach notices are being applied, and those conversations continue with Ventia as well.

The Hon. B.R. HOOD: Just to the first parts of those last questions, can the minister advise the chamber—I am happy for her to take it on notice—on when the first breach orders were issued to Ventia and how many have been issued since?

The Hon. E.S. BOURKE: My advice is that it was in around 2021.

The Hon. B.R. HOOD: Can the minister advise how many breach orders have been issued to Ventia since 2021?

The Hon. E.S. BOURKE: As mentioned earlier, I do not have those numbers on me today.

The Hon. B.R. HOOD: Can the minister take that on notice?

The Hon. E.S. BOURKE: I am happy to take that on notice

The Hon. B.R. HOOD: Given that we see the contract with Ventia is going to end on 1 July 2027, is the government currently considering options regarding the extension of this contract and considering not exercising it with Ventia should they form government in the next term?

The Hon. E.S. BOURKE: We are always actively considering options.

The Hon. B.R. HOOD: That was a good response. Were there any attempts made by your department in 2024-25—notwithstanding that you were not the minister then—to insist on compliance

by Ventia with the South Australian Cyber Security Framework, particularly given that last year's Auditor-General's Report stated that Ventia failed to provide evidence of compliance in 2023-24? If so, what was the nature of those requests? If attempts were not made, why not?

The Hon. E.S. BOURKE: My understanding is CyberCX have done an independent audit and are getting to a position where they are feeling comfortable that those requirements are being met. So there is work that is being undertaken, and we are progressing to a point where they are feeling more comfortable about that particular matter.

The Hon. B.R. HOOD: Who paid for that independent audit?

The Hon. E.S. BOURKE: I would have to look into that further. I am happy to take it on notice.

The Hon. B.R. HOOD: If the minister can take that on notice, that would be appreciated. Notwithstanding the long-held issues in terms of Ventia's performance, we do still see in the Auditor-General's Report that DIT is failing to obtain necessary evidence from Ventia's systems. That includes minimum asset data requirements, particularly given that last year's Auditor-General's Report stated that was something that the department was failing to do in 2023-24. What will the minister be doing to ensure the necessary evidence is obtained going forward from Ventia?

The Hon. E.S. BOURKE: I am advised that we are continuing to work with Ventia, other government agencies and internal requirements to improve the data quality, and this is something that we will be doing ongoing.

The Hon. B.R. HOOD: In the last remaining few minutes with the minister I would like to move to page 237, in regard to road maintenance contracts and performance management controls. Can the minister advise the chamber why this is now the third Auditor-General's Report in a row identifying failures within DIT's road maintenance contract management? Why are the issues continuing to persist and have not been resolved, and what measures is the minister implementing to ensure these resolved issues are properly addressed going forward?

The Hon. E.S. BOURKE: I know the honourable member was not here when this happened, but this is, I guess, another one of those matters we inherited from those opposite who have a vendetta against having things in public hands. The Department for Infrastructure and Transport manages 23,000 kilometres of roads, 742 bridges and more than 100,000 electrical assets across South Australia. This is an extensive network.

The Hon. B.R. Hood: I know the stats.

The Hon. E.S. BOURKE: Just in case you were not aware of the stats, I thought I would repeat them. I guess as a government what we have done is tried ways—and we did this in our budget process—of investing money to tackle a problem that we inherited. I understand that when we came into government the road maintenance was at a level down from where it should have been. I think they inherited at one level. I am just trying to find that data.

While we find that statistic in the last budget, our government's road maintenance is ongoing, and that is why we invested an additional \$20 million over two years, commencing from 2027-28, to deliver additional road maintenance for regional and metropolitan roads, including resurfacing, replacement of safety barriers and audio tactile line markings, and maintenance for electrical assets. This commitment is in addition to the \$35 million commitment in the 2024-25 budget.

We are fixing the mess that was created from that side over there, as highlighted here in my notes, and we are rebuilding the capabilities to make South Australia have better roads across our state. I am further advised that total South Australian road maintenance in 2024-25 was \$189.5 million, and approximately half the South Australian road maintenance budget is spent in regional and remote areas, which I know would be of great interest to the honourable member.

The Hon. B.R. HOOD: I thank the minister for her very detailed response there as I watched the time tick away. I am just going to ask one more question, so I can hand over to the Hon. Nicola Centofanti and the Minister for Primary Industries. Just so I understand this correctly, if the minister can advise the chamber, importantly me: we have the privatised road maintenance contracts with

Downer, Fulton Hogan and others. As I understand, Ventia is on top of that as the umbrella contract for all maintenance; is that correct?

The Hon. E.S. BOURKE: I have been advised that Ventia has nothing to do with road maintenance.

The Hon. B.R. HOOD: Okay, that is good. That is the answer that I wanted. When do the privatised road maintenance contracts expire?

The Hon. E.S. BOURKE: I understand that in July 2020, the Commissioner of Highways executed a contract for the delivery of road maintenance activities for a total value of just over \$5 billion over a potential period of 13 years.

The Hon. B.R. HOOD: Thank you. I am done.

The ACTING CHAIR (The Hon. D.G.E. Hood): We will ask the next minister to position herself, please.

The Hon. N.J. CENTOFANTI: I want to turn to the Auditor-General's notes in regard to drought funding.

The Hon. C.M. SCRIVEN: Do you have a page number?

The Hon. N.J. CENTOFANTI: I do not have the page number on me, but I am pretty sure you can outline where the drought funding is.

The Hon. C.M. SCRIVEN: Usually, we have the page number.

The Hon. N.J. CENTOFANTI: I can find it in one moment. Bear with me.

The Hon. C.M. SCRIVEN: I think you might be referring to section 2.12, so I am happy to go with that assumption.

The Hon. N.J. CENTOFANTI: Thank you, minister; I appreciate it. Can the minister outline in particular what the cost of administering the drought support program has been in terms of PIRSA's staff? In particular, I guess the question I want to get to is: does the drought support package include administration costs in terms of PIRSA staff or contractors, or do all of the funds go directly to farmers?

The Hon. C.M. SCRIVEN: My advice is that the cost of administration is not included as part of the package.

The Hon. N.J. CENTOFANTI: Can the minister indicate how many primary producers have benefited to date from the \$21 million in drought grants—that is \$21 million in payments under the new drought support package 2024-25?

The Hon. C.M. SCRIVEN: The question that was asked included paying \$21 million in grants. I am advised that a significant portion of that spend was for the On-farm Drought Infrastructure Rebate Scheme, which offers rebates to help primary producers implement infrastructure projects to manage current drought conditions and strengthen their preparedness for future droughts. In the period that this refers to—so for that grant program starting in November 2024 and closing in January 2026, but obviously this only refers to 30 June 2025—PIRSA advised that as at that time it had received 2,832 applications for that grant program and had processed 2,694 of them by July 2025.

Obviously there are a number of other grants, including other agencies administering drought support measures—including SA Health, the Department of State Development, the Department for Environment and Water and the Office for Recreation, Sport and Racing—covering areas such as small business support, health and wellbeing support, upgrades to parks and reservoirs, community grants and sporting grants. The answer that I have given refers only to the on-farm drought infrastructure grants.

The Hon. N.J. CENTOFANTI: Why did the Thriving Regions Fund grants decrease by \$5 million to \$10 million? I refer to page 272.

The Hon. C.M. SCRIVEN: I am advised that payments are made on achievement of milestones by grant recipients, so to the extent that milestones are not met in the year the allocation

was approved, the balance is carried forward to be distributed to the applicant in a subsequent year on achievement of milestones. In that sense, it is not that there is less being paid out; it is simply that if milestones have not yet been met, those will be deferred.

The Hon. N.J. CENTOFANTI: Staying on page 272 in regard to drought funding, can the minister outline to the chamber how much of the \$73 million package remains unspent and when it will be deployed? I note that I am talking about expenditure, not allocation.

The Hon. C.M. SCRIVEN: My advice is that, as at 30 June, just under \$23 million had been spent.

The Hon. N.J. CENTOFANTI: Just to confirm, is the minister suggesting that \$23 million of the \$73 million package has been spent or is unspent?

The Hon. C.M. SCRIVEN: Spent.

The Hon. N.J. CENTOFANTI: The Auditor-General's Report, on page 273, notes that PIRSA manages loan schemes under the Rural Industry Adjustment and Development Act 1985, yet no new concessional loan products have been activated. Minister, given the widespread financial strain that has been reported and is continuing to be reported across primary industries, can you confirm whether you have received any formal correspondence from industry bodies calling for the establishment of no and low-interest concessional loans?

The Hon. C.M. SCRIVEN: I am advised that there have not been any requests for or applications to the Rural Industry Adjustment and Development scheme, which is the scheme to which the honourable member referred.

The Hon. N.J. CENTOFANTI: That was not my question. My question was whether the minister herself had received any formal correspondence from industry bodies calling for the establishment of no and low-interest concessional loans?

The Hon. C.M. SCRIVEN: No.

The Hon. N.J. CENTOFANTI: Is the minister indicating that under the Rural Industry Adjustment and Development Act 1985 and other schemes for rural assistance, the minister is not able to establish no and low-interest concessional loans?

The Hon. C.M. SCRIVEN: I will have to take that question on notice.

The Hon. N.J. CENTOFANTI: Perhaps when the minister is doing so, she can take on notice whether she has received any formal correspondence from industry bodies calling for the establishment of no and low-interest concessional loans, and whether her department has provided her with a formal briefing.

The Hon. C.M. Scriven interjecting:

The Hon. N.J. CENTOFANTI: I appreciate that but, minister, you are taking the question on notice as to whether or not you have the capacity to establish no and low-interest concessional loans. So in establishing whether you actually have the capacity to establish those no and low-interest concessional loans, I ask that you also take on notice whether you have received any formal correspondence seeking that you establish no and low-interest concessional loans.

The Hon. C.M. SCRIVEN: I am happy to take on notice matters that relate to the Auditor-General's Report, but not matters that are beyond that scope.

The Hon. N.J. CENTOFANTI: Were any internal audit reports or management reviews conducted by PIRSA to ensure expenditure growth was matched by corresponding service delivery outcomes? Specifically, if you are looking for a page reference, it is the interpretation and analysis of the financial report, which is on page 271.

The Hon. C.M. SCRIVEN: My advice is that any increases in expenditure will be obviously analysed by the Department of Treasury and Finance.

The Hon. N.J. CENTOFANTI: Can the minister outline whether PIRSA has any internal controls in place to ensure that temporary staffing, contractor expenses and grant allocations are properly monitored and not duplicated across the division?

The Hon. C.M. SCRIVEN: I am advised that all expenditure is monitored through the formal approval processes. The Auditor-General clearly did not identify any concerns in regard to temporary staff or contractors, otherwise it would have appeared in his report.

The Hon. N.J. CENTOFANTI: In regard to, again, regional drought funding on page 272, the South Australian Drought Package made \$1.4 million available for standpipes for critical infrastructure needs in the Adelaide Hills and Fleurieu, but from budget and finance questions on notice, \$1.245 million of this remains unspent. Can the minister confirm whether that money has now been spent or, if not, will that allocated money be spent on standpipes?

The Hon. C.M. SCRIVEN: My advice is that as at 30 June that had not been expended.

The Hon. N.J. CENTOFANTI: Given that it has not been spent, will that money be reallocated to other in-demand areas for the drought support package, or is that confined to standpipes?

The Hon. C.M. SCRIVEN: I would emphasise that my response was in regard to as at 30 June. My understanding is that there have been some payments or allocations since that time, and in general where there is an underspend we would seek that to cover other areas of the drought package.

The Hon. N.J. CENTOFANTI: Can the minister—I am happy for her to take it on notice—provide funding from 30 June in terms of the additional funds that have been spent on the standpipes?

The Hon. C.M. SCRIVEN: The Auditor-General's Report refers to the 2024-25 financial year. I have given the answer as at the end of that financial year.

The Hon. N.J. CENTOFANTI: In regard to expenses on page 271, can the minister indicate regarding the Struan Research Centre whether the insurance money has been fully paid out? Sorry, that would be relating to income rather than expenses. What was the total value of that payout?

The Hon. C.M. SCRIVEN: My advice is—although I am not sure if it relates only to 30 June or since—is that an insurance payment has been received. It has not as yet been fully paid out, because obviously the rebuild of the Struan Research Centre is still in its early stages.

The CHAIR: I conclude the examination of the Auditor-General's Report.

Bills

STATUTES AMENDMENT (RECIDIVIST YOUNG OFFENDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 October 2025.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:29): I rise in support of the Statutes Amendment (Recidivist Young Offenders) Bill 2025, introduced into this parliament on 29 October 2025. This bill represents a vital step in addressing the very serious issue of repeat youth offending in South Australia by a small cohort of young people who have not, despite previously appearing before the courts, been dissuaded from continuing to commit serious offences.

As the bill defines repeat offenders 14 years or older at the time of offending as recidivist, it will enable special consideration and modified considerations that reflect their repeated criminal activity. Importantly, it also provides the police with better capacity to address the small number of repeat offenders who are responsible for many of these youth crimes.

There is merit in a focus, clearly, on serious repeat offending, not minor or first time infractions, and in giving courts, police and the youth justice system the tools they need to act. The safety of our communities matters, and it is important that we have a justice system in which victims are respected and the rule of law remains strong. It is important that there is a strong deterrent from

criminal activity, in particular with young and impressionable people. It is vital that they are firmly directed away from heading down a path that may lead to ongoing criminal activity as an adult.

This bill strikes a balance between supporting young people to reach their potential and ensuring public safety when young people repeatedly engage in serious criminal behaviour. There is benefit in more effectively defining and managing cases where a youth is a repeat offender and yet retaining the ability for the court, if special circumstances exist, not to treat the youth under the recidivist scheme if there is a clear case that this should not apply.

However, there is a case that those committing serious offences between the ages of 14 and 17 should have a conviction recorded in the case of serious offences such as those involving firearms, commercial drug offences, arson, robbery, serious criminal trespass or offences against a person that carry a maximum penalty of at least five years. Serious offences such as these should be subject to strong sanction without waiting for the youth to offend twice more.

The opposition views these as serious crimes and is of the view that South Australians should be protected from the damage and suffering of additional crimes before proportional sentencing is meted out. There is a risk that young offenders, if aware there was a three strikes policy before the recidivist provisions come into force, would not be dissuaded from offending until they have appeared before the courts two or three times.

