LEGISLATIVE COUNCIL

Thursday, 13 November 2025

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

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

The PRESIDENT: I note the absolute majority.

Bills

SUMMARY OFFENCES (HIGH RISK MISSING PERSONS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:03): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

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

That this bill be now read a second time.

Today, I introduce the Summary Offences (High Risk Missing Persons) Amendment Bill 2025. Community safety is a top priority of this government, and we have demonstrated that commitment by a strong history of reforms, including recent changes to knife crime laws and street gang reforms, to ensure that police have all the necessary tools and powers they need to protect and keep the members of our community safe.

Today, we are introducing another protection measure to confer additional powers on police in relation to high-risk missing persons based on similar laws that have been implemented in Queensland. These laws seek to address a potential deficiency that has recently been identified in relation to police search powers for missing persons.

Specifically, the concern is that, in circumstances where police do not reasonably suspect that a crime has been committed and police do not otherwise have authority or consent to enter and search a premises, vehicle or other place, there is no authority for police to enter and search for information that may be relevant to the missing person's disappearance and locating their whereabouts.

In 2018, Queensland became the first jurisdiction to provide police with express statutory powers to conduct searches in relation to high-risk missing persons. The missing person search powers under the Queensland legislation enable police to search a place without the consent of an occupier if they reasonably suspect that searching the place may locate the person or information relating to their disappearance, and the person meets the definition of a 'high-risk missing person'. To meet that definition, the missing person must be under the age of 13, or their circumstances raise concern that they may suffer serious harm if not found as quickly as possible.

A 2024 review of the Queensland act conducted by the Queensland Crime and Corruption Commission relevantly found that:

- in the first five years of the powers being in effect, police officers used them in 16 missing person investigations to assist in locating 22 people; and
- investigations where the missing person search powers were used ultimately resulted in the safe location of 14 persons. The other eight persons were located deceased or are long-term missing.

In addition, the review relevantly identified that, while the powers under the Queensland act are rarely needed, they are a valuable tool to progress missing person investigations. The government wholeheartedly agrees with this sentiment and is proud to be introducing similar laws today.

Turning to the substance of the reforms, the bill amends section 83C of the Summary Offences Act 1953 to authorise police to exercise certain powers in relation to high-risk missing persons. Under the bill, a 'missing person' is defined to mean a person who is reported missing to police, where their whereabouts are unknown and there are concerns for their safety and welfare. For the purposes of the bill, a 'high-risk missing person' is defined to mean a missing person who is under 14 years of age or where a police officer reasonably suspects that the missing person may suffer harm if not located quickly. 'Serious harm' is defined to mean harm, including the cumulative effect of any harm, that:

- endangers, or is likely to endanger, a person's life; or
- is, or is likely to be, significant and longstanding.

The bill sets out a number of factors that a police officer may have regard to in determining whether a high-risk missing person may suffer serious harm if they are not located quickly. This includes, but is not limited to:

- the person's age;
- any disability of the person attributable to a cognitive, intellectual, neurological, physical or psychiatric impairment;
- the person's ability to interact safely with other persons or in an unfamiliar environment; and
- whether the person is suspected of being lost within a particular area, the climate or other environmental factors relevant to the area.

The bill relevantly provides that where a senior police officer has reasonable grounds to suspect that a high-risk missing person or information that may assist in locating a high-risk missing person may be in or on a specified premises, vehicle, vessel or other place, they may authorise a police officer to enter for the purpose of investigating the matter and taking such action as the circumstances may require. An authorisation given by a senior police officer remains in force for a period of 48 hours, until the high-risk missing person is located or the authorisation is revoked (whichever is the sooner).

In circumstances where a police officer reasonably suspects that an authorisation could be granted in relation to a high-risk missing person, the bill allows for a senior police officer to apply to a judge of the Supreme Court for a missing person warrant. An application for a high-risk missing person warrant can be made whether or not an authorisation is still in force and whether or not a high-risk missing person warrant has previously been made. A missing person warrant may be made personally or electronically in urgent circumstances. An application may be made and determined without giving notice to an owner or occupier of the premises.

Subject to any conditions or limitations that may be specified, a high-risk missing person warrant authorises a police officer to exercise any of the powers that could be granted under an authorisation given by a senior police officer. A high-risk missing person warrant may be granted for a period of up to 90 days, and there is scope for this period to be extended or a new application to be made. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

3—Amendment of section 83C—Special powers of entry

This clause amends section 83C of the principal Act, extending the operation of that section to authorise entry to premises, vehicles, vessels and places where police suspect a high risk missing person (defined in the amended section) is located, or in which information that may assist a high risk missing person to be located may be found.

The clause inserts procedural provision in relation to how authorisations under the amended section can be granted, and the duration of authorisations.

4—Insertion of section 83D

This clause inserts new section 83D into the principal Act, providing an ability for senior police officers to apply to the Supreme Court for a high risk missing person warrant. An application for a warrant may be made without notice to the owner or occupier of the relevant premises etc. A warrant can be issued whether or not an authorisation under s83C(1a) has been granted, or whether or not a warrant has previously been issued in relation to the premises etc in relation to the relevant missing person.

A warrant remains in force for a specified period of up to 90 days, and can be extended for up to a further 90 days. However, a warrant must be revoked if the missing person is located.

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

STATUTES AMENDMENT (SUPERANNUATION AND OTHER PAYMENTS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (11:09): I rise to acknowledge the importance of the Statutes Amendment (Superannuation and Other Payments) Bill 2025. This bill represents an important step in modernising South Australia's superannuation framework, particularly bringing the parliamentary superannuation scheme into line with the broader public sector funds. It ensures that parliamentary arrangements are fair, contemporary and consistent with those applying to other public sector employees.

The bill makes sensible updates across several key acts, including the Electricity Corporations Act, Police Superannuation Act, Southern State Superannuation Act and the Superannuation Act 1988. These amendments collectively strengthen governance, modernise regulatory powers and create flexibility for future reforms and scheme transitions.

While the changes may appear technical, they reflect a broader effort to ensure our superannuation system is fair, transparent and sustainable. They bring consistency across the various public sector schemes, improve administrative efficiency and align the parliamentary superannuation scheme with modern employment and community standards. This is a practical, responsible reform to ensure the relevant legislation is up to date and fit for purpose. With that, I commend the bill to the house.

The Hon. R.A. SIMMS (11:10): I rise very briefly to indicate my opposition to the bill. The bill deals with superannuation arrangements for electricity corporation workers, police and politicians, and it is the latter group with which I have some concerns. The government states the bill is seeking to align the parliamentary super scheme with the public sector standard. I certainly recognise the need to modernise elements of the parliamentary super scheme. I also note that many of the elements that are being proposed here would be regarded as common sense and I am sure would be accepted by the community.

I also want to note, though, that politicians already enjoy a number of benefits that are not afforded to all public sector workers, including higher salaries, access to a range of allowances and entitlements, flexibility at work during non-sitting periods, and relative security of tenure—after all, we do enjoy eight-year terms in this place.

I am also mindful that we are having this discussion at a time when the government is locked in pay disputes with a number of public sector unions. Is this really the number one priority in the dying days of this parliament, with just three days remaining in this parliamentary term, particularly at a time when so many South Australians are struggling?

This brings me to my next concern: the process that has been adopted here by the government, which I think is very poor. The bill has been on the *Notice Paper* for only 24 hours. It is the convention that bills sit here for at least a week before they are debated to provide enough time for them to be given appropriate consideration. In fact, when I checked this morning, the bill was not even listed on the parliamentary website, so it was not possible for it to be accessed by the public. I do acknowledge the government circulated it to members.

This chamber is meant to be a house of review that scrutinises legislation. I think that is even more important when we are dealing with things that relate to our own interests. It is vital that changes to MPs' entitlements, whether they are big or small, are subject to the appropriate level of public scrutiny. Faith in democracy is already at an all-time low, and I caution the government that rushing legislation like this only serves to further undermine faith in our democratic institutions. I think we owe it to the community to make sure that we deal with these discussions in a more open and transparent way. It is on that basis that I will not be supporting the 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) (11:13): I thank the honourable members for their contributions and look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The CHAIR: This is a money clause. I point out to the committee that, this clause being a money clause in erased type, standing order 298 provides that no question shall be put in committee on any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill. So I do not put the question.

Clauses 5 to 9 passed.

Clause 10.

The CHAIR: This is also a money clause. I point out to the committee that, this clause being a money clause in erased type, standing order 298 provides that no question shall be put in committee on any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Clauses 11 to 17 passed.

Clause 18.

The CHAIR: This is a money clause, and it is as I have indicated prior.

Clauses 19 to 20 passed.

Clause 21.

The CHAIR: This is a money clause, and it is as I have explained before.

Clause 22 passed.

Clause 23.

The CHAIR: This is a money clause, and it is as I have previously advised.

Clauses 24 to 25 passed.

Clauses 26 to 28.

The CHAIR: These are money clauses, so they are as I have previously advised.

Remaining clauses (29 to 47) 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) (11:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

COP31

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:19): I move:

That this council—

1. Notes that the federal government is currently bidding to host the 2026 United Nations Conference of the Parties on Climate Change (COP31), and has selected Adelaide as its preferred host city;
2. Acknowledges that, if selected as the host of COP31, South Australia's leadership on renewable energy will be presented on the world stage;
3. Recognises South Australia's significant progress and achievement in the transition to renewable energy, with around 75 per cent of our energy being generated from renewables and a commitment to achieve 100 per cent net zero carbon emissions by 2050;
4. Reiterates South Australia's commitment to achieving net zero carbon emissions by 2050; and
5. Supports the commitment of successive federal governments to achieving net zero carbon emissions by 2050, and to meeting the objectives of the Paris Agreement on climate change.

At the outset I indicate, as I have previously mentioned and notice has been sent around, that the government will be seeking to have this motion voted on today at the conclusion of the debate. That is particularly due to the urgency with preparations to select the host city for COP31. As members would be aware, the Australian government is currently bidding to host next year's Conference of the Parties to the climate Paris Agreement, better known as COP31. The commonwealth has selected Adelaide as the Australian host city if the bid is successful.

I am advised that many groups, including the South Australian Business Chamber, have advocated for Adelaide to host COP, pointing out it would boost the economy and further cement South Australia's credentials as a world leader in renewable energy, enhancing Adelaide's and South Australia's global image. Hosting COP would be an enormous undertaking: hosting thousands of attendees while ensuring security standards are maintained and that our visitor economy is able to meet the demand. In addition to the significant economic benefits, hosting COP31 presents us with an opportunity to demonstrate our leadership on decarbonisation to the entire world.

In South Australia we have a lot to be proud of, particularly in decarbonising our electricity grid. South Australia has a target of achieving 100 per cent renewable electricity generation by 2027, a target this government has brought forward from 2030. I am advised we are on track to meet this ambitious target. South Australia is leading the way on renewable energy, from uptake of rooftop solar and home batteries to large-scale projects such as the Goyder Renewables Zone. Across the economy, we are working to meet our target of net zero emissions by 2050. This is an important commitment in line with our obligations under the Paris Agreement and consistent with the position of both the federal Labor government and the federal Liberal governments that have preceded it.

South Australians have long supported action on climate change. They are proud of the progress we have made and have an opportunity to showcase it to the world—and not just with bipartisan support of the Paris Agreement federally, as it has been a longstanding bipartisan endeavour in South Australia. In fact, the opposition have a shadow minister responsible directly for net zero, demonstrating the bipartisan nature of this endeavour in South Australia.

The Malinauskas Labor government is taking climate change seriously. As I have said, we brought forward our state's 100 per cent renewable energy generation target to 2027, three years earlier than originally planned. We are also committed to reducing net greenhouse gas emissions by at least 60 per cent by 2030 and, as the motion suggests, achieving net zero by 2050.

As we prepare for the possibility of hosting COP31, I urge honourable members to support this very important motion. It says much about who we are and our ambitions for this state. I commend the motion to the council.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (11:22): I move to amend the motion as follows:

Paragraph 2:

Leave out 'leadership on renewable energy' and insert 'chaotic and mismanaged energy transition under the Malinauskas Labor government'

Insert new paragraph 2A as follows:

2A. Notes that under the Malinauskas Labor government South Australian households and small businesses have paid the highest power bills on record, while wasting 3½ years and exposing taxpayers to a half a billion dollar bill on a hydrogen hoax that would not have reduced household power bills;

Paragraph 3:

Leave out 'significant progress and achievement in the transition to' and insert 'transition to net 100 per cent'

and

Leave out '75 per cent of our energy' and insert '75 per cent of our electricity'

Insert new paragraphs 4A and 4B as follows:

4A. Calls upon the Malinauskas Labor government to include power price and grid reliability guarantees with any emission reduction targets;

4B. Calls upon the Malinauskas Labor government to exempt the production of food and fibre from any emissions reduction targets;

Insert new paragraph 6 as follows:

6. Condemns the Albanese federal government for their shambolic approach to achieving net zero carbon emissions by 2050, and their failed promise to reduce power bills by $275.

I rise to speak on the motion put forward by the Deputy Premier. In doing so, I acknowledge the federal government's current bid for COP31. We acknowledge that if successful, COP31 would draw tens of thousands of delegates, including heads of state and business leaders, from across the globe. It would bring an estimated $500 million in economic benefit to our state, supporting tourism, trade and investment, which is a good thing for South Australia.

But this support for Adelaide's bid to showcase its great hospitality should not be confused with a blank cheque for the Labor government's energy failures or a free pass for its reckless approach to the net zero transition. The key difference between us and Labor is this: the Liberals support a sensible, methodical and balanced transition to energy, while Labor, on the other hand, is pursuing a reckless renewables-only path, one that ignores price, reliability and the social licence of local communities.

South Australians are now paying the price for Labor's chaos. Under this government, power prices have soared to record highs. The Essential Services Commission of South Australia's independent report shows household bills have jumped 43 per cent since Labor took office—an extra

$776 a year for families. Small businesses have been hit just as hard, with costs up 39 per cent—an additional $1,425 a year. That is the real-world impact of Labor's failed energy policy: families struggling to keep their lights on and small businesses being forced into hardship plans just to pay their power bills. Labor promised to cut electricity prices; instead, they have lost control of power, literally and financially.

Then there is the so-called Hydrogen Jobs Plan, a half a billion dollar disaster that never produced a single watt of power. The Auditor-General has exposed the truth: $285 million spent, $85 million written off, $60 million wasted on wages and administration, and $87 million of idle infrastructure now sitting along the Lincoln Highway as a monument to failure. Now Labor has paid out up to $851,000 to a mystery executive after the project collapsed.

While South Australians pay some of the highest power bills in the nation, Labor is handing out golden handshakes to clean up their own mess. This is not climate leadership; this is economic vandalism. The Liberal Party believes in a credible, achievable pathway when it comes to energy, one that safeguards reliability, affordability and the livelihoods of South Australians. Experts agree that the future of our grid will require a mix of renewables, batteries and gas power generation. Our policy reflects that reality.

We also believe that any renewable project must earn a social licence from the communities in which it operates. South Australia has the space and the natural advantage to develop renewables in our outback regions without compromising prime agricultural land. We can grow our energy future while protecting the people and industries that feed and supply the state. That is what a responsible transition looks like.

Last year, the opposition sought to strengthen Labor's Climate Change and Greenhouse Emissions Reduction (Miscellaneous) Amendment Bill. We proposed sensible amendments, including a power price and grid reliability guarantee for households and small businesses and exemption for food and fibre producers from emissions targets, and Labor opposed both. Today, we seek to amend this motion to include the same, because that is the responsible thing to do, and to include also a few relevant facts that the Deputy Premier seems to have missed.

Unfortunately for Labor, ideology always comes before practicality, so as we look to COP31 and South Australia's place on the global stage we will continue to call for honesty, accountability and balance. We must ensure that the road to net zero is a road that South Australians can afford to walk. Let's celebrate our achievements, but let's also be realistic about the challenges ahead. Hosting COP31 would put South Australia in the international spotlight, and that means our government must be prepared to match words with substance. That means delivering reliable power, affordable energy and credible policies that actually work for households, small business and industry.

The Liberal Party will always support opportunities that strengthen our state's economy and global reputation, but we will not support empty spin or billion-dollar fantasies built on debt and broken promises. We want South Australia to be a global leader in clean energy, not a cautionary tale of what happens when politics overtakes prudence. We urge the government to ensure that COP31, if hosted here, is not merely a stage for self-congratulation but a genuine opportunity for South Australia to showcase responsible, credible and affordable pathways to a low-emissions future.

The Hon. R.A. SIMMS (11:27): I rise briefly to indicate my support for the motion and to indicate that I will not be supporting the opposition's amendment. I must correct the Deputy Premier on something, though. He seemed to suggest that the Liberals do not have a net zero agenda, but they do have a net zero agenda, net zero policies for the next state election, other than some of the policies they have borrowed from the Greens, of course, like 50¢ public transport fares and axing the spending on government advertising, which I welcome. I hope they continue to draw on some of our other ideas.

This is a really important opportunity, I think, for us to send a message that this parliament is supportive of this important pitch for Adelaide to host COP. I accept the Premier's explanation in terms of urgency, because we know that those discussions are happening right at the moment. I think this is a real opportunity to showcase what South Australia does well—that is, our climate and environmental credentials—and also to reaffirm, of course, our commitment to net zero at a time when this is coming into doubt within the national parliament, certainly within the opposition, which I think is regrettable. I commend the motion and I hope that it is passed in the chamber this morning.

The Hon. T.A. FRANKS (11:29): I rise to speak in support of this motion and indicate that I will not be supporting the opposition's amendment. The climate crisis is here with us right now. For many in our state and beyond, while the recent algal bloom remains front of mind they know that that is how climate change is affecting us. For many, I think the algal bloom has been and remains absolutely heartbreaking. For others, it has been the moment at which they realise that we do in fact actually need strong global action on climate change and that we need it now.

We are already experiencing the wideranging impacts of climate change in our state, having seen in the last few years and decades, in addition to the current algal bloom, increasing extreme heat, drought, bushfire risk and renewable transition impacts—and all of these hit communities hard. They are happening globally, and they are happening here.

The COP process is the world's highest forum for climate negotiations, and it takes place under the UN Framework Convention on Climate Change. COP brings together almost 200 nations, but it is not always the level playing field that it should be. As someone who has long championed environment, climate, social justice and First Nations rights, it will come as no surprise that I emphasise that Adelaide hosting COP31 is about far more than just economic benefits and infrastructure.

With Australia's pitch to host COP31 being very much one that is framed about co-hosting with Pacific Island nations, this offers our state of South Australia and South Australians an extraordinary opportunity to step up from being a local leader in Australia on climate action to becoming a global exemplar of both climate action and climate justice.

With more than 30,000 delegates, global media, investors and an opportunity to showcase South Australia's transition to a net zero economy, this is a great chance to not only show the world how to but to also remind the rest of the world why we must have strong action on climate. Global climate justice at its core aims to ensure that capacity to respond to climate change is just across communities, just across countries and just across generations.

I will give a small plug for my climate equity bill that sits on the *Notice Paper* and remind the government that I am taking that to a vote in the next sitting week. That would be another excellent step that this government could take to show great leadership on the climate and demonstrate our approach to intergenerational equity and care for the generations to come in leaving them and providing them with a safe climate.

Whilst economic benefits and infrastructure are important, at the core the opportunity to host COP31 is very much about climate equity, ensuring that smaller and more vulnerable nations, particularly of course low-lying nations, such as our near neighbours in the Pacific, are heard and that we deliver meaningful action, not just media announcements or photo ops.

Hosting COP in South Australia gives us a platform, but it also gives us a responsibility to bring the voices of Pacific nations and of First Nations communities around the world and of future generations into the conversations in a meaningful way. We need action, not just words. We need action and not appeasement.

Australia and South Australia must not fail to drive the deep structural reforms needed: ending fossil fuel subsidies, stopping new coal and gas projects and urgently scaling up renewables. We know that 845 of the life-threatening heatwave days that people around the world were exposed to annually between 2020 and 2024 would not have occurred without climate change. There has been a 63 per cent increase in heat-related deaths since the 1990s, and in 2021 these reached over half a million—half a million in just that short period of time.

Just last year, more than 60 per cent of the global land mass was affected by extreme drought, just shy of 300 per cent above the 1950s average. So if a bushfire does not kill you, there is a good chance you will die from the impacts of particulate matter that results from it. In March 2025, the 100 largest oil and gas companies had in place production pipelines that mean they are on track to exceed their share of production, consistent with 1.5º of global warming, by 189 per cent in 2040. Meanwhile, our emissions keep on rising.

How old will our children or grandchildren be in 2040 when gas and oil production hits the 189 per cent that it is on track to do? Frighteningly, in Australia, we conveniently forget that the 1.5º of global warming that we talk about is an average. Here, of course, warming is occurring far more quickly than the global average. What is the world that we leave for future generations should be a question front of mind in all of our decision-making.

It will be a question front of mind for those who are voting for the first time in the 2026 state election. Those people will be in their early 40s by the time 2050 rolls around, and young Australians are, of course, the most vulnerable in our population when it comes to the mental health impacts of climate change. It is about time we turned this ship around and threw everything we have at lowering emissions. We owe it to the future as well as current generations of young people.

It is for these people, and for that reason, I intend to bring my climate equity bill to the vote in the next sitting week. Future generations need to be at the forefront of our decision-making processes in this place. I support this motion today as another means of doing that, and also look forward to general stronger action on these issues, in particular when I bring that climate equity bill to a vote in late November. I commend the motion and I will be opposing the amendment.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (11:36): I thank honourable members for their contributions to this important motion and look forward to the support of the whole chamber, hopefully. I did not quite get what the opposition said they were doing. It is a standard bill, but it appears this enjoys the unanimous support of the whole chamber.

The Hon. N.J. Centofanti interjecting:

The Hon. K.J. MAHER: I indicate we will be voting against the opposition amendment, but I look forward to the strong and unanimous support of the entire chamber for this bill, even if the amendment should fail.

The council divided on the amendment:

Ayes 6
Noes................11
Majority 5

AYES

Centofanti, N.J. (teller)	Girolamo, H.M.	Hood, B.R.
Hood, D.G.E.	Lensink, J.M.A.	Pangallo, F.

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Lee, J.S.
Maher, K.J. (teller)	Ngo, T.T.	Scriven, C.M.
Simms, R.A.	Wortley, R.P.	

PAIRS

Henderson, L.A.	El Dannawi, M.
Game, S.L.	Martin, R.B.

Amendment thus negatived; motion carried.

Bills

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS REVIEW) BILL

Committee Stage

In committee.

(Continued from 12 November 2025.)

Clause 12.

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

Amendment No 7 [Simms–1]—

Page 5, line 23 [clause 12, inserted subsection (1)]—After 'received' insert ', and the name of each nominated candidate,'

When I gave my second reading remarks, I reflected on the background behind that amendment. This was based on some feedback we had from regional councils. People are concerned that information is not being shared before nominations close, and in some regional communities it is resulting in a situation where there may be only one nominee for a particular seat or, indeed, no-one standing. I think it is fair to say I have had several discussions with Minister Joe Szakacs around this matter, and the minister, I think, had been originally reluctant to make that alteration. However, I think he has also recognised the impact that it is having on regional communities and has agreed to support the amendment, which I am greatly appreciative of.

The Hon. B.R. HOOD: This reflects exactly amendment No. 4 [Hood-1]. I will certainly be supporting it as it is the feedback that we have heard across the state with the, I suppose, unintended consequences that happened at the last local government election.

The Hon. C.M. SCRIVEN: The bill requires the returning officer to publish numbers of nominations received to address concerns that the non-disclosure of those details caused an increase in uncontested elections or elections with insufficient nominations. The amendment proposes that the names of the nominees must also be released.

The government's position has been to require the returning officer to release the number of nominations but not the name of candidates, with the position reflecting our view that a person's motivation for standing for council should be to serve the community and not to respond to personal relationships or to prevent a perceived poor candidate from getting up. Likewise, if other candidates, including incumbent members, are of the view that another person would make a good member, they should be encouraging them to stand well before nominations open and close.

However, we also acknowledge that many councils have made strong representations that names should also be released, and I can certainly see the benefits of that, as does the government. In light of this, and in respect of the arguments the Hon. Mr Simms, the mover of this amendment, has put to progress this amendment, the government is happy to be supporting it.

Amendment carried; clause as amended passed.

Clauses 13 to 16 passed.

Clause 17.

The Hon. C.M. SCRIVEN: I move:

Amendment No 2 [PrimIndRegDev–1]—

Page 6, after line 36—Insert:

(1) Section 47(1)(b)—delete 'second' and substitute 'third'

This is a small change, a technical amendment that has been requested by the Electoral Commission of South Australia. It amends section 47 of the Local Government Elections Act so that it accords with the proposed amendment to section 5 in clause 4 of the bill that will shift close of voting from 5pm on the second last business day before the second Saturday in November to the third last day; that is, from the Thursday to the Wednesday.

The Hon. B.R. HOOD: As indicated in my second reading speech, we will be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 18 to 20 passed.

Clause 21.

The Hon. R.A. SIMMS: I actually have two amendments lodged in relation to this. I move:

Amendment No 1 [Simms–3]—

Page 11, after line 7 [clause 21, after inserted section 81A]—Insert:

81B—Certain campaign arrangements or understandings to be disclosed

(1) If 2 or more candidates in an election or elections in the area of a council enter into an arrangement or understanding to do either or both of the following:

(a) to incur expenditure jointly on electoral material relating to the election or elections;

(b) to keep gifts of money received in relation to the election or elections in the same account,

each candidate must, within 1 business day of entering into the arrangement or understanding, give notice of it to the returning officer.

(2) A notice under subsection (1) must state the names of the candidates who have entered into the arrangement or understanding and comply with any requirements of the returning officer.

(3) The returning officer must, as soon as is reasonably practicable after receiving a notice under subsection (1), ensure that the notice is published in a prominent location on a website determined by the returning officer until 30 days after polling day for the relevant

I indicated previously what this is seeking to achieve. What this does is ensure that if you have two or more candidates standing in an election who are going to incur expenditure jointly on their election material, or keep gifts of money received in relation to the election in the same account, then that information must be shared with the returning officer, and that information disclosed publicly.

Members will know I had another amendment that related to this information being disclosed with the chief executive officer. This amendment, in response to feedback I received from the government, ensures that disclosure happens directly to the returning officer. This is an important transparency measure.

As I alluded to in my second reading remarks, it has been of concern to me for some time, as well as other people in the local government sector, that whilst membership of political parties is disclosed through the nomination process, people may be pooling their campaign resources through more informal arrangements, operating in effect as a sort of factional base, and that information may not be disclosed to the public during the election period. Under this amendment, if a group of candidates are running together and sharing campaign costs, then the community at least will have access to that information. I think that is an important change.

The Hon. C.M. SCRIVEN: The government appreciates that the intent of this amendment is to provide information to voters about candidates who may be standing on a joint ticket. I note the member's first proposed amendment was that this information must be provided to the council's CEO, but also that campaign donation returns and the candidates of the Adelaide City Council campaign expenditure returns are now provided to the Electoral Commissioner as the returning officer. I appreciate that change the honourable member is proposing.

As all of this information is maintained on the ECSA website, it therefore seems a better place to also host this information if it is required to be provided. Given the member has made this small change, the government supports this amendment in the interests of providing transparent and full information to voters.

The Hon. B.R. HOOD: As indicated in our second reading speech, the opposition will not be supporting this amendment. We feel that there are some questions around how this may be enforced, whether it be two candidates who receive gifts of money from a particular individual, even though they may not necessarily be working together but are advocating for the same issues within their council area. Again, we will not be supporting the amendment.

Amendment carried; clause as amended passed.

Clauses 22 to 24 passed.

Clause 25.

The Hon. C.M. SCRIVEN: I move:

Amendment No 3 [PrimIndRegDev–1]—

Page 12, after line 16 [clause 25, inserted section 91B, after inserted subsection (2)]—Insert:

(2a) A meeting held by a council under this section must be presided over by the chief executive officer of the council, or a person appointed by the chief executive officer (who must not be a candidate in the general election).

I am advised that this amendment was requested by the Local Government Association to clarify that it is not appropriate that a public meeting for candidates be chaired by a candidate who may gain an advantage by doing so. It is noted that section 91A(2)(b) of the Local Government (Elections) Act requires that council caretaker policies prohibit the use of council resources for the advantage of a particular candidate or group of candidates.

While councils could therefore include this requirement within their caretaker policy to ensure that this is the case for the new candidate meetings, this amendment would put the matter beyond doubt. This amendment will therefore amend the new section 91B to include that a public meeting is to be chaired by the chief executive officer of a council or a person other than a candidate for election, appointed by the chief executive officer who is responsible for determining the procedure to be observed at the meeting.

The Hon. B.R. HOOD: With this amendment and many aspects of the bill we do oppose it in general, as it obligates all councils to hold public meetings during an election campaign. The amendment is not something we can support in its entirety, but I do have some questions of the minister in regard to some of the answers we received to questions in the other place from the minister himself, essentially saying that election debates are not inherently controversial, which we disagree with.

Given the inherently controversial nature of election debates that can happen, I am wondering whether the minister can answer some questions. Is it not likely that there will be disagreements about debate format, speaking order, time permitted for speaking, whether questions are permitted, each candidate's position on the stage or the powers of the presiding officer of intervention? Is it not inevitable that the council, its employees or contractors ultimately will be or could be accused by one or more of the candidates or their supporters of bias and, therefore, is it not highly likely that public meetings may undermine the electorate's confidence and the integrity of their council and its employees, as is being considered?

The Hon. C.M. SCRIVEN: First of all, I would like to correct the honourable member's opening remarks. He is mistaken in saying that this bill mandates that public meetings of the types we are talking about must occur. My advice is that they must occur unless expressly decided by the council in their caretaker policies to not hold them. So it is open to every council to decide not to hold such a candidate forum.

However, the government has received a great deal of feedback that the voting public, the electors, would like to know more about their candidates. They would like to see more transparency, to be able to ask questions of their candidates, and therefore that is the main driver for including this particular provision. In terms of the formats and all of the other matters the honourable member referred to, my understanding and advice is that they can be determined by the council within their own policies.

The Hon. B.R. HOOD: Supplementary to that: is it not the case then that a sitting council could decide on the format a public meeting could look like for future elections? Does the minister consider that that may actually be to the detriment of new candidates who may be sitting in that election?

The Hon. C.M. SCRIVEN: I am advised that there is an existing requirement in that the caretaker policies cannot favour one particular candidate. So any policy that was developed by a council needs to take that into account and ensure that that is the case. But it comes back again to whether the opposition believes that there should be transparency and openness in candidates for council and the opportunity for residents, for ratepayers, to be able to ask questions of those who propose to put themselves forward for election to council.

The Hon. B.R. HOOD: I thank the minister for her reflections on what the opposition may or may not believe in regard to transparency.

The Hon. C.M. Scriven interjecting:

The Hon. B.R. HOOD: I am trying to be nice to you today, Clare; you are a grandma. In regard to this amendment appointing a chief executive officer, thinking about the public meeting section of the Summary Offences Act, specifically section 18A, if a person being disorderly and abusive is a candidate in the election and the candidate has not yet had the formal opportunity to speak, does the person presiding, which would be the chief executive in this amendment, have the power to have that candidate removed?

The Hon. C.M. SCRIVEN: I am advised, first of all, to point out that it can be the chief executive or a person appointed by the chief executive, so it is not essential that it be that chief executive if there are concerns around public perceptions. Secondly, each council will determine their caretaker policies, which will incorporate those matters. They can, for example, determine that the meeting could be online and what the behavioural standards would be.

The Hon. B.R. HOOD: Supplementary to that, and this will be my last question at this clause: what powers then would, I guess, the presiding member or the chief executive have to protect staff and council contractors should words or actions at such meetings constitute a risk to the wellbeing of council officers? Is that something else that would be included in the council policies?

The Hon. C.M. SCRIVEN: According to my advice, it would be reasonable to expect that a council policy on these sorts of matters would include a provision that would say that if someone was threatening the health, safety or wellbeing of either other candidates or staff or contractors, they would be ejected from such a meeting. That would be something where there would be, I think, a rightful expectation of the public that such a clause would be included in those council policies.

Amendment carried; clause as amended passed.

Clauses 26 to 30 passed.

New clause 30A.

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

Amendment No 11 [Simms–1]—

Page 14, after line 17—After clause 30 insert:

30A—Amendment of section 76—Allowances

Section 76—after subsection (12) insert:

(12a) Amounts must be withheld from the payment of allowances to a member of a council, and paid to the Commissioner of Taxation in accordance with the Pay as you go system under the *Taxation Administration Act 1953* of the Commonwealth, if—

(a) that system contemplates amounts to be withheld from such payments; and

(b) the member requests, in accordance with any requirements of the council, that such withholding occur.

I outlined this amendment in my second reading remarks. It ensures that amounts will be withheld from the payment of allowances to a member of council and paid to the Commissioner of Taxation in accordance with the pay-as-you-go system, if that system contemplates amounts to be withheld from such payments and the member requests, in accordance with any requirements of the council, that that occur. In other words, this would apply in circumstances where the council has a system in place to be able to collect the tax on a pay-as-you-go basis and if the elected member requests that that arrangement apply.

My reason for proposing this is that this was certainly something I encountered when I was on a council and something I know has been an issue for a number of other councillors. Because of the nature of the allowance, if pay-as-you-go taxation is not collected it means that, at the end of your financial year, you can be stung with a giant tax bill, and that could deter people from being on council, particularly people who might be juggling part-time bills. This just gives them a little bit more certainty around being able to manage their own affairs. I have had some positive feedback from the local government sector in relation to this.

The Hon. B.R. HOOD: As indicated in my second reading speech, we will be opposing this as we believe it unnecessary and ultimately outside the jurisdiction of this bill. It is also my advice that advice has been sought previously by the ATO in regard to the understanding of a councillor's allowance and whether it is income or not. I believe that advice is rather lacking in terms of what it means. If the ATO were to ultimately have to crack that egg open, I know that, most especially considering my time in local government, I did pay tax on that allowance. I know others who did not, and there may be some significant money either going in or going out from the ATO if this does happen. Ultimately, we will not be supporting the amendment.

The Hon. C.M. SCRIVEN: I think it is worth pointing out two items which the honourable member opposite perhaps has not picked up, which is that the amendment refers to withholding of pay-as-you-go taxation amounts from a council member's allowance should this be possible under the relevant commonwealth legislation and should council members request it. So if it were passed and it were possible, if council members did not request for that to occur then it would not occur. Therefore, for any of those who are not liable for taxation in that circumstance, nothing would change for them but only for those who actively sought it out.

I am advised that the Taxation Administration Act 1953 currently does not allow for this and that this amendment would therefore not have immediate effect. But, as pointed out, should that change this would then obviously have the desired effect that the mover of the amendment is seeking. So the government will be supporting the amendment.

The Hon. C. BONAROS: I indicate for the record that I will be supporting the amendment.

New clause inserted.

Clause 31.

The Hon. C.M. SCRIVEN: I move:

Amendment No 4 [PrimIndRegDev–1]—

Page 14, lines 21 to 25 [clause 31, inserted paragraph (c)]—Delete inserted paragraph (c) and substitute:

(c) reimbursement of expenses (not exceeding the prescribed amount) incurred by the member in producing printed material in prescribed circumstances or of a prescribed kind (other than excluded material) necessary for engaging with the community in relation to local government matters.

This amendment relates to a clause in the bill that will require councils to provide a reimbursement to council members for expenditure on printed material that is necessary for community engagement, to a maximum amount that will be prescribed. The bill clause also provides that this reimbursement cannot be for electoral material, as defined in the Local Government (Elections) Act. This is essentially material that is designed to affect the results of an election. I am advised that this amendment responds to feedback from councils that requested greater clarity on what should or should not be reimbursed.

It is critical that local council members engage directly with their constituents and that they are supported to do so. One broader issue that the government is considering in this bill is people's lack of engagement with their council, which becomes particularly evident at election time. Often this lack of engagement is a reflection of citizens' lack of knowledge about who their local members are, let alone what they actually believe or stand for. Any effort, therefore, that local members can make to get to know their constituents and for their constituents to get to know them should be supported. Therefore, it is a simple proposition that if a council member makes this effort then this should be recognised through what will be relatively small reimbursements.

However, the government acknowledges that councils are seeking some more guidance as to what can be reimbursed and what should not be. As the minister undertook in the other place, these amendments therefore bring this clarity. In particular, the amendment is a commitment to drafting regulations that will clarify what can be reimbursed. Of course, these regulations will be widely consulted upon with the LGA and the local government sector more widely.

The Hon. B.R. HOOD: As indicated in the second reading speech, we do not support this amendment to the aspect of the bill which we are opposing in general around reimbursement of expenses incurred by members by producing printed material. We do appreciate this amendment is trying to provide clarity, but overall we believe this is an ambiguous clause that we do not support.

Amendment carried.

The Hon. C.M. SCRIVEN: I move:

Amendment No 5 [PrimIndRegDev–1]—

Page 14, after line 25 [clause 31, after inserted paragraph (c)]—Insert:

(2) Section 77—after subsection (2) insert:

(3) In this section—

excluded material means—

(a) electoral material within the meaning of the *Local Government (Elections) Act 1999*; or

(b) material produced or distributed between the close of nominations and the close of voting for a general election of a council or a periodic election.

This relates to the amendment we have just discussed.

Amendment carried; clause as amended passed.

Clause 32 passed.

The CHAIR: There is an amendment in the name of the Hon. Mr Simms to insert new clause 32A. It is amendment No. 1 [Simms-2].

The Hon. R.A. SIMMS: I will not be proceeding with that amendment, Chair.

Clause 33 passed.

Clause 34.

The Hon. B.R. HOOD: Just a question to the minister with regard to clause 34 in relation to election sign laws. We have had some feedback as to the complicated nature of those laws. With regard to clause 34, does the minister or the government see that many candidates and members of the public may actually not understand those election sign laws and may be caught up in regard to this?

The Hon. C.M. SCRIVEN: I am advised that the intention of the changes in this clause are to bring local government elections in regard to this matter in line with what applies for state and federal elections. The clause changes the way in which electoral advertising posters (EAPs)—what we might sometimes call in this place corflutes—may be displayed in local government elections. Currently, the display of EAPs is regulated according to the material that they are made of. The new provisions will change this to regulate EAPs in relation to the place and time they may be displayed, as is now the case for both federal and state elections.

This reflects community expectations that the display of EAPs should be very limited, as they are environmentally damaging and harmful to visual amenity. It has been drafted to be as consistent as possible with the rules that apply to the display of material in federal elections and in state elections. The LGA supports this change, according to my advice, to bring consistency to the display of electoral advertising in all three elections—federal, state and local—as this will make the job of regulating displays of posters much simpler for councils. Similarly, one would expect in relation to the member's direct question that that consistency would reduce the confusion rather than increase it.

The Hon. B.R. HOOD: I thank the minister for her response. We will be supporting amendment No. 6, as we believe it does provide greater clarity around the powers of the council officers.

Clause passed.

New clause 34A.

The Hon. C.M. SCRIVEN: I move:

Amendment No 6 [PrimIndRegDev–1]—

Page 15, after line 39—Insert:

34A—Amendment of section 227—Removal of moveable sign

Section 227—after subsection (2) insert:

(3) If—

(a) a local electoral poster to which section 226(2a) applies is exhibited in contravention of that subsection; or

(b) an electoral advertising poster relating to a State election is exhibited otherwise than in accordance with section 226(3)(caa); or

(c) a designated electoral advertising poster to which section 226A(1) applies is exhibited in contravention of that subsection,

an authorised person may order the person who authorises exhibition of the poster to remove it from the road or road-related area.

(4) If the authorised person cannot find the person who authorises exhibition of the poster, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the poster.

This amendment was requested by the Local Government Association, and it provides that authorised officers can remove electoral advertising posters that have been displayed in a way that is not compliant with sections 226 and 226A of the Local Government Act. Section 227 provides that moveable signs, including electoral advertising posters, that are not displayed in accordance with the council's by-laws—which should include a requirement to comply with section 226—can be removed by an authorised officer. While authorised officers should therefore have this power, this amendment will clarify it and ensure that the authority is provided without councils having to amend their by-laws, which could otherwise be necessary.

New clause inserted.

Clause 35.

The Hon. B.R. HOOD: I just want to put a question or two to the minister in regard to the minister's powers and how they must be related to, or constrained by, the emergency. In a declared emergency, the minister will be granted very broad powers. To what extent must the exercise of these powers be related to addressing the emergency itself? For example, if there was a flood emergency along the River Murray, could the minister exercise new powers to direct the amalgamation of the River Murray councils or to send council road crews to fix state government roads or to achieve some other state emergency policy objective that was unrelated to the flood emergency?

The Hon. C.M. SCRIVEN: My advice is that this bill does not give the minister any new powers. It simply expands the circumstances in which they can be applied, in this case to all declared emergencies. It retains the restraints and oversights that were introduced in 2020, such that the minister may only make notices that are reasonably necessary as a result of the declared emergency. The notices are disallowable by parliament and the notices expire automatically 28 days after the cessation of the emergency. In addition to that, it only allows the minister to vary or suspend the act. He or she cannot create new powers.

The Hon. B.R. HOOD: I thank the minister for her answer. The proposed deletion of subsection (8) removes the requirement of the minister to report on the review of the operation of the existing clause in relation to the COVID emergency. Why has the state government decided not to include similar reporting requirements with respect to the exercise of these significant ministerial powers during future emergencies?

The Hon. C.M. SCRIVEN: My advice is that this question was answered in the other place as well, and the reason is that the requirement related to a sunset clause that was in existence at the time. The previous clause said the minister must ensure that a report on the review of the operation of this section is tabled in each house of parliament before 31 December 2021. Therefore, obviously, that is no longer relevant, and that is the reason for the removal of that particular clause.

The Hon. B.R. HOOD: So, essentially, there is no requirement for the minister to report any longer because of the date that was set previously? Why did the government not update that date?

The Hon. C.M. SCRIVEN: I am advised that was a report in relation to COVID and therefore that report has already been done, and that is why it is no longer applicable. I am further advised that use of this provision will need to be reported to the Legislative Review Committee. So there are reporting requirements that will apply and, obviously, they can then be potentially disallowed.

Clause passed.

Clauses 36 and 37 passed.

Clause 38.

The Hon. C.M. SCRIVEN: I move:

Amendment No 7 [PrimIndRegDev–1]—

Page 16, line 29 [clause 38(1), definition of *default person*]—After 'who' insert:

has been nominated by the chief executive officer under Schedule 1 clause 3B(1) to vote on behalf of the body corporate or group in an election or poll and

This amendment is a technical amendment requested by the Adelaide City Council. It relates to the changes to the City of Adelaide Act within the Statutes Amendment (Local Government Review) Act 2021 and amends the definition of 'default person' to specifically reference that a default person is nominated by the council's chief executive officer.

Amendment carried; clause as amended passed.

New clause 38A.

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

Amendment No 14 [Simms–1]—

Page 16, after line 32—After clause 38 insert:

38A—Amendment of section 24—Allowances

Section 24—after subsection (12) insert:

(12a) Amounts must be withheld from the payment of allowances to a member of the Council, and paid to the Commissioner of Taxation in accordance with the Pay as you go system under the *Taxation Administration Act 1953* of the Commonwealth, if—

(a) that system contemplates amounts to be withheld from such payments; and

(b) the member requests, in accordance with any requirements of the Council, that such withholding occur.

This is consistent with the other issue that was raised in relation to taxation and gives effect to that amendment.

The Hon. C.M. SCRIVEN: I am advised that this is essentially the same amendment as the one we discussed earlier regarding pay as you go, but in relation to the City of Adelaide. Given they are under a separate act it needs to be moved again. The government is supporting it.

The Hon. B.R. HOOD: As we opposed the previous amendment, we will be opposing this one.

New clause inserted.

Clause 39.

The Hon. C.M. SCRIVEN: I move:

Amendment No 8 [PrimIndRegDev–1]—

Page 17, lines 1 to 5 [clause 39, inserted paragraph (c)]—Delete inserted paragraph (c) and substitute:

(c) reimbursement of expenses (not exceeding the prescribed amount) incurred by the member in producing printed material in prescribed circumstances or of a prescribed kind (other than excluded material) necessary for engaging with the community in relation to local government matters.

Amendment No 9 [PrimIndRegDev–1]—

Page 17, after line 5 [clause 39, after inserted paragraph (c)]—Insert:

(2) Section 25—after subsection (2) insert:

(3) In this section—

excluded material means—

(a) electoral material within the meaning of the *Local Government (Elections) Act 1999*; or

(b) material produced or distributed between the close of nominations and the close of voting for a general election of the Council or a periodic election.

These amendments propose the same changes that my previous amendment proposed for the requirements for reimbursement of expenses, in order to apply them to the Adelaide City Council.

The Hon. B.R. HOOD: As we previously opposed other amendments tied to these, we will be opposing them.

Amendments carried; clause as amended passed.

Clause 40 passed.

Clause 41.

The Hon. C.M. SCRIVEN: I move:

Amendment No 10 [PrimIndRegDev–1]—

Page 17, lines 18 and 19 [clause 41(6)]—Delete subclause (6)

This technical amendment has been requested by the Adelaide City Council and agreed to by ECSA. It will remove the proposed change to the timing in which the council must bring the roll up to date from four weeks to three, returning it to four. The council and ECSA have advised this is necessary for the City of Adelaide to avoid a clash with the end of the prescribed period for the identification of a default person to exercise the vote for a group or body corporate where a group or body corporate has not nominated a person.

The Hon. B.R. HOOD: We will be supporting the amendment.

Amendment carried.

The Hon. C.M. SCRIVEN: I move:

Amendment No 11 [PrimIndRegDev–1]—

Page 17, after line 32 [clause 41, after subclause (9)]—Insert:

(9a) Schedule 1, clause 3B(1)—delete '(a *default person*)'

(9b) Schedule 1, clause 3B(3)(a)—after 'Commission' insert:

or another appropriate public body

This has also been requested by the Adelaide City Council and it relates to the changes to the City of Adelaide Act within the Statutes Amendment (Local Government Review) Act. The amendment proposes to include 'another appropriate public body' along with the Australian Securities and Investments Commission as a body from whose information the CEO may nominate a default person, as this will expand the sources of information available to the council's CEO to ensure that a person is nominated by the CEO to exercise the vote on behalf of groups and body corporates, and therefore the government proposes it.

Amendment carried.

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

Amendment No 2 [Simms–3]—

Page 21, after line 11 [clause 41(16), after inserted clause 24A]—Insert:

24B—Certain campaign arrangements or understandings to be disclosed

(1) If 2 or more candidates in an election or elections in the area of the Council enter into an arrangement or understanding to do either or both of the following:

(a) to incur expenditure jointly on electoral material relating to the election or elections;

(b) to keep gifts of money received in relation to the election or elections in the same account,

each candidate must, within 1 business day of entering into the arrangement or understanding, give notice of it to the returning officer.

(2) A notice under subclause (1) must state the names of the candidates who have entered into the arrangement or understanding and comply with any requirements of the returning officer.

(3) The returning officer must, as soon as is reasonably practicable after receiving a notice under subclause (1), ensure that the notice is published in a prominent location on a website determined by the returning officer until 30 days after polling day for the relevant election or elections.

This is to give effect to the other amendment that we dealt with earlier in relation to the pooling of campaign funds and the disclosure around that.

The Hon. B.R. HOOD: As we opposed the previous amendment, we will be opposing this one.

The Hon. C.M. SCRIVEN: As noted in my comments on the member's similar amendment to the Local Government (Elections) Act, the government supports this amendment as amended, to require the information to be provided to the returning officer.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (12:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FISHERIES MANAGEMENT (CUTTLEFISH—NORTHERN SPENCER GULF) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 October 2025.)

The Hon. R.P. WORTLEY (12:25): The giant Australian cuttlefish is an iconic species in South Australia. Tens of thousands of giant Australian cuttlefish cluster near Whyalla in northern Spencer Gulf each year to spawn on an area of rocky reef. This is the only known dense aggregation of spawning giant Australian cuttlefish in the world, which attracts significant tourism, both nationally and internationally, to the region.

Whyalla and the surrounding region do a fantastic job catering to the increasing nature-based tourism, drawn to the region for the cuttlefish aggregation, and it has become an important celebration of community and the broader region each winter as Cuttlefest rolls around in those colder months. There are numerous and increasing ways that locals and tourists alike can enjoy the aggregation and Cuttlefest, with glass-bottom boat tours, guided diving and snorkelling tours, the Whyalla Art Trail, coastal walking trails, numerous citizen scientist and school activities, and the Secrets of the Spencer Gulf exhibition at the Whyalla Maritime Museum, amongst others.

The Whyalla council, in partnership with Santos, this year ran a pilot program called Cuttlefish Concierge where local cuttlefish ambassador and experienced diver, Carlo Possagno, was on hand to assist visitors to the main Point Lowly dive site, sharing information and firsthand experience of the cuttlefish in the local region. This all tells the story of a community that rallies behind this natural wonder, and in turn it provides opportunities and employment across a range of sectors and businesses in what is an incredibly important local economy to our state.

The Malinauskas government has proudly championed protection of the Australian cuttlefish, promising to protect the species in the Upper Spencer Gulf prior to the last state election. This commitment was met quickly by Minister Scriven, who then oversaw the temporary section 79 protection transition into regulatory protection, and now the highest protection available, incorporating protection into the Fisheries Management Act 2007.

We know that the former Liberal government allowed the Upper Spencer Gulf protection for cuttlefish to lapse in 2020, and so it is important that this protection is enshrined in the act to protect the species long into the future. Of course, it is not only important to protect this iconic species—particularly given numbers can be variable, but have rebounded from low numbers recorded in the early 2010s—it is just as important to provide certainty to the people of Whyalla.

The Malinauskas government fully understands the giant Australian cuttlefish and the only known mass spawning aggregation off the Whyalla coastline is worthy of its highest levels of protection. The bill introduced to parliament seeks to incorporate this current regulated spatial closure for the take of cuttlefish into the Fisheries Management Act 2007 to provide greater permanency for this existing arrangement, and does not amend the location and size of the spatial closure area currently under the Fisheries Management (General) Regulations 2017.

Importantly, the bill does not restrict fishers from being able to take other species such as southern calamari or octopus within the spatial closure area. Consultation with key stakeholders, including industry groups, was undertaken in 2025 by the Department of Primary Industries and Regions prior to the introduction of this bill. No objections to the proposal were raised. With that, Mr President, a current Whyalla member who would appreciate the importance of this piece of legislation, I commend this bill to the council and look forward to getting to Whyalla for Cuttlefest and a barbecue with you in the future.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (12:29): I, too, enjoy barbecues with you, Mr President. I rise today to speak on the Fisheries Management (Cuttlefish—Northern Spencer Gulf) Amendment Bill 2025. This bill seeks to enshrine in legislation the existing prohibition on the take of cuttlefish in the Northern Spencer Gulf, a measure already regulated since May 2023 under the Fishery Management (General) Regulations 2017. It is, in essence, a move to provide legislative certainty and permanency to what is currently a regulatory closure. This is obviously the highest level of protection that can be given.