I also note that we have heard some concerns that the effect of applying these amendments to youth offenders aged 14 to 17 years might have the impact of raising the age of criminal responsibility. We would hope that would not be the case. It is clear that South Australians expect and deserve to be safe in their communities and in their homes, and that is consistent with the position of the Liberal Party in being tough and effective when dealing with criminal behaviour.

While this bill aims for targeted and effective punishment for repeat youth offenders, there is so much more that should be done to address the level of crime in South Australia. I agree with the Attorney's words on 29 October: 'This is not the time for complacency.' That is why the Liberal Party is committed to punishing criminals who break bail conditions and has also committed to early intervention and rehabilitation programs for high-risk youth and repeat offenders.

There has been a 50 per cent increase in youth crime since Labor took office and an increase in bail breaches since 2021. This is a worrying trend and deserves serious focus, and that is what the opposition is offering the people of South Australia. The opposition supports this bill but noting the additional issues raised.

The Hon. C. BONAROS (16:33): I rise very briefly to speak on what is actually quite a complicated scheme around recidivist younger offenders. I think my previous contributions in relation to this issue should signal to the Deputy Premier, and indeed everyone else, that I do have concerns around what is being proposed, not because, in principle, there may not be things in here that could be supported or because there are things that are particularly offensive, but because of our protracted failure to deal with these issues in any meaningful and genuine way.

I say that off the back of some hope. When we came to this parliament and this government came into power, I remained hopeful at the time that we would also consider raising the age of criminal responsibility, a policy which has well and truly absolutely been removed from this government's agenda and that they do not stand by.

On that front, I just wish to address some of the points that have been raised. I note that in this place and externally the opposition keeps talking about youth crime and crime being on the rise and on the increase, when in fact we know from the statistics that have been provided to us—I think Grant Stevens was on the radio confirming and reiterating those statistics just a day after the opposition released its policy position on, what was it? Breach bail, go to jail? I think it was the very next day that—

The Hon. N.J. Centofanti: Excellent policy.

The Hon. C. BONAROS: Excellent according to the Leader of the Opposition, and her alone in this instance. The sort of commentary that went along with that policy talked about youth crime being on the increase. We are all concerned about crime, but I think it is really important that we stick

to the facts. The facts are that in this instance we know that crime is not on the increase but rather that there is a small cohort of individuals who are committing the majority of those crimes that we are referring to. There is a small cohort who have actually been pretty clearly identified, even based on what the police commissioner has said: 20 young people responsible for 11 to 13 per cent of the matters before the Youth Court.

So I do take some exception to this fearmongering amongst the public that all young people are out committing crimes, the numbers are exploding and we need to do something about them. I do fear that we are falling into what we know does not work around the old rack 'em, pack 'em and stack 'em policies by trying to be seen to be tough on crime as opposed to genuinely investing in those underlying root causes of this sort of behaviour in the first place.

There is a good initiative in this bill, the intensive intervention program, which I do wholeheartedly agree with. We know that for the first time now we have a real concerted effort being made to address those individuals—probably the 20 young people who we know have committed the most crimes on the Youth Court's list—and get them the early intervention that, frankly, they probably should have had from a much younger age to prevent them from ending up in this situation in the first place.

What I have said about this issue time and time again is, if we maintain the status quo and we keep doing the same, nothing is going to change. We set kids up for failure from the child protection system right through to youth detention and send them on a one-way trajectory to adult detention. That has not worked for time immemorial in this state and we need to do something different.

Given the concerns that have been raised, I am not going to suggest by any stretch that, as reasonable as these changes may appear to some people, this is the solution or the silver bullet, because it is not. In fact, anyone who still stands by raising the criminal age of responsibility to 14 in this jurisdiction would argue that instead of locking kids up, how about providing them with the early intervention they need at that point in time in their life when they need it. Provide them with the sort of services and wraparound supports that they and their families need before we get to this point in time—before we are left with the only option of locking kids up in cells, which we know serves absolutely no therapeutic purpose whatsoever in the absence of any sort of intervention.

Of course, anyone who supports that policy would also know that this is not just a matter of being soft on crime and supporting raising the age of criminal responsibility in the absence of anything else. As I have heard the police commissioner and even the Chief Justice say publicly, any such policy needs to come hand in hand with all the sorts of social supports and structures and systems underpinning it that would actually help those kids move away from a life of crime and become a well-adjusted person in the community.

You do not raise the age of age of criminal responsibility and say there is nothing in its place. Of course, there have to be things in place. Of course, there are always going to be those cases where there is no other option as well. We all acknowledge that. This is not a case of saying, 'Well, that's it, raise the age and do away with everything else'—no. But if we are going to do that, then we have to be committed to actually investing in and resourcing the sorts of structures that underpin that approach. Clearly, this government and the opposition are not committed to do that, and that is fine. That is absolutely their choice, and that is absolutely fine.

In this instance here, though, what we have before us is a proposal that obviously has raised concerns. We have submissions from YACSA, from the Law Society, from the Commissioner for Children and Young People and from SACOSS, and not all of them are going soft on crime or saying we do not need to do something: they are just identifying things that are problematic. My biggest problem with this scheme is how convoluted and complex a solution it is to a problem that needs addressing. It is an extraordinarily complex scheme to address an issue with recidivist young offenders.

We are effectively adopting a scheme that applies in the adult jurisdiction and tailoring that to the youth jurisdiction. Anyone who has had any dealings with the youth jurisdiction would know that, in effect, the way it works at the moment is that for young offenders—probably not the ones that are the subject of the majority of the crimes that we are talking about, but in the main—the Youth Court takes an approach whereby it is a different approach when a child is aged 14, a different

approach when they are aged 15 and a different approach again when they are aged 17½, and there are concerns on the part of that jurisdiction that this child is certainly headed to adult detention.

When I say that this scheme is complicated, I am not going to sugar-coat it. It took me a few explanations to get my head around the fact that you have to have two serious sexual offences, or three serious offences overall, which effectively equate to a second strike or a third strike. The sorts of offences that we are talking about carry sentences of at least five years. It is only on those third and fourth strikes of serious sexual offences or serious offences, respectively, that the declarations would kick in.

The reason I say it is complicated is that there are also other provisions in the bill that deal with the four-fifths rule. It took some time for the advisers to break this down for us in terms of understanding that those things can still apply in relation to the offending that I have just outlined. There is nothing easy about this. There is nothing easy about what is being outlined. Frankly, as good or bad as it may be—and I have certainly been contacted to say, 'I hope you are not supporting this'—it is not the solution to what is fundamentally a broken systemic issue that we have had to tackle in this jurisdiction and elsewhere in Australia for decades, and we have not been willing to invest in doing so.

I think you can take from that that I have serious concerns also about the opposition's 'breach bail, go to jail' scheme that it will be running at the election, but that is not because any of us are suggesting that the alternatives are soft on crime. What we are talking about is intervening in the lives of young people appropriately and providing them the sorts of supports and rehabilitation they need to make their way out of the youth criminal justice system and ensure that they do not end up in the adult criminal justice system. Maintaining the status quo has not worked up until now, and I doubt that it will work into the future.

I have asked whether the Attorney can provide some clarity around one measure. I was probably the only one, certainly on the crossbench, who took to the election, when I was elected to this place, a policy around mandatory drug treatment orders. I know that the sectors probably for the first time were very disappointed in me for that, but it is one that I still to this day maintain in terms of its importance. That is because when that policy was first raised it was raised off the back of the concerns that were raised, particularly by the Youth Court, which said that at some point kids, families and courts alike need a circuit breaker for kids.

You may not want to do it to adults, but we need circuit breakers for kids, because the biggest fear of the courts and their families and the lawyer representing them is that they are going to be found dead in a gutter if someone does not step in and do something—they are going to go on a crime spree and commit atrocious crimes and do things that they will regret for the rest of their lives. It is on that basis that we said that mandatory drug treatment orders should be used to provide at the very least a circuit breaker to be able to step in mandatorily and divert one of those children to some sort of service.

I do want to ask the Attorney, when we are talking about the therapeutic intensive intervention programs, what has happened to the mandatory drug treatment orders and what kind of numbers we have around, if any, the diversions that have occurred in the Youth Court jurisdiction, the number of people who have been referred to a mandatory drug treatment order, remembering, of course, that the only reason anyone in this place pushed for mandatory drug treatment orders was the absolute lack of investment in voluntary drug treatment orders programs for youth in this state.

I appreciate that this bill is going to pass this place. I will not spend time outlining all of the concerns that have been raised in relation to this. None of this should be seen as a suggestion of being soft on crime, and I think it is worth again reflecting on what we know is fact, based on numbers that have come up through government data and backed in by the police commissioner, when he says, and that data says, that youth crime is not on the increase, but rather there is a small cohort of youth who are committing the overwhelming number of crimes that end up on the Youth Court list.

I am hopeful that the Deputy Premier can also confirm that I have not plucked that out of the sky and made that up, that it is based on government data and it is at least one of the intentions of the justice rehabilitation youth targeted intervention programs. I am hoping that the Attorney can also confirm that SAPOL, as I understand, does have regular contact with and knows probably quite

intimately the kids who are going to be subject to those programs and intervention to ensure that we are providing them with an alternative way out of crime and ensure that they receive the sort of intervention they need to make their way out of that crime. With those words, I look forward to the committee stage debate of this bill.

The Hon. R.A. SIMMS (16:49): I rise to indicate my opposition to this bill on behalf of the Greens. The bill before us today is yet another example of the Malinauskas government politicising the so-called youth crime epidemic, an epidemic that we know has been confected by the media. This bill seeks to treat children like adults by removing the presumption against bail for serious repeat offending. While the government offers a 'special circumstances threshold', it will be a high bar to reach, resulting in more kids being locked up. This is a costly and ineffective approach to crime prevention.

They have yet again been tone-deaf to the many voices on this issue. There were numerous submissions that were made in opposition to this bill, including from the Law Society of South Australia, SACOSS, the Aboriginal Legal Rights Movement, the Youth Affairs Council of South Australia, the National Aboriginal and Torres Strait Islander Legal Services, the Guardian for Children and Young People and many other community sector organisations.

Indeed, data released by the Attorney-General's own department this year has revealed that South Australia has the second lowest rate of youth offenders across Australia after the ACT. The Attorney-General's Department states on its website:

...over the past financial year, 20 young people were responsible for roughly 11 per cent of all matters before the Youth court, and responsible for a disproportionate rate of offending.

Yet again, there is disconnect between the evidence and these proposed laws which will remove the presumption of bail for young people. If enacted, this will set many more kids down the path of adult offending without addressing the underlying causes that could help prevent a child or a young person who has been in the youth justice system from becoming a serious repeat offender.

This is the fundamental problem with Labor's approach to this issue over many years now. I started my working life working in the youth affairs sector, at YACSA. One of the issues that we were dealing with at that time was the then Rann government's approach to youth crime. Well, fast-forward nearly 20 years, and the spokesperson has changed—the Premier, might I say, looks a lot better in a pair of bathers than Mike Rann ever did—but the politics are equally as toxic when it comes to this issue. The spokesperson has changed, but it is the same disappointing, populist, rack 'em, pack 'em, stack 'em approach from the Labor government, rather than them actually getting serious about the causes of crime, having a serious conversation about what leads these young people into offending.

Why are we not talking about the causes of this criminality—social exclusion, disadvantage, economic inequality, lack of affordable housing, lack of affordable food, poor employment opportunities? But no, instead we have this ridiculous populist politics that is being aided and abetted by the opposition. I share the concerns of the Hon. Connie Bonaros about the ludicrous 'break bail, go to jail'—what a fail! That is really a ridiculous policy proposition. It does nothing to advance the nature of the political debate in our state. Instead, it just drags those further down into this race to the bottom, which is not based on any evidence at all. So shame on the Malinauskas government for following the Liberal Party down in the ditch in their approach to this issue.

I would like to quote from the submission provided by SACOSS to the Attorney-General, dated August 2025:

SACOSS has repeatedly identified that offending behaviour by young people is not typically caused by a 'weak approach to law and order' but rather the failure of our youth justice, child protection and social service systems to properly address the fundamental drivers of social challenges, including household and youth poverty; housing insecurity; domestic, family and sexual violence; the impacts of alcohol and drug use; irregular engagement in education; lack of attention to disability, neurodevelopmental conditions, mental health challenges, unemployment, cost of living pressures, alienation and a lack of belonging, and limited social and recreational activities for young people to engage in. The causes of offending behaviours must be given proper attention, and children and young people should not be targeted, labelled 'recidivists', apprehended or treated under the proposed provisions of this Bill.

I entirely agree. Where is the serious attention of those from the Malinauskas government? I am bitterly disappointed that, despite the fact that I introduced my private members' bill to raise the age of criminal responsibility in line with the recommendations of the United Nations, that bill has

languished on the *Notice Paper* in this parliament, and the Labor government has lacked the political will to do anything serious in this regard.

There was a discussion paper with a series of submissions that were kept under lock and key and this seems to have just gone into the never-never. It is bitterly disappointing. Instead of moving us down that path, what we have from Labor is this draconian law and order policy, which is going to do nothing to improve the lives of vulnerable young people in our community. It is based on false evidence and false assumptions because we know we are not facing a youth crime crisis. I urge the government to think again.

This is not about being soft on crime. To the contrary, it is about actually advancing policies that would work, and that means an evidence-based approach to law and order and something that actually addresses the causes of crime. The Greens cannot support a bill that puts kids on a path that they cannot get out of, and of course we know that once young people move into the criminal justice system it is very, very difficult to get them out.

I urge the government to think again and to stop listening to the bleating opposition and their populist law and order drum, and actually start to engage with people who work with young people and understand the needs of that sector. Evidence-based policy is what will work, not the sort of populist fearmongering we see from the Liberal Party.

The Hon. J.S. LEE (16:56): Today, I rise to speak on the Statutes Amendment (Recidivist Young Offenders) Bill, introduced by the government as part of its broader Young Offender Plan. The data presented by the Youth Court shows that 20 individuals are responsible for over 13 per cent of Youth Court charges. Many community members may be surprised that only a small cohort of young people are responsible for a significant proportion of serious offences. This has real and lasting consequences for victims, families and the broader community.

This bill proposes automatic classification of certain youth as recidivist young offenders. It introduces a presumption against bail for serious offences and places greater weight on community safety in sentencing decisions. It also ensures that anyone who is classified under this category must serve out four-fifths of a detention sentence. This aims to meet community expectations and put the safety of community first. This is a key change in this bill.