The opposition supports the passage of this bill. Protecting the iconic cuttlefish population of the Northern Spencer Gulf is the responsibility of the government of the day, whoever they may be. The cuttlefish population in these waters is a unique species, and without adequate protection may suffer irreversible damage.

It is important to note that this bill does not change the current practical management of cuttlefish in the Spencer Gulf. The closure area remains exactly the same, the fishing restrictions remain unchanged, and the prohibition continues to apply only to the take of cuttlefish species. Commercial, recreational, and traditional fishers may still lawfully target other species, such as southern calamari and octopus, in this area.

Sound science must always underpin fishery management decisions, and it was in response to scientific data that the regulations have been altered in the past. Back in 2013 the Northern Spencer Gulf cuttlefish population had plummeted to around 13,000—a devastating figure compared to the 200,000-strong migrations seen just a few years earlier. Under the previous Liberal government we adopted a science-led approach to management, and when stock assessment showed significant recovery—with numbers climbing to around 240,000—the prohibition was lifted in 2020, consistent with the best available science at that time.

It is important to get this right, as the South Australian fishing sector supports regional economies, local jobs, and thriving coastal communities. So too does tourism, Mr President, as you well know. Sound fisheries management must ensure that our fish populations are not only protected but supported to thrive into the future. These decisions must be based on accurate information and cannot be made in isolation from the socioeconomic wellbeing of these communities. We need a plan that looks beyond short-term closures and embraces resilience, one that supports fishers to adapt to environmental changes, to challenges like the harmful algal bloom, and to the increasing pressures our oceans face.

We must acknowledge the seriousness of the current situation. The ongoing harmful algal bloom represents a significant threat to the survival of this iconic species and, in this context, maintaining the prohibition on take is the responsible and necessary course of action. It poses risks not only to cuttlefish but to a range of marine life and, by extension, to the livelihoods of those who depend on healthy fisheries and healthy environments.

Unfortunately, this government's response to the algal bloom crisis, as we all know, has been slow, fragmented and lacking in vision. It is true to say that the government cannot be blamed for the occurrence of the harmful algal bloom, but its response has been leadfooted, ad hoc, and ill-directed. The trust in science that underpins sound fisheries management was missing in the government's management of the early stages of this algal bloom outbreak.

We now know that the government was handballing decision-making between different departments, and that citizen scientists were left to provide scientific advice in the absence of leadership from this government. Their focus was more on spinning a story to preserve the image of this government rather than confirming the true nature of the algal bloom and the real risk to the marine ecosystem, the fishery and to the public.

In conclusion, the opposition supports the passage of the Fisheries Management (Cuttlefish—Northern Spencer Gulf) Amendment Bill 2025, but we do note that this legislation will not change the practical implications of the management of cuttlefish within Spencer Gulf.

The Hon. C. BONAROS (12:34): I do not know if it is a good idea to make a joke about barbecued cuttlefish right now, so perhaps I will refrain—but it is a Greek delicacy. I do rise to indicate my support for this bill and the intervention strategy aimed at safeguarding Australia's iconic giant cuttlefish population from the algal bloom. This includes the air bubble curtain, which will be installed on the Cuttlefish Coast in the Upper Spencer Gulf with an aim to protect about 50,000 to 80,000 cuttlefish eggs and hatchlings.

The benefits and importance of the giant cuttlefish population to Whyalla cannot be underestimated. We know that thousands of visitors descend on Whyalla from across the globe to witness the giant cuttlefish in all their glory in their natural habitat during their annual migration between May and August each year. It is, as the Hon. Mr Wortley has indicated, the world's largest known gathering of its kind.

As Mayor Stone has said, these cuttlefish are not just of critical importance to the local environment and economy but also to the nation. They have been added to the National Heritage list, and with that comes a responsibility to ensure their protection is a matter of national importance. I am of the view—and I think this view would be shared—that elevating their protection under this bill certainly is a reflection of that and goes some way towards protecting them as far as possible, but also recognising their national importance.

I will just take this moment to reflect—the Leader of the Opposition has already reflected on the issue of algal bloom more generally—on the technology being used within our fishing and seafood industries and how far that has come. I remember when I was first told by the industry about these air bubble curtains and that sort of technology, the underwater barriers that are being used to mitigate the effects of algal bloom and other mitigation strategies. It is also a reflection of how far that industry has come. It is certainly very advanced technology.

When it is broken down into its simplest terms, it makes a lot of sense. We know that they have been used in WA to protect kelp from fish, for instance, and whilst there are limitations on what they can be used for it is a good indication and a good example of how technology is helping that particular industry keep pace with the sorts of risks it faces. This risk of algal bloom is one that I am glad the government and federal government have responded to via this bill and via the strategy that is underpinning it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (12:38): I thank the honourable members who have made a contribution: the Hon. Mr Wortley, the Hon. Ms Centofanti and the Hon. Ms Bonaros. The giant Australian cuttlefish is an iconic species. We have heard today, in addition to my second reading explanation, about how important it is to the local economy, particularly the tourist economy. I will just respond briefly to the comments of the Hon. Ms Centofanti in that it is quite ironic that she calls into question our vision, when it was the removal of the ban on taking cuttlefish back in 2020 under the previous Liberal government.

Cuttlefish abundance can fluctuate very widely over relatively short timeframes, so we then, in following years, saw significant decreases. The algal bloom is a reminder of how important it is to be thinking about species such as the giant Australian cuttlefish in order to make sure they are protected when they are particularly iconic, as is the case for this particular species. However, as noted, this will put in place permanent arrangements in terms of protection of the giant Australian cuttlefish, which will be good for that species and it will be good for Whyalla and our state more broadly. I commend the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (12:40): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PLANNING, INFRASTRUCTURE AND OTHER MATTERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 October 2025.)

The Hon. J.M.A. LENSINK (12:41): I rise to make some remarks in relation to this piece of legislation. The Statutes Amendment (Planning, Infrastructure and Other Matters) Bill is a bill which we have been referring to as an omnibus bill, introduced by the Minister for Housing and Urban Development in, I think, the sitting week prior. It makes consequential, technical and administrative amendments to a number of acts across the planning, infrastructure, property and development portfolios.

The bill supports the operation of the State Development Coordination and Facilitation Act 2025 and amends some existing legislation with the establishment of the Coordinator-General's office and new mechanisms for coordinating state significant development and infrastructure delivery.

Amendments also respond to initiatives under the South Australian Housing Roadmap, aiming to reduce delays in approvals, increase digital processing of development and property transactions, and alter alignment between local and state planning functions. I think all of those particular measures are welcome. There are some which have caused some consternation to some in the industry, but I will speak to those either at the end of my second reading speech or through the committee stage.

This bill amends the following acts: the Architectural Practice Act 2009, the Land and Business (Sale and Conveyancing) Act 1994, the Law of Property Act 1936, the Planning, Development and Infrastructure Act 2016, the Real Property Act 1886, the Residential Tenancies (Miscellaneous) Amendment Act 2023, and the State Development Coordination and Facilitation Act 2025.

As I said, we all support the objective of streamlining planning and administrative processes, particularly if they modernise our planning and property legislation, which has been an ongoing matter for successive governments since the new PDI Act came into being in 2016 or 2017, thereabouts. I acknowledge the work of the former Marshall government in terms of a lot of the electronic work, and this continues that good work.

The most substantial amendments relate to the PDI Act, which can be categorised into five broad areas: recognition and interpretation, planning and governance, development assessment and automation, infrastructure and land division, and open space and enforcement. There are some other things which are technical, and I do not think it adds to the debate for me to go through things that are probably already on the record through debate in the other place.

In terms of the timing of this bill, it has kind of been later than I think it should have been: we are in the fourth-to-last sitting day of the year. I have ticked off the minister previously in relation to bringing things late, but it is fair to say that he has not rushed this one through or tried to jam it through with inordinate haste. However, certainly the industry groups that I have spoken to have had some ongoing concerns in relation to a range of matters.

There is a whole bunch of amendments, I think just for the clarity of the parliament. I took some amendments to be drafted. I think it is fair to say that the Hon. Connie Bonaros has had very detailed discussions with stakeholders on both sides, and she has three sets of amendments. I think she has been able to have some fruitful discussions, which will improve the legislation. So, when it comes to the amendments, we will play those by ear a little bit. I am happy to take her lead on that because I think she has probably had meetings and a whole range of things which I have not been engaged in, and my understanding is that the government is happy with the amendments she has come up with.

There is probably a bit of variation among some of the stakeholder groups. I do not think the Housing Industry Association have any concerns; I am not sure I have had that in writing. Master Builders Association do not have any concerns; I have had that firmly. My understanding is that the Property Council and the Urban Development Institute of Australia have had some concerns. To what degree they are being mollified by what is in the amendments and the success of those I think remains to be seen. There are concerns, obviously, about water infrastructure and infrastructure generally and who pays, which is an ongoing burr. It probably has been so for some time, but it is particularly so at the moment because everything costs a lot more than it used to.

I look forward to the committee stage of the debate and thank everyone who has contacted me in relation to this legislation.

The Hon. J.S. LEE (12:48): I rise today to speak on the Statutes Amendment (Planning, Infrastructure and Other Matters) Bill 2025. This bill represents an important step forward in streamlining processes and reducing unnecessary administrative burdens to help accelerate housing delivery across South Australia.

We cannot overstate how the housing crisis continues to impact communities across our state. Families, first-home buyers and young people are struggling to enter the market or are giving up on their dream of home ownership altogether. We speak constantly in this place about the need to increase supply to help address housing availability and affordability. Some of the key barriers have been the time-consuming and complex planning and approval processes that delay projects and increase costs. This bill tackles some of the inefficiencies in these processes head-on.

The reforms in this legislation are designed to streamline development approvals, reduce administrative burdens and modernise outdated systems. By enabling electronic execution of property dealings and digital land division processes, these changes could save up to three months in processing time, meaning that families can move into their homes a lot faster.

Combined with AI-driven planning assessment reducing approvals from an average of 9.5 working days to just minutes, these reforms will make a tangible difference for builders, developers and homebuyers alike. This is not about removing safeguards—councils will continue to issue building consents and the minister retains oversight—but is about using technology to deliver faster, smarter outcomes.

The bill also simplifies the Planning and Design Code amendment process, reducing the reliance on the State Planning Commission for minor technical changes. This will allow the commission to concentrate on statewide strategic priorities while ensuring that necessary updates to planning rules can occur without unnecessary delay. The minister can still seek the advice of the State Planning Commission as required on complex matters or where there is significant community interest.

The bill also strengthens planning objectives by formally recognising First Nations knowledge and perspectives, ensuring cultural heritage is considered in future development decisions. Further, the introduction of local area plans will strengthen alignment between regional and local planning, ensuring councils have clear pathways to support growth and achieve housing targets outlined in the Greater Adelaide Regional Plan. While this is a new requirement, I understand the minister is committed to working closely with councils and the LGA to provide support and guidance. The department has also committed to providing resources and technical assistance to councils, recognising that these plans can be resource intensive for smaller local governments.

I wish to highlight that the bill will also allow the use of rent-to-buy schemes to be broadened to the private sector where appropriate, following the success of the SA Housing Trust pilot program. This initiative gives long-term renters a pathway to home ownership, allowing them to rent their home at a reduced rate for two years while they continue to save for a deposit before buying the home at a fixed purchase price. With thousands of expressions of interest already received for the pilot, I am particularly hopeful about the opportunity to expand rent-to-buy programs to assist key workers purchase a home.

We have many businesses and industries, particularly in regional areas, that are struggling to attract workers due to a severe lack of local housing options. Expanding rent-to-buy schemes where appropriate could help address these interrelated challenges, supporting housing affordability, workforce retention and community resilience.

While I strongly support the intent of this bill, I acknowledge that industry stakeholders, including the Urban Development Institute of Australia (UDIA), have raised some concerns that warrant careful consideration. These include the proposed requirement for landowner consent before lodging a development application. The UDIA views this as an additional burden that could create unnecessary delays, as developers often lodge applications prior to settlement without impacting the vendor.

The bill will also specify that land division assessments will not be finalised until an agreement is reached with SA Water for the connection of water services. I understand the UDIA has raised concerns regarding potential negative impacts of this amendment, including potentially limiting competition and discouraging private sector involvement in addressing infrastructure challenges.

The UDIA has also expressed reservations about the minister's proposed power to terminate agreements or deeds where an infrastructure scheme is adopted. This power is intended to ensure consistency and fair cost-sharing when infrastructure schemes transition from basic to primary, but I acknowledge the need for transparency and safeguards that maintain confidence in contractual arrangements.

The UDIA is particularly concerned about the impact of terminating lawfully entered agreements, removing capacity for negotiation, and the imbalance in the way costs and obligations are considered. These concerns highlight the importance of ongoing dialogue with industry to ensure that reforms achieve their intended purpose without unintended consequences. I am constantly speaking to constituent stakeholders about the need to simplify the streamlined development approval processes, introduce efficiencies and ensure that our planning system is working for South Australians.

Families, communities, businesses and developers alike raise these concerns with me time and time again, and I believe that overall these amendments will help reduce delays, unlock housing supply and reduce costs, ensuring more South Australians can secure a home sooner. I am committed to reducing red tape, supporting economic growth and helping more South Australians buy their own home.

This bill presents several sensible reforms to modernise planning processes and reduce unnecessary delays, and of course this is welcome. I note that amendments will be moved by the Hon. Connie Bonaros and the Hon. Michelle Lensink. I will consider those amendments during the committee stage.

The Hon. C. BONAROS (12:55): I rise to speak on the Statutes Amendment (Planning, Infrastructure and Other Matters) Bill, a bill aimed at identifying additional efficiencies to bring housing to the market more quickly and drive significant efficiencies in the housing sector. To that end, the drafting of this bill makes changes to various acts within the planning, property and construction sectors. The key functions of most of the amendments—indeed, all of the amendments—are intended to be about streamlining processes, reducing administrative burdens where possible, and amending those bits of legislation which in effect stand in the way of those sorts of efficiency measures.

At the outset, I will place this on the record. Can I say that all the feedback that I have had from the sectors, and individuals in the sectors, seems to indicate that the government has overwhelmingly been very open to discussions around roadblocks and inefficiencies that exist within the sector. Stakeholders have brought issues to the attention of government and there has, I think, been a genuinely receptive and solution-driven response to many of those issues. That is a good thing, especially when it does not require legislation and you can fix things if they are brought to the attention of those who are able to fix them. Wherever levers can be pulled in the absence of legislation, it appears they are being pulled, and that is good.

I guess this bill is the culmination of those inefficiencies and measures that actually require legislative intervention. To that end, I will probably just focus my comments on the two aspects of this bill that are predominantly the subject of amendments that I will be moving, which have been the subject of very, very extensive consultation and discussions with the sectors involved and, indeed, with government.

When I say the sectors—and I say this because it is important—we are not simply talking about the big end of town. This is not a bill that just impacts the big end of town, and I think that is really important, particularly when you start to talk about the sorts of amendments that we will be dealing with later today around the infrastructure schemes. There are small players that are impacted by these measures, but they also have concerns that are equally as valid as those of the big end of town.

This is what we do in the centre of politics: we try to find a compromise that everyone can live with. I think some of the measures have quite rightly, as other members have indicated, given rise to very valid concerns, and those valid concerns centre predominantly on existing entitlements and protections when it comes to the infrastructure scheme that would be overridden in the name of efficiencies. On the face of it, that is something that anybody impacted by this scheme, no matter how big or small a player you were in this area, would have concerns about.

So there are a number of amendments that have been the subject of very extensive consultations; I reiterate that. It is, I guess, a bit of a compromise between where those who will be impacted by this bill and the stakeholders sit and what was initially proposed by the government. I thank the government for its willingness to take on board those concerns and land, if you like, at a middle ground that does have the desired impact.

When it comes to the role of the Planning Commission, I do have an amendment around that. I think that is a really critical aspect of this bill as well, because one of the things we cannot afford to do in the name of efficiency and streamlining is override oversight. I think the Planning Commission plays an extremely important role in that regard, so some of the provisions which the government had sought to remove in the name of streamlining I think are worthy of debate in relation to the important role they play when it comes to external oversight and transparency. When I say 'external', I mean external of the government, and that role now is one that is undertaken by the Planning Commission.

So I will seek to reinsert some of the provisions with the support, I hope, of both sides but certainly following discussions with the government. I do not think anybody disagreed in principle—in fact, the sectors did not disagree in principle—that they are good streamlining measures, but they are important in terms of oversight and efficiencies. I look forward to explaining them shortly when we get to the committee stage debate.

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

Sitting suspended from 13:00 to 14:15.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Minutes of Proceedings of the Joint Sitting of the two Houses held on Thursday, 13 November 2025, to receive an Address from the State First Nations Voice [Ordered to be published]
South Australian First Nations Voice 2025 Annual Report [Ordered to be published]

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

Reports, 2024-25—
Administrator National Health Funding Pool
Australian Health Practitioner Regulation Agency and National Boards
Balaklava Riverton Health Advisory Council Inc
Bordertown and District Health Advisory Council Inc
Hills Area Health Advisory Council Inc
Mannum District Hospital Health Advisory Council Inc
National Health Practitioner Ombudsman
Northern Adelaide Local Health Network
Pharmacy Regulation Authority of South Australia
Port Broughton District Hospital and Health Services Inc
Port Lincoln Health Advisory Council Inc
Quorn Health Services Health Advisory Council
South Australian Suicide Prevention Council
Travel Report for Minister for Tourism from 11 September to 12 September 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Education from 21 August to 22 August 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Education from 26 August to 27 August 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Infrastructure and Transport from 8 September to 9 September 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Health and Wellbeing from 11 September to 13 September 2025 prepared pursuant to the Public Sector Act 2009
Travel Report for Minister for Primary Industries and Regional Development on 12 September 2025 prepared pursuant to the Public Sector Act 2009
SA Health and Department for Correctional Service's response to the Coroner's findings into the death of Michael Lionel Richard Weetra—
Report prepared by SA Health October 2025
Southern Kangaroo Island Marine Park Management Plan Amendment 2025 prepared pursuant to the Marine Parks Act 2007

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

Reports, 2024-25—
Administration of the Freedom of Information Act 1991
Victims of Crime South Australia
South Australian Civil and Administrative Tribunal
Report of the Attorney-General made pursuant to section 71 of the Evidence Act 1929 relating to suppression orders made pursuant to section 69A of the Evidence Act 1929—
for the year ending 30 June 2025

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

Guardian for Children and Young People, Child and Young Person's Visitor, Training Centre Visitor and Youth Treatment Orders Visitor: Report, 2024-25

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

Reports, 2024-25—
Architectural Practice Board of South Australia
South Australian Housing Trust
South Australian Skills Commission
TAFE SA

Question Time

RIGHT TO FARM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding the right to farm.

Leave granted.

The Hon. N.J. CENTOFANTI: The Local Nuisance and Litter Control Act 2016 currently exempts activities undertaken under the Mining Act and Mines and Work Inspection Act, being classified as a local nuisance but does not extend the same protection to those acts covering primary production or the business of primary production. As a result, our primary producers—that is, our farmers and growers who feed, house and also clothe us—can be unfairly penalised or restricted due to vexatious claims by individuals for normal and necessary farming practices.

Given the increasing encroachment of urban development into traditionally rural zones, the absence of such an exemption risks undermining the right to farm and discourages food and fibre production in this state. My questions to the Minister for Primary Industries are:

1. Does the minister support amending the Local Nuisance and Litter Control Act 2016 to exempt the activities associated with the normal business of primary production from being considered a local nuisance in the same way that mining operations are exempt?

2. Has the minister written to or advocated to the Minister for Environment and Water in support of such an amendment?

The PRESIDENT: Minister for Primary Industries and Regional Development, before you start your answer, congratulations on the new arrival for your family last night. Well done.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): Thank you so much, very much appreciated. I thank the honourable member for her question. First of all, she should be aware that primary production could not be exempted in the same way as mining because there is a separate Mining Act. Unless she is proposing a primary production act, then it would not be exempted in the same way. What I think she would be interested to hear is the following.

Obviously, first of all, the government acknowledges the vital role that primary producers play in supporting South Australia's economy and our food security. I have spoken on many occasions and in many forums about the importance of our primary production sector and the fact that agriculture and agribusinesses are both the foundation and the future of our state. Primary production activities create a range of normal impacts, which can include noise, dust and odour. Our state's regulatory settings need to protect and support our valuable food producing and rural areas, and provide certainty for the operations of our food and wine producers.

The government of South Australia has committed to considering an amendment to schedule 1 of the Local Nuisance and Litter Control Act 2016 to include primary production as not constituting local nuisance, which can be amended through regulation. The process will involve an assessment of the potential impacts of such an amendment on primary producers, local communities and councils. Should an amendment to schedule 1 be proposed, stakeholders will of course be invited to participate in a consultation process on draft regulations.

RIGHT TO FARM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Supplementary: when can farmers expect the drafting of such an amendment to take place?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): Whilst I have had discussions with the Minister for Environment on this topic of the act, I haven't yet discussed with her what the timeframe would be; I am happy to provide further information as it comes to hand.

RIGHT TO FARM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): Further supplementary: will such an amendment via the regulations be done prior to the 2026 state election?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): As I said to the previous question, I haven't discussed timeframes with the minister in the other place as yet.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): My questions are to the Deputy Premier, in his capacity as Minister for Aboriginal Affairs, regarding the First Nations Voice to Parliament:

1. Has the First Nations Voice been consulted on the government's response to the harmful algal bloom and, if so, when were they first consulted and how many times have they been consulted?

2. Does the First Nations Voice work with individual Aboriginal corporations in relation to such consultations, such as the Narungga National Aboriginal Corporation?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:25): I thank the honourable member for her question. I certainly know—and I can seek to supplement it with further information, given the response to the harmful algal bloom isn't directly in my portfolios—and am aware of some of the concerns that First Nations groups have in the effect that it has on them. Close to Adelaide on the Yorke Peninsula with the Narungga Nation, certainly I am aware that concerns have been raised, not just for the waters and activities but for the cultural impacts that the harmful bloom has had and may still have.

The Ngarrindjeri Nation—I am aware of concerns that have been raised. I am aware that there is First Nations representation on a number of the working groups or committees that are set up in relation to dealing with the harmful algal bloom. In terms of specific meetings convened with the First Nations Voice about the harmful algal bloom, I am happy to go away and ask the secretariat if that has occurred and see whether I can find out any further information about specific meetings with individual Aboriginal nations or Aboriginal corporations.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): My question is again to the Deputy Premier, in his capacity as Minister for Aboriginal Affairs, regarding the First Nations Voice to Parliament. Given the Labor government has committed to progressing the Uluru Statement in full, including Voice, Truth and Treaty, can the minister outline what the projected costs of doing so will be, and will it form part of the Mid-Year Budget Review?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:27): I thank the honourable member for her question very much. If I remember correctly, it was about NAIDOC week of 2019, so around July 2019, the then Labor opposition first committed to an implementation of a state-based response to the Uluru Statement. I think it was May 2017 when the Uluru Statement was handed down from the 250 delegates who met in Uluru to form the tenets of the components of Voice, Truth and Treaty.

Having made that commitment and having been elected in 2022, we undertook significant consultation, both with people who had been involved in the dialogues and the process in relation to the Uluru Statement from the Heart, and also many of those who had been involved in the thinking and the writing afterwards, we determined that the first logical step was the Voice component of the three tenets of the Uluru Statement—that is what we concentrated on, obviously, as many members would be aware.

We appointed a Commissioner for First Nations Voice, Commissioner Dale Agius. Consultation was conducted around South Australia in relation to different possible models for a First Nations Voice. After that, draft legislation was put forward and a second round of consultation was engaged in, with a model that included various elected bodies. After that second round of consultation, the legislation then passed.

We have six Local First Nations Voices, each with representation that includes two presiding members. Those presiding members of each of the six form the 12-person first statewide First Nations Voice. We have had representatives from many of the Local Voices here today in parliament as one of the presiding members, Danni Smith, addressed a joint sitting of parliament. We have started discussions and consultations, both with the Voice and outside the Voice, about those next steps, the elements of Truth and Treaty. We don't have a fixed view of how that will look. Going to the second part—will there be something in the Mid-Year Budget Review—given we don't have fixed views about how they will look, we don't have an indicated budget for that. Obviously, as that develops, we will do that.

We also have started internal work looking not just around Australia but at other jurisdictions where there are truth-telling or treaty developments. North America (Canada and the US), and New Zealand are examples of that. Before the 2018 state election, we had started on our treaty processes. We had had engagements with the Narungga, the Ngarrindjeri and Adnyamathanha, amongst other nations in relation to looking at what a Treaty might look like.

We, before the 2018 election, signed an agreement on the way to Treaty, the Buthera Agreement, with the Narungga nations. Of course, with the change of government that process ceased. Since that time, the landscape has changed significantly. There has been work done previously in the Northern Territory and Queensland in relation to Treaty. There are discussions underway in New South Wales and I think, as I understand it, in Tasmania, and in Western Australia there is the Noongar South West Native Title Settlement. I think many people who look at these things see that is all but named as a treaty settlement.

We don't have a fixed view of how that looks. We have started discussions with the Voice about how that might look. The Voice has put a view, as was reiterated today at the joint sitting, about their view that the next step ought to be an establishment of a commission that would then do that work in terms of consultation about the Truth and Treaty elements and we are certainly open to that and looking at it.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): Supplementary: noting the Deputy Premier's response, can he outline to the chamber when South Australians might expect that the government will bring forward legislation on Treaty?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:31): I appreciate the question. We don't have a timeline for that. If we do implement the suggestion that's been made by the Voice and appoint a commission, that will obviously help determine the future thinking of timelines as well.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. F. PANGALLO (14:31): Supplementary: will a state Treaty also include reparations to be paid to First Nations people?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:31): As I have said, we haven't taken a fixed view and we will discuss what a Treaty may or may not involve.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:32): Supplementary: is Treaty and Truth likely to be implemented before or after the election? What are your plans there?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:32): One thing I can say with some certainty is we will not be having a Treaty developed, consulted on, signed, before this election. In areas that I am aware of, such as provinces in Canada, some areas are decades into a Treaty process. I think in Victoria where Treaty is being discussed, that is the best part of I think it was seven or eight years to get to where they have got. Certainly, when we were looking at individual agreements with Aboriginal nations in the time of the Weatherill government, that was quite some time to develop that. So, no, I don't think there's any expectation that that process will be finalised before the election.

Members interjecting:

The PRESIDENT: Order!

SCHOOLIES FESTIVAL

The Hon. R.P. WORTLEY (14:33): My question is to the Minister for Infrastructure and Transport. Will the minister update the house on how the state government will help keep school leavers safe at the annual Schoolies Festival?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (14:33): I thank the member for his question. As some members may be aware—does anyone actually have any year 12 students?

Members interjecting:

The Hon. E.S. BOURKE: Last year of primary? I thought you might be the only one.

Members interjecting:

The Hon. E.S. BOURKE: He is not going to schoolies—there we go. Over recent weeks, more than 13,000 South Australian SACE students have sat their final exams, with only a few subjects remaining. After the exams, it's only fitting that the year 12 students celebrate the end of their schooling careers. The annual Schoolies Festival will once again take place at Victor Harbor from Friday 21 November to Sunday 23 November.

To help students celebrate safely, the state government has partnered with Encounter Youth to provide the biggest ever upgrade to the Schoolies Festival bus service. For the first time, the free bus service has been expanded to regional areas. The regional express will provide free return transport from key regional areas, including the Riverland, Mid North, Eyre Peninsula, Yorke Peninsula and the Limestone Coast.

That is not the only big improvement. The schoolies metro express will now offer multiple departure locations across metropolitan Adelaide, with seven different pickup locations. The metro express will be leaving from Gawler, Mawson Lakes, Tea Tree Gully, Athelstone, Port Adelaide, Adelaide and Hallett Cove. Then, once school leavers are in the Fleurieu Peninsula, the free Schoolies Festival bus service, supported by the government, will ensure that their transport is sorted all weekend.

Not only is their travel to Victor Harbor from Adelaide on the Friday, and back on Monday, included in the free service but, with their Schoolies Festival wristband, leavers will have the ultimate access to the free Schoolies Festival bus service. Supported by the state government, the festival attendees will be able to get free travel across the Fleurieu Peninsula, from Goolwa to Encounter Bay, from 9am to 1am on Friday, Saturday and Sunday of the Schoolies Festival. This is the biggest transport-related initiative in the history of the Schoolies Festival in South Australia. We are providing free travel from the regions, Adelaide and the Fleurieu Peninsula and then free shuttle buses over the entire weekend. This is incredibly important because whilst we want our kids to have fun we also want them to do it safely on our roads.

The peace of mind a bus service offers to parents is imperative in making sure that everyone can enjoy this special milestone. Knowing their teenagers will get to Victor Harbor and back home safely on a dedicated service makes all the difference. It is important that young South Australians have an enjoyable and safe schoolies experience, which is why we are happy to partner with Encounter Youth to expand the bus service.

We will also be partnering with Encounter Youth to support the delivery of a sensory space for the duration of the Schoolies Festival this year, thanks to the Autism Works in the Community Grants Program delivered through the Office for Autism. This is a $15,000 grant that enables them to have a dedicated sensory space, supported by the hidden-disability program that we have been rolling out. We wish everyone all the very best with their festivities over the coming weeks and hope that it is a very safe time indeed.

ADELAIDE DOLPHIN SANCTUARY

The Hon. T.A. FRANKS (14:36): I seek leave to make a brief explanation before asking the Minister for Infrastructure and Transport a question about the Adelaide Dolphin Sanctuary.

Leave granted.

The Hon. T.A. FRANKS: Some two months ago now, the death by boat strike of the much loved dolphin Rocket saw not just a community outpouring but indeed saw local man Shane Hryhorec start a petition. That petition has now reached 9,682 signatures. At the time, I raised with the minister questions about what would be done to protect the dolphins in what is the Adelaide Dolphin Sanctuary in a very unique environment where we have a capital city with a dolphin pod in a working harbour.

The minister was gracious enough to meet with myself, the proponent of the petition, Shane Hryhorec, as well as Dr Mike Bossley and Marianna Boorman earlier this week to discuss not just the petition but what other measures could be put in place, including, as the petition calls for, boat propeller guards to be installed where appropriate. I seek leave to table the document that contains the petition signatures of some 9,500-plus people who have called for better protections, particularly boat propeller guards, to be installed in the Adelaide Dolphin Sanctuary.

Leave granted.

The Hon. T.A. FRANKS: With that, I thank the minister for her meeting earlier this week, but I ask her now, in the council, if she could put on record what the Malinauskas government will do in response to the threats upon dolphin life in the Adelaide Dolphin Sanctuary, to keep them safe and to protect this precious place.

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (14:38): I thank the Hon. Tammy Franks for her advocacy in this space and for bringing Shane, Mike and Marianna into my office to have a conversation and to hear directly from them. It was clear that there was a lot of passion in the room, particularly from Mike, who was able to also share, with his experience, his love of being on the water. I do thank you for tabling the petition today and I look forward to looking at it closely.

As was discussed during our meeting, you raised this originally on 7 October, I believe. Following your feedback we were able to update the DIT website in regard to the importance of using propeller guards when people are using this sanctuary space. It is a unique space to have so close to our CBD in metropolitan Adelaide. Now, that education campaign can be reinforced.

I know that particularly Mike may want it to go a bit further but this is a starting point, as we discussed in that meeting. There are many alternative shapes to props, and what that looks like in enabling more guards to be available and where we can get them from. I am happy to continue those conversations as well.

In collaboration with the Department for Environment and Water, who were also present at the meeting on that day, we are happy to work across those two agencies to figure out how we can have more of a 'blitz', as we referred to it on the day. Obviously, I don't want to say what day that blitz will be, because that would be counterproductive to having a blitz, but that is something we are working towards having more commitment to. We want people to be slowing down and going to the speed limits in that sanctuary zone. That has come about because of the advocacy of both yourself and the members who you brought in, so thank you for doing that.

A key piece of our conversation was about having more signage available. Sometimes there are too many signs talking about too many different things and it becomes sign noise pollution. We are looking at consolidating some of that existing multiagency static signage that is already available there and having a more concise, to-the-point message on one sign. They are the things we are working through as an immediate action.

We will also now be looking at what speed signage we could be doing and it has us thinking about how we could use some of our more advanced technology and what we can do in this space as well. Thank you again for bringing this to our attention. We look forward to working with yourself and the community.

ACCESS TAXIS

The Hon. J.S. LEE (14:41): I seek leave to make a brief explanation before asking the Minister for Transport and Infrastructure a question regarding accessible transport.

Leave granted.

The Hon. J.S. LEE: Recent reports have highlighted serious failures in accessible transport, including a case where a wheelchair user was left stranded at a major Adelaide event and forced to travel several kilometres without appropriate transport. Advocacy groups argue that without a clear matrix and accountability, inclusion remains tokenistic. There are calls by members of public advocacy groups for measurable standards, including a minimum percentage of transport services designated for disability access. My questions to the minister are:

1. Will the minister commit to introducing measurable standards for disability transport access to ensure accountability and prevent vulnerable South Australians from being left behind?

2. Will the government include in its measure a minimum percentage of transport services that are designated for disability access?

3. Does the minister accept that without a clear matrix and stronger safeguards the current system risks continuing to fail those who rely on it most?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (14:43): I thank the honourable member for her question today. It is a really important area and one that I have dedicated quite a bit of time to. This is a space in which there are quite a number of people in this industry. Rightfully, there are some with one organisation and others with another organisation. What I always find is the best way to sort through an issue and hear the feedback is to bring everyone to the one table. That is exactly what I will be doing in the coming week, because we do not want our most vulnerable left on the side of the road.

As a government, we have taken pretty strong steps in this space and implemented changes to make sure that we didn't have just a handful of drivers getting particular pickups because they had maybe created a relationship and that client was only calling that one particular taxi service. What we have said is there are no more preferential taxi call ins: calls go into a central pool and whichever taxi is closest is there to provide that service. That has been an important change.

It has been acknowledged not only by the industry but also by the union that that was a significant improvement to make, because it means it is the closest taxi that is providing the service, so that they are getting there faster. We know that it is working. We have seen that the average wait time for Access Taxis has improved to just seven minutes, with 98 per cent of the trips picked up within 30 minutes. That has been a big improvement from where we were, and that has come about because a tough decision was made by the previous minister and it is working.

What we need to make sure of is that we don't have this uncertainty going forward. That is why I am bringing everyone to the table next week to have a conversation. I appreciate them making themselves available to do just that. What we do not want is vulnerable people being left on the side of the road. When you buy an Access licence plate, you know that the priority of that licence is to pick up vulnerable people. That is the priority that they should be focusing on.

ACCESS TAXIS

The Hon. J.S. LEE (14:45): Supplementary question: with the stakeholders' meeting that the minister outlined, will the minister bring the feedback and consultation with that group back to the parliament as a further explanation?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (14:45): When I have meetings with stakeholders, they are with stakeholders.

WHISTLEBLOWER PROTECTION

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:45): I seek leave to make a brief explanation before directing questions to the Attorney-General regarding the lack of protection for whistleblowers under the Public Interest Disclosure Act 2018.

Leave granted.

The Hon. H.M. GIROLAMO: On 29 August, *The Advertiser* reported that nearly half of South Australian public servants are afraid of losing their jobs if they report suspected corruption. This finding, drawn from an ICAC report, highlights a concerning culture of fear and a lack of effective whistleblower protections. My questions to the Attorney-General are as follows:

1. Is the minister concerned that nearly half of public servants fear job losses for reporting corruption and that the Public Interest Disclosure Act 2018 is failing to provide genuine protection for whistleblowers?

2. Given these widespread concerns, what action, if any, is the minister taking to provide assurance to public servants that they will in fact be protected should they speak out against suspected corruption?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:46): I thank the honourable member for her questions. Certainly, the ability to draw attention to where there are concerns in public administration is an important one in terms of the integrity in our system. We have a number of integrity agencies in South Australia that look into these sorts of matters, the Ombudsman and ICAC, obviously, being major ones. I meet regularly with ICAC and the ICAC commissioner.

I believe there is a report due out next year that will look at ICAC, OPI and the Ombudsman doing work in relation to public interest disclosure in particular, and I look forward to receiving that. I will go back and check the status of that report and bring back a bit more information, but I look forward to that. I know that both ICAC and the Ombudsman and, of course, OPI (the Office for Public Integrity) do a significant amount of proactive education work to make sure that people know not only where they are able to but where they are obligated to report these sorts of things.

WHISTLEBLOWER PROTECTION

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (14:48): Supplementary: is the Attorney able to outline how many breaches have been investigated or penalised since the introduction of the Public Interest Disclosure Act 2018? I appreciate you may have to take that on notice.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:48): I am happy to, and it might be even after this. I am not sure what the honourable member means by how many breaches—how many times there have been disclosures made under the public disclosure regime?

The Hon. H.M. GIROLAMO: Have there been any breaches of the act itself that have been investigated, and what penalties have been, I guess, provided to people who are in breach?

The Hon. K.J. MAHER: The question is, as I understand it: how many breaches have there been of the public disclosure regime? I am happy to go away and see. I am not sure figures will be able to be found, but if there are I am happy to see if I can report them.

CROWN SOLICITOR'S OFFICE ART PRIZE

The Hon. R.B. MARTIN (14:49): My question is to the Deputy Premier in his role as Attorney-General. Will the Attorney-General update the council on the recent fundraising activities of the Crown Solicitor's Office through their annual art prize event?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:49): I thank the honourable member for his question, and I would most delighted to do so. I appreciate the honourable member's interest in artistic endeavours. He is exceptionally well known for his interest in high and fine art and very gifted in these endeavours as well.

The Crown Solicitor's Office has been a long-time supporter in many ways of JusticeNet, which as many of you know do pro bono legal service work and coordinate vital and free help for individuals and not-for-profit organisations that can't afford a lawyer. JusticeNet SA offers critical services such as Pro Bono Connect, which links clients with private legal practitioners with pro bono legal representation when other avenues for assistance have been exhausted. JusticeNet SA also provides crucial services such as a refugee and asylum seeker assistance referral scheme, a Federal Court self-representation service and a homeless legal outreach service.

There is a long-running tradition at the Crown Solicitor's Office of hosting an annual art show to raise funds to support JusticeNet SA, putting on an incredible display of some of the incredible artistic talents from within the Crown Solicitor's Office team. Every year, the Crown Solicitor's Office art prize provides an opportunity for Crown Solicitor staff to come together as a whole to enjoy some art, celebrate their non-legal talents and raise funds for a very worthy cause.

It was a pleasure this year to speak very briefly and present the awards at the art show for the people's choice award. Crown Solicitor's Office staff democratically voted for the people's choice award, and the winner that was presented was Seisia Kane, for her stunning watercolour painting of the Supreme Court entitled *All Rise*, which sold on the night for an impressive $950 and is now proudly on display at our Supreme Court.

I have been informed that this year's art show raised a record breaking $6,501 for JusticeNet, which is quite remarkable. Everyone involved, both artists and buyers, should be very proud of this remarkable fundraising effort. I am sure if the Hon. Reggie Martin wanted to put one of his watercolours into the Crown Solicitor's Office art show I would be happy to sign my name to it and do that this coming year.

The event was attended by over 100 people, including members of the judiciary, the Minister for Arts in the other place and the Director of the Art Gallery of South Australia. The coveted Crown Solicitor's art prize went to Franchesca Patient for her cotton thread piece, entitled *Make a Wish*, which sold for $400 to none other than the Director of the South Australian Art Gallery. A special award was also presented to Joe Maniscalco as the founder of the CSO art prize and to the civil litigation employment law group for their imaginative artistic description titled *Steed of Release*, which sold for $300.

I commend all those who were involved in this heartwarming event and contributed many impressive artworks to such a worthy cause. To get together and be able to socialise as well as raising funds for an exceptionally valuable South Australian organisation is indeed a wholesomely good thing.

ADELAIDE YOUTH TRAINING CENTRE

The Hon. R.A. SIMMS (14:52): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the report tabled on 11 November in the other place by the Training Centre Visitor and the Office of the Chief Psychiatrist.

Leave granted.

The Hon. R.A. SIMMS: The joint inspection of the mental health and wellbeing of children and young people detained at the Adelaide Youth Training Centre report details the conditions and practices at the Adelaide Youth Training Centre and the impact of these practices on the mental health and wellbeing of children and young people detained in that facility. The report identifies the use of physical and mechanical restraints at the Adelaide Youth Training Centre during 2023-24. To quote from the report:

> Use of physical and mechanical restraints in AYTC is inconsistent with child-focused, trauma-informed standards, particularly those set out by [the Office of the Chief Psychiatrist] for mental health settings.

In the Training Centre Visitor's review of records from the Adelaide Youth Training Centre for 1 July 2023 to 30 June 2024, physical force was used on young people on 321 occasions in incidents or 68.7 per cent of the time that young people were involved in incidents, mechanical restraints were used on young people on 84 occasions in incidents or 18 per cent of the time that young people were involved in incidents and prone restraint was used on young people on 114 occasions in incidents or 24.6 per cent of the time that young people were involved in incidents. This is when a child is held facedown on the ground with their arms and legs held down by staff. To quote from the Chief Psychiatrist, Dr John Brayley, the use of prone restraint was among several 'significant areas of concern' at the detention facility. He said:

> Internationally, this is recognised as a very risky form of restraint. It can lead to restraint asphyxia and potentially even death, so we do not believe that prone restraints should be used.

My question, therefore, to the Attorney-General is: can the Attorney-General update this place on South Australia's progress towards implementing the national prevention mechanism under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to ensure that there is adequate oversight in South Australia's places of detention and when will the government respond to the recommendations made within this report and surely his government can do better than this?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:55): I will say a couple of things. Of course, the Youth Training Centre falls under the responsibility of the Minister for Human Services, the Hon. Nat Cook, but I am sure that she will be looking at the report by the Training Centre Visitor and looking at anything that needs to be implemented or changed or falls out from that. It does show the level of oversight that does occur in South Australia that a report such as this is tabled in our parliament.

In relation to the area that is partly within my portfolios but within other people's portfolios, the implementation of OPCAT in South Australia, I can say that we have no objection to its implementation in South Australia. In fact, I know from regular meetings with attorneys-general around Australia that that certainly has been, and I think still is, the case for most jurisdictions around Australia. There is no fundamental law or in principle objection to its implementation.

What is the case, though, is that I think it is unanimous amongst jurisdictions for a treaty that the federal government has signed up to that states are still awaiting the federal government's contribution to implementing OPCAT. So, as I said, we have no fundamental principled opposition to the implementation of the treaty that the federal government signed up to in OPCAT, but, given it is a decision of the federal government, I think all jurisdictions still need that funding from the federal government to make it happen.

ADELAIDE YOUTH TRAINING CENTRE

The Hon. R.A. SIMMS (14:57): Supplementary: what action is the Attorney-General taking in his portfolio to ensure the implementation of OPCAT here in South Australia and will the Malinauskas government be putting money on the table to ensure that this is implemented within our state?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:57): I am pleased to be able to inform the honourable member that, over the last almost four years, I have been involved in making numerous representations to the federal government for funding for OPCAT.

PORTABLE LONG SERVICE LEAVE

The Hon. J.M.A. LENSINK (14:57): My questions are to the Attorney-General regarding portable long service leave:

1. Has the minister received and read the SACOSS report entitled 'The Costs of the South Australian Portable Long Service Leave Scheme'?

2. Has the government made a decision regarding SACOSS recommendations for a temporary rebate?

3. Has the government received any representations that some non-government organisations may already be trading insolvent as a result of liabilities from the portable long service leave scheme?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (14:58): I thank the honourable member for her question. In relation to the first question, the SACOSS report, yes, I have received it. I have read the report. I have had discussions with numerous people in the community sector field about the introduction of portable long surface leave into that sector. That was an election commitment of this government, and I think it was an election commitment we made in the lead-up to the 2018 election as well.

In the overwhelmingly male dominated area of construction, there has been for almost half a century a portable long service leave scheme that overwhelmingly men have had access to, recognising the short-term nature of work and contracts in that area. Many other jurisdictions—I think, in fact, the whole of the eastern seaboard—including Queensland, New South Wales, Victoria and I think the ACT, have introduced portability of long service leave in the community service sector, an overwhelmingly female dominated area, where people can port over their long service leave into different jobs within that sector. This is a recognition that many of the jobs in this sector are particularly dependent on state or federal government funding, and are often three or five years in nature.

In fact, in the development of the portable long service leave scheme in South Australia, I can remember meeting I think it was a youth worker who had been at the same desk with the same phone number servicing exactly the same clients but with four different companies over 11 years, and had no chance of getting the pro rata long service leave at seven years. This scheme will now ensure that mainly women who are in the community service sector have those same abilities to accrue long service leave, even with short-term contracts within that sector that overwhelmingly men have had for nearly half a century in the construction industry.

In relation to the report and the second question about temporary fees or the state government actually putting in the money for the long service leave contributions of companies in this area, yes, we have considered that and the answer is, no, we haven't made a decision to pay for those organisations or for-profit businesses' contribution to long service leave.

Many of the organisations—all the NGOs, all the for-profit businesses—are already required under Australian accounting standards to make provision for long service leave in some format as it accrues, but we are not aware of any of the other jurisdictions that have had these portable long service leave schemes introduced where the government has paid for the contributions that employers have made in the portable long service leave scheme.

I think the third question was in relation to were we aware of any NGOs who are trading insolvent because of this. I am not aware of NGOs who are trading insolvent—it hasn't been brought to my attention—because of the portable long service leave scheme. Certainly, there have been well-publicised stories of NGOs, some within, for instance, the National Disability Insurance Scheme, who are having financial difficulties for a whole range of reasons that were well before the introduction of our community sector portable long service leave scheme that came into operation on 1 October.

MYRTLE RUST

The Hon. J.E. HANSON (15:01): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the air samplers installed at South Australian botanic gardens to help guard against plant diseases?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for his question. It was a pleasure last week to attend the Adelaide Botanic Garden to see the high-tech monitoring device which has been installed to protect native flora from plant diseases, particularly myrtle rust. SARDI will use the automated air sampler to track the presence of myrtle rust, which is a fungal disease that spreads through air and water, and is known to hitch rides on insects and animals.

It attacks eucalypts, bottlebrushes, paperbarks and other members of the *Myrtaceae* family, causing deformed leaves, stunting growth, reducing fertility, causing heavy defoliation of branches and killing plants. According to DCCEEW, only one strain of myrtle rust exists in Australia, with other strains present overseas. These close relatives of the disease could have devastating impacts on Australian plants were they to reach Australia.

In 2022, the federal government established the National Myrtle Rust Working Group, bringing experts from Australia and New Zealand together to drive a coordinated approach to responding to the disease, and this group continues to meet. Locally, SARDI Plant Health and Diagnostics is working alongside the Australian National University and Data Effects, in partnership with Australia's network of botanic gardens to track myrtle rust from airborne spore movement, helping to map disease risk and guide management strategies.

There are two air samplers in South Australia, at Adelaide and Mount Lofty botanic gardens, and sites nationally include Darwin, Cairns, Lismore, Sydney, Canberra, Melbourne, Hobart and Perth. As part of the project, an interactive dashboard is available on the Spore Tracker website—for those interested, www.sporetracker.com.au. As of samples taken today, 13 November, the website shows 1,314 samples have been collected, 1,077 samples analysed and 170 myrtle rust detections across Australia, including recent detections in Canberra, Sydney, Lismore, Cairns and Darwin.

Each site's information includes a range of live environmental data and historical statistics on myrtle rust detection, which pleasingly show no detections in South Australia since tracking began. It is another great example of the kind of work SARDI undertakes across such a wide range of agriculture, plant and livestock, health and marine research, with expertise that we are incredibly fortunate to have in South Australia.

Once again, certainly from this side of the chamber at least, we say thank you to SARDI scientists for their work, which informs so much of how industry adapts to and overcomes a wide range of challenges and opportunities. Here on this side of the chamber, we value the science, and we thank SARDI for the great work that they do contributing to our state on a daily basis.

Members interjecting:

The PRESIDENT: Order!

CHILD PROTECTION

The Hon. C. BONAROS (15:05): I seek leave to make a brief explanation before asking the Deputy Premier a question regarding deaths of children in South Australia.

Leave granted.

The Hon. C. BONAROS: On 5 October 2022, my office lodged a FOI request seeking access to data on the number of deaths of children known to the South Australian Department for Child Protection between 2019 and 2022. Those in this chamber who have followed *The Advertiser's* 'Save the Kids' campaign may already be aware of the devastating figures coming out of that request: 58 children, either in state care or known to the department. In 2023, three children living in state care and 14 known to the system died.

DCP's latest annual report for 2024-25 confirms the death of nine children known to authorities. However, an article appearing in today's *Advertiser* reveals that a further nine children in contact with DCP have died this year since 1 July, bringing the state tally to 18 deaths in less than 18 months. According to the DCP chief executive, 12 of those children were aged under 10 and most were known to authorities rather than living in state care, and 14 were believed to be the result of medical issues or an unknown cause.

The department has stated publicly that these figures do not establish that a child's contact with the system was a causative factor in their death. That has not been disputed. Any one death of a child is a death too many. My questions to the Deputy Premier are:

1. Is he concerned about the questions these tragic and alarming statistics give rise to in the absence of more de-identified details?

2. Does the Deputy Premier acknowledge concerns around the lack of detail provided and the shadow this continues to cast on DCP?

3. Will the Deputy Premier undertake to raise this issue with his cabinet with a view to considering additional publicly appropriate reporting by the Interagency Child Death Review Panel?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:07): I thank the honourable member for her question. As she has pointed out, and I think all of us would share the view, the death of any child or young person is a tragedy and a concern for all of us. In some cases it is a failing of some systems, and we no doubt feel very deeply for the families, friends, and carers, in a lot of cases, of young people.

I am advised that most of the children contained within the numbers are young people, certainly in the last year, who were not under guardianship at the time of their death. The honourable member mentioned the Interagency Child Death Review Panel, which I am informed reviews all deaths of children and young people who were either in care or known to the department within the 12-month period before the death of the child. In relation to, I think, de-identifying reporting, I am happy to raise that with colleagues to see if there is anything further that can be done.

AUSTRALIAN ROAD ASSESSMENT PROGRAM

The Hon. B.R. HOOD (15:08): I seek leave to make a brief explanation before asking the Minister for Infrastructure and Transport questions regarding the Australian Road Assessment Program.

Leave granted.