In the current act, there is—and rightly so—a focus on rehabilitation, care and guidance of the young person to help them become a law-abiding, functioning member of our society. While the existing act rightly prioritises rehabilitation and care, this bill introduces a necessary recalibration, placing greater weight on the safety of the community and the rights of victims.

This bill responds to the reality that current measures are not adequately addressing repeat serious offending. It strengthens the system's ability to protect the public, while still preserving pathways for rehabilitation. Importantly, the bill retains judicial discretion, allowing courts to consider individual circumstances and ensure that justice remains proportionate and fair. This shift reflects what many in the community have called for—a justice system that responds firmly to serious repeat offending, while continuing to support young people who are willing to change.

Additionally, this bill does not target low-level or first-time offenders. It will not capture minor offences or breaches of bail. It is designed to intervene where serious harm is caused and, as we know, it is paired with a \$3 million investment in therapeutic programs to break cycles of reoffending. This \$3 million package, delivered over three years, will hopefully assist the youth already identified through SAPOL and the Department of Human Services with accessing therapeutic supports, connecting to NDIS, counselling and other support services, all with the aim of supporting these young people to becoming contributing members of society again. Consultation with stakeholders, including First Nations representatives and the Law Society, has helped define the bill. Concerns around bail breaches and judicial discretions have been considered in the final drafting.

I support the intent of this bill to protect our communities and respond to serious repeat offending. It is important that the way this bill is put in practice is watched very closely, as other honourable members have raised concerns about, especially to make sure vulnerable young people are not unfairly affected. Keeping our communities safe must come first, but justice must also be fair. With those remarks, I commend the bill to the chamber.

The Hon. T.A. FRANKS (17:00): I rise to speak in opposition to this government Statutes Amendment (Recidivist Young Offenders) Bill. I do so grounded in the evidence and on the advice of the Guardian for Children and Young People, Ms Shona Reid, and informed by the lived experience voices gathered through the Training Centre Visitor's report on mental health and wellbeing in youth detention, entitled *From Those Who Know*. Together, they point us to a path that is safer, smarter and more humane than the one set out in this bill.

The Attorney-General, in his second reading speech, acknowledges that South Australia already has one of the lowest youth offender rates in the nation—lowest—while a small cohort accounts for a disproportionate share of offending: around 20 young people responsible for roughly 11 per cent of Youth Court matters in the 2023-24 year. That reality demands a response, but the question is: which response reduces reoffending and keeps communities safe? It is not this response in this bill.

The expert advice says connection, not control; rehabilitation, not ratcheting up punishment. The guardian's submission is clear: the bill tips our youth justice system away from rehabilitation and children's rights towards punitive settings; in fact, it erodes the child-centred balance in the Young Offenders Act, it creates a vague broad pattern of repeated illegal conduct tests, it removes judicial discretion by expanding the recidivist scheme in the Sentencing Act, and it adds a presumption against bail for children—for children.

Each change is likely to swell remand numbers and lengthen detention without addressing the root causes. That is contrary to the UN Convention on the Rights of the Child standards that detention be a last resort and for the shortest appropriate time. The guardian warns us that this approach will especially burden Aboriginal children, who are already over-represented in detention. It will also compound operational pressures at Kurlana Tapa, driving rolling lockdowns and idleness in place of programs—and none of that makes our community safer.

The Training Centre Visitor's *From Those Who Know* report captures what children and young people in detention tell us works and what harms. On the minimum age of criminal responsibility, the Training Centre Visitor is unequivocal: raise the age to 14, with no exceptions, and design alternatives that keep children out of cells and courts. Young people themselves say early detention, 'Did not help, it made things worse', and that they need safe places, safe people, education and support. That is the voice of lived experience, and we ignore it at our peril.

The report, of course, elevates young people's accounts of mental health needs and the service gaps in detention and reinforces the calls for trauma-informed care, timely clinicians, culturally safe supports, continuity of care and alternatives to isolation. Those themes echo multiple Training Centre Visitor annual reports and her oversight work.

The guardian's submission, of course, does not just critique, it offers us a clear, staged reform program. I place these recommendations on the record and urge the government to consider them:

1. Withdraw the bill (Primary Recommendation). Reallocate effort and resources to evidence-based prevention and rehabilitation that actually reduces re-offending.

I suspect the government will proceed regardless. The other recommendations are: adopt the following safeguards and limits:

2. Clarify or remove the 'pattern of repeated illegal conduct' (Clause 7). Delete the clause or narrowly define 'pattern' (multiple serious convictions within defined timeframes) and keep the best interests of the children primary.

3. Do not extend a presumption against bail to children (Clause 3). If retained, insert safeguards: expedited detention review, child-specific factors [including] housing, school [and] care background, and guaranteed legal representation.

4. Retain judicial discretion in sentencing (Clause 5). Avoid automatic deeming that forces disproportionate sentences; broaden 'special circumstances'—

as it is cited—

so courts can tailor their responses to rehabilitation.

The guardian also recommends that we need to hardwire safeguards into this, if this bill proceeds and if this scheme is to be implemented, and that includes mandating rehabilitation case

conferences, periodic detention reviews, sunset or review clauses, a guaranteed child-friendly legal process and a child rights impact assessment. We must invest in a whole-of-government youth justice strategy as an alternative to this bill, expand diversion and therapeutic programs, strengthen interagency case management, convene a youth justice round table and run public education focused on what works.

In line with the lived experience evidence gathered by the Training Centre Visitor, the parliament should also commit to raising the minimum age of criminal responsibility to 14, with no exceptions, and redesign responses for under 14s so that they are genuinely outside the criminal justice system and led by health, education and family services. We need to embed trauma-informed, culturally safe mental health supports in youth justice, ensuring timely access to clinicians, continuity of care and real alternatives to isolation and room confinement practices that cause harm, as well as guaranteeing access to education programs and safe relationships every day in detention. Young people themselves name these as the conditions that will support change for them.

If we want fewer victims tomorrow, we must stop doing what we know entrenches harm today. The guardian's submission and the Training Centre Visitor's report tell us really plainly that a punitive term, presumption against bail for kids, automatic deeming and longer detention will not fix this problem cohort; they may well grow it. Adopting from the guardian's recommendations and the lived experience reforms recommended in *From Those Who Know* would align our state of South Australia with child rights standards and evidence in how to actually cut reoffending.

I call on the government to withdraw this bill and, in the next term of parliament, return to us with a rights-based rehabilitative package designed with young people, Aboriginal communities, the sector and the courts so that we can, in our debates in this place, prioritise connection over control and make our communities genuinely safer.

I note that we are now just a few short months out from an election. The Liberals have led a false debate based on false statistics conveniently starting at the COVID period—when, of course, all statistics were skewed—to put into the media and the community a fear that there is somehow a youth crime wave. The statistics do not bear that out. The Liberal opposition should stand ashamed of their fallacious campaign that they have run. The government is seemingly more willing to simply neutralise it with some 'tough on law' rhetoric and legislation here than to tackle the lack of truth in politics and political debate. That is to all our shame. I certainly stand with those in the community sector who have opposed this bill and I will be voting accordingly against it.

The Hon. S.L. GAME (17:08): I rise to support the Statutes Amendment (Recidivist Young Offenders) Bill 2025. The bill is part of the government's Young Offender Plan and a commitment to get tough on serious repeat young offenders. Given the escalating rates of youth crime currently in the states of Queensland and Victoria, it is both appropriate and prudent for the South Australian government to not only pre-empt similar developments in this state but also ensure that South Australia does not become a haven for young offenders across the country.

The proposed amendment to the Young Offenders Act 1993 is an appropriate and necessary measure, as it will require the courts to give more weight to community protection when sentencing a youth who has demonstrated a pattern of repeat offending. The state's commitment to the rehabilitation of young offenders who repeatedly commit serious criminal acts should never come at the expense of community safety.

However, it should be noted that this amendment is not intended to capture low-level young offenders who arguably have greater prospects of rehabilitation than repeat offenders of serious crimes who pose a risk to community safety. Further to this, the proposed amendment to the Sentencing Act 2017, section 55(1), will now operate to automatically identify young repeat offenders of serious crime as recidivist offenders without the need for a court declaration.

This means that such repeat offenders will be more likely to face harsher sentences from the court. Such measures are worthy of support and in step with community standards and expectations. The serious offences that will be captured by this amendment include firearms, arson, robbery, serious criminal trespass and commercial drug offences, and in order to qualify as a serious offence or serious sexual offence, any conviction must have received the sentence of detention or imprisonment.

Consequently, it is only young offenders with a history of repeated offending who will be captured by this scheme. In addition to this, the bill seeks to amend the Bail Act 1985 to expand the presumption against bail to include recidivist young offenders taken into custody for serious offences. It makes no sense that a young offender who has been charged with yet another serious offence be released on bail. It is perfectly logical and proportionate to keep such serious repeat offenders off the street, and it only raises the question as to why this presumption against bail was not already in place.

People in our community deserve to live in peace and safety, and young people who repeatedly commit serious crimes need to know that such criminal acts will not go unpunished. With that, I commend the bill to the chamber.

The Hon. R.P. WORTLEY (17:10): I stand here to support the Statutes Amendment (Recidivist Young Offenders) Bill 2025. The bill implements key elements of the Young Offender Plan, which includes commitments to toughen bail laws and strengthen penalties for young offenders with extensive criminal histories. ABS data shows that the young offender rate in South Australia is declining and the number of youth defendants is also declining. South Australia has the lowest youth offender rate of any state, behind only the ACT.

The Young Offender Plan was developed in response to concerns raised by the Commissioner of Police regarding a small cohort of youths who are responsible for a disproportionate number of charges before the Youth Court. Just 20 young people are responsible for between 11 and 13 per cent of all charges laid in the Youth Court. The bill reflects a targeted approach directed to fixing the problem where these young offenders come before the Youth Court time and time again, committing serious offences and putting community safety at risk.

Firstly, the bill amends section 3 of the Young Offenders Act 1993 to introduce a new statutory policy which makes clear that when sentencing a youth who has demonstrated a pattern of repeated offending, substantial weight should be given to the impact of that offending and the need to protect the safety of the community. Secondly, the bill amends the recidivist young offender scheme in division 4 of part 3 of the Sentencing Act 2017 to ensure that youths who repeatedly commit serious offences are captured by the scheme.

A youth will automatically be declared a recidivist young offender if they are convicted of two serious sexual offences or three serious offences. To be clear, a youth who is declared a recidivist young offender is to be sentenced more harshly in respect of the triggering offence. For the offences to qualify, they must (1) be committed on separate occasions and (2) result in a sentence of imprisonment that is not wholly suspended or is to be served on home detention.

Serious offences include things like serious firearm offences, commercial drug offences, arson, causing a bushfire, robbery, serious criminal trespass in a place of residence, and offences against a person which carry a maximum penalty of at least five years' imprisonment, such as assault causing harm. The bill removes the need for a declaration by the court, instead deeming a youth to be a recidivist young offender when the legislative criteria is met. However, where the court is satisfied that special circumstances exist and that it is, in all the circumstances, not appropriate that the youth be sentenced as a recidivist young offender, the court may refrain from sentencing the youth more harshly.

Thirdly, the bill amends the Bail Act 1985 to introduce a presumption against bail for recidivist young offenders who are taken into custody in relation to a serious offence. That amendment will only apply to youths aged 14 and over. This presumption can be rebutted if the youth is able to establish special circumstances. Once deemed to be a recidivist young offender, if they are sentenced to a further period of imprisonment they must complete four-fifths of their sentence in detention.

Now, I just want to make a comment. The Hon. Mr Robert Simms, a good colleague, sometimes loves to use colourful language, like this rack 'em, pack 'em and stack 'em view. I will make it quite clear: I do not support the rack 'em, stack 'em method of justice. I do not support that, but there has to be a balance when you consider that just 20 cohorts are responsible for between 11 and 13 per cent of crime. There has to be a balance between protecting the many victims of this cohort and also understanding that many of these cohorts have had a pretty bad upbringing. There are circumstances which must be taken into account when they appear before the court. In line with that, I look forward to seeing this bill go before and pass.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:15):

I thank all members for their contributions on this bill. There were some issues raised, particularly in relation to youth treatment orders, by the Hon. Connie Bonaros, which I am happy to address. The Hon. Connie Bonaros asked, I think, how many youth treatment orders had been made. I can advise that since youth treatment orders came into operation on 21 November 2021, with the commencement of the new part 7A of the Controlled Substances Act, there has been one youth treatment order assessment application, but no orders have been made. So the answer is that zero orders have been made under that youth treatment orders program, I am advised.

Secondly, the other thing that has been mentioned by the Hon. Connie Bonaros in particular, but others mentioned it as well, is in relation to what the government is doing, not in a legislative sense but looking at investing \$3 million over the next three years from the Justice Rehabilitation Fund for targeted intervention programs. I can confirm, in relation to the Hon. Connie Bonaros' comments and questions, that, yes, SAPOL and DHS are working together to see who are the young people who would benefit most from those, that is, the ones who have a very significant level of contact with the Youth Court and the criminal justice system.

I am happy to also inform the Hon. Connie Bonaros that—after I have, obviously, just informed her that zero youth treatment orders have been made—in relation to our ambitions for those targeted intervention orders that SAPOL and DHS are working on, identifying the individuals who are the ones who have most contact with the Youth Court and the criminal justice system, DHS are working with service providers. This was a question that particularly the First Nations Voice raised, and I can confirm that they are looking at partnering with ACCOs and making sure that such programs are available in regional South Australia as well.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Given the Attorney has advised the chamber on numerous occasions that the incidence of youth crime has decreased, what is the imperative for this bill?

The Hon. K.J. MAHER: I thank the honourable member for his question. The honourable member is right that youth crime has decreased. I think in terms of the official statistics, that is, those that are put out by the ABS each year, the youth offender rate—I cannot remember a baseline year but from five or six years ago—has almost halved. The honourable member is right in his contribution that we are the lowest of any state in terms of the youth offender rate, behind only the ACT, which is, obviously, a territory. But we want to make sure we are putting things in place to make sure South Australians are as safe as possible and that we are keeping ahead of the curve and that it stays that way.

The Hon. R.A. SIMMS: Does this mean that the government has now abandoned any plan to raise the age of criminal responsibility to 12? There had been a discussion paper that was issued some time ago, with feedback sought from the community. Where is that up to, and where does this sit with this bill?