The Hon. B.R. HOOD: In September 2025, the Australian Road Assessment Program (AusRAP) released its latest data which rates major highways and arterial roads on a five-star scale, one being the least safest road, five stars deemed the safest. Currently, South Australia has not consented to the release of its data, which stands in contrast to the majority of other states which have released and published theirs. My question to the minister is: when will the 2025 AusRAP data for South Australia be released for the benefit of stakeholders and the public?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:09): I thank the honourable member for his question. I am advised the Department for Infrastructure and Transport will support the South Australian road ratings to be published once the data collected has been verified, which is in line with other states, such as Queensland and Tasmania. I am advised that the decision to publish South Australia's AusRAP star ratings will be reserved until the department has confidence in the accuracy of the data, and they are actively working to complete these assessments.

AUSTRALIAN ROAD ASSESSMENT PROGRAM

The Hon. B.R. HOOD (15:10): Supplementary: will the data be released before the election in March 2026?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:10): As I just stated in my comments, the department will work through them and, when they have confidence that the data is accurate, they will release them.

Members interjecting:

The PRESIDENT: The Hon. Tung Ngo.

Members interjecting:

The PRESIDENT: A bit of respect for the Hon. Tung Ngo, please.

BARRIER HIGHWAY

The Hon. T.T. NGO (15:10): Thank you, Mr President, for your protection. My question is to the Minister for Infrastructure and Transport. Can the minister tell the council how the Albanese and Malinauskas governments are improving safety and freight movements on the Barrier Highway?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:11): I thank the member for this question. The Malinauskas government believes that South Australian regions are critical to the success of our state, and that is why we have invested so much in them since coming to government. I am advised that major transport projects announced in regional areas since the election total some $2.7 billion. When the Torrens to Darlington project, which is a substantial project, is removed from the budget, this represents 70 per cent of the total statewide transport investment commitment being made in regional areas.

The Barrier Highway is South Australia's primary direct road connection to New South Wales and forms part of the primary route between Adelaide and the Mid North. It is a critical interstate freight route, with the trucks representing up to 40 per cent of the vehicles. It is critical for locals, for the livestock industry and for mining. Labor does not take the regions for granted; rather, the Albanese and Malinauskas governments are investing in them together.

Recently, I announced a comprehensive package of works on the Barrier Highway, designed to hit the three key areas of safety, efficiency and resilience. At Whyte Yarcowie, the junction at Barrier Highway and Whyte Road will receive new lighting and safety barriers and the road will be reconstructed, widened and spray sealed to allow larger heavy vehicles to turn onto Whyte Road and the highway.

In Yunta, the main street near the Tea Tree Road and Barrier Highway junction will also be reconstructed, widened and spray sealed to improve heavy vehicle travel to and from pastoral stations, mining production and exploration areas. We are building new rest areas and upgrading an existing rest area in Bindarrah, providing drivers the opportunity to pull over and take a break, with new shelter and picnic tables. As we know, rest areas are crucial when it comes to preventing fatigue-related fatalities and injuries.

These upgrades are funded by the Australian and South Australian governments through the $62.5 million Barrier Highway corridor upgrades and the Safer Local Roads and Infrastructure Program, with the Albanese government committing $50 million and the Malinauskas government committing $12.5 million. Early works, including service relocations, are completed and major construction is expected to be completed by mid-2026. These are good investments to be making in our regional communities and ones that we are proud to be doing.

BARRIER HIGHWAY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:14): Supplementary: can the minister outline how many kilometres of regional roads have been resealed or upgraded in the past 12 months to improve safety, and how many kilometres remain identified as high risk?

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:14): I am advised that total road maintenance spend over the last three years is 57 per cent spent in regional areas. We are spending a large amount of money in our regional communities to make sure that we can maintain our roads. We have 23,000 kilometres of sealed and unsealed roads in South Australia and we know that a substantial amount of that is going into our regional communities.

HUMAN RIGHTS CHARTER

The Hon. R.A. SIMMS (15:15): I seek leave to make a brief explanation before asking a question of the Deputy Premier and Attorney-General on the topic of a human rights charter for South Australia.

Leave granted.

The Hon. R.A. SIMMS: Several months ago, the Social Development Committee handed down a report that recommended that a Human Rights Act be implemented for South Australia, and the recommendation was supported by members of the committee from across the political spectrum. Since the report was handed down, what action has the Attorney-General taken in relation to the recommendations, and will the government consider moving for a human rights charter 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) (15:15): I thank the honourable member for his question and I do note his passion in this area, it is longstanding and well known. I note the work that was done by the Social Development Committee, the thorough investigation, the jurisdictional analysis that has been undertaken, and certainly I think the government appreciates the advice and the wisdom put forward by the report from the Social Development Committee.

I must say, though, we don't have a policy as a government in relation to an instrument or a charter or legislation in relation to a human rights instrument. That's not to say it's something we wouldn't consider in the future, but we don't have a policy in relation to it at the moment. I do note, and I think it was in the chamber in the other place during one of the events commemorating 50 years since decriminalisation of homosexuality in South Australia, I think the equal opportunity commissioner was asked a question during the course of that debate in relation to either a very similar question or one almost identical in relation to a human rights instrument.

I note the response that was given in relation to that question was about the possibility of a thorough review of the Equal Opportunity Act, and I think, without putting words into the commissioner's mouth, paraphrasing, I think it was, in the commissioner's view, more important to do that and that may be able to achieve some of the similar results that advocates for a human rights instrument or charter advocate for.

Certainly, if I am remembering correctly, there was something in the recent royal commission in relation to sexual, family and domestic violence that spoke towards our equal opportunity and discrimination framework. If I am remembering correctly, it's about 40 years since there was a thorough review of that, so that is something that we are considering as a government of its own volition, but in relation to a response to that royal commission, we will consider that in the future.

HUMAN RIGHTS CHARTER

The Hon. R.A. SIMMS (15:18): Just to clarify by way of supplementary question: is the review of the Equal Opportunity Act something that the government would commission independently, or is that something that you are anticipating the commissioner will do themselves?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:18): I thank the honourable member. That's a good question. I don't have an answer to that because we haven't formulated our response yet. It's not something that we have committed to doing. I did note, though, that that is one possibility of looking at this issue from, essentially, another lens and another way to go about some of the issues that are often raised in this area.

CORONIAL INQUESTS

The Hon. F. PANGALLO (15:18): I seek leave to make a brief explanation before asking a question of the Attorney-General and Minister for Aboriginal Affairs about inquests.

Leave granted.

The Hon. F. PANGALLO: In May 2021, in Port Lincoln, a 13-year-old Aboriginal boy was tragically crushed to death when the industrial rubbish bin he was sleeping in was emptied into a garbage truck. Two other boys with him survived the ordeal. Police mounted an investigation for the Coroner. It's my understanding that to date that submission either has not been finalised, or, if it has, was only recently completed.

It would be fair to say that many would be shocked and dismayed at the long delay in getting this matter to the Coroner. It is my understanding that there are also many other matters where SAPOL has failed to provide reports in a timely manner to the Coroner. My question to the Attorney-General is:

1. Can he explain why there has been an unacceptably long delay in getting the report into the death of the boy in Port Lincoln?

2. Can he provide figures on how many other police reports to the Coroner have been delayed by longer than a year?

3. Will he seek an explanation and an investigation by SAPOL about the delays in finalising these reports?

4. How many outstanding Coroner investigations are there into deaths of children known to the Department for Child Protection?

4. How many of those are regarding Aboriginal children known to the department?

5. How long have those investigations been going for?

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (15:20): I thank the honourable member for his question. I can certainly remember those events that occurred a number of years ago in Port Lincoln. I remember spending time, not long after those tragic events, with members of the Aboriginal community in Port Lincoln. It was a particularly distressing time after those tragic incidents.

In relation to the questions about matters before the Coroner and the time for reports, I don't have figures in relation to what SAPOL do and their reporting. I am not sure if figures are available, but I am happy to go away, across various parts of government, to see if there is any information that can be provided.

Bills

STATUTES AMENDMENT (PLANNING, INFRASTRUCTURE AND OTHER MATTERS) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. R.A. SIMMS (15:21): I rise to speak very briefly on the Statutes Amendment (Planning, Infrastructure and Other Matters) Bill. As other members have canvassed in their second reading remarks, this is a broad bill that contains a number of provisions that I think will broadly improve the planning system in our state.

One of the issues I have raised regularly with the minister, over some time now, is the need for increased protection of our heritage demolition controls. In particular, I have been concerned about the status of local heritage buildings and the risk that can flow for demolition and the absence of third-party appeal rights and the like.

I have certainly raised these issues with the minister, and I am pleased to advise that, as a result of consultation with the government, the minister has agreed to investigate tightening the heritage demolition controls and to put the outcome of that investigation into the Housing Roadmap, part 2, should the government be re-elected. I think that is a positive step in the right direction and certainly something that we in the Greens have been calling for for some time, so I thank the minister for engaging constructively with me around that, and I of course acknowledge the work of his office.

I am supportive of the bill in principle and will support the bill's passage today. I understand a number of amendments have been filed by the Hon. Connie Bonaros. I am open-minded to those amendments. The only thing I will say is that I am cautious: I do not want us to continue to give cave-ins and carve outs to developers. I think they get a pretty good deal from the Malinauskas government as it is, so I will certainly be looking carefully to make sure that what we are seeing is not a capitulation to those vested interest groups that I think already get a very good deal from the government.

I will take this opportunity, in the interest of time, to indicate that I will not be supporting any of the Liberal Party amendments.

The Hon. T.T. NGO (15:25): I rise to speak on the Statutes Amendment (Planning, Infrastructure and Other Matters) Bill 2025, a bill that introduces measures to speed up housing delivery and simplify development processes. In 2024, the Malinauskas Labor government released the South Australian Housing Roadmap to tackle the housing crisis with clear and practical actions. We continue to deliver on those commitments through major land releases in Concordia and Onkaparinga Heights. The Concordia Code Amendment alone has rezoned land for 10,000 new homes and ensured infrastructure is delivered up-front.

We are addressing housing affordability through first-home buyer programs and major funding to SA Water to support new developments. The housing crisis affects us all, and this bill delivers efficiencies to bring homes to the market faster. It enables the use of technology and artificial intelligence to make planning decisions. AI technology is now being trialled through the SA planning portal, one of the first of its kind globally.

The bill makes sensible updates across several acts, including the Architectural Practice Act, the Law of Property Act, the Real Property Act and the Planning, Development and Infrastructure Act. These changes will streamline processes, reduce red tape and modernise outdated systems.

Amendments in this bill that save significant processing time include extending the Government Architect's tenure on the Architectural Practice Board, expanding the rent-to-buy scheme following a successful pilot and allowing electronic signatures for deeds under the Law of Property Act. The Real Property Act will also be updated to enable fully electronic land divisions, further reducing delays. To ensure transparency, landowners must now consent before an application is lodged over their property.

The bill also streamlines the State Planning Commission's functions so it can focus on statewide initiatives. The Minister for Planning will still be able to seek the commission's advice when needed. Further amendments will simplify the process for changing the Planning and Design Code, allowing the minister to initiate code amendments when appropriate, reducing bottlenecks and turnaround times.

The bill clarifies that land division clearance can proceed once agreements with SA Water are in place, rather than waiting for connections to be completed. It introduces a requirement for local governments to prepare local area plans aligned with regional plans, strengthening coordination between state and local planning. Other improvements include allowing infrastructure schemes to transition efficiently between stages and updating language to align with federal laws. Importantly, the bill also recognises First Nations people in the objectives of the Planning, Development and Infrastructure Act.

The Labor Malinauskas government remains focused on affordability, supply and cutting unnecessary delays. Every week saved brings us closer to getting more South Australians into homes, which is something we all want to see happen. On behalf of the government, I want to thank the State Planning Commission, Mr David Reynolds, and Marc Voortman and his team at the Department for Housing and Urban Development for their work in shaping this important legislation.

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (15:29): I thank honourable members for their feedback today on this important bill that is before us, including the Hon. Michelle Lensink, the Hon. Jing Lee, the Hon. Connie Bonaros, the Hon. Rob Simms and the Hon. Tung Ngo. I thank them for their contributions towards a bill that is seeking to provide more efficiencies and release more housing for people during what we all in this chamber know to be a housing crisis.

We know that just this week South Australia was seen as the place to be doing business when it comes to the planning system, after it was voted number one in the country by the Business Council of Australia. The bill before us today enables us to continue to build on creating a more efficient and reliable and certain housing community. I look forward to working through this in the committee stage with the members today.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 14 passed.

Clause 15.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 7, line 2 [clause 15(1)]—Delete subclause (1)

This amendment will ensure that the minister can only initiate amendments to designated instruments after first having sought the advice of the State Planning Commission. Members might recall that during the second reading we were talking about winding back some of those requirements as a streamlining exercise, but as I stated during that contribution this is a fine balancing act between streamlining on the one hand and appropriate oversight on the other.

The Planning Commission plays a critical role in the planning system through the provision of expert and independent advice to the minister on designated instruments, such as amendments to the Planning and Design Code and the preparation of infrastructure schemes. The commission plays an important role in the planning system. It is fundamental to the current operation of the system. It is made up of experts who, in effect, know what they are doing. It is also important that we have this level of independence from the minister, if you like, insofar as it relates to good decision-making and probity in the planning system for not all power to be held, effectively, by the minister and what comes with that.

I do note that there were key recommendations from the final report handed down by the Expert Panel on Planning Reform chaired by Brian Hayes KC in 2014. I guess the amendment tries to strike an appropriate balance between that oversight and streamlining, because we are in a housing crisis and any unnecessary red tape that prevents people getting into much-needed housing should be reduced as far as possible.

It is for this reason that the amendments, which have been the subject of consultation with industry as well, allow by regulation for the advice of the commission not to be sought in prescribed circumstances. If the government seeks to make regulations, they will of course be reviewed by this place, so we can monitor the government's intention and ensure this regulation power is used responsibly.

This is really a balance between that oversight and streamlining measures. I note that there are actually two amendments here that go hand in hand. In terms of speaking to them, I am speaking to amendments Nos 1 and 2. With your guidance, Chair, I will not repeat everything I have said, but it is important to understand that both of these amendments are intended to be moved as a package.

The Hon. E.S. BOURKE: I am happy to provide the government's support for these two amendments that have just been moved in the Hon. Connie Bonaros' name. I think the honourable member has outlined in detail the government's reasoning for, firstly, removing but also now supporting the Hon. Connie Bonaros' amendment of putting designated instruments in place where they would have to seek advice from the State Planning Commission.

The CHAIR: Do you want to move amendment No. 2 as well?

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros–1]—

Page 7, after line 2 [clause 15, after subclause (1)]—Insert:

(1a) Section 73—after subsection (3) insert:

(3a) Despite subsection (2)(b), the advice of the Commission is not required for an approval of the Minister under subsection (2)(b) relating to an amendment to a designated instrument in circumstances prescribed by the regulations.

The CHAIR: I will put them both at the same time.

Amendments carried; clause as amended passed.

Clauses 16 to 23 passed.

Clause 24.

The Hon. J.M.A. LENSINK: I move:

Amendment No 1 [Lensink–1]—

Page 8, line 30 to page 9, line 7 [clause 24(3)]—Delete subclause (3) and substitute:

(3) Section 102(1)(c)—after subparagraph (iii) insert:

(iiia) requirements applying under section 198;

As I think I indicated in my second reading speech, we have had some amendments drafted. We have been listening as we go in terms of this debate. As I said, I think the Hon. Connie Bonaros has had some fairly detailed discussions with a range of stakeholders and with the government and has achieved some level of compromise. I might treat the first amendment to this clause as a bit of a test amendment, if you like. I am deeply disappointed that the Hon. Rob Simms has indicated he will not be supporting any of our amendments.

There are concerns, particularly from the Urban Development Institute, in relation to some of the management of infrastructure, particularly water infrastructure, and so this is the first issue, including how that is managed and paid for and the like. I think we are all well aware of the debates in the public domain about who pays for the infrastructure. Various parties will say various things, but I think it is fair to say that some in the development sector are concerned that the government is going to hold all the cards in its hand in relation to these and have quite significant control over the process going forward, and that is not something they welcome. So this is a test amendment in relation to that particular matter. I am happy to respond to any questions on it.

The Hon. E.S. BOURKE: The government is unable to support this particular amendment. I appreciate the member has put forward a number of amendments today. I am happy to work through them as the committee stage progresses, but this particular one we cannot support given the importance of ensuring appropriate water infrastructure is in place. We are all very well aware of the impact that occurs when we do not have appropriate water infrastructure in place. It not only slows down any chance of housing supply but it puts a lot of different communities at risk as well. So we see this as an important requirement to have in the bill and it is also supported by SA Water.

The committee divided on the amendment:

Ayes 6
Noes................11
Majority 5

AYES

Centofanti, N.J.	Girolamo, H.M.	Hood, B.R.
Hood, D.G.E.	Lensink, J.M.A. (teller)	Pangallo, F.

NOES

Bonaros, C.	Bourke, E.S. (teller)	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Lee, J.S.
Maher, K.J.	Ngo, T.T.	Scriven, C.M.
Simms, R.A.	Wortley, R.P.	

PAIRS

Henderson, L.A.	El Dannawi, M.
Game, S.L.	Martin, R.B.

Amendment thus negatived; clause passed.

Clauses 25 to 38 passed.

Clause 39.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–2]—

Page 15, lines 12 and 13 [clause 39, inserted paragraph (e)]—Delete inserted paragraph (e) and substitute:

(e) land intended to be used for the provision of infrastructure within the ambit of paragraph (i) or (j) of the definition of *essential infrastructure* under section 3(1).

The amendment will prescribe additional state-level infrastructure as primary infrastructure in the act and remove the ability for this to be done by regulation. Again, this is one of those concerns that was raised by stakeholders and, in short, was asked for to provide certainty to industry in relation to the scope of primary infrastructure not continuing to grow. It deletes the current inserted paragraph (e) and substitutes that with a new paragraph, which reads:

(e) land intended to be used for the provision of infrastructure within the ambit of paragraph (i) or (j) of the definition of *essential infrastructure* under section 3(1).

The act allows an infrastructure scheme to be established in relation to the provision of primary infrastructure. Currently, that is defined as including basic infrastructure, open space and local community facilities. It does not include land for state-level infrastructure such as hospitals, emergency facilities or schools, and that means that deeds still need to be negotiated alongside an infrastructure scheme to ensure land is reserved for this infrastructure. To overcome this, the bill proposes to allow further essential infrastructure to be prescribed by regulation as primary infrastructure, and the amendment prescribes that state-level infrastructure within the act itself, rather than leaving that to regulation. Again, in short, it is an amendment aimed at providing the certainty that is being asked for by industry.

The Hon. E.S. BOURKE: The government will be supporting this. Again, as the honourable member has outlined, this is really about putting a safeguard in and putting it not just in regulation but within the act.

Amendment carried; clause as amended passed.

Clause 40.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–3]—

Page 15, after line 14 [clause 40, before subclause (1)]—Insert:

(a1) Section 163(1)—after 'Minister' insert:

or a person or body interested in the provision or delivery of basic infrastructure (a *proponent*)

It is, in effect, a set of amendments that all deal with the same issue. I will give an overview, and then deal with each one accordingly. Effectively, the first amendment deals with infrastructure schemes that are approved by the minister. Currently, we only allow the minister to initiate a basic infrastructure scheme. I think the government has acknowledged in the discussions that there can be a significant amount of work that goes into initiating those schemes, including a number of investigations in the suitability of the land for development and the nature or type of infrastructure that is required. One of the asks that has been made is to allow persons interested in the delivery of infrastructure to actually be able to initiate their own basic infrastructure scheme for consideration and approval by the minister.

If I can just speak to this set more generally, there are a number of changes to the infrastructure scheme mechanism throughout this bill. My understanding is that the government is yet to finalise an infrastructure scheme, the statutory tool that allows for the delivery of charging of infrastructure in a growth area, a new community. Because we are still, effectively in some respects, going through the learning stages of how to implement the process, caution does need to be applied to any wholesale changes to this process, which is yet to be fully rolled out and tested anywhere.

The feedback effectively in relation to these is that the amendments that canvass the issue of infrastructure schemes would ensure that new land is properly serviced, but in a transparent manner, and this certainly includes those developing and paying for the land which, as we know, can end up costing a lot of money—money which ultimately can be passed on to the purchaser of the new home. With median house prices now pushing the $900,000 mark in South Australia, I think it is only appropriate that these processes are managed with fiscal and procedural care.

There are a number of other amendments which I will outline now, but get to individually. In relation to those additional costs to the developer, including the government's cost to prepare and administer the scheme, certainly some concerns have been raised around those which have also been addressed. I think in principle it is fair to say that we accept that there have to be those fees payable up-front, including administering costs to government and the studies required to support development of land for housing. It also ensures striking a fair balance where the developer pays their fair share of costs but they understand the costs and what the funding will cover at the start of the process.

This package of amendments that we are going to work through effectively deals with those factors. I will break them down individually, but I think that is a very simplistic overview and, for the benefit of members, it is one of those examples of where we have tried to find a middle ground between what the government has originally proposed and what the concerns were on the part of industry and stakeholders, bearing in mind again that we are not always talking about the big end of town when it comes to these developers, we are dealing with all ends of town, and so these things need to be measured in the way that they are applied. It is effectively this set of amendments, which I will speak to individually, that seeks to canvass those particular issues.

The Hon. E.S. BOURKE: For the ease of the chamber, we will be supporting all of the amendments being put forward by the Hon. Connie Bonaros, and thank her for the work that she has put into this particular bill. I know she has worked with stakeholders and has put in a considerable amount of time and worked with the minister's office as well, which I would also like to thank at this time for the incredible work they have done.

I know the member herself has had a lot of focus on having greater oversight, which has been able to be woven throughout the bill, but also transparency as well. I know it has been your endeavour to achieve this through your amendments and that is why we have been able to support them.

Amendment carried.

The Hon. C. BONAROS: I move amendment No. 3 [Bonaros-1] in amended form, along with other amendments:

Amendment No 3 [Bonaros–1]—

Page 15, lines 18 to 20 [clause 40(2) and (3)]—Delete subclauses (2) and (3) and insert new subclause (2) as follows:

(2) Section 163(3)—after 'proposal' insert 'by the Minister'

Amendment No 3 [Bonaros–3]—

Page 15, after line 20 [clause 40, after subclause (3)]—Insert:

(3a) Section 163(6)—after 'The Minister' insert 'or a proponent'

Amendment No 4 [Bonaros–3]—

Page 15, after line 26 [clause 40, after subclause (7)]—Insert:

(7a) Section 163(6)(h)—after 'as' insert 'the proponent thinks fit, or'

Amendment No 2 [Bonaros–2]—

Page 15, after line 26 [clause 40, after subclause (7)]—Insert:

(7a) Section 163(6)—after paragraph (g) insert:

(ga) provides information regarding the operation and administration of the scheme and the associated costs (to the extent such information is known); and

(gb) identifies further studies or assessments (if any) required to finalise the scheme for adoption; and

Amendment No 4 [Bonaros–1]—

Page 15, line 27 [clause 40(8)]—Delete subclause (8)

Amendment No 5 [Bonaros–3]—

Page 15, after line 27 [clause 40, after subclause (8)]—Insert:

(8a) Section 163(7)—after 'Minister' insert 'or proponent'

(8b) Section 163(9)—after 'Minister' insert:

or proponent (in so far as it is reasonably practicable for the proponent to do so)

(8c) Section 163(9)(b)—after 'Minister' insert 'or proponent'

(8d) Section 163(10)—after 'Minister' wherever occurring insert 'or proponent'

Amendment No 3 [Bonaros–2]—

Page 15, after line 27 [clause 40, after subclause (8)]—Insert:

(8a) Section 163(9)—after paragraph (b) insert:

and

(c) whether the Minister proposes to terminate an agreement or deed under section 167 in connection with the adoption of the scheme.

Amendment No 6 [Bonaros–3]—

Page 15, after line 28 [clause 40, after subclause (9)]—Insert:

(9a) Section 163—after subsection (10) insert:

(10a) A draft outline prepared by a proponent must be submitted to the Minister for approval, together with—

(a) a report to the Minister setting out the outcome of the consultation required under subsection (10); and

(b) any other information required by the Minister.

Amendment No 7 [Bonaros–3]—

Page 15, line 30 [clause 40(10), inserted subsection (11)]—Delete 'will then cause the draft outline' and substitute 'must cause a draft outline prepared or approved by the Minister'

Amendment No 5 [Bonaros–1]—

Page 15, line 33 [clause 40(11)]—Delete subclause (11)

Amendments carried; clause as amended passed.

Clauses 41 and 42 passed.

Clause 43.

The Hon. C. BONAROS: I move:

Amendment No 4 [Bonaros–2]—

Page 16, after line 27 [clause 43, before subclause (1)]—Insert:

(a1) Section 166(1)(c)—after 'with' insert:

subsection (1a) and

(a2) Section 166—after subsection (1) insert:

(1a) A scheme coordinator must, in undertaking consultation under subsection (1)(c) on a proposed scheme, identify whether the Minister proposes to terminate an agreement or deed under section 167 in connection with the adoption of the scheme.

The amendment effectively provides greater transparency and procedural fairness to landowners when the scheme is actually being prepared and finalised for consideration and adoption by the minister. It alters the current act to ensure that the scheme coordinator actually identifies whether the minister proposes to terminate an agreement or deed on adoption of a scheme when the scheme is subject to consultation in line with the community engagement charter under the act.