The Hon. K.J. MAHER: The honourable member is right: there was a discussion paper put out, and there were a whole range of views, even from those who supported raising it, but very different views about what the ambition should be, whether it should be 12 or 14 and whether it is worth—in some people's view it is not going straight to 14. The government does not have a policy in relation to raising the minimum age of criminal responsibility. As I have said, we have shown a willingness to look at these issues.

The Hon. R.A. SIMMS: A range of stakeholders have provided feedback to the Attorney and the government in relation to this bill. What action has the minister taken in relation to the feedback from stakeholders?

The Hon. K.J. MAHER: I do not have a complete breakdown of everything that was put forward and every single thing that has changed, but I can give some examples of things that have been put forward and from a whole range of people. A number of members have contributed in their second reading speeches on the different groups and different bodies and different statutory office holders who have contributed on this.

For example, as a result of feedback—and some of the feedback was mirrored a number of times by people who contributed—we have carved out matters that are diverted to be dealt with by a police officer or through a family conference from being included. Another example is that we have removed the requirement for a young person to make out special circumstances through giving evidence or on oath on behalf of the youth; instead, the court must be satisfied in a way it deems fit that such special circumstances existed.

So there are a number of ways. We put a draft bill out to consult. We received a number of views—as I said some of them similar in nature—and we have acted on a number of those.

The Hon. R.A. SIMMS: Was feedback sought specifically from the Voice, and what action did the government take in relation to their feedback?

The Hon. K.J. MAHER: Yes, it was, and I personally had a meeting with the State Voice about this bill. Some of it was very similar to what the ALRM and others have put forward and that we have included, but I think it is fair to say there was a range of views from elected members of the State Voice. Other parts of it are reflected in how we are developing those intervention programs; for example, making sure there are Aboriginal Community Controlled Organisations involved and making sure that they are available in regional areas.

The Hon. C. BONAROS: Can the Attorney just perhaps clarify for me: there were zero youth treatment orders and one application which was not followed through with. There were also, though, a number of delays to the implementation of that scheme overall. I understand there is also a review into the scheme. Does the Attorney have any insight into the zero take-up rate that he has just alluded to for those orders?

The Hon. K.J. MAHER: I think the new part 7A of the Controlled Substances Act had youth treatment orders come into operation on 21 November 2021. So in terms of delay in operations, that is something I cannot speak for. That was before—

The Hon. C. Bonaros interjecting:

The Hon. K.J. MAHER: —yes, the current government's time. In relation to why there has not been a take-up of the scheme, I do not have an answer for that. But the honourable member is indeed correct: there is a legislative required review of the scheme that I believe is due to report later this year. I am happy to go and find out when that will be.

The Hon. C. BONAROS: Is the Deputy Premier aware of the late implementations of that scheme because of the lack of services available to actually refer young people to?

The Hon. K.J. MAHER: Again, I am not sure of the reasons for that.

The Hon. C. BONAROS: Can the Deputy Premier just confirm also: those intervention programs and the \$3 million that is going to go towards that do actually apply pre, during and post incarceration of a young person? So it is not necessarily a service that kicks in once you have a child who is in custody but something that is actually available prior to them being potentially taken into custody?

The Hon. K.J. MAHER: My advice is I can confirm that is correct. You do not have to be in a period of detention to access those. As I mentioned, I know SAPOL and DHS are working on which young people are the ones who are most frequently coming into contact with the Youth Court, to target them. It may be that some are in detention but it is entirely likely some will not be in detention as well.

The Hon. C. BONAROS: What sorts of interventions are they likely to be able to access under those programs?

The Hon. K.J. MAHER: I am advised DHS are now working through that and finalising how those programs will look.

The Hon. C. BONAROS: I appreciate we are working through those. Is it likely that that will include drug treatment rehabilitation if that is required, for example?

The Hon. K.J. MAHER: It is possible they might. I am advised it has been co-designed with service providers, particularly Aboriginal Community Controlled Organisations. One thing I have been advised of is it will also look to try to make sure that those young people—I am advised there are a substantial number—who may benefit from inclusion in the NDIS who have not applied or have not been able to yet have help to do that as well.

The Hon. C. BONAROS: I appreciate this is still being developed, but just broadly speaking is the intent to tailor that sort of intervention to the needs of the child in question?

The Hon. K.J. MAHER: My advice is, yes, it will be completely individually tailored.

Clause passed.

Remaining clauses (2 to 9) and title passed.

Bill reported 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) (17:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 October 2025.)

The Hon. C. BONAROS (17:29): I rise very briefly to speak in support of the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2025, the effect of which we know is to give effect to the government's election commitment to implement a three-tiered public child sex offenders register based on the Western Australian model. I understand that the model that we have adopted here only deviates from the Western Australian model in a couple of ways.

I will not speak to this at too much length, but there are a couple of issues that I did raise with the government when I was briefed on this bill. I think the Deputy Premier may be in a position now to provide some further advice in relation to dating apps that target women with children and how they may or may not be captured by the scope of this piece of legislation. I think we also spoke about and established—and I would just like some clarification—how, to use an example, games like Roblox, which we know are breeding grounds for predators in many respects who choose to use them for all the wrong purposes, would fall within the scope of this legislation.

In effect, what we do know is we have created or given effect to this three-tiered public child sex offenders register. There are some clarifying amendments, which as I understand were addressed after input from SAPOL during the course of the development of the public register. They relate to the locality search of the register itself and the eligibility for inclusion in tier 1 of registrable offences and tier 2. We have a breakdown of those. I do not intend to go through the classes and the tiers at the moment, but I would like some clarity in relation to those particular points that I have raised.

I indicate that, notwithstanding those questions, it is my intention to support this bill. I will also ask the Attorney just to clarify whether the observations made by the Law Society—as I understand it, there were some that were not adopted by the government on the basis that they fell outside the WA model. I think it was section 50 in particular; I am going off the top of my head here.

The Hon. K.J. Maher: Section 50.

The Hon. C. BONAROS: Section 50. I think we have dealt with that. I think effectively what we are talking about are the Romeo and Juliet clauses that we usually refer to, for want of a better term, where the age of the offenders may have indeed been under 18 and then switched to over 18 at the time of the offending, and what effect this would have on those cases where you have a 15 year old in a relationship with a 17 year old who becomes an 18 year old. This is what we have dubbed in previous legislation 'the Romeo and Juliet clauses'. The society queried whether or not this is captured and, indeed, if that was the intention of the government or not. With those very brief and convoluted remarks, I look forward to some responses by the Attorney, because I think he knows exactly what I am talking about.

The Hon. J.S. LEE (17:34): I rise today to speak in support of the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2025, a bill that strengthens our collective responsibility to protect the most vulnerable members of our community: our children. The offence of sexual abuse of a child under section 50 of the Criminal Law Consolidation Act is among the most serious crimes on our statute books. Unfortunately, it is not a single moment of harm—it is a pattern of abuse, not immediately obvious, often deceptive and involving manipulation, often sustained over weeks or months, involving multiple unlawful sexual acts. The maximum penalty for this offence is life imprisonment, and this punishment is fit for such an insidious crime.

This bill recognises the gravity of such offending and shows that even a single conviction under section 50 triggers lifetime reporting obligations to protect and safeguard our communities and, more importantly, our children. This change reflects a reality that a conviction under section 50 already confirms repeated abuse. It is our duty to ensure that offenders who have committed such crimes remain subject to ongoing monitoring and accountability.

I also support the bill's clarification on tier 2 eligibility within the public register. By confirming that a further offence, whether committed before or after the commencement of a register, qualifies an offender for locality-based disclosure, we strengthen the register's utility for both SAPOL and the public. I acknowledge that with stronger laws come greater responsibilities. I am always mindful of the balance between protection and fairness.

I welcome the bill's risk mitigation measures, which reflect thoughtful consultation with SAPOL. These include: streamlining reporting obligations for offenders exiting custody, reducing unnecessary administrative burden; allowing the commissioner to specify offender reporting times, improving operational efficiency; and expanding the list of personal details to include social media accounts, ensuring SAPOL can monitor online activity and prevent prohibited contact with children.

The bill also addresses a critical gap in our digital enforcement regime. By increasing the penalty of failing to provide access to electronic devices from two years' imprisonment to a \$25,000 fine or five years' imprisonment, we close a loophole that offenders have exploited to conceal child exploitation material. This amendment sends a clear message: digital noncompliance will not be tolerated.

I would also like to acknowledge that concerns have been raised by advocacy groups, including the Aboriginal Legal Rights Movement. These concerns must be taken seriously. Implementation must be culturally sensitive and equitable, with concerns about automatic penalties and the erosion of judicial discretion. We must ensure that protective legislation does not inadvertently deepen disadvantage or lower trust in our justice system.

The core purpose of this bill is clear: to protect children from repeat and high-risk offenders. It is a targeted, evidence-based response to serious harm. It strengthens our laws, supports our police and prioritises the safety of our communities. With the reasons I have outlined above, I support the bill and commend it to the chamber.

The Hon. R.P. WORTLEY (17:39): I stand to speak to the Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2025, which makes amendments to the Child Sex Offenders Registration Act. The bill consists of two main parts: one, a clarifying amendment to the operation of the Public Child Sex Offender Register before it commences; and, two, a series of other miscellaneous amendments to the Child Sex Offenders Registration Act to improve the operation of the Child Sex Offenders Scheme, separate to the new public register.

The clarification amendment to how the public register should operate has been made in consultation with SAPOL, and the miscellaneous amendments have all been suggested by SAPOL.

The clarifying amendment to the operation of the public register is in relation to the intended operation of tier 2 of the public register—the locality search of dangerous offenders in someone's local domestic area.

To be eligible for inclusion in tier 2, a registrable offender must have committed a further class 1 or 2 offence after becoming a registrable offender. This amendment clarifies that it is not relevant whether the further offence was committed before or after the commencement of the amendment act. The act was previously silent on this, as is the WA equivalent act that facilitates their register. The government wants to put beyond doubt that a person who has committed a further class 1 or class 2 offence before the commencement of the register legislation should still be classed as a dangerous offender for these purposes.

The miscellaneous amendments to the Child Sex Offenders Registration Act amend sections 4 and 34 to include a single conviction for an offence of 'sexual abuse of a child' (section 50 of the CLCA) within the definition of 'repeat registrable offender', meaning that an offender convicted of a section 50 offence will be required to comply with lifelong reporting requirements. They may also be subject to the additional requirements that can be placed on serious registrable offenders, such as electronic monitoring. This single offence should categorise someone as a 'repeat registrable offender', as the elements of the 'sexual abuse of a child' offence include two or more unlawful sexual acts committed against a child over any time period—essentially repeat offending within one offence.

An amendment to section 4 of the CSOR Act to define the term 'separate occasion' is to aid in the interpretation of when offences are considered to have occurred on separate occasions for the purpose of various operations under the CSOR scheme.

An amendment to the section heading of section 13 to remove the word 'initial' from the heading 'Initial report by registrable offender of personal details' is a minor technical amendment to keep the heading consistent with the body of the section, as section 13 also contains requirements for ongoing reporting. An amendment to section 13 provides for the inclusion of social media handles in the list of personal details that registrable offenders need to provide to the police in their initial report.

An amendment to section 16 is to provide that offenders exiting custody only need to provide SAPOL with any changes to personal details (rather than a whole new initial report) if they have provided new personal details within the last six months. This amendment will assist in avoiding unnecessary administrative work on the part of SAPOL and allow them to redirect their resources to other things such as monitoring compliance of offenders.

An amendment to section 21 is to allow the Commissioner of Police to specify that any offender reporting under the CSOR Act must report within a particular time period, such as 'during business hours', in order to assist with staff scheduling at police stations. Only certain officers are trained to receive and process these reports, so SAPOL want to be able to ensure that those officers are stationed appropriately.

An amendment to section 66M is to increase the penalty for failing to provide passwords, codes or information to assist police to gain access to data stored on a computer or other device. The penalty goes from two years' imprisonment to \$25,000 or five years' imprisonment.

An amendment to schedule 2 allows for the disclosure of information to law enforcement or prosecution authorities for the purposes of investigating or prosecuting offences under the CSOR Act. Currently, disclosure is permitted to investigate registerable offences, but not the offence within the CSOR Act itself, such as breaching reporting obligations.

There is an amendment to include the offence of indecent filming where a victim was under 17 years of age as a class 2 offence. This recategorisation would, for example, mean that it would be a relevant offence to classify a person as a registerable child sex offender if they are imprisoned for that offence.

Finally, an amendment will clarify that an order to suspend lifetime reporting requirements under section 38 will cease to operate if the registerable offender is charged with a class 1 or class 2 offence. This is to ensure that there is no gap in reporting requirements once there is sufficient evidence of further offending behaviour such that police have decided to lay charges against a

registerable offender. This is already the case for those convicted with a class 1 or 2 offence (just not charged).

The Hon. S.L. GAME (17:45): I rise to offer my support for the government's Child Sex Offenders Registration (Miscellaneous) Amendment Bill 2025. This bill includes proposals to amend and improve the operation of the upcoming public register of child sex offenders. The amendments will improve the capacity of South Australian police to effectively protect our children by ensuring that child sex offenders are registered and compliant with the requirements of the act.

Many of these amendments are in response to advice from SAPOL regarding the need to capture and monitor child sex offenders in our community. The amendment to section 4 will ensure that offenders convicted under section 50 of the Criminal Law Consolidation Act will fall within the definition of a 'repeat registerable offender'. These offenders are guilty of some of the most horrendous crimes against children, and it is essential that such offending should be included in the register to ensure that these offenders will be subjected to lifetime reporting requirements, and may also be required to comply with electronic monitoring.

Another important amendment is section 13, which will require registerable offenders to provide their social media handles to police. This will enable SAPOL to monitor the offender's social media activity and ensure there is no prohibited contact with children.

There is also a proposed increase in the penalty for such offenders who fail to provide passwords, codes or information that will enable police to access data stored on their devices. The increase from two years' imprisonment to \$25,000 or five years' imprisonment is intended to deter offenders from choosing to refuse access on the basis that such offending has a much lower penalty than the penalty for possessing child exploitation material.

Additionally, this proposal seeks to classify the indecent filming of children as an offence that requires registration under the act. All of these amendments are appropriate and worthy of support as SAPOL and the South Australian community work together to keep our children safe from harm.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:47): This bill makes a series of amendments to strengthen our child sex offender laws, and that is something that should never be approached lightly, or politically. When it comes to protecting children, there is no room for leniency, and no tolerance for those who prey upon them. The community expects that those who commit these crimes are properly monitored—for life, if necessary—and that our laws keep pace with how these offenders operate, including online.