Again, following consultation in line with that charter, the scheme coordinator has to prepare a report for the minister on the outcomes of that consultation. The amendment simply ensures a greater level of transparency and procedural fairness to landowners when the scheme is being prepared and finalised for consideration and potential adoption by the minister.

The Hon. E.S. BOURKE: The government will be supporting this amendment, in line with the reasoning for the other amendments. It has a focus on procedural fairness and has a focus on supporting landowners as well.

Amendment carried; clause as amended passed.

Clauses 44 to 47 passed.

Clause 48.

The Hon. J.M.A. LENSINK: I move:

Amendment No 16 [Lensink–1]—

Page 20, lines 30 and 31 [clause 48(1), inserted subsection (2)(d)(i)]—Delete '(not exceeding 12.5% of the area of the land to be divided)'

I think this would be very welcome across the community. It removes the upper limit on the 12.5 per cent of land area open space contribution, which will provide more flexibility for larger land areas for public use where justified. It is likely to align with policy on green space in high-growth areas. This is Liberals sticking up for the environment once again.

The Hon. E.S. BOURKE: I am happy to say that the government will support this amendment. I thank the honourable member again for the work that was put into this.

The Hon. C. BONAROS: I will be supporting this amendment as well. I thank the honourable member for bringing this to this place.

Amendment carried; clause as amended passed.

Remaining clauses (49 to 85) and title passed.

Bill reported with amendment.

Third Reading

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism) (16:07): I move:

That this bill be now read a third time.

Bill read a third time and passed

NATIONAL ENERGY RETAIL LAW (RETAILER OF LAST RESORT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 29 October 2025.)

The Hon. H.M. GIROLAMO (Deputy Leader of the Opposition) (16:09): I rise to speak on the National Energy Retail Law (Retailer of Last Resort) Amendment Bill 2025 on behalf of the opposition. This bill forms part of the national process to ensure Australian households and small businesses are protected when their energy retailer fails. It strengthens the retailer of last resort scheme which guarantees that customers continue to receive electricity or gas even if their retailer collapses.

While the opposition supports these amendments, it is impossible to ignore the context in which they arrive: a context shaped by skyrocketing power prices, deepening energy hardship and a government that has wasted hundreds of millions of dollars on failed energy experiments. The fact that this bill is necessary at all speaks to a deeper problem, and that problem lies squarely with Labor's failed energy policies.

Under the Malinauskas government, South Australians are paying record-high energy bills while grid reliability remains at risk. This is the lived reality of South Australians: skyrocketing energy bills, mounting household debt and businesses buckling under cost pressures, all while this government congratulates itself on its so-called 'hydrogen vision'.

To be clear about that vision, the Hydrogen Jobs Plan was announced as a $593 million project promised to be operational by December 2025, which in fact is next month. This has now ballooned towards a $1 billion blowout and has effectively been shelved. The Office of Hydrogen Power SA has spent $285 million in just three years, including $80 million wasted on a project that no longer exists and a CEO salary of $600,000.

The Auditor-General's Report revealed that $85.7 million was written off the government's books and more than $60 million spent on wages and general expenses for a project that never delivered a single watt of power, yet Labor has the audacity to call this fiscal responsibility. They wasted nearly $500 million on this hydrogen hoax. South Australia once led the nation in energy reform and now we lead in energy hardship.

The reforms before us today are sound. They provide clarity for retailers who step forward when others fail, ensuring they can recover prudently incurred costs—such as energy purchases and administrative expenses—within a clear timeframe. This bill ensures no customer is left without power when a retailer fails, but it cannot protect South Australians from a government that is failing them every single day on energy affordability. For that reason, while the opposition supports the bill we call on the Malinauskas government to stop the waste, end the spin and finally focus on delivering secure, reliable and affordable energy for all South Australian families and businesses.

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:12): I thank the honourable member for her contribution on this important bill.

Members interjecting:

The PRESIDENT: Okay, everyone stay calm.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. K.J. MAHER (Deputy Premier, Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector, Special Minister of State) (16:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

HELP TO BUY (COMMONWEALTH POWERS) 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) (16:16): 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.

This Bill seeks to adopt specific provisions of the Commonwealth's *Help to Buy Act 2024* to enable the delivery of the Commonwealth Government's Help to Buy shared equity homebuyer scheme in South Australia.

The Help to Buy scheme will provide eligible homebuyers with a Commonwealth Government-funded shared equity contribution of up to 40 per cent of the purchase price for a new home or 30 per cent for an established home.

Support will be provided to a maximum of 40,000 applicants nationally over four years. If South Australia signs up to the scheme, around 2,700 of these places will be available to South Australian applicants.

Signing up to the Help to Buy scheme will support a number of housing assistance initiatives currently being rolled out by the Malinauskas Government.

Since coming to office, this Government has committed $3 billion in budget funding for housing related projects.

The 2025-26 Budget committed $552 million to directly support the construction of around 2,935 new homes and help vulnerable South Australians find secure housing.

This builds on the 2024-25 Budget, which saw the removal of the property value thresholds for first home stamp duty relief as well as the property value cap for the First Home Owner Grant. This means an eligible first home buyer can now access stamp duty relief and the First Home Owner Grant irrespective of the property value.

The South Australian Government is also delivering the Housing Roadmap, a consolidated plan that includes initiatives aimed at supporting significant land rezonings, investing in the required water and wastewater infrastructure and reforming the state's planning system to fast-track development approvals.

The Help to Buy scheme will complement this work.

The scheme is expected to open for applications later this financial year and will be administered by Housing Australia on behalf of the Commonwealth Government.

Among other eligibility criteria, applicants will need to provide a minimum deposit of just 2 per cent, be purchasing a new or established home priced at up to $900,000 in the Adelaide metropolitan area or up to $500,000 in the rest of the state, and have a gross income of not more than $100,000 for single applicants and $160,000 for joint applicants.

This Bill supports the implementation of the Help to Buy scheme in South Australia by referring legislative powers relating to the operation of the scheme to the Commonwealth Parliament.

The Bill also includes:

- amendments to relevant state legislation to ensure South Australian participants in the Help to Buy scheme are treated consistently with other homebuyers for taxation and homebuyer assistance purposes; and
- provisions allowing for South Australia to withdraw from the scheme at any time.

Participating in Help to Buy will not prevent South Australia from implementing new state-based assistance schemes in the future, nor will it affect the operation of existing homebuyer assistance schemes such as the Shared Equity Option administered by HomeStart Finance or the Rent to Buy scheme administered by the South Australian Housing Trust.

This scheme, combined with our state-based initiatives, will support home ownership for low and middle income earners, helping South Australians and the economy to thrive.

I commend this Bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain words and expressions used in the Bill.

Part 2—Adoption of versions of the *Commonwealth Help to Buy Act*

4—Adoption

This clause provides for the primary version and residual version of the Commonwealth Act to be adopted under section 51 (xxxvii) of the Constitution of the Commonwealth. Subclause (1) provides for the separate and independent adoptions of the primary version and residual version of the Commonwealth Act. Subclause (2) provides that the operation of each paragraph in subclause (1) does not affect the operation of the other paragraph. Subclause (3) provides for the period of operation of any adoption under subclause (1). The Bill has been structured with 2 separate adoptions to provide flexibility to choose how the State participates in the Help to Buy program in the future and to align with the drafting of the Commonwealth Act. In particular, the Governor may choose to terminate the adoption of the primary version and retain the operation in the State of the adoption of the residual version as set out in clause 7 of the Bill. In this circumstance, Housing Australia can continue to administer existing shared equity arrangements but cannot enter into any new such arrangements in SA.

5—Commonwealth laws not otherwise affected

This clause provides that the State Parliament intends that the Commonwealth Act may be expressly amended or have its operation otherwise affected at any time after commencement of clause 4 by either or both—

- a provision of a Commonwealth Act the operation of which is based on a legislative power of the Commonwealth Parliament other than as provided under the amendment reference; and
- a provision of an instrument made under the Commonwealth Act, or a Commonwealth Act the operation of which is based on a legislative power of the Commonwealth Parliament other than as provided under the amendment reference.

6—Amendment reference

This clause refers limited and specific power to the Commonwealth Parliament to enact the matters to which the amendment matters (as defined in clause 3 of the Bill) apply only to the extent of making laws with respect to those matters by making express amendments (as defined in clauses 34(4) and 34(5) of the Commonwealth Act) (*amendment reference*). This is to ensure there is a limited and specific flexibility for the Commonwealth Parliament to make amendments to the Commonwealth Act.

Subclause (2) provides that the amendment reference does not include the making of a law that would have the effect of—

- giving Housing Australia, after a State stops being a participating State, the function of entering into, or the power to enter into, shared equity arrangements that relate to residential property located in the State. This is so a State can choose to stop new participants entering into the Help to Buy program within the State if it were to terminate its adoption of the primary version of the Commonwealth Act for any reason;
- substantively removing or overriding a provision of the Commonwealth Act that requires approval of the State before certain things are done, or sections 41, 41A or 42 of the Commonwealth Act. This is so that the Commonwealth Parliament cannot make amendments to the Commonwealth Act that undermine key protections for a State as set out in those provisions.

Subclause (3) limits the extent to which the references under subclause (1) apply to only—

- where the matter is not included in the legislative powers of the Parliament of the Commonwealth (otherwise than by a reference for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth); and
- the matter is included in the legislative powers of the Parliament of the State.

Subclause (4) provides for the period of operation of any reference under subclause (1).

7—Termination of adoption and amendment reference

This clause deals with the termination of the adoptions specified under clause 4 and amendment reference specified under clause 6 (namely, the period ending on a day fixed by the Governor by proclamation).

Subclause (1) enables the Governor, at any time, by proclamation published in the Gazette, to fix a day on which any or all of the adoptions specified in clause 4, or the amendment reference in clause 6 is to terminate. There are not intended to be any limits on the reasons for the exercise of this power by the Governor.

Subclause (2) sets out that the Governor may repeal a proclamation in the Gazette published under subclause (1), and it is to be taken to have never been made and published. There are not intended to be any limits on the reasons for the exercise of this power by the Governor.

Subclause (3) provides that a repealing proclamation made under subclause (2) must be made and published before the day fixed by the Governor under subclause (1) for the repeal to be effective.

Subclause (4) sets out that the repeal of a proclamation does not prevent the making and publication of further proclamations under subclause (1).

The intent of this clause is to provide a mechanism to protect the State's interests in the event that the State no longer wishes the Commonwealth to have the power to legislate with respect to any of the adoptions or the reference.

8—Effect of termination of amendment reference before termination of adoption of primary version or residual version

This clause deals with the effect of termination of the amendment reference before the termination of the adoption of the primary version or the residual version of the Commonwealth Act.

Subclause (1) provides that if the amendment reference terminates before the adoption of the primary version is terminated, the termination does not affect laws made by the Commonwealth Parliament prior to the termination, or the continued operation in the State of the Commonwealth Act as in force before the termination (subject to any amendments that had been enacted but were not yet in operation, or any amendments permitted as described in clause 5).

Subclause (2) provides that if the amendment reference terminates, it continues to have effect as set out in subclause (1), unless the adoption of the primary version is terminated.

Subclause (3) provides that if the amendment reference terminates before the adoption of the residual version is terminated, the termination of the amendment reference does not affect laws made by the Commonwealth Parliament prior to the termination, or the continued operation in the State of the Commonwealth Act as in force before the termination (subject to any amendments that had been enacted but were not yet in operation, or any amendments permitted as described in clause 5).

Subclause (4) provides that if the amendment reference terminates, it continues to have effect as set out in subclause (3), unless the adoption of the residual version is terminated.

Part 3—Miscellaneous

9—Declaring certain matters to be excluded matters

This clause provides that the listed matters are declared to be excluded matters for the purposes of section 41A of the Commonwealth Act in relation to the Help to Buy program. The intent of this provision is to ensure that in the event of an inconsistency between a State scheme and the Help to Buy program, the State scheme will take precedence over the Help to Buy program except to the extent prescribed by any regulations made under the Commonwealth Act. This declaration of the excluded matters will only apply to the extent—

- necessary to ensure that no inconsistency arises between the Help to Buy program and the excluded matter; and
- that it is not possible for there to be concurrent operation between the Help to Buy program and the State scheme.

10—State's objection to matters

This clause provides for the Minister's power to object to regulations or legislative instruments being made under the Commonwealth Act.

Subclause (1) provides that for the purposes of section 46(1) of the Commonwealth Act, the Minister may object to a matter for the purposes of the Commonwealth Act by notice given to the Commonwealth Minister during either the minimum consultation period or the extended consultation period. Subclause (2) requires the Minister to publish a notice referred to in subclause (1) in the Gazette.

Subclause (3) provides a notice under subclause (1) is intended to constitute the State's objection to a matter for the purposes of the Commonwealth Act.

Subclause (4) provides the Minister may withdraw an objection to a matter given under subclause (1) by notice to the Commonwealth Minister and subclause (5) requires the Minister to publish a notice referred to in subclause (4) in the Gazette as soon as practicable. Subclause (6) provides a notice under subclause (4) is taken as constituting the State's withdrawal of an objection to a matter for the purposes of the Commonwealth Act.

Subclause (7) provides that for the purposes of section 46(4) of the Commonwealth Act, the Minister may give notice to the Commonwealth Minister during the minimum consultation period that the State requires an additional 15 business days to consider a matter for the purposes of the Commonwealth Act. The intent of this provision is to clarify how the power given to the State in relation to the process for States to object to proposed regulations and other legislative instruments in section 46 of the Commonwealth Act should be exercised by the State. After giving notice to the Commonwealth Minister under subclause (7), subclause (8) provides that the Minister must publish a notice referred to in subclause (7) in the Gazette and provides the extended consultation period applies for the purposes of giving the notice to the Commonwealth Minister under subclause (1).

Subclause (9) provides that failure to publish a notice given to the Commonwealth Minister under subclause (1), (4) or (7) in the Gazette does not affect the validity of the notice.

Subclause (10) defines Commonwealth Minister for the purposes of this clause to mean the Minister referred to in section 46 of the Commonwealth Act.

11—Regulations

This is a regulation making power.

Schedule 1—Related amendments

The Schedule makes related amendments to the following Acts:

- Emergency Services Funding Act 1998
- First Home and Housing Construction Grants Act 2000
- Land Tax Act 1936
- Stamp Duties Act 1923
- Taxation Administration Act 1996.

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

STATUTES AMENDMENT (ENERGY AND MINING REFORMS) 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) (16:16): I move:

That this bill be now read a second time.

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

Leave granted.

The State's resources endowment and the opportunities for economic participation in the development of our resources is managed in the community's interests through best practice regulatory frameworks in South Australia.

The government of South Australia is committed to the principles of effective and efficient regulation of our energy and mineral resources sectors and frameworks underpinned by transparency, fairness, predictability and reasonableness.

To ensure that we keep to that path, this Government continues to review the performance of the Mining Act 1971, the Energy Resources Act 2000 and the Hydrogen and Renewable Energy Act 2023 and associated Regulations with the aim of ensuring they remain fit for purpose.

This bill has been developed to deliver four key objectives:

- Drive productive exploration and mining activity to increase the potential for mineral discoveries and investment in the state.
- Promote industry competition, compliance and efficiency.
- Assure that only fit and proper persons that meet the standards expected from our community have control of developing our resources.
- Deliver further consistencies across our energy and mining regulatory and licencing frameworks.

The most pressing amendment included in the Bill relates to exploration tenure and the maximum 18-year period for mining exploration licences. This maximum period is included in the Mining Act and aims to balance tenure certainty and exploration investment with ground turnover. The first mandatory exploration licence expirations under this policy will come into force in 2027.

Whilst the policy rationale for the maximum 18-year period remains valid, the absence of a Ministerial discretion to extend the maximum period beyond 18 years does not enable the consideration of special circumstances, where it may be in the best interests of the community to provide an extension.

The Bill enables an application for an extension to be made to the Minister in two main categories of special circumstance. The first circumstance is where the tenement holder has met their commitments, performed satisfactorily and has the means to continue to do so, and has either made a discovery of minerals, has a new exploration model or is future developing a mineral deposit.

The second circumstances is where the tenement holder has been unable to meet the requirements of the expenditure commitment, work program or other requirements under the exploration licence due to circumstances beyond their control and that could not reasonably have been foreseen.

The Bill enables the Minister to prescribe such other categories of special circumstance as may be required by the regulations.

Upon receiving an application, the Minister is provided with the discretion under the Bill to extend an exploration lease for up to five years. An application for an extension can be made more than once. The Minister retains absolute discretion to refuse an application for a special circumstances extension.

This modification will provide greater certainty to explorers and their investors while still maintaining the original aims of the maximum 18-year policy, that is to incentivise exploration activity on those tenements in a reasonable timeframe.

Another key matter included in the Bill is to provide greater consistency across the three Acts for Ministerial oversight of changes to the controlling interest of existing tenement holders and licensees. The amendments seek to ensure that the State is equipped to provide the necessary scrutiny of significant proposed acquisitions.

The Energy Resources Act and the Hydrogen and Renewable Energy Act already contain change in control provisions, requiring Ministerial approval for transactions that constitute a change in control of 20% or more of the voting rights of the licence or an interest in 20% or more of the issued securities of the licence.

The Bill amends the Mining Act to introduce a similar change in control provision. The primary different in the Mining Act change of control provision is that it only requires Ministerial approval for transactions that constitute control of 50% or more of the voting rights of the licence or an interest in 50% or more of the issued securities of the licence. Whilst a lower percentage could be prescribed in the regulations, 50% was selected as the threshold for the Mining Act due to the significantly higher number of tenement holders under this Act and the potential for a significant processing administrative burden if the 20% threshold was included due to common capital raising practices for small enterprises involved in mining activities.

The change in control provisions being introduced in the Mining Act provide, consistent with the other two Acts, that the Minister must have regard to the technical capability and financial resources available to the incoming tenement holder and may have regard to any other matters the Minister thinks relevant when considering an application for a change in control.

The Bill amends all three Acts to provide greater clarity on the broad range of matters that may be considered, including whether the applicant is a fit and proper person to hold such control, whether the change in control would be in the public interest; the social, economic and environmental effect of the change in control; the appropriateness of any foreign influence on Australia's energy and mineral resources industry (as relevant) consequent on the change in control; and the extent to which the change in control may affect continued investment in the energy and mineral resources and related industries and infrastructure (as relevant) in Australia.

Importantly, the Bill will provide the ability for the Minister under all three Acts to impose conditions on any approval of a change in control.

The Energy Resources Act and the Hydrogen and Renewable Energy Act already include offences associated with failing to obtain approval for a change in control and this Bill introduces consistent offences in the Mining Act. To strengthen the enforcement provisions associated with change of control, the Bill increases the maximum associated penalty amount from $250,000 to $16.5 million. This reflects the necessity for the penalty to be commensurate with the significance of these acquisitions and is consistent with the minimum penalties available to ASIC under the Corporations Act for contravention of civil penalty provisions. The relevant Court retains the discretion to impose a penalty at a level appropriate to the circumstances of the offence up to this maximum amount.

Another significant matter that is dealt with in the Bill, is addressing inefficient turn-over of ground in the event of material non-compliance by the tenement or licence holders under the three Acts. The current remedy is the suspension or cancellation of the tenement or licence. A new forfeiture to the Crown process is introduced where the State is entitled to terminate or suspend a tenement or licence. This process enables the Minister to efficiently transfer the tenement or licence to a suitable person to continue energy resource and mining activity.

This would predominantly be available for a material breach of the Act, licence or tenement, where the Minister is satisfied that the matter is of sufficient gravity to justify the forfeiture. This may include, but is not limited to, situations where a breach of the change in control provisions has occurred.

Consistent with the existing cancellation and suspension provisions in the Mining Act, the Bill includes a right of appeal to the ERD Court (and to SACAT in the case of the ER Act).

The South Australian Government is responsible for ensuring that the financial cost of rehabilitating mines does not fall to the State alone. The financial assurance framework under the Mining Act attempts to secure sufficient funds from tenement holders to cover the costs of rehabilitating disturbed land. Unfortunately, even with best endeavours, it is not always possible to accurately estimate the cost of managing a rehabilitation liability throughout the life of a mine.

To mitigate these costs, the Mining Act established a Mining Rehabilitation Fund that draws its revenue from a limited scope of fines and penalties paid for breaches of the Act. The Bill enables the regulations to prescribe a scheme which will enable broader use of the Fund as a financial assurance mechanism, by allowing voluntary payment of amounts into the Fund and expanded use of the funds for land rehabilitation including legacy mines throughout the State. This mechanism will operate alongside the existing financial assurance framework which requires a mineral tenement holder to lodge a bond as security for rehabilitating land disturbed by mining operations.

These reforms are intended to provide the government and regulators with the option of an additional tool to ensure financial assurance across the life cycle on resource development.

This Bill and its tightly targeted amendments aim to address pressing issues that will ensure South Australian maintains an international reputation for adhering to leading practice for contemporary energy and mining resource regulation.

These amendments will also provide the Minister the discretion necessary to further drive productive exploration and mining activity to realise the potential for mineral discoveries and investment in this state.

I commend this Bill to members, and I 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 *Energy Resources Act 2000*

3—Amendment of section 86AAB—Approval of change in control of holder of licence

This clause amends section 86AAB of the principal Act to insert a list of matters that the Minister may, in considering an application for approval for a change in control under the section, have regard to (so far as they may be relevant) and expressly provides for the imposition of terms and conditions on an approval.

4—Amendment of section 86AAC—Offences

This clause amends section 86AAC of the principal Act to substantially increase penalties for offences against the section, and also inserts a new offence relating to a contravention of approval conditions.

5—Insertion of Part 11 Division 12AA

This clause inserts new Division 12AA into Part 11 of the principal Act as follows:

Division 12AA—Forfeiture and transfer of licence

91AB—Forfeiture of licence

This section provides a scheme for the Minister, by notice in the Gazette, to cause the forfeiture of a licence to the Crown. In addition the Minister may direct the former licensee to take, or cease, specified actions and activities, with failure to comply with a direction constituting a criminal offence.

91AC—Transfer of forfeited licence

This section enables the Minister to approve the transfer of a licence forfeited under proposed section 91AB to a person, and makes procedural provisions accordingly.

91AD—Exclusion of compensation

This section provides that no compensation is payable as a result of the transfer or forfeiture of a licence under the proposed Division, or the expropriation or diminution of rights of the holder of licence as a result of the forfeiture or transfer.

6—Amendment of section 124—Decisions etc subject to review

This clause consequentially amends section 124 of the principal Act to add forfeiture decisions to those that may be the subject of a review.

Part 3—Amendment of *Hydrogen and Renewable Energy Act 2023*

7—Amendment of section 52—Approval of change in control of holder of licence

This clause amends section 52 of the principal Act, setting out matters to which the Minister may have regard when determining an application under the section.

8—Amendment of section 53—Offences

This clause amends section 53 of the principal Act to substantially increase penalties for offences against the section, and also inserts a new offence relating to a contravention of approval conditions.

9—Insertion of Part 4 Division 3 Subdivision 15A

This clause inserts new Subdivision 15A into Part 4 Division 3 of the principal Act as follows:

Subdivision 15A—Forfeiture and transfer of licence

55A—Forfeiture of licence

This section provides a scheme for the Minister, by notice in the Gazette, to cause the forfeiture of a licence to the Crown. In addition the Minister may direct the former licensee to take, or cease, specified actions and activities, with failure to comply with a direction constituting a criminal offence.

55B—Transfer of forfeited licence

This section enables the Minister to approve the transfer of a licence forfeited under proposed section 55A to a person, and makes procedural provisions accordingly.

55C—Exclusion of compensation

This section provides that no compensation is payable as a result of the transfer or forfeiture of a licence under the proposed Subdivision, or the expropriation or diminution of rights of the holder of licence as a result of the forfeiture or transfer.

10—Amendment of section 107—Appeals to ERD Court

This clause consequentially amends section 107 of the principal Act to add forfeiture decisions to those that may be the subject of an appeal.

Part 4—Amendment of *Mining Act 1971*

11—Amendment of section 15AL—Release of material

This clause amends section 15AL of the principal Act by deleting subsection (2) of the section.

12—Amendment of section 28—Preliminary

This clause amends section 28 of the principal Act by amending terms and phrases used in that section.

13—Amendment of section 29A—Application for exploration licence

This clause amends section 29A of the principal Act by deleting subsection (8) of the section.

14—Amendment of section 30AAA—Expenditure

This clause amends section 30AAA(12) of the principal Act to change the mandatory 'will' to a permissive 'may'.

15—Amendment of section 30A—Term and renewals of licence

This clause makes a consequential amendment to section 30A(7)(c) of the principal Act.

16—Insertion of sections 30AAB and 30AAC

This clause inserts new sections 30AAB And 30AAC into the principal Act as follows:

30AAB—Special circumstances extension

This section establishes a scheme whereby a holder of an exploration licence can be granted an extension of the licence for up to 5 years, including by imposing limits on when such an extension may be granted.

30AAC—Minister may refuse certain applications

This section sets out circumstances in which the Minister may refuse an application for an exploration licence, or an extension of an exploration licence.

17—Insertion of Part 8B Division 6A

This clause inserts new Division 6A into Part 8B of the principal Act as follows:

Division 6A—Change in control of tenement holder

56PA—Interpretation

This section defines terms and phrases used in the proposed Division.

56PB—Approval of change in control of holder of tenement

This section provides a scheme in respect of applications for a change in control of the registered holder of a mineral tenement, including by setting out matters to which the Minister must have regard when determining such applications.

56PC—Offences

This section creates a number of offences relating to changes in control of the registered holder of a mineral tenement under the proposed Division.