Practically, this bill does several important things. It ensures that anyone convicted of sexually abusing a child under section 50 of the Criminal Law Consolidation Act is automatically deemed a 'serious registerable offender', meaning lifelong reporting obligations will apply from their first conviction. It also allows the Commissioner of Police to publish the details of offenders on the public register, even for offending that occurred before the register was established.

Offenders will now be required to provide details of their social media accounts to police to prevent them from hiding online activity. The bill also gives SAPOL more flexibility to direct offenders when and where to report, and increases penalties for those who refuse to hand over passwords or access to their devices, lifting the maximum sentence from two years to five years. Importantly, if an offender who has been granted a reporting exemption is later charged with another serious sex offence, that exemption will automatically expire.

The bill also adds indecent filming of a child as a class 2 offence and expands the ability for police and law enforcement agencies to share critical information to keep the public safe. These are practical, sensible measures. It is not about punishment for punishment's sake, but about public safety and deterrence. We must remember who this law is for: it is not for the offenders, it is for the children who have already been hurt and those we have a duty to protect from ever being harmed again. For that reason, the Liberal opposition wholeheartedly supports this bill.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (17:50): I thank the honourable members who have made contributions in relation to this important bill that is designed to keep children safer. The Hon. Connie Bonaros had a number of questions during her second reading contribution, which I will attempt to answer in the second reading speech, hopefully to expedite the committee stage of this important bill.

The Hon. Connie Bonaros asked, 'Are dating apps covered by the social media account, as defined?' My advice is, while dating apps most likely would not be covered by the term 'social media account', the existing terms of section 13(1)(p) would likely be sufficient to require offenders to provide details of dating app accounts. I am informed SAPOL has already successfully pursued registrable sexual offenders for a failure to disclose the use of dating apps.

The Hon. Connie Bonaros asked about what is often known in legislation that deals with child sex offending as Romeo and Juliet clauses, where people are perhaps both underage, such as a 15 and 17 year old. Whilst the sex offender registration and provisions do not have specific Romeo and Juliet-type defences or exemptions from the register, in consideration of whether you essentially get onto the register because of the offences you have committed is where those considerations would come into account. So you have to be on the register and it is in the prosecution of those offences whether those types of Romeo and Juliet exceptions or defences would apply. So you would not get onto the register if they were able to be used in the first place.

I think some of the other questions related to what is a tier 2 of the public register. The tier 2 is a local search that provides a photograph of registrable offenders in an applicant's locality, with no names or addresses provided to applicants, and registrable offenders who have committed a further class 1 or 2 offence are eligible to be included in the scope of the tier 2 offence.

I think there was something raised about concerns that some of the consultees had in relation to stakeholders expressing concerns about the inclusion of a single conviction for an offence against section 50 of the Criminal Law Consolidation Act within the scope of repeat registrable offender. The reasoning that it can be a single offence is that section 50 requires the offender to be engaged in at least two unlawful sexual acts with a child over a period of time—so the one sentencing for the offence. That particular offence requires two of those sexual acts of offending against the child to make the offence. That is why it is included in there. I hope that provides some clarity on questions that were raised. With that, I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: Can the minister advise what measures are in place to ensure that the information is not disclosed for a malicious purpose and, in particular, what safeguards are in place to ensure that it does not promote vigilantism or panic within the community?

The Hon. K.J. MAHER: I thank the honourable member for his question; it is a reasonable one to ask and certainly one that, when we developed this, I was interested in knowing. Many of these things are based on what already operates in Western Australia and I am advised there has not been vigilantism. It is not in this amendment bill, but in the original bill it provides for an offence for that type of behaviour.

Clause passed.

Remaining clauses (2 to 14) and title passed.

Bill reported 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) (17:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WORKPLACE PROTECTION (PERSONAL VIOLENCE) BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 30 October 2025.)

The Hon. B.R. HOOD (17:56): I rise to speak on the Workplace Protection (Personal Violence) Bill 2025 and indicate I am the lead speaker for the opposition. We understand that this bill has come as a result of industry concern for the safety of workers, particularly in the retail sector, against recidivist offenders. There certainly is no doubt that we have seen an increase in violent and aggressive incidents directed towards frontline workers at our local supermarkets, bottle shops and petrol stations.

Workers deserve to have a safe workplace free from harassment, violence and intimidation. As we understand, the government have modelled this bill on existing workplace protection order schemes in the Australian Capital Territory; however, we do have a few questions on its practical application in South Australia. We note that, while stakeholders are largely supportive of the bill, the main feedback we have received is that it has not addressed the lack of support given to small or individual retailers, who will ultimately bear the burden of its application.

We will be moving amendments, including a 12-month review of the legislation, which I note the government have also moved—I believe they did indicate that to the Leader of the Opposition on Monday, but we have not had a chance to speak about that—so it looks as though we will get that review through, which is good.

I will also be moving an amendment to ensure that the objects of the act are clearer. We were in contact this morning with the South Australian Business Chamber to seek some clarity around how this legislation could possibly be weaponised and used by employees to take action against other employees, or by an employer against an employee. The government, in the briefing that we received, indicated that this is not an intention of the bill; however, within the legislation as it stands, this type of action is not precluded.

Therefore, amendment No. 1 will attempt to tackle that by inserting 'perpetrated by members of the public' to make it very clear what the intent of the bill is. I will be asking those few questions of the government in committee and moving my amendments at the appropriate time. With that, I indicate that the opposition will not be opposing this bill.

The Hon. S.L. GAME (17:59): I rise to offer my in-principle support as well for the Workplace Protection (Personal Violence) Bill 2025. The safety of workers and customers in places conducting business with the public is paramount to a functioning and peaceful society and any measure, within reason, that intends to uphold this safety is worthy of support. Everyone deserves to feel safe in their place of work or when out shopping or enjoying a night out. However, in an increasingly volatile world it appears that many of our simple public transactions can quickly escalate into abusive and sometimes violent situations, which may put our retail and hospitality workers at risk.

Under this bill, any workplace where there is direct interaction with the public, whether in person or not, may apply to the Magistrates Court or Youth Court for a workplace protection order. However, it is important to note that this does not include work or workplace prescribed by regulation. The application for the order can be made by the owner of the workplace premises, the employer or a representative from an employer association, a health and safety representative for the workplace, or a union entitled to represent the industrial interests of workers in that workplace.

On application, the court may make an order against the defendant if satisfied that the defendant has engaged in personal violence or abuse, sexual violence or abuse, threatening behaviour, stalking, harassing, intimidating or offensive behaviour, or the damaging of property that causes reasonable fear to a person. It is important to note that an order may also be made if the court is satisfied that the defendant may engage in personal violence if the order is not made.

Conditions imposed by the order must include the surrendering of any firearm or ammunition in the defendant's possession and also include prohibiting the defendant from entering the workplace or being within a particular distance of that workplace, as well as prohibiting engagement in personal violence or causing someone else to engage in personal violence in relation to the workplace.

The paramount consideration in the court's determination will be the safety and protection of the affected person, but there is also a provision under section 9(2)(b) that the court consider any hardship that may be caused to the defendant or anyone else by making the order. While this does appear to strike some balance between the need to protect affected persons and the personal rights and liberties of the defendant, it is concerning that under proposed section 15(4) the court may extend the order beyond 12 months without being satisfied that there are special exceptional circumstances that justify the extension.

However, a defendant may only apply to vary or evoke an order with the permission of the court, and only if the court is satisfied that (a) there has been a material change in circumstances relating to the defendant or protected person and (b) it is in the interests of justice to grant permission. Consequently, before a defendant is even granted permission to apply to vary or revoke an order they must first prove to the court's satisfaction that there has been a material change in circumstances, which is an extremely high bar to meet.

Alternatively, the court would need to be satisfied that the granting of permission was in the interests of justice, which on the surface might appear to afford the defendant some level of fairness. However, under the objectives of the proposed bill the achievement of justice would rightly need to keep the safety and protection of affected persons as the paramount concern.

Given the contravention of a protection order could attract a penalty of two years' imprisonment, or five years if committed in aggravated circumstances, it is concerning that not only can the order be extended beyond 12 months but also that the defendant's right to be heard can be so easily dismissed by the court not granting permission to the defendant to even apply for a variation or revocation of the order.

I am fully supportive of the bill's intention to prevent and reduce workplace violence and facilitate the safety and protection of people who fear or experience personal violence. However, such well-intentioned measures should not be enforced at the expense of an accused person's fundamental right to be heard, and therefore in the committee stage I will be moving an amendment.

The Hon. R.A. SIMMS (18:03): I rise to indicate the Greens' support for the Workplace Protection (Personal Violence) Bill 2025. The bill proposes a workplace protection order scheme that will allow employers, business owners, health and safety representatives, and unions to apply to ban individuals from workplaces who have engaged in violent or abusive behaviours towards retail staff in their workplace. I do want to acknowledge the leadership of Josh Peak and the SDA, who I understand have been pushing for reforms in this regard for a long period of time.

These additional measures will allow employers to proactively protect their teams from further violence occurring in the workplace. For many in the retail or fast-food sector, this is their first job, a time of independence and their first step into the workforce. Everybody should feel safe at work, and it is unacceptable for anyone to go to work fearing they may be assaulted or abused or may experience intimidating behaviour from members of the public.

Might I say I think we were all reminded during COVID-19, when retail providers remained open, of the vital work that people do within this sector, so this bill really is about ensuring that those people are respected at work. I will use this opportunity, in the interests of time, to indicate that I will not be supporting the amendments from the Hon. Sarah Game.

The Hon. T.T. NGO (18:04): I rise to speak on the Labor government's Workplace Protection (Personal Violence) Bill. At a retail industry safety round table held in May 2024, concerns were raised about the growing level of violence and aggression faced by retail workers. It was agreed that legislative reform was needed to better protect those who serve the public every day. In response to this need the Malinauskas Labor government has taken a significant step forward in safeguarding workers from threats and abuse and introduced the Workplace Protection (Personal Violence) Bill.

This bill creates a workplace protection order scheme which has been modelled on successful legislation in the ACT. The bill aims to give South Australia a more robust legal framework for preventing violence in workplaces that deal directly with the public. It is designed to give an employer, union or other authorised representative an ability to apply to the Magistrates Court for a workplace protection order (WPO).

When a WPO is granted it will prohibit individuals who have exhibited violent or harassing behaviour from entering or approaching a workplace for up to 12 months. If someone breaches one of these orders and violence is involved, they face up to five years' imprisonment or two years if a breach does not include violent behaviour. This intends to send a clear message that violence, threats and abuse have no place in South Australian workplaces.

The bill builds upon a series of actions the government has already taken to improve the safety of retail and other workers who interact with the public. These include stronger penalties for assaulting retail employees and a targeted police crackdown on shop theft through a specialist initiative South Australia Police have implemented to curb retail theft and related violence called Operation Measure. South Australia also has nation-leading knife crime reforms in place, with the declaration of public areas where police have greater power to search and move people on when required.

A workplace protection order may be made if the court is satisfied that a person has engaged in or may engage in personal violence at a workplace. The term 'personal violence' includes a wide range of harmful behaviour; for example, physical or sexual violence, threatening conduct, stalking, harassment, intimidation or property damage that causes fear. The scheme recognises that personal violence takes many forms and that prevention is extremely important.

A workplace protection order can be sought by an employer, an owner of a premise, an employer association, a workplace health and safety representative or a union representing workers. It can apply to any workplace where employees have direct interaction with the public, whether in person or through other means of communication.

The court will have a power to set appropriate conditions, such as prohibiting an offender from entering a workplace, coming within a certain distance or contacting particular people. Orders will also require the surrender of any firearms or firearm licences. In urgent circumstances interim WPOs can be made to provide immediate protection until a full hearing is held.

The court will be required to consider a range of factors before granting an order, such as previous acts of violence or breaches of similar orders, the potential hardship on the defendant and the need to protect people and property. Importantly, the court must always prioritise the safety of workers and the prevention of harm.

The bill allows flexibility through regulation to include or exclude certain workplaces or types of work, ensuring the scheme remains practical and effective. It also provides for the variation or revocation of orders, allowing the court to respond to changing circumstances while keeping safety front and centre.

Consultation on this legislation was extensive, involving key stakeholders from across the retail and business sectors including the SDA, Master Builders Association, the AHA, National Retailers Association, SA Independent Retailers, SA Business Chamber and the Shopping Centre Council. That feedback helped to form several amendments to refine and strengthen the bill.

Ultimately, this legislation is about respect and protection. It recognises that every worker—whether behind a shop counter, serving food or delivering essential services—deserves to do their job without fear of violence or abuse. The Workplace Protection (Personal Violence) Bill is a positive step toward making our workplaces safer and our communities respectful and stronger.

The Hon. C. BONAROS (18:11): I rise to speak in support of the Workplace Protection (Personal Violence) Bill 2025 which, as we have heard, aims to ensure better protections for workers insofar as it allows for applications to be made to courts to bar violent or intimidating patrons from entering those places.

Based on the information that is before us and the briefing that I had, I think it is fair to say that this is largely based on the ACT model, with some key differences which came off the back of feedback with industry stakeholders. For instance, ACT only allows those orders to be made by employers. Based off that feedback, in South Australia the range of groups who can actually make the request for the orders has been expanded to include representatives, unions, health and safety reps, and owners of the buildings.

I do note that the orders cannot be sought by the individual who is the subject of this sort of violent behaviour or, indeed, their guardians—that was one of the points that was raised by the Law

Society Children and Law Committee's submission on this bill—and they also cannot be made by SAPOL. I have to say that I did have and I still continue to have some sympathy for the position that was put by the Law Society with respect to legal guardians being able to make these applications where there is a minor working on the premises.

I think they make a very valid point that where a child or young person requires workplace protection but the listed applicants have not taken action, it could be useful for a child's legal guardian to be able to intervene, and that these are vulnerable workers, really, who are less likely to be members of unions—especially where they are part-time, casual or seasonal employees—and that these children often get their first jobs in family-run businesses, for instance.

We had this same conversation last week about shopping trolleys. I pointed to a number of scenarios around the places where kids are likely to get their first job: just think of a local pizza shop in a suburban area or a cafe owned by family or a mini-mart owned by somebody the family knows—much like the delis that many of us first tried to go and work in when we were young. I would hasten to say that in those circumstances kids are (1) quite hesitant to go home and tell parents but (2) when they do, in the absence of anything else then really the only option is for the parents of those kids to tell them, 'You're not working there anymore.'