18—Insertion of Part 8B Division 8A

This clause inserts new Division 8A into Part 8B of the principal Act as follows:

Division 8A—Forfeiture and transfer of mineral tenement

56XA—Forfeiture of mineral tenement

This section provides a scheme for the Minister, by notice in the Gazette, to cause the forfeiture of certain mineral tenements to the Crown. In addition the Minister may direct the former tenement holder to take, or cease, specified actions and activities, with failure to comply with a direction constituting a criminal offence

56XB—Transfer of forfeited mineral tenement

This section enables the Minister to approve the transfer of a mineral tenement forfeited under proposed section 56XA to a person, and makes procedural provisions accordingly.

56XC—Exclusion of compensation

This section provides that no compensation is payable as a result of the transfer or forfeiture of a mineral tenement under the proposed Division, or the expropriation or diminution of rights of the holder of mineral tenement as a result of the forfeiture or transfer.

56XD—Appeal to ERD Court against forfeiture

This section provides a right of appeal to the ERD Court in respect of a forfeiture decision.

19—Amendment of section 56Y—Extension of term of tenement

This clause amends section 56Y(1) of the principal Act to include exploration licences in the scope of that subsection.

20—Amendment of section 62AA—Mining Rehabilitation Fund

This clause amends section 62AA of the principal Act by inserting new subsections (4a) and (4b) which provide a regulation making power to establish a scheme setting out the manner and circumstances in which the holder of a mineral tenement may pay a prescribed amount into the fund. The clause also makes consequential amendments to the section.

21—Amendment of section 70—Forfeiture and transfer of mineral tenement

This clause amends section 70 of the principal Act to remove a regulation making power, and to add miscellaneous purposes licences to the list in subsection (1).

22—Amendment of section 70C—Review of programs

This clause amends section 70C of the principal Act to enable the Minister to seek further information from persons who have submitted revised program, and to provide an additional ground relating to the rejection of a proposed revised program.

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

WAITE TRUST (ACTIVITIES ON AND USE OF CERTAIN TRUST LAND) 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) (16:17): I move:

That this bill be now read a second time.

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

Leave granted.

Today, I rise to introduce the Waite Trust (Activities on and Use of Certain Trust Land) Bill 2025.

The Bill will amend the terms of the Waite Trust to enable the upgrade of the Urrbrae Agricultural High School oval and supporting facilities by the Sturt Football Club and the establishment of a long-term shared use agreement between the Minister for Education, Training and Skills and the Sturt Football Club to make use of these facilities at specified times outside of school hours.

Urrbrae Agricultural High School is located on land that was gifted to the state by Mr Peter Waite in 1914 for the purposes of establishing an agricultural high school and is subject to a charitable trust, namely the Waite Trust, for those purposes.

The school oval upgrade project is part of the Department for Education's commitment to unlocking school facilities and green spaces as valuable community assets.

Partnerships are being brokered between schools and state sporting organisations, clubs and local government authorities to realise improved engagement in schooling and curriculum aligned learning, external investment in school infrastructure and increased mutually beneficial access for community use of school facilities.

Where possible the Department for Education is seeking partnerships where state sporting organisations and sporting clubs financially invest in, and attract additional funding for, capital infrastructure. These organisations then make contributions toward the usage and maintenance costs of school sports facilities in accordance with shared-use agreements which allow clubs access to those facilities at specified times when not in use by the school.

This approach is being taken in respect of the upgrade of the oval and facilities at Urrbrae Agricultural High School.

In addition to the funds the Sturt Football Club and the South Australian National Football League are contributing to the project, they have secured funding commitments from the Australian Government, the Office for Recreation, Sport and Racing through *The Power of Her – Infrastructure and Participation* program, and the Australian Football League.

The total build budget will be almost $4 million.

I would like to take this opportunity to thank the Member for Boothby for her commitment of $3.5m towards this project at the recent federal election.

The project aims to transform the site into a high quality sporting hub with modern, fit for purpose facilities.

The upgrade is proposed to occur over two stages of development. Stage 1 would include the installation of sports lighting, goal posts and backing nets. Stage 2 would include the construction of a pavilion featuring a multi-purpose education room, changerooms, storage spaces, umpire and student amenities, kiosk, coaching boxes, interchange shelters, an undercover spectator area and an electronic scoreboard.

The project will directly enhance the teaching and learning outcomes for the students of Urrbrae Agricultural High School and will enable the Sturt Football Club to utilise the area as their second oval. The upgrade will also benefit local clubs, families and other community groups who will be able to access the improved space.

The new facilities will be confined to the existing footprint of the oval. The upgrades will not result in the demolition of any existing buildings.

In summary the Bill:

- varies the terms of the Waite Trust to allow for the installation and construction of certain facilities and amenities, by or on behalf of the Sturt Football Club, on a portion of the Waite land comprising the site of the school oval and surrounding areas.
- allows for the Minister to grant a long-term licence, on terms and conditions determined by the Minister, to the Sturt Football Club to use the school oval, associated upgraded facilities and amenities and other areas when it is not in use by the school.
- provides for the land that is required during the construction phase, and the land that will then be the subject of the long-term usage agreement, to be identified in plans deposited in the General Registry Office at Adelaide.
- includes an immunity from liability provision, to ensure that no civil or criminal liability attaches to a person in respect of any act or omission done in good faith and without negligence under or in accordance with the new Act.
- includes relevant regulation-making powers.

It is clear that this project will provide significant educational, social and economic benefits to Urrbrae Agricultural High School students, Sturt Football Club and the wider community.

Student learning will be enhanced with the installation of facilities that support the delivery of curriculum aligned programs and extra-curricular activities. The project will directly enhance the teaching and learning outcomes for the school's students.

The project will secure a high quality second oval for Sturt Football Club, in addition to its home ground at Unley Oval, to support the growing number of football competitions and programs run by the club. The upgraded school oval will be used by the football club for training, junior development and women's home games.

The proposal will service multiple purposes and will benefit local clubs, families and other community groups who will be able to access the improved space.

I commend the Bill to the House.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Variation of Waite Trust

This clause varies the terms of the Peter Waite Trust to allow the following:

- specified activities to be undertaken on land that is subject to the terms of the trust by or on behalf of the Sturt Football Club Incorporated and such use of that land in connection with those activities as is approved by the Minister and is by or on behalf of that club;
- land that is subject to the terms of the trust to be used by the Sturt Football Club Incorporated when it is not in use by Urrbrae Agricultural High School and in accordance with a long-term licence granted by the Minister.

5—Immunity from liability

This clause provides an immunity from liability for any person who acts in good faith and without negligence under or in accordance with the measure.

6—Regulations

This clause provides a regulation-making power.

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

STATUTES AMENDMENT (HEALTH AND WELLBEING) 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) (16:17): I move:

That this bill be now read a second time.

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

Leave granted.

I rise today to introduce the Statutes Amendment (Health and Wellbeing) Bill 2025.

This portfolio Bill provides an opportunity for the Parliament to efficiently make an array of amendments to update, modernise and enhance 13 pieces of legislation in the Health and Wellbeing portfolio.

Regarding the *Assisted Reproductive Treatment Act 1988*, the Bill makes minor amendments to the *Assisted Reproductive Treatment Act 1988* to clarify that the register of assisted reproductive treatment providers maintained by the Minister for Health and Wellbeing is a register of applicants approved by the Minister and not merely a register of persons who hold a licence issued by the Reproductive Technology Accreditation Committee of the Fertility Society of Australia and New Zealand.

Regarding the *Automated External Defibrillators (Public Access) Act 2022*, the Bill makes a technical amendment to the heading of section 9 of the *Automated External Defibrillators (Public Access) Act 2022* to ensure it accurately reflects the content of the section.

Regarding the *Blood Contaminants Act 1985*, the Bill makes a technical amendment to the *Blood Contaminants Act 1985* to modernise the scientific nomenclature used in respect of prescribed contaminants.

Regarding the *Controlled Substances Act 1984*, the Bill makes sensible amendments to enhance regulatory practices under the *Controlled Substances Act 1984*, allowing suspension or revocation of a licence, authority or permit in circumstances of voluntary surrender by a holder or where the holder ceases to undertake the activity for which the licence, authority or permit was granted. Additional minor amendments will allow for notices of suspension, revocation or prohibitions to be served electronically, reflecting modern methods of communication.

Regarding the *Food Act 2001*, the Bill removes an unnecessary approval requirement on food analysts via the Minister, given approved laboratories employing food analysts are required to be approved and hold independent accreditation from the National Association of Testing Authorities Australia. This change removes an unnecessary duplication of approvals, removing the administrative burden on all parties.

Regarding the *Health and Community Services Complaints Act 2004,* the Bill includes amendments to clarify that in assisting the Health and Community Services Complaints Commissioner to resolve a complaint, a conciliator can request information from the relevant parties to assist the conciliation

Regarding the *Health Care Act 2008*, the Bill makes amendments to allow for the transfer of restricted ambulance service licences and for standards to be prescribed to apply to licence holders.

Amendments are also provided to empower the Minister to exempt a person from being required to obtain a private hospital licence to provide health services, which may be appropriate in limited circumstances.

Administrative amendments are provided to expand the grounds on which personal information may be disclosed without breaching confidentiality obligations under the Act. These amendments will codify current practices and authorisations already in place to permit disclosure in specified circumstances, such as for the purposes of law enforcement, Coronial investigations, legal advice, or the Minister handling of complaints about the provision of health services.

Additionally, the Bill will amend the *Health Care Act 2008* to include new offences prohibiting the impersonation of SA Ambulance employed or volunteer ambulance officers and preventing the unlawful possession of SA Ambulance Service property. These new offences will address the absence of offences for impersonation and unlawful retention of property in relation to SA Ambulance, bringing the operation of the Act in this regard into line with similar offences existing in relation to police and police security officers under section 74 of the *Police Act 1998* and other emergency services officers under section 126 of the *Fire and Emergency Services Act 2005*.

Regarding the *Research Involving Human Embryos Act 2003*, the Bill implements a recommendation of the Social Development Committee of Parliament to remove the requirement for amendments of guidelines issued by the National Health and Medical Research Council to be referred to the Committee for review and reporting.

Regarding the *Suicide Prevention Act 2021*, the Bill makes administrative amendments reflecting the change of name of Wellbeing SA to Preventive Health SA. The renaming reflects the establishment of an agency focused on strengthening the health prevention agenda in South Australia. The Bill also replaces the membership of the Commissioner for Aboriginal Engagement (a position which no longer exists) with an additional member to be appointed by the Minister who has experience in a leadership position in the Aboriginal and Torres Strait Islander community.

Regarding the *Advance Care Directives Act 2013,* the Bill expands the current powers of substitute decision-makers to allow them to make decisions in relation to transferring admitted patients to regulated federal residential aged care facilities, including where additional support such as a Memory Support Unit is required to ensure that person's safety.

Similarly regarding the *Guardianship and Administration Act 1993 ,* the Bill clarifies the powers of a guardian to allow them to make decisions for transfer of patients who are admitted to hospital and need to be placed at a residential aged care facility and may need additional support such as a Memory Support Unit or Locked Ward for that person's safety.

In regard to both Acts, these changes are intended to increase consistency with other jurisdictions and alleviate any delays associated with administrative processes related to authorising a person to move to a federal residential aged care facility and avoid as much as possible the adverse effects associated with prolonged hospitalisations. Federal aged care facilities are regulated by the Australian Government's Aged Care Quality and Safety Commission, and facilities must adhere to the Aged Care Quality Standards.

Regarding the *Health Care Act 2008*, the Bill provides a new mechanism for entities to be established and designated to provide health services or health support services under the entity's own governance structure, rather than these services being required to be connected to an incorporated hospital (i.e. a Local Health Network). This model would allow, for example, health support services to be delivered statewide by a designated 'incorporated health service', rather than being assigned to one Local Health Network. While there is no immediate intent to utilise this governance mechanism, this amendment helps future–proof health system governance options and increases consistency with governance practices in other states.

Regarding the *Mental Health Act 2009*, the Bill makes amendments consequential to the amendment of the *Health Care Act 2008* in respect the new 'incorporated health service' entity provision and the codification of certain exceptions to confidentiality obligations.

Regarding the *Termination of Pregnancy Act 2021*, the Bill makes administrative amendments consequential to the amendment of the *Health Care Act 2008* in respect of the new 'incorporated health service' entity provision.

This Bill provides a mix of amendments that will modernise health legislation and facilitate a smoother patient journey for South Australians and their families.

I commend the Bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Advance Care Directives Act 2013*

3—Amendment of section 3—Interpretation

This clause inserts definitions for the purposes of proposed new Part 5A.

4—Insertion of Part 5A

This clause inserts new Part 5A as follows:

Part 5A—Powers of substitute decision-makers to place certain persons in residential aged care facility

39A—Persons to whom this Part applies

The proposed section provides that new Part 5A will apply to a person who—

- has given an advance care directive; and
- has impaired decision-making capacity; and
- is admitted as an inpatient of an incorporated hospital.

39B—Powers of substitute decision-makers to place certain persons in residential aged care facility

The proposed section provides that a substitute decision-maker for a person may determine that the person, on being discharged from the incorporated hospital at which they are admitted, is to reside in a residential aged care facility determined by the substitute decision-maker.

The substitute decision-maker may authorise the detention of the person in the residential aged care facility if—

- a guardian, being a guardian who has power to detain, or to authorise the detention of, the person in a residential aged care facility under section 31 of the *Guardianship and Administration Act 1993*, has not been appointed for the person under that Act; and
- the detention is reasonably necessary to prevent or reduce a significant risk of serious harm that the person presents to themselves or to others; and
- the advance care directive given by the person does not expressly exclude the operation of this proposed section in relation to the person.

An advance care directive given by a person may expressly exclude the operation of this proposed section in relation to the person.

39C—Review by Tribunal

The proposed section provides for review of a substitute decision-maker's detention authorisation by the South Australian Civil and Administrative Tribunal within 6 months of a referral by the incorporated hospital and thereafter at intervals of not more than 1 year.

5—Amendment of section 44—Application of Part

This clause amends section 44 of the *Advance Care Directives Act 2013* to provide that the detention, or proposed detention, of a person who has given an advance care directive at a residential aged care facility under section 39B is a matter to which Part 7 (dealing with dispute resolution, reviews and appeals) applies.

Part 3—Amendment of *Assisted Reproductive Treatment Act 1988*

6—Amendment of section 5—Authorisation and registration required to provide assisted reproductive treatment

This clause amends section 5 of the *Assisted Reproductive Treatment Act 1988* to remove the requirement that a person is authorised in accordance with the regulations as well as registered by the Minister under section 7 in order to provide assisted reproductive treatment.

7—Amendment of section 8—Registration

This clause amends section 8 of the *Assisted Reproductive Treatment Act 1988* to require the register to include persons determined by the Minister to be eligible for registration.

Part 4—Amendment of *Automated External Defibrillators (Public Access) Act 2022*

8—Amendment of section 9—Maintenance and testing

This clause amends the section of section 9 of the *Automated External Defibrillators (Public Access) Act 2022* to remove the reference to testing.

Part 5—Amendment of *Blood Contaminants Act 1985*

9—Amendment of section 3—Interpretation

This clause amends section 3 of the *Blood Contaminants Act 1985* to substitute a new definition of *prescribed contaminant* to mean an organism or substance declared by the Minister by notice in the Gazette to be a prescribed contaminant for the purposes of the Act.

Part 6—Amendment of Controlled Substances Act 1984

10—Amendment of section 55—Licences, authorities and permits

This clause amends section 55 of the *Controlled Substances Act 1984* to expand the specified circumstances in which the Minister may suspend or revoke a licence, authority or permit under that section.

This clause also expands the manner in which service of a notice under section 55(4), to suspend or revoke a licence, authority or permit may be effected. The clause provides that the notice may be—

- given to the person personally; or
- posted in an envelope addressed to the person's last known place of residence or business; or
- transmitted by email to the person's email address (in which case the notice will be taken to have been given at the time of transmission); or
- transmitted by fax to the person's fax number (in which case the notice will be taken to have been served at the time of transmission); or
- left for the person at the person's place of residence or business with someone apparently over the age of 16 years.

11—Amendment of section 57—Power of Minister to prohibit certain activities

This clause amends section 57(3) of the *Controlled Substances Act 1984* to expand the manner in which service of a copy of an order under that section may be effected. A copy of the order may be served on the person to whom it applies—

- personally; or
- by post to the person's last known place of residence or business; or
- by email transmitted to the person's email address (in which case the notice will be taken to have been served at the time of transmission); or
- by fax transmitted to the person's fax number (in which case the notice will be taken to have been served at the time of transmission); or
- by being left for the person at the person's place of residence or business with someone apparently over the age of 16 years.

Part 7—Amendment of *Food Act 2001*

12—Amendment of section 4—Definitions

This clause updates definitions due to the change in name of Australia New Zealand Food Authority to Food Standards Australia New Zealand under the *Food Standards Australia New Zealand Act 1991* of the Commonwealth.

This clause also deletes the definition of *approved analyst* consequential on the amendments under clause 15.

13—Amendment of section 5—Meaning of food

This clause updates section 5 of the *Food Act 2001* consequential on changes to the *Food Standards Australia New Zealand Act 1991* of the Commonwealth.

14—Amendment of section 60—Certificate of analysis

This clause amends section 60 of the *Food Act 2001* to remove references to approved analysts and is consequential on the repeal of Part 6 Division 6 under clause 15.

15—Repeal of Part 6 Division 4

This clause repeals Part 6 Division 4 of the *Food Act 2001*.

16—Amendment of section 92—Exercise of functions by enforcement agencies

This clause updates section 92 of the *Food Act 2001* consequential on changes to the *Food Standards Australia New Zealand Act 1991* of the Commonwealth.

17—Amendment of section 102—Presumptions

This clause amends section 102 of the *Food Act 2001* to remove references to approved analysts and is consequential on the repeal of Part 6 Division 6 under clause 15.

18—Amendment of section 103—Certificate evidence and evidence of analysts

This clause substitutes section 103(3) of the *Food Act 2001* to remove references to approved analysts and is consequential on the repeal of Part 6 Division 6 under clause 15.

19—Amendment of section 111—Disclosure of certain confidential information

This clause updates section 111 of the *Food Act 2001* consequential on changes to the *Food Standards Australia New Zealand Act 1991* of the Commonwealth.

Part 8—Amendment of *Guardianship and Administration Act 1993*

20—Amendment of section 3—Interpretation

This clause amends section 3 of the *Guardianship and Administration Act 1993* to insert definitions of *incorporated hospital* and *residential aged care facility* for the purposes of the amendments to section 31 by clause 21.

21—Amendment of section 31—Powers of guardian

This clause amends section 31 of the *Guardianship and Administration Act 1993* to provide that, if a protected person is admitted as an inpatient at an incorporated hospital, the guardian for the protected person may, subject to the terms of the guardianship order—

- determine that the protected person is, on being discharged from the incorporated hospital, to reside at a specified residential aged care facility; and
- authorise the detention of the protected person for the purposes of transporting the protected person between the incorporated hospital and that residential aged care facility; and
- authorise the detention of the protected person at that residential aged care facility.

22—Amendment of section 32—Special powers to place and detain etc protected persons

The amendment to the heading to section 32 of the *Guardianship and Administration Act 1993* in this clause is consequential on the grant of powers to a guardian under clause 21.

This clause also amends section 32 of the *Guardianship and Administration Act 1993* to provide that the section is in addition to, and does not limit or derogate from, section 31(2) (as inserted under clause 21) or Part 5A of the *Advance Care Directives Act 2013*.

Part 9—Amendment of *Health and Community Services Complaints Act 2004*

23—Amendment of section 9—Functions

This clause amends section 9 of the *Health and Community Services Complaints Act 2004* to replace references to special needs groups with references to priority consumer groups.

24—Amendment of section 35—Function of conciliator

This clause amends section 35 of the *Health and Community Services Complaints Act 2004* to provide that, for the purposes of undertaking a conciliation, a conciliator may request the parties to provide specified information or information of a specified kind that may be relevant for the settlement of the complaint to the conciliator. The clause further provides that a party to a conciliation may provide information in response to a request by a conciliator but is under no obligation to do so.

25—Amendment of section 40—Privilege and confidentiality

This clause amends section 40 of the *Health and Community Services Complaints Act 2004* to provide that information provided for the purposes of conciliation will be covered by the privilege and confidentiality provisions under that section.

Part 10—Amendment of *Health Care Act 2008*

26—Amendment of section 3—Interpretation

This clause inserts a definition of *incorporated health service* which is consequential to the insertion of new Part 5AA under clause 40.

This clause inserts a definition of *public sector agency* to consolidate references throughout the Act under a single definition.

27—Amendment of section 4—Objects of Act

This clause amends the objects of the Act in section 4 to refer to incorporated health services which is consequential to the insertion of new Part 5AA under clause 40.

28—Amendment of section 7—Chief Executive

This clause amends the functions and powers of the Chief Executive of the Department under section 7 to refer to incorporated health services, thereby giving the Chief Executive the same functions and powers as the Chief Executive has in relation to incorporated hospitals.

29—Amendment of section 11—Functions of HPC

This clause amends section 11 to provide that the health Performance Council should, in the performance of its functions, seek to obtain, to such extent as is reasonable and relevant in the circumstances, the views of governing boards of incorporated health services.

This clause also amends section 11 to provide that the Health Performance Council cannot, in the performance of its functions, give directions to the governing boards of incorporated health services.

30—Amendment of section 15—Establishment of Councils

This clause amends section 15 to provide that a Health Advisory Council may be established in relation to an incorporated health service.

31—Amendment of section 18—Functions

This clause amends section 18 to provide that the functions of a Health Advisory Council may include to provide advice to the governing board for an incorporated health service about any matter referred to it by the board.

32—Amendment of section 20—Specific provisions in relation to property

This clause amends section 20 to provide that the assets, rights and liabilities of a Health Advisory Council may be transferred by the Minister to an incorporated health service.

33—Amendment of section 28B—Service agreement with Chief Executive

This clause amends section 28B to provide that the Chief Executive of the Department must enter into a service agreement relating to the provision of health services with each incorporated health service and that any such agreement is binding on the Chief Executive and the relevant incorporated health service.

34—Amendment of section 28C—General provisions about service agreements

This clause amends section 28C to provide that a service agreement is entered into by an incorporated health service by the chief executive officer of the incorporated health service signing the service agreement with the approval of the governing board for the incorporated health service.

35—Amendment of section 31—General powers of incorporated hospital

The amendment to section 31 is consequential to the insertion of the definition of *public sector agency* under clause 26.

36—Amendment of heading to Part 5 Division 1A

This clause amends the heading to Part 5 Division 1A consequential to the amendment to the Division under clause 37.

37—Amendment of section 32A—Transfer of functions etc between incorporated hospitals

This clause amends section 32A to provide that:

- the functions of an incorporated hospital may be transferred to an incorporated health service; and
- the assets, rights and liabilities of an incorporated hospital may be transferred to an incorporated health service,

by proclamation made by the Governor under the section.

38—Amendment of section 34—Employed staff

This clause amends section 34 to:

- update reference to the Commissioner for Public Sector Employment; and
- include incorporated health services in the entities where an employing authority under the section may direct an incorporated hospital employee to undertake employment functions; and
- delete a definition of public sector agency consequential to the insertion of the definition of *public sector agency* under clause 26.

39—Amendment of section 45—Interpretation

This clause amends section 45 to include incorporated health services in the definition of *designated entity* for the purposes of Part 5 Division 9 of the *Health Care Act 2008*.

40—Insertion of Part 5AA

This clause inserts new Part 5AA relating to the establishment of incorporated health services.

Part 5AA—Incorporated Health Services

Division 1—Incorporation

48BA—Incorporation

This proposed section provides for the establishment and dissolution of incorporated health services by the Governor by proclamation.

48BB—General powers of incorporated health service

This proposed section provides for the general powers of incorporated health services as a body corporate.

This proposed section further provides a range of activities that an incorporated health service may provide in addition to providing health services.

An incorporated health service is an instrumentality of the Crown and holds its property on behalf of the Crown (other than property held on trust).

48BC—Common seal

This proposed section provides that where an apparently genuine document purports to bear the common seal of an incorporated health service, it will be presumed, in the absence of proof to the contrary, that the common seal of that incorporated health service was duly affixed to that document.

Division 2—Functions of incorporated health service

48BD—Functions

This proposed section provides for the functions of an incorporated health service, the main functions being—

- health services stated in the service agreements for the incorporated health service; and
- teaching, training and research that supports the provision of health services as agreed with the Chief Executive; and
- any other services agreed with the Chief Executive.

48BE—Transfer of functions etc

This proposed section provides that the Governor may, by proclamation—

- transfer all or some of the functions of an incorporated health service to another incorporated health service or to an incorporated hospital;
- transfer the assets, rights and liabilities of an incorporated health service to another incorporated health service or to an incorporated hospital;
- make other provisions that in the opinion of the Governor are necessary or expedient in connection with a transfer under this section.

Division 3—Management arrangements

48BF—Governance and management arrangements

This proposed section provides that each incorporated health service is to be governed by a governing board and provides for the functions of a governing board.

The governing board for an incorporated health service must comply with any directions of the Minister and any directions of the Chief Executive and must comply with any policies of the Department specified by the Minister or the Chief Executive to apply to a governing board in the performance of its functions.

48BG—Composition of governing boards for incorporated health services

This proposed section provides for the composition of governing boards for incorporated health services.