So there are other sorts of workplaces that I think could benefit from this sort of coverage that are not necessarily included in this bill when it comes to minors working at public places. I note that the bill is of course limited to workplaces where there is a direct interaction with the public. That did lead to me asking a number of questions during the briefing, some of which the minister may be able to clarify now, as to what constitutes a place where you have a public interaction.

I might be the receptionist at DHL or somewhere that is not necessarily public. Whilst it may not be a public workplace, I may have someone who is constantly coming in from a courier service who arrives on a daily basis, for instance. So I am having interactions with the public, even though the workplace itself is not public. I think that is something that is not necessarily canvassed in the scope of this bill but I do hope will be on the Attorney's radar, certainly when it comes to a review, as will the issue of legal guardians being able to make applications for orders. I guess that will depend largely on the extent to which these orders are taken up.

To put it frankly and bluntly, people have been behaving in pretty shitty ways in public places towards workers for some time now. I think during and post COVID, we have seen that behaviour get worse. Nobody deserves to go to work and be treated like that. They do not deserve to go to work to have their personal safety compromised or to be subjected to violence of any sort, including sexual harassment and personal violence.

We have seen these sorts of instances. I think there was a case just yesterday in Queensland where a worker in a McDonald's was subjected to some pretty horrific conduct by a customer. It was actually two good citizens who stepped in and effectively pinned this person down after they had thrown coffee at a worker, sworn at her, called her all manner of things and spat at her. Two very good people stepped in and detained that person until the authorities arrived. Well done to them for doing that.

The bottom line is: no worker in any workplace should have to tolerate that sort of behaviour. We know that these things are already covered by our work health and safety legislation. I guess this is another layer of protection above and beyond that. When someone is subjected to violence in the workplace and we are satisfied, based on the threshold tests that applies, that that person is likely to be subjected to more violence from the same individual because it could occur again in the future, then this is exactly the sort of mechanism that we need to prevent that from occurring.

In response to the issue of cost, I appreciate cost is always going to be an issue, but I appreciate that, whilst that is an issue, the overriding responsibility of all employers has to be the safety of their staff. I do not think that is an unfair ask on the part of employers to make sure that the people who they hire to work in their workplaces are protected from pretty abhorrent behaviour—and I apologise, Mr President, I said 'shitty' before but I have changed it—from members of the public who act violently towards the people who are there to serve us as customers.

I will finish by saying I have taken on board in the time available the concerns that have been raised by the Business Chamber. I acknowledge the concerns that they have. I think the Hon. Mr Hood has acknowledged also that, generally speaking, every time we put a review in to one of these bills, there is an acknowledgement on our part as legislators that 12 months does not allow a broad enough window to actually appreciate the impacts that the legislation is having.

Over time, we have landed on three years as the optimum period based on which we can actually assess whether a scheme is working appropriately or whether it needs tweaking. Really, you do not get that within a 12-month window. It is on that basis that I indicate that I will be supporting the Attorney's amendment for a review of the act to be completed after the three-year mark, as I understand. With those words, I look forward to the speedy passage of this bill and commend all those stakeholders and the government, who have worked to get us to this point.

The Hon. J.S. LEE (18:19): I rise today to speak in support of the Workplace Protection (Personal Violence) Bill 2025. This is a timely reform that strengthens protection for workers across South Australia. This bill responds to a disturbing trend, whereby retail and hospitality workers, many of whom are young and many of whom are female, are increasingly being exposed to aggressive and violent behaviour. According to the National Retail Association, 87 per cent of retail workers report experiencing verbal abuse and 51 per cent face physical abuse monthly or more often. These figures are not just statistics—they represent real people, often in their first jobs, who deserve to feel safe at work.

The bill establishes a new category of workplace protection orders, empowering courts to issue enforceable conditions that prevent individuals from engaging in personal violence at or near a workplace. These orders can prohibit entry, enforce distance and require the surrender of firearms. The scheme is flexible, allowing applications from employers, unions, health and safety representatives and others, ensuring that workplaces have multiple avenues to seek protection. Importantly, the scheme prioritises the safety of affected persons, while ensuring that conditions imposed are proportionate and fair.

I particularly welcome the bill's responsiveness to stakeholders' feedback. Unlike the ACT model, which left the definition of 'workplace' vague, this bill provides clarity, while retaining the ability to refine scope through regulation, which I believe is the strength of the bill, and allows for responsiveness and refinement over time.

While the workplace protection orders are not intended to replace existing legal instruments, such as barring notices and intervention orders, they are designed to provide the courts with another mechanism to increase safety and protect workers. It is important to note the potential impact on regional communities, where access to essential services may be limited. The bill makes clear that judicial discretion must ensure conditions are the least restrictive of the personal rights and liberties of the defendant, while still ensuring protection of the affected person. It is important that we ensure that, where new mechanisms like this one are established, that safeguards around technical breaches are incorporated to ensure penalties are proportionate and do not unfairly criminalise minor infractions.

Every South Australian deserves to feel safe at work. As Gerard Dwyer of the SDA has emphasised in national discussions on retail safety, and I quote:

Every worker has the right to be safe at work, and these frontline workers need their union and their employer to be able to ban repeat offenders, including through workplace protection orders that are enforceable.

This bill sends a clear message that violence in the workplace will not be tolerated, and that our legal system stands ready to protect those who are on the frontlines and who are doing jobs in public-facing roles. I will be supporting the government's amendment and indicate that I will be opposing the opposition's amendments and the Hon. Sarah Game's amendment. With those remarks, I commend the bill to the chamber.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (18:23): I thank honourable members for their contribution. It might be useful, at the second reading stage, to outline what the government's view will be on amendments and to answer some of the questions that members raised during the course of the second reading stage.

A question was raised about what interaction with the public means. That will, of course, be a matter for a court to determine what interaction with the public means, but certainly direct interaction is not just intended to capture hotels or shopping centres but other areas to which members of public can have access—a doctor's surgery or a hospital might be an example of those things. It is, as it states in the bill, irrespective of whether or not the interaction is in person.

As the Hon. Connie Bonaros raised, this is an extra level of protection. Of course, there is a responsibility for those who conduct business operations to provide a safe workplace under our work health and safety laws. There is criminal law in relation to assaults and other breaches of criminal law, and there is an intervention order regime in South Australia, which provides that level of protection as well.

In relation to the amendments that have been filed, the government will not be supporting the Hon. Sarah Game's amendment. The court granting a second or subsequent review of the application can be done, and in the government's bill it says 'in the interests of justice'. The Hon. Sarah Game's amendment added an extra limb, that there is a reasonable cause to justify the granting of permission. These two are very similar in nature. It might be it is just a slight drafting-style difference, but 'in the interests of justice' is language that is used in other pieces of legislation, so the government prefers what we have here rather than adding an extra limb that seems very similar but a different drafting style.

In relation to the Hon. Ben Hood's amendments, we think it more preferable to have a longer time to see how the operation of the bill is working than just one year. I am not sure it would be as thorough or productive as we would wish it to be if it was only after 12 months. In relation to the other amendment from the Hon. Ben Hood regarding changing the objects of the act, we can understand what the honourable member is doing. This has benefited from many months of consultation with the employer and employee group representatives. We think it will not be just members of public, but there may be cases where it is other people within the workplace who had orders sought after, and sought after quite reasonably, who deserve protection.

Also, rather than just in the objects, in the actual body of the act 'workplace' means prescribed work with interactions of members of the public, so we think that is the best place to put in the reference to members of the public, rather than the objects of the act. Whilst we understand, and we have certainly had discussions with groups which have put forward these views, that was something that was put in during the consultation, and we think that is the best way to accommodate it.

Bill read a second time.

Sitting extended beyond 18:30 on motion of Hon. K.J. Maher.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Amendment No 1 [Hood-1]—

Page 3, line 3 [clause 3(a)]—After 'violence in workplaces' insert 'perpetrated by members of the public'

In consultation with the South Australian Business Chamber and some feedback also received by the Australian Retailers Association, we have moved this amendment to insert 'perpetrated by members of the public' after 'violence in workplaces'. Really, it is ensuring that the legislation may or could not, for want of a better word, be weaponised against employers or employees within the workplace. I appreciate the feedback from the Attorney-General on this and, of course, the other amendment from the government in which there will be a review of the act. Notwithstanding, we will still try with the amendment.

The Hon. K.J. MAHER: For the reasons outlined in my second reading summation, the government will not be supporting this amendment.

Amendment negatived; clause passed.

Clause 4 passed.

Clause 5.

The Hon. B.R. HOOD: Can the Attorney-General advise the chamber what type of workplaces would be excluded through the regulations at clause 5?

The Hon. K.J. MAHER: We do not have any specific ones yet, but certainly that was a result of consultation, particularly within industry bodies. We cannot think of any unintended consequences that would happen but, if any did, this makes sure we are nimble enough to be able to do that without having to change the legislation via regulation.

Clause passed.

Clause 6.

The Hon. B.R. HOOD: I am wondering if the Attorney-General can advise us on this question: pursuant to clause 25.6 of the Uniform Civil Rules 2020, there is no right of representation by a non-lawyer in the Magistrates Court or Youth Court. Is it the government's intention that a workplace protection order can only be made by the listed parties in the legislation or if they are represented by a lawyer? If there is an allowance for self-representation, why was that not included in the bill?

The Hon. K.J. MAHER: Are you asking does it have to be a lawyer applying or can lawyers not be involved?

The Hon. B.R. HOOD: To clarify, in terms of the workplace protection order, can it only be made by the listed parties, or only if the person who is seeking the protection order is represented by a lawyer? Is there an allowance for self-representation?

The Hon. K.J. MAHER: I am advised the court has not made rules for this scheme yet, but it is expected, if it was consistent with other similar sorts of things, it could be the person concerned or it could be through a legal representative.

The Hon. B.R. HOOD: Okay. The examples of such provisions can be found in the Liquor Licensing Act, in the Gambling Administration Act, but it is not the government's intention to include it in this act? Is something that will be put down the road?

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

The Hon. B.R. HOOD: Excellent. There has been a bit of feedback from stakeholders, and I am sure the Attorney heard it as well, but I guess the question is: why could this not be achieved by barring notices that currently can be issued by the police, Consumer and Business Affairs or NDIS Quality and Safeguards Commission, such as how the police issue barring notices in licensed premises?

The Hon. K.J. MAHER: I think I understand the honourable member's question. Liquor licensing barring notices, obviously, can only be issued in licensed premises. For other sorts of barring notices that are issued by particular officers or statutory office holders, we think workplace protection orders are best done and considered by a court. For example, if there is an application to bar someone from one of the only retail premises in a regional location, we think it is reasonable that a court is the one who decides that, taking into account all the considerations.

The Hon. B.R. HOOD: Can the Attorney clarify how service will be proven or effective, particularly in circumstances where the defendant who needs to be served the barring notice is violent or abusive?

The Hon. K.J. MAHER: Under the legislation, service is envisaged to be affected personally, but the court has the discretion to have another form of service put in place. Certainly, where there is evidence of particular sorts of violence, that would likely be something the court absolutely takes into account when deciding if there is another form of service that is more appropriate.

Clause passed.

Clauses 7 to 14 passed.

Clause 15.

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

Amendment No 1 [Game-1]—

Page 10, after line 27 [clause 15(6)]—After paragraph (a) insert:

(ab) there is reasonable cause to justify the granting of permission; or

This is to insert subclause (6)(ab) to clause 15 stating that the court may only grant permission to the defendant to apply to vary or revoke an order if there is reasonable cause to justify the granting of permission. For the avoidance of doubt, this only refers to the defendant's right to actually submit an application to vary or revoke the order, not the final determination as to whether the order be varied or revoked.

Further to this, to meet the test for reasonable cause, the defendant would likely need to provide new facts or evidence to meet the court's satisfaction, and if the defendant has reasonable cause to justify the application, then the insertion of this clause will at the very least provide the defendant with the basic procedural fairness of having their case heard.

The Hon. K.J. MAHER: For the reasons outlined in my second reading summing-up, the government does not support this.

The Hon. B.R. HOOD: I indicate the opposition will be supporting the amendment.

Amendment negated; clause passed.

Clauses 16 to 18 passed.

Clause 19.

The Hon. B.R. HOOD: Just a quick question to the Attorney: what circumstances does the Attorney envisage that a court would determine it appropriate to order costs against the defendant?

The Hon. K.J. MAHER: It will be up to the court, but a hypothetical, for instance, could be: where there is a workplace, where the workplace has tried over and over again to work with the defendant, in a number of ways the defendant is being exceptionally obstructive, the defendant has taken steps that are demonstrated to the court to try to dodge service and obstruct the workplace protection order, that is something a court could consider in ordering costs, if they think it appropriate to do so.

Clause passed.

Clauses 20 to 23 passed.

New clause 24.

The CHAIR: There are amendments in the name of the Attorney-General and the Hon. Ben Hood to insert a new clause 24. The Hon. Ben Hood's was filed first; is that correct?

The Hon. B.R. HOOD: Given the government has put amendments noting that it would be after the third but before the fourth anniversary of the commencement of the bill, which is slightly different to ours of the first anniversary, I will not be moving our amendment.

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

Amendment No 1 [AG-1]—

Page 13, after line 28—After clause 23 insert:

24—Review of Act

- (1) The Minister must cause a review of the operation of this Act to be conducted and a report on the review to be prepared and submitted to the Minister.
- (2) The review and the report must be completed after the third, but before the fourth, anniversary of the commencement of this Act.
- (3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

New clause inserted.

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) (18:39):
I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

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) (18:40):
I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Education and Children's Services (Enrolment and Attendance) Amendment Bill 2025.

The Bill proposes modest but important changes to the Act to strengthen the effectiveness of the current scheme for the enforcement of compulsory enrolment, attendance and participation of South Australian children at schools and approved learning programs.

The benefits of quality education for our children cannot be understated. It can develop their skills, abilities and opportunities to support productive, socially engaged, and healthy lives. The negative impacts of a denial of education, through the failure of a child to be enrolled in a school or supported to attend can be profound and affect a person throughout their life.

The necessity of education is recognised through the requirements for the compulsory enrolment and attendance of children at school, requirements that have been in place in this State in some form since 1875.

Most children attend school regularly, with the state's attendance rate across all school sectors at 88.4% in 2024. A small but significant number of children, however, fail to attend school regularly. Alarming, in some cases a child may not be enrolled in a school at all.

The Government continues to make improvements to support students to attend school and to help parents to understand the benefits that schooling provides for their children. Since coming into Government, we have established a new attendance directorate within the department, trialled and implemented new programs for improving attendance, and launched an attendance hub to improve the support and information available to schools and parents to address attendance issues. We have seen the attendance rate across all sectors increase by 2.8% since 2022, to sit just above the national average in 2024.

Despite these improvements, there is more work to be done. The state's attendance rate, as with other Australian states, remains below pre-covid levels. The level of children attending school more than 90% of the time is also significantly below that prior to the pandemic.

The reasons for a child's non-attendance can be complex, multiple and compounding, and schools and school systems employ various strategies to support the regular attendance and participation of children at school and approved learning programs. This can include monitoring absences and following up any unauthorised absences, meeting with parents, undertaking home visits, identifying barriers to their attendance and working with families and other agencies to ensure that appropriate supports are in place to help their child to attend.

In some cases, despite the best efforts of schools and the Department for Education, some children continue to fail to attend or participate as required under the Act. In such cases, statutory intervention may be considered.

The Chief Executive may, for example, convene a family conference under section 71 of the Act. This strengths-based process supports a family to identify barriers to a child's attendance and determine an agreed plan to address those barriers and support the child to attend.

Where a parent fails to engage with the department, or to otherwise take such steps as reasonably practicable to ensure their child attends or participates as required, it may be necessary to consider prosecution under the Act.

Since coming into government to June of this year, we have reviewed 122 families, involving 179 children for potential prosecution. Of those, 44 cases (involving 68 children) are currently either under assessment or investigation. That is, they are being closely monitored, have been referred for legal advice, are under preliminary assessment or are under investigation. Of the remaining 78 cases, which involve 111 children, 45 cases showed improvement in attendance and engagement following action by the department. In 33 cases, prosecution was not pursued due to complex factors and or prosecution would not have achieved improved attendance. The outcome of this work has demonstrated that taking serious steps towards prosecution can, in many cases, result in improvements to the enrolment, attendance and engagement of children.

The Bill aims to strengthen provisions of the Act to manage serious cases of non-enrolment, non-attendance or non-participation, and address various issues which have been identified through efforts to enforce the current arrangements. The Bill also aims to ensure procedural fairness for those parents who may be considered for prosecution.

Clauses 3 and 4 of the Bill will amend sections 60 and 61 of the Act respectively to require a written notice to be sent to a person responsible for a child before any proceedings are commenced against the person for a failure to ensure their child is enrolled in a school or an approved learning program as required. The notice will outline the person's obligations in respect to the child's enrolment and warn the person they are not in compliance with the Act and may be prosecuted.

A warning notice will provide a clear delineation between supportive and punitive approaches to addressing serious cases of non-enrolment. They will ensure parents are afforded appropriate procedural fairness in any decision on potential prosecution. Recent trials of this process have demonstrated that receipt of a warning notice can also result in a parent taking steps to ensure their child is enrolled and avoids the need for commencement of a prosecution.

Clause 5 of the Bill will amend the Act to clarify the information or documents the Chief Executive can require under section 66 of the Act in relation to a child, where reasonably required in the administration, operation or enforcement of the Act. The Bill clarifies that the information that can be required includes, but is not limited to, any of the following:

- medical certificates, reports or advice relating to a child;
- reports relating to the mental, emotional and social wellbeing of a child;
- referrals for a medical, psychological or allied health service relating to a child;
- any other personal information relating to a child.

Clauses 6 and 7 will amend sections 68 and 69 of the Act (respectively) to:

- require a written notice to be sent to a person responsible for a child prior to the commencement of the prosecution of that person for their child's failure to attend school or participate in an approved learning program as required. The notice will outline the person's obligations in respect to the child's attendance or participation and warn the person they are not in compliance with the Act and may be prosecuted.
- reduce the period within which a parent must notify a principal of a school or head of an approved learning program of their child's failure to attend or participate from 5 days to 3 days, and
- remove from the list of valid reasons for a child's failure to attend school or participate in an approved learning program that there was a danger of the child being affected by an infectious or contagious disease.

Arguably, a child may, at any time, be in danger of being affected by an infectious or contagious disease by attending school. Removal of that as a reason for a child's failure to attend or participate ensure it cannot be relied on in cases where it is appropriate that the child attends or participates. A parent whose child is sick with a contagious or infectious disease, or whose sickness or infirmity puts them at heightened risk from such diseases, can rely on the reason in subsections 68(3)(a)(i) and 69(3)(a)(i) that the child was sick or infirm. Schools and the department will continue to promote and comply with SA Health guidance on the management of infectious diseases at schools, including recommended periods of exclusion, and comply with any relevant directions of the Chief Public Health Officer under the *South Australian Public Health Act 2011*.

The reduction of the period in which a parent must notify the school of their child's failure to attend or participate from 5 days to 3 days will bring the Act in line with the policy and procedure for government schools of the timeframe for schools to follow up a child's non-attendance.

The introduction of statutory warning letters for offences in relation to a child's non-attendance at school or non-participation in an approved learning program provide a clear delineation between supportive and punitive approaches to addressing serious cases of non-attendance and ensure parents are afforded procedural fairness in any decision on potential prosecution. Similar to cases of non-enrolment, recent trials of this process have

demonstrated that receipt of a warning notice can also result in a parent taking steps to ensure their child attends or participates and avoid the need commencement of a prosecution.

Clause 8 of the Amendment Bill will amend the Act to provide that an authorised officer when in attendance at residential premises can require a person at the premises to provide the officer with the full name and age of each child of compulsory school age and compulsory education age who resides in the premises; and the school or approved learning program (if any) in which each such child is enrolled.

Under section 127 of the Act, currently an authorised officer can only request such information when attending at residential premises but can require it when a child is at a public place at a time they should usually be attending school. The amendment in clause 8 will ensure consistency in the powers of an authorised officer to obtain relevant information about a child's enrolment or attendance, whether that be in a public place or when attending at residential premises.

The Bill was subject to broad public consultation through the YourSAy website from 20 May 2025 to 13 June 2025. Overall, there was broad support for most measures in the Bill, particularly from key stakeholders. There was very strong support for the introduction of statutory warning letters.

Our children deserve the best possible education, and the Government continues to invest in South Australian schools and promote high quality education for all students in this state. A child that is not enrolled in school or is not supported to regularly attend school is denied the opportunity to achieve their very best and can have short- and long-term impacts on their safety and wellbeing. This is something none of us should ignore and which this Bill aims to address.

I commend the Bill to the house and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Education and Children's Services Act 2019*

3—Amendment of section 60—Children of compulsory school age must be enrolled in school

This clause amends section 60 of the Act to require notice to be given to a person who is in breach of their obligations in respect of a child's enrolment in school prior to proceedings being commenced against the person for an offence against the section.

4—Amendment of section 61—Children of compulsory education age must be enrolled in approved learning program

This clause amends section 61 of the Act to require notice to be given to a person who is in breach of their obligations in respect of a child's enrolment in an approved learning program prior to proceedings being commenced against the person for an offence against the section.

5—Amendment of section 66—Chief Executive may require further information relating to child

This clause amends section 66(2) of the Act to clarify what material may be required by the Chief Executive from a person responsible for a child, for the purposes of section 66(1).

6—Amendment of section 68—Child of compulsory school age must attend school

This clause makes various amendments to section 68 of the Act. Section 68(3) sets out the list of reasons for a child's failure to attend school that do not trigger the offence in section 68(2). Subclause (1) amends this subsection by removing from the list there being a danger of the child being affected by an infectious or contagious disease. Subclause (2) reduces the time period within which a person responsible for a child must advise the principal of the child's school of a child's failure to attend school, where the reason for the failure was one contemplated by section 68(3)(a), in order for the offence provision not to apply from 5 school days to 3. Subclause (3) adds a requirement that notice must be given to a person prior to proceedings being commenced against the person for an offence against the section.

7—Amendment of section 69—Child of compulsory education age must participate in approved learning program

This clause makes various amendments to section 69 of the Act. Section 69(3) sets out the list of reasons for a child's failure to participate in an approved learning program that do not trigger the offence in section 69(2). Subclause (1) amends this subsection by removing from the list there being a danger of the child being affected by an infectious or contagious disease. Subclause (2) reduces the time period within which a person responsible for a child must advise the head of the approved learning program of the child's failure to participate in the learning program, where the reason for the failure was one contemplated by section 69(3)(a), in order for the offence provision not to apply from 5 business days to 3. Subclause (3) adds a requirement for notice to be given to a person prior to proceedings being commenced against the person for an offence against the section.

8—Amendment of section 127—Powers of authorised officers

This clause amends section 127(4) of the Act such that an authorised officer attending at a residential premises may require certain information to be provided by any person in the premises, as opposed to only requesting it.

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

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

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) (18:40):

I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the *Statutes Amendment (Building and Construction Industry Review—Penalties) Bill 2025*. This Bill proposes to amend the *Building Work Contractors Act 1995*, the *Fair Trading Act 1987*, the *Magistrates Court Act 1991* and the *Plumbers, Gas Fitters and Electricians Act 1995* (the Acts) to improve the regulatory framework for the support, oversight and management of the building and construction industry in South Australia.

These Acts establish registration and licensing schemes for workers in the construction industry, set the requirements for domestic building work contracts, and provide for disciplinary action against workers, amongst other matters.

In recent years, there have been substantial shifts in the industry that have introduced significant challenges. Some provisions in these Acts have not been updated for over 20 years and do not reflect the current risks and challenges in the industry with increased housing demand, shortages and delays in obtaining materials, lack of trade labour and large cost increases.

Following the release of the national Building with Confidence Report in February 2018, and concerns and reform proposals raised through industry feedback, we have undertaken a Building and Construction Industry Review. The Review focuses on opportunities to protect and empower consumers, whilst supporting workers and businesses to deliver quality building services and enhance industry compliance.

This Bill considers an important issue that lies at the core of ensuring responsible and accountable business conduct, the enforcement of compliance through appropriate penalties. The increased penalties contained within this Bill sends a clear message that non-compliance will not be tolerated.

The Bill significantly increases the penalties under the respective Acts, introduces expiations for many existing offences, and establishes new offences for undertaking unlicensed work and falsely holding out to be licenced. In any regulatory framework, compliance with established provisions is not merely a matter of legal obligation, it is a reflection of integrity, fairness, and accountability. By strengthening penalties and enforcement options for breaches of the Acts, they serve as a powerful deterrent against misconduct.

The introduction of expiations for existing offences under the Acts and increasing the Magistrates Court's ability to impose fines in relation to building matters enhances the enforcement capacity by reducing barriers to undertaking enforcement actions. The ability to expiate against offences introduces opportunities for CBS to proactively tackle concerning issues in the building industry, with immediate outcomes to address misconduct. CBS will retain the ability to seek further enforcement options to ensure that the penalty is proportionate with the offence and will now be able seek these higher penalties through the Magistrates Court, where serious or repeated breaches occur.

We recognise that small and medium businesses make up a majority of the industry and, in a marketplace where trust is essential, consumers must feel confident that their rights and investments are secure. The increase to penalties and the introduction of expiations is about prevention, protection, and progress, ensuring that consumers are safeguarded, and the integrity of the building industry in South Australia remains strong.

Compliance and enforcement activity undertaken by CBS aims to be fair, proportionate to the conduct, and in the public interest. These greater enforcement options provide CBS with a broad spectrum of enforcement tools to ensure compliance and customer protection without creating unnecessary challenges for traders. The ultimate result is a fairer, safer, and more trustworthy building industry for all South Australians.

This robust enforcement scheme aims to promote a culture of responsibility across the construction industry and encourage businesses to invest in compliance training and risk management systems to uphold their obligations.

CBS strives to work with industry to promote a culture of transparency and support education for traders. Additional stages of the Building and Construction Industry Review will focus on supporting practitioners and traders to meet their obligations by improving industry standards.

I thank key industry stakeholders including the MBA and HIA for their assistance in strengthening their industry and for supporting their members to ensure that by and large we have high quality construction work in South Australia.

I commend this Bill, and I seek leave to insert the Explanation of Clauses in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of Building Work Contractors Act 1995

3—Amendment of section 6—Obligation of building work contractors to be licensed

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

4—Amendment of section 19—Approval as building work supervisor in relation to licensed building work contractor's business

The amendment in this clause increase existing penalties applying in relation to the offences set out in the section.

5—Amendment of section 25—Disciplinary action

The amendment in this clause increases the amount of the fine able to be imposed by the Tribunal on a person against whom disciplinary action is taken in accordance with the section.

6—Amendment of section 26—Contravention of orders

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

7—Amendment of section 28—Formal requirements in relation to domestic building work contracts

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

8—Amendment of section 29—Price and domestic building work contracts

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

9—Amendment of section 30—Payments under or in relation to domestic building work contracts

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

10—Amendment of section 31—Exhibition houses

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

11—Amendment of section 34—Requirements of insurance

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

12—Amendment of section 37—Powers of court in relation to domestic building work

The amendment in this clause increase existing penalties applying in relation to the offence set out in the section.

13—Insertion of sections 47A to 47D

This clause inserts new sections as follows:

47A—Licensed building work contractor must not contract with unlicensed person

The proposed section makes it an offence for a licensed building work contractor to contract with a person to carry out building work on behalf of the licensed building work contractor unless the person holds a building work contractors licence of the appropriate class under the Act.

The offence does not apply to a building work contractor who is exempt from complying with section 6 of the Act in respect of the relevant building work or in circumstances prescribed by the regulations.

47B—Building work contractor not to use another person's licence number etc

The proposed section sets out the following offences applying to a building work contractor in relation to building work performed, or to be performed, by the building work contractor:

- using or referring to a licence number that is not the licence number assigned to their licence by the Commissioner in a manner that is intended, or is likely, to mislead or deceive another person into believing that the building work may lawfully be performed under the authority of that licence;
- using or referring to a licence number that is not the licence number assigned to their licence by the Commissioner when obtaining builders indemnity insurance;
- directly or indirectly representing that the building work will be performed under the authority of a licence other than a licence held by the building work contractor;
- using or referring to a licence number in a manner that is intended, or is likely, to mislead or deceive another person into believing that the building work may lawfully be performed under the authority of that licence.

47C—Offence to hold out as licensed etc

The proposed section sets out the following offences:

- a person who is not licensed under the Act holding themselves out, or permitting another person to hold themselves out, as being licensed under the Act;
- a person who holds a building work contractors licence with conditions holding themselves out, or permitting another person to hold themselves out, as holding a licence that is not subject to conditions;
- a person who holds out another as being licensed under the Act if the person is not so licensed.

47D—Offence to hold out as registered etc

The proposed section sets out the following offences:

- a person who is not registered under the Act holding themselves out, or permitting another person to hold themselves out, as being licensed under the Act;
- a person who holds a building work supervisors registration with conditions holding themselves out, or permitting another person to hold themselves out, as holding a registration that is not subject to conditions;
- a person who holds out another as being registered under the Act if the person is not so registered.

14—Amendment of section 48—False or misleading information

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

15—Amendment of section 49—Name in which building work contractor may carry on business

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

16—Amendment of section 50—Publication of advertisements

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

17—Amendment of section 51—Licensed building work contractor to have sign showing name etc on each building site

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

18—Amendment of section 58—Prosecutions

This amendment allows offences to be expiated within 2 years of the date on which the offence is alleged to have been committed.

19—Amendment of section 62—Regulations

The amendments in this clause increase the amount of the penalty that may be applied in relation to an offence in the regulations.

20—Amendment of Schedule 3—Transitional provisions

The amendments in this clause increase existing penalties applying in relation to the offences set out in the section.

Part 3—Amendment of Fair Trading Act 1987

21—Amendment of section 8A—Conciliation

The amendments in this clause increase existing penalties and expiation fees applying in relation to the offences set out in the section.

Part 4—Amendment of Magistrates Court Act 1991

22—Amendment of section 9—Criminal jurisdiction

The amendments in this clause increase existing penalties and expiation fees applying in relation to the offences set out in the section.

Part 5—Amendment of Plumbers, Gas Fitters and Electricians Act 1995

23—Amendment of section 6—Obligation of contractors to be licensed

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

24—Substitution of section 12

This clause substitutes a new section 12, providing an offence in relation to who can carry out certain work, with penalties commensurate with those inserted or amended by this measure.

25—Amendment of section 13—Obligation of workers to be registered

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

26—Amendment of section 25—Contravention of orders

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

27—Amendment of section 32—False or misleading statement

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

28—Amendment of section 33—Name in which contractor may carry on business

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

29—Amendment of section 33A—Publication of advertisements

The amendments in this clause increase existing penalties applying in relation to the offence set out in the section.

30—Amendment of section 33B—Requirements for contracts for domestic plumbing, gas fitting or electrical work that contain a charging clause

The amendment in this clause increases existing penalties applying in relation to the offence set out in the section.

31—Amendment of section 40—Prosecutions

This amendment allows offences to be expiated within 2 years of the date on which the offence is alleged to have been committed.

32—Amendment of section 44—Regulations

The amendments in this clause increase the amount of the penalty that may be applied in relation to an offence in the regulations.

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

CARERS RECOGNITION (MISCELLANEOUS) AMENDMENT BILL*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) (18:41):
I move:

That this bill be now read a second time.

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

Leave granted.

As this week we are celebrating National Carers Week, I am pleased to rise today to introduce the *Carers Recognition (Miscellaneous) Amendment Bill 2025*. The bill amends the *Carers Recognition Act 2005*.

The *Carers Recognition Act* was first introduced in 2005 to recognise and support carers, while also encouraging compliance of 'Applicable Organisations' with the obligations under the Act and the Carers Charter. The Carers Charter is a set of non-binding principles regarding carers for Applicable Organisations to follow.

In 2024, the Department of Human Services completed a review of the Carers Recognition Act, while the Commonwealth completed an inquiry into carers recognition and released the National Carer Strategy 2024-2034.

Over 2,000 carers had their voices heard across these pieces of work, and we have utilised the breadth of these consultations in drafting this Bill.

The Bill will align the Carers Recognition Act with the National Carer Strategy to promote national consistency in how carers are defined, recognised, and supported by governments. The Bill will see this Act become the first carers recognition legislation in Australia to align with the National Strategy.

There are estimated to be 236,600 carers in South Australia, comprising 13% of the state's population.

The demand for unpaid care across Australia is expected to grow by 23% between 2020 and 2030. However, the growth in the number of carers taking on a caring role is not expected to keep pace (16%) leading to an increasing 'carer gap' in the future.

It is vital that legislation recognising carers is kept up-to-date and ensures the best possible recognition for carers. The Bill amends the Act to:

- Broaden and clarify the definition of 'carer'.
- Broaden the scope of the Act's obligations and reporting requirements.
- Introduce a requirement for the Act to be reviewed every five years.
- Contemporise the Carers Charter.

The amendments include:

- Broadening the scope of the Act, which currently only applies to 7 public sector agencies, so that it applies to all public sector agencies who must comply with its obligations and reporting requirements.
- A definition of carer that focuses on defining when a 'care relationship' exists, which has been found to be more inclusive of the diversity of caring roles and makes it easier for carers to self-identify.
- Removes the requirement for care to be ongoing.
- Includes explicit mention of 'medical condition', 'terminal illness', and 'dementia', as well as when care is provided for someone experiencing alcohol or other drug dependence.
- Replaces the term 'mental illness' with the broader term of 'mental ill health' which includes both diagnosed mental illness and mental health factors that may predispose a person to developing a mental illness, including experiences of trauma and suicidality.
- Clarifies the exclusion surrounding those caring in a voluntary capacity to specify the exclusion does not apply to approved carers within the meaning of the *Children and Young People (Safety) Act 2017*, as these carers are not excluded from the Act.
- Removes section 5(3), which was an explanatory clause that commonly confused carers and other stakeholders who took it for an exclusionary clause.
- Clarifies that 'relevant services' for the purposes of the Act are those that are provided specifically to carers and the people they care for, as opposed to services that are provided to carers incidentally.

- Simplifies the language surrounding the existing obligations the Act places on applicable organisations and includes the obligation for an applicable organisation to ensure their internal human resource policies have due regard to the Carers Charter.
- Introduces a requirement for the Act to be reviewed every 5 years to ensure it remains effective and responsive to the needs of carers.
- Introduces a new contemporary Carers Charter which reflects the National Carers Strategy and its focus areas, as well as provides explicit recognition of informal kinship carers, sibling carers, and Aboriginal collective kinship care relationships and other carers who have previously felt unrecognised by this legislation.
- Makes consequential amendments to three Acts that fall within the Attorney-General's portfolio, to ensure the above changes to the requirement for care to be ongoing do not impact those pieces of legislation.

The Amendments made by this bill have been subject to wide-ranging consultation. During the review period the Department of Human Services reached out to 30 non-government stakeholders who contributed to the first review or were otherwise identified as being interested parties, 95 public sector agencies leaders, and Carer policy teams of other Commonwealth, state and territory jurisdictions.

The Bill will contemporise the Carers Recognition Act, and work alongside the National Carers Strategy to improve the recognition and support of carers and support the ever-changing landscape of caring relationships.

Thank you to the many carers and stakeholder organisations who have shared their experiences and contributed to this important legislation. I commend the bill to the house and seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Carers Recognition Act 2005*

3—Amendment of section 3—Objects

This clause amends section 3 of the Act to reflect that the Act will now apply to public sector agencies.

4—Amendment of section 4—Interpretation

This clause makes various amendments to definitions used throughout the Act. The definition of *applicable organisation* is altered to reflect that the Act will now apply to all public sector agencies (with the exemption of Ministers and chief executives of administrative units), and any person or body which provides relevant services under a contract with a public sector agency. A new definition of *care relationship* is inserted, which points to the amended section 5. A new definition of *disability* is inserted, which refers to the definition given by the *Disability Inclusion Act 2018*. The definition of *relevant services* is amended to include policies, programs or services which are specifically directed at carers and the persons they care for. The definitions of *domestic partner*, *reporting organisation* and *spouse* are deleted as they are no longer terms used in the Act.

5—Substitution of section 5

Section 5 of the Act is proposed to be substituted as follows:

5—Meaning of care relationship and carer

Proposed section 5 establishes the concept of a *care relationship* for the purposes of the Act. A care relationship exists where one person (the *carer*) provides personal care, support or assistance to another person for any of the reasons listed. Provision is also made for circumstances that do not constitute a care relationship.

6—Substitution of section 6

Section 6 of the Act is proposed to be substituted as follows:

6—Obligations of applicable organisation in relation to Carers Charter

Proposed section 6 requires applicable organisations to take all practicable measures to ensure that its agents and employees are aware of and understand the Carers Charter, and that they, and the organisation generally, take action to reflect the principles of the charter when providing relevant services. It requires that an applicable organisation's internal policies are developed with due regard to the Charter where those policies may impact an employee's caring role, and requires that an applicable organisation consult with carers, or bodies that represent carers, when developing or evaluating relevant services.

7—Amendment of section 7—Reporting by reporting organisation

This clause amends section 7 such that all public sector agencies other than Ministers and chief executives of administrative units will be required to report on their compliance or noncompliance with the obligations imposed by section 6.

8—Substitution of section 9

Section 9 of the Act is proposed to be substituted as follows:

9—Review of Act

Proposed section 9 requires the Minister to cause a review of the operation of the Act and the Carers Charter to be conducted, and a report on the review prepared and submitted to the Minister, after the section has been in operation for 5 years and then each 5 years thereafter. A copy of a report submitted to the Minister under the section must be laid before both Houses of Parliament within 12 sitting days after the Minister receives it.

9—Substitution of Schedule 1—South Australian Carers Charter

This clause deletes Schedule 1 of the Act and replaces it as follows:

Schedule 1—South Australian Carers Charter

Proposed Schedule 1 outlines the updated South Australian Carers Charter.

Schedule 1—Related Amendments

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 5AA—Aggravated offences

This clause is consequential to the amendment of section 5 of the *Carers Recognition Act 2005* made by the measure.

2—Amendment of section 20A—Choking, suffocation or strangulation in a domestic setting

This clause is consequential to the amendment of section 5 of the *Carers Recognition Act 2005* made by the measure.

Part 2—Amendment of *Evidence Act 1929*

3—Amendment of section 34U—Interpretation

This clause is consequential to the amendment of section 5 of the *Carers Recognition Act 2005* made by the measure.

Part 3—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

4—Amendment of section 8—Meaning of abuse—domestic and non-domestic

This clause is consequential to the amendment of section 5 of the *Carers Recognition Act 2005* made by the measure.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Final Stages

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1. Page 4, after line 1, insert:

6—Amendment of section 57—Fidelity Fund

Section 57—after subsection (6) insert:

- (7) The Attorney-General may delegate to a person (including a person 5 for the time being performing particular duties or holding or acting in a particular position) a function or power under this section.
- (8) A delegation under subsection (7)—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and 10

- (c) does not derogate from the power of the delegator to act in a matter;
and
 - (d) is revocable at will.
- (9) A function or power delegated under subsection (7) may, if the instrument of delegation so provides, be further delegated in 15 accordance with that instrument.

Consideration in committee.

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

That the House of Assembly's amendment be agreed to.

Motion carried.

LOCAL NUISANCE AND LITTER CONTROL (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

HIGHWAYS (WORKS FOR RESIDENTIAL DEVELOPMENTS) AMENDMENT BILL

Final Stages

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

At 18:44 the council adjourned until Wednesday 12 November 2025 at 11:00.

*Answers to Questions***LEGAL PROCEEDINGS COSTS**

In reply to **the Hon. J.M.A. LENSINK** (16 September 2025).

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

I have nothing to add to what was said by me on Tuesday 16 September 2025 in the council (*Hansard* p.9607) except to add that the state of South Australia, represented by the Crown Solicitor's Office, is the second respondent and nominal defendant covering the actions of South Australia Police and the Office of the Director of Public Prosecutions represented in the litigation commenced by Annabel Digance.

Consistent with usual practice I will not comment on ongoing civil litigation while it is before the courts including making any comment about legal costs.

LONG COVID CLINICS

In reply to **the Hon. J.S. LEE** (18 September 2025).

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

The Royal Adelaide Hospital and Flinders Medical Centre's long COVID Clinics are funded by SA Health to provide multidisciplinary care to people living with persistent symptoms after COVID-19 infection.

The clinics are funded from within operating budgets and support specialist doctors, nurses, and allied health professionals who work together to provide assessment, symptom management and ongoing monitoring and support for the most complex cases.

The South Australian government has not undertaken any study of the impact of long COVID affecting employees of the public sector. However, the long COVID Clinics align their services with national guidelines and contribute to research efforts to ensure that care remains evidence-based and effective, contributing to local and national research to better understand long COVID and refine models of care.

Long COVID services are delivered across primary care, community rehabilitation, and hospital outpatient settings.

General practitioners (GPs) remain central to assessment and ongoing management in the community, supported by statewide clinical guidelines, referral pathways, and collaboration with specialists and allied health professionals.

Patients can access allied health services such as physiotherapy, occupational therapy, psychology, and dietetics through community providers, including via Medicare-subsidised GP care plans.

Specialist Long COVID Assessment Clinics within the Central Adelaide and Southern Adelaide Local Health Networks provide multidisciplinary assessment and management for complex cases. These clinics support regional and remote patients through telehealth and direct liaison with local clinicians to facilitate care closer to home.

Where face-to-face assessment is required, eligible patients may access financial assistance for travel and accommodation through the Patient Assistance Transport Scheme (PATS).

AGED CARE

In reply to **the Hon. R.A. SIMMS** (14 October 2025).

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

1. As part of routine commonwealth aged-care reaccreditation processes, Disability SA Northgate was audited by the federal regulator—Aged Care Quality and Safety Commission (the commission) in November 2024.

The Site Audit Performance Report was published on the commission's website in December 2024. The audit process highlighted some areas of non-conformance which have and are being actioned and managed in partnership with the commission and Department of Human Services.

2. Regarding the need for a human rights act, the United Nations Convention on the Rights of Persons with Disabilities (2006) (UNCRPD) has been ratified in Australia with the aim to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all people with disability and to promote respect for their inherent dignity.

Employees working at Disability SA Northgate operate under the National Disability Insurance Scheme (NDIS) Code of Conduct and Code of Conduct for Aged Care, all of which require staff to act with respect for individual

rights, provide safe competent care, act with integrity, and prevent all forms of harm, including violence, exploitation, neglect, abuse and misconduct. South Australian public sector employees, are bound by the Public Sector Code of Ethics where they will work with professionalism, trust, respect, honesty and integrity.