A governing board for an incorporated health service must consist of 6 or more members (but not more than 8) appointed by the Minister, being persons who collectively have, in the opinion of the Minister, knowledge, skills and experience necessary to enable the board to carry out its functions effectively. The proposed section provides details on requirements in respect of individual members of a governing board.

48BH—Members of governing boards for incorporated health services to act in public interest

This proposed clause provides that a member of a governing board for an incorporated health service is to act impartially and in the public interest in performing the member's duties.

48BI—Disclosure of pecuniary or personal interest

This proposed section provides for the disclosure and management of pecuniary and personal interests of governing board members and committee members where the interest is in a matter being considered or about to be considered by the board or the committee.

48BJ—Chief executive officer for incorporated health service

This proposed section provides for the appointment of the chief executive officer of an incorporated health service by reference to a specified person or a person occupying a specified office or position.

The section further provides that the chief executive officer of an incorporated health service is responsible for managing the operations and affairs of the health service and is accountable to, and subject to the direction of, the governing board for the health service. An act done or decision made by the chief executive officer of an incorporated health service in the course of official functions and duties is an act or decision of the incorporated health service.

48BK—Provisions relating to members, procedures, committees and subcommittees etc

This proposed section provides that Schedule 3 applies in respect of governing boards for incorporated health services.

Division 4—Employed staff

48BL—Employed staff

This proposed section provides that an employing authority may employ persons to perform functions in connection with the operations or activities of an incorporated health service. The terms and conditions of employment of a person under the section will be fixed by the Chief Executive and approved by the Commissioner for Public Sector Employment.

A person employed under this section will be taken to be employed by or on behalf of the Crown (but will not be employed in the Public Service of the State unless brought into an administrative unit under the *Public Sector Act 2009*).

A person employed under this section may be directed by the employing authority to perform functions in connection with the operations or activities of another incorporated health service, an incorporated hospital, or any other public sector agency, specified by the employing authority.

48BM—Superannuation and accrued rights etc

This proposed section provides that an employing authority may enter into arrangements contemplated by section 5 of the *Superannuation Act 1988* with respect to a person employed at an incorporated health service.

This proposed section also provides for the circumstances in which a person's existing and accruing rights in previous employment in respect of recreation leave, sick leave and long service leave carry over to their employment at an incorporated health service.

Division 5—Accounts, audits and reports

48BN—Accounts and audit

This proposed section provides that an incorporated health service must cause proper accounts to be kept of its financial affairs and financial statements to be prepared in respect of each financial year.

This proposed section also provides that the Auditor-General may at any time, and must in respect of each financial year, audit the accounts and financial statements of an incorporated health service.

48BO—Annual report

This proposed section provides that an incorporated health service must, within 3 months after the end of each financial year, deliver to the Minister a report on the operations of the incorporated health service during that financial year. The report must incorporate the audited accounts and financial statements of the incorporated health service for the financial year.

The Minister must, within 12 sitting days after the receipt of a report under this proposed section, cause a copy of the report to be laid before both Houses of Parliament.

Division 6—Sites, facilities and property

48BP—Ability to operate at various sites

This proposed section provides that an incorporated health service may be established or undertake its activities—

- in relation to specified health services or a specified class, or classes, of health services;
- in relation to 1 or more sites or the State generally.

48BQ—Ability to provide a range of services and facilities

This proposed section provides for flexibility in the provision of health services and related services by an incorporated health services and the sites and facilities at which those services are provided. The Minister may establish guidelines about those services or facilities.

Division 7—Delegations

48BR—Delegations

This proposed section provides for delegations by an incorporated health service.

Division 8—Fees

48BS—Fees

This proposed section provides that the Minister may, by notice in the Gazette, set fees (including differential fees) to be charged by any incorporated health service in respect of any service provided by it and also provides for the recovery of the fees that are payable to an incorporated health service.

Division 9—Inspectors

48BT—Inspectors

This proposed section provides for the appointment of inspectors for the purposes of inspecting, investigating and assessing the administration, operations and governance of incorporated health services.

A person must not refuse or fail to comply with a requirement made by an inspector under the proposed section and also must not hinder or obstruct an inspector, or a person assisting an inspector, in the exercise of the powers conferred by the proposed section. A maximum penalty of $10,000 will apply in each case.

41—Amendment of section 52—Employed staff

This clause amends section 52 to:

(a) update reference to the Commissioner for Public Sector Employment; and

(b) include incorporated health services in the entities where an employing authority under the section may direct an SA Ambulance Service employee to undertake employment functions; and

(c) delete a definition of public sector agency consequential to the insertion of the definition of *public sector agency* under clause 26.

42—Amendment of section 58—Licence to provide non-emergency ambulance services

This clause amends section 58 to provide that the Minister may, on application and payment of the fee fixed by the Minister, transfer a restricted ambulance service licence to a proposed transferee if the Minister is satisfied (in such manner as the Minister may determine) as to the suitability of the person to hold the licence.

43—Amendment of section 60—Holding out etc

This clause amends section 60 to provide 2 additional offences in relation to SA Ambulance Service as follows:

(a) a person must not falsely hold themself out to be a member of the staff of SAAS;

(b) a person must not, without lawful excuse, be in possession of—

  (i) property of SAAS; or

  (ii) an item that is, or is part of, an official uniform reserved for members of the staff of SAAS.

In each case a maximum penalty of $10,000 applies.

44—Amendment of section 68—Preliminary

This clause amends section 68 to correct references to health services entity.

45—Amendment of section 78—Testamentary gifts and trusts

This clause amends section 78 to provide that the section applies in relation to incorporated health services in the same way it applies in relation to incorporated hospitals.

46—Amendment of section 79—Prohibition of operating private hospitals unless licensed

This clause amends section 79 to provide that the restriction on private hospitals providing health services under the section does not apply in relation to health services provided under an exemption granted by the Minister under Part 10.

47—Insertion of section 88A

This clause inserts proposed new section 88A which provides that the Minister may, on such conditions as the Minister thinks fit, grant exemptions from Part 10 or specified provisions of Part 10—

(a) on specified persons or persons of a specified class; or

(b) in relation to specified services or services of a specified class.

It will be an offence for a person to contravene or fail to comply with a condition imposed under the section and a maximum penalty of $20,000 will apply.

48—Amendment of section 89—Preliminary

This clause amends section 89 to provide that incorporated health services will be excluded from the definition of *declared day hospital* for the purposes of Part 10A.

49—Amendment of section 89B—Prohibition on providing prescribed health services unless licensed

This clause amends section 89B to provide that the prohibition in section 89B against providing prescribed health services does not apply in relation to an incorporated health service.

50—Amendment of section 89C—Private day procedure centre licence

This clause amends section 89C to correct a reference to a private day procedure centre licence.

51—Amendment of section 89D—Conditions of licence

This clause amends section 89D to correct a reference to a private day procedure centre licence.

52—Amendment of section 89L—

This clause amends section 89L to update reference to the Commissioner for Public Sector Employment.

53—Amendment of section 90—Recognised organisations

This clause amends section 90 to provide that recognised organisations under the section has the right to make submissions to an incorporated health service on any matter arising out of, or in relation to, the performance or exercise of any of its functions or powers under the Act.

54—Amendment of section 90A—Acquisition of property

This clause amends section 90A to provide that the section does not limit or affect the power of an incorporated health service to acquire land, or an interest in land, by agreement.

55—Amendment of section 91—Duty of Registrar-General

This clause amends section 91 to provide that an incorporated health service, where an interest in land has vested in the incorporated health service, may apply to the Registrar-General for the issue of new certificates of title, or for entries and notations to be made on existing certificates of title, as may be necessary to evidence the vesting of the relevant interest.

56—Amendment of section 92—Conflict of interest

This clause amends section 92 to provide that a person employed at an incorporated health service will be a *health employee* for the purposes of section 92.

57—Amendment of section 93—Confidentiality

This clause amends section 93 as follows:

- section 93(1) is amended to provide that for the purposes of the section person is engaged in connection with the operation of this Act if the person is a member of the governing board for an incorporated health service or is engaged to work at an incorporated health service in a manner not otherwise listed in section 93(1);
- section 93(1) is amended to provide that it will be an exception to the offence of disclosure of information obtained in the course of administration of this Act while working at an incorporated health service where the incorporated health service has authorised or required the disclosure of the information;

- section 93(3)(d)(iii) is amended to provide that the offence in subsection (1) does not prevent a person from disclosing information to such extent as is reasonably required in connection with the management or administration of an incorporated health service;
- section 93(3) is amended to provide that the offence in subsection (1) does not prevent a person from—
    - disclosing information to South Australia Police if there are reasonable grounds to suspect that an offence has been, or may be, committed and the disclosure is reasonably required for the purpose of reporting the matter to South Australia Police; or
    - disclosing information to the State Coroner, or to a person who is an investigator under the *Coroners Act 2003* investigating a death on behalf of the State Coroner; or
    - disclosing information to a legal practitioner engaged by or on behalf of the Minister, the Department, an attached office to the Department, an incorporated hospital, an incorporated health service, SAAS or the South Australian Government Financing Authority (acting in its function as insurer to an entity referred to in this paragraph) to provide legal representation or legal advice; or
    - disclosing information to the Minister or persons employed or engaged to work for the Minister for the purposes of the Minister handling a complaint made by the person to whom the information relates (or by their personal representative) about mental health services the person has received.

58—Amendment of section 100—Regulations

This clause amends section 100 to provide that the regulation making power in the section will apply in relation to incorporated health services in the same way that it applies in relation to incorporated hospitals.

This clause also amends section 100 to provide that the regulations may prescribe standards to be observed by the holder of a restricted ambulance service licence in the provision of health services.

59—Amendment of Schedule 3—Governing boards for incorporated hospitals

This clause amends Schedule 3 consequential to the application of the Schedule in relation to incorporated health services under inserted new Part 5AA under clause 40.

Part 11—Amendment of *Mental Health Act 2009*

60—Amendment of section 3—Interpretation

This clause amends section 3 of the *Mental Health Act 2009* to insert definitions of *incorporated hospital* and *incorporated health service* both to be defined as having the same meaning as in the *Health Care Act 2008*.

61—Amendment of section 51—Community visitors' functions and powers

This clause amends section 51(3) of the *Mental Health Act 2009*—

- consequential to the insertion of the definition of *incorporated hospital*; and
- to provide that community visitors will have the authority to conduct inspections of the premises and operations of any incorporated health service.

62—Amendment of section 90—Chief Psychiatrist's functions

This clause amends section 90 of the *Mental Health Act 2009*—

- consequential to the insertion of the definition of *incorporated hospital*; and
- to provide that standards issued by the Chief Psychiatrist under the section will be binding on an incorporated health service; and
- provides that the Chief Psychiatrist will have the authority to conduct inspections of the premises and operations of any incorporated health service and for that purpose will have the powers specified in section 90(5).

63—Amendment of section 106—Confidentiality and disclosure of information

This clause amends section 106 of the *Mental Health Act 2009* as follows:

- section 106(1) is amended to provide that an exception to the offence of disclosure of information obtained in the course of administration of this Act while working at an incorporated health service where the incorporated health service has authorised or required the disclosure of the information;
- section 106(2)(a) is amended to provide that the offence in subsection (1) does not prevent a person from disclosing information as authorised by law;

- section 106(2)(d)(iii) is amended to provide that the offence in subsection (1) does not prevent a person from disclosing information to such extent as is reasonably required in connection with the management or administration of an incorporated health service;
- section 106(2) is amended to provide that the offence in subsection (1) does not prevent a person from—
    - disclosing information to South Australia Police if there are reasonable grounds to suspect that an offence has been, or may be, committed and the disclosure is reasonably required for the purpose of reporting the matter to South Australia Police; or
    - disclosing information to the State Coroner, or to a person who is an investigator under the *Coroners Act 2003* investigating a death on behalf of the State Coroner; or
    - disclosing information to a legal practitioner engaged by or on behalf of the Minister, the Department, an attached office to the Department, an incorporated hospital, an incorporated health service, SAAS or the South Australian Government Financing Authority (acting in its function as insurer to an entity referred to in this paragraph) to provide legal representation or legal advice; or
    - disclosing information to the Minister or persons employed or engaged to work for the Minister for the purposes of the Minister handling a complaint made by the person to whom the information relates (or by their personal representative) about mental health services the person has received.

Part 12—Amendment of *Research Involving Human Embryos Act 2003*

64—Amendment of section 3—Interpretation

This clause amends section 3 of the *Research Involving Human Embryos Act 2003* to update a reference to The Fertility Society of Australia and New Zealand in paragraph (a) of the definition of *accredited ART centre*.

65—Amendment of section 30—NHMRC guidelines

This clause repeals section 30(3) of the *Research Involving Human Embryos Act 2003*.

Part 13—Amendment of Suicide Prevention Act 2021

66—Amendment of section 3—Interpretation

This clause substitutes a definition of *Preventive Health SA* in the place of the definition for *Wellbeing SA* given the change in name of the attached office. This clause also deletes the definition of Commissioner for Aboriginal Engagement.

67—Amendment of section 9—Establishment of Suicide Prevention Council

This clause amends section 9 consequential on the change of the name of Wellbeing SA to Preventive Health SA. This clause also amends section 9 to remove the Commissioner for Aboriginal Engagement as an ex officio member of the Suicide Prevention Council and to instead include an additional member appointed by the Minister who must have experience in a leadership position in the Aboriginal and Torres Strait Islander community.

Part 14—Amendment of *Termination of Pregnancy Act 2021*

68—Amendment of section 3—Interpretation

This clause inserts a definition of *incorporated health service* to have the same meaning as in the *Health Care Act 2008*.

69—Amendment of section 19—Confidentiality

This clause amends section 19 of the *Termination of Pregnancy Act 2021* as follows:

- section 19(1)(b) is amended to provide that an exception to the offence of disclosure of information obtained in the course of administration of this Act while working at an incorporated health service where the incorporated health service has authorised or required the disclosure of the information;
- section 19(2)(c)(iii) is amended to provide that the offence in subsection (1) does not prevent a person from disclosing information to such extent as is reasonably required in connection with the management or administration of an incorporated health service.

70—Amendment of section 21—Regulations

This clause amends section 21(2)(a) of the *Termination of Pregnancy Act 2021* to include incorporated health services in the list of entities that the regulations may require to collect and provide the Minister, the Department, or an attached office attached to the Department with data and statistics in relation to services connected with the performance of terminations.

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

LABOUR HIRE LICENSING (SCOPE OF ACT) 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) (16:18): 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 Labour Hire Licensing (Scope of Act) Amendment Bill 2025. This bill proposes to amend the Labour Hire Licensing Act 2017 to broaden the regulatory framework for the oversight of labour hire in South Australia. The amendments proposed in this bill will deliver on the government's commitment to strengthen South Australia's labour hire licensing laws by ensuring that all labour hire firms and workers are covered by the same laws and regulations.

Labour hire licensing is a regulatory measure designed to protect labour hire workers and ensure that labour hire service providers operate within fair standards. South Australia's labour hire licensing laws set minimum standards for labour hire providers with the aim of protecting workers from being exploited. Currently, labour hire providers are only required to be licensed in five sectors: horticultural processing, meat processing, seafood processing, cleaning and trolley collection. There is concern that the current legislation leaves the other labour hire workers without important protections and labour hire providers free to operate without needing to meet licensing criteria, such as police checks and fit and proper requirements for those responsible for the day-to-day management and operation of labour hire businesses.

The bill proposes to return the industry to largely the same arrangements that were in place when labour hire licensing first commenced in South Australia before the law was amended in 2020 to limit its application. The 2020 amendments effectively narrowed the scheme to only apply to labour hire providers operating within certain industries where workers were at particular risk of exploitation. The expansion of labour hire licensing laws will address the potential for exploitation of vulnerable labour hire workers in other industries and inappropriate labour hire business practices across South Australia. The proposed changes will bring South Australia's labour hire licensing laws in line with corresponding labour hire licensing schemes in place in other restrictions, namely, Victoria, Queensland and the ACT.

The strengthening of South Australia's labour hire licensing laws addresses the potential for exploitation of vulnerable labour hire workers and inappropriate labour hire business practices, and establishes a broadened mandatory licensing scheme for all labour hire service providers operating in South Australia. The broadened scheme proposed within the bill has many benefits. It will ensure that all labour hire service providers and labour hire workers are covered by the same laws and regulations.

It will promote a level playing field so that all labour hire service providers do not face unfair competition from unscrupulous operators and labour hire workers are not subject to exploitation, whilst keeping administrative burdens to a minimum. It is likely to deter unscrupulous labour hire service providers from avoiding responsibilities by creating a new company to continue the business of the company that has deliberately closed to avoid paying its debts, including employee entitlements and taxation obligations, also known as 'phoenixing'.

Being licensed reassures hosts and labour hire workers that labour hire service providers are held to a high standard, reducing the risk of unethical practices. For labour hire workers it ensures fair wages, safe working conditions and legal recourse in case of disputes. It will reduce risks for labour hire workers who may experience job insecurity, poor working conditions and lower pay compared to staff who work directly for a business.

In addition to removing provisions that limit the application of the act to horticultural, meat, and seafood processing, cleaning and trolley collection, the bill proposes to retain section 46 of the act. Retaining section 46 of the act will continue to provide for the ability to exempt certain persons or classes of persons through the *Gazette*.

To keep the use of exemptions to a minimum and, ideally, avoid having to make use of exemption provisions at all, the bill revises the definitions of 'labour hire services', 'labour hire worker' and 'supplier' to ensure clarity regarding the scope and coverage of the legislation. The changes to the definitions of 'labour hire services', 'labour hire worker' and 'supplier' within the bill have been informed by detailed benchmarking analysis of related definitions contained in corresponding interstate labour hire legislation.

Overall, this bill proposes to strengthen South Australia's labour hire licensing laws by addressing the potential for exploitation of vulnerable labour hire workers and inappropriate labour hire business practices by broadening the scheme to cover all labour hire service providers operating in South Australia. 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 *Labour Hire Licensing Act 2017*

3—Amendment of section 6—Interpretation

This clause inserts definitions for annual wages, director, remuneration and senior manager, and deletes definitions for aquatic animal, cleaning work, fishing, horticultural processing work, meat, meat processing work, prescribed work, seafood, seafood processing work and trolley work.

4—Amendment of section 7—Meaning of *labour hire services*

Subclause (1) amends the circumstances where a person does not provide labour hire services, adding the following circumstances:

- where an individual is supplied to a host to undertake work by a body corporate that has not more than 2 directors and the individual is a director or senior manager of the body corporate and is the only individual who is supplied by the body corporate to undertake work for another person;
- where an individual is supplied to a host to undertake work by a business carried on by a partnership comprised of no more than 2 persons and of which the individual is a partner;
- where an individual is supplied to a host to undertake work by a business carried on by the individual operating as a sole trader;
- where an individual is supplied to a host to undertake work for which the annual wages for the individual are equal to or more than the amount of the high income threshold within the meaning of the Fair Work Act 2009 of the Commonwealth and the individual's employment is not subject to or covered by a modern award or enterprise agreement under that Act.

The amendment in subclause (2) provides that a person may provide labour hire services to a host regardless of whether an individual supplied by the person to undertake work is an employee of the person or a contract is entered into between the worker and the person or between the person and the host.

5—Amendment of section 8—Meaning of *labour hire worker*

This clause amends the circumstances where an individual is not a labour hire worker for another person, adding the following circumstances:

- the individual is an employee of the other person, where the other person is 1 of a group of entities that carry on business as a group, and the employee does work for another entity in that group;
- the individual is a public sector employee within the meaning of the *Public Sector Act 2009* who is seconded, transferred, provided or made available to do work for another person or entity pursuant to an Act.

6—Amendment of section 20—Duration of licence, periodic fee and report

This is a consequential amendment to the definition of *prescribed information* in section 20.

Schedule 1—Transitional provisions

1—Application of sections 11 and 12 of *Labour Hire Licensing Act 2017*

This clause sets out transitional provisions related to the application of sections 11 and 12 of the Act.

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

STATUTES AMENDMENT (COMMUNITY AND STRATA TITLES) 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) (16:18): I move:

That this bill be now read a second time.

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

Leave granted.

Today I am pleased to introduce the Statutes Amendment (Community and Strata Titles) Bill 2024.

The Bill will make changes to the *Community Titles Act 1996* and *Strata Titles Act 1988,* which govern the creation and management of community and strata titled properties, respectively in South Australia.

These changes to the community and strata titles legislation will implement recommendations made in the 81st Report of the Environment, Resources and Development Committee of this Parliament titled 'Strata Titles'—as well as additional changes requested by interested parties in consultation on the Bill or subsequently in letters received from members of the public and other interested people and organisations and changes arising from other recently emerging issues.

A recent investigation by the ABC Four Corners program into the body corporate management and strata insurance broking industries, identified widespread conflicts of interest. These included conflicts due to body corporate managers simultaneously acting as insurance brokers, or through related party transactions, and failing to disclose commissions or other benefits earned through those relationships.

There are amendments in this Bill designed to address these concerns to the extent they arise in this State. It is understood that Commonwealth agencies, including the Australian Competition and Consumer Commission, are looking at further regulation of strata insurance broking.

In the meantime, the Community and Strata Titles Acts currently contain requirements for body corporate managers to disclose any commissions or other benefits expected to be received in connection with arranging insurance or other goods or services on behalf of the community or strata corporations that they manage, before placing corporation business.

However, this Bill will further tighten the disclosure obligations of body corporate managers. The Bill will address the reported practice of body corporate managers 're-invoicing' community and strata corporations – that is, adding fees to service provider invoices for arranging the contracts with the service provider on the community or strata corporation's behalf.

The Bill will also impose additional disclosure obligations in respect of related party transactions, for example, where body corporate managers place business with related insurance, maintenance or debt collection businesses. The Bill will replace the existing requirement to 'disclose the nature of an interest' and replace this with requirements to disclose:

- the nature of the interest (for example, common directorships, shareholdings or commission, referral arrangements or other forms of sharing income);
- any goods and services that will be provided by a related entity;
- the total value, or estimate of the total value of goods and services (expressed in dollars) to be provided to the corporation by the related entity before the anticipated date of the next Annual General Meeting of the strata corporation;
- the basis on which it has been determined that the goods and services to be supplied by the related party are in the best interests of the strata corporation; and
- the steps the manager has taken to ensure the goods and services will be fit for purpose and of merchantable quality.

These changes also insert a new provision in the Acts requiring a motion at the body corporate AGM for the body corporate manager to declare any commissions, gifts or benefits, including from self-interested transactions and related parties received since the last AGM and the estimated amounts to be received in the next 12 months – including the requirement that the manager disclose as soon as practicable after the AGM if commissions received differ from the commissions or estimates provided at the AGM, and for any undisclosed commissions to be repayable to the community or strata corporation.

Another issue dealt with in the Bill relates to the recent failed Felmeri Homes development at O'Halloran Hill, where the builder went into liquidation before completing an access road and utilities connections, preventing the houses in the development from then being completed under policies of building indemnity insurance.

When land is divided by Torrens title, councils become responsible for, and oversee completion of, access roads and other essential infrastructure, including by the imposition of conditions on development approval and/or taking security from developers to ensure compliance with these obligations. However, councils will apparently not impose the same obligations where a subdivision is by community title, including because the community corporation formed of the new owners of the constructed houses will 'own' the road and other infrastructure and be responsible for maintaining it in the future.

There are real concerns about whether the Felmeri Homes development should have been undertaken as a community titled development, given there was no staging of development or creation of shared facilities, beyond access roads and other essential utilities connections which are ordinary features of Torrens titled subdivision. The development would more appropriately have been subdivided by Torrens title, in which case the council would likely not have issued the land division certificates allowing lots to be sold before the essential infrastructure had been constructed to council's standards, or at least not without taking security to ensure completion. Currently, as part of a development assessment under section 102 of the *Planning, Development and Infrastructure Act 2016,* there is a condition 'that the division of land under the *Community Titles Act 1996* or the *Strata Titles Act 1988* is appropriate having regard to the nature and extent of the common property that would be established by the relevant scheme'.

Consideration is being given to further guidance to be provided in respect of this condition. In the meantime, to provide greater clarity about this relationship between the Community Titles Act and the Planning, Development and Infrastructure Act, an amendment has been included in the Bill to insert a note into section 7 of the Community Titles Act, dealing with when land may be divided under the Act, to state that regard must be had to section 102 of the Planning, Development and Infrastructure Act.

Another more recent issue that has arisen since this Bill was consulted on is the need to address situations where a body corporate manager is unable or unwilling to fulfil their duties (as occurred in a recent case).

To address this issue, the Bill removes the present restriction on when the Magistrates Court, as part of its functions of resolving strata disputes, may order the termination of a body corporate management contract. The amendment will allow Court-ordered termination in wider circumstances on application by a community or strata corporation, including where a manager is unable or unwilling to fulfill their duties under the contract. The Court can then use its ancillary orders powers to facilitate urgent access to, and transfer of, corporation trust accounts and records and thereby address practical difficulties that would otherwise arise in attempting a swift transition to a new manager.

Moving onto other measures contained in this Bill, part of the terms of reference for the ERD Committee's inquiry into strata titles regulation was to review the extensive legislative changes that were made to the community and strata titles legislation in 2013. Several of the changes in this Bill will build on those changes, in some cases to tighten provisions to ensure they have the intended effect.

Several other changes in the Bill are designed to achieve greater consistency between the Community Titles Act and Strata Titles Act, noting that the Strata Titles Act generally governs strata titled developments established before 1 June 2009, when the Community Titles Act became the exclusive vehicle for creating new staged and strata developments. The Community Titles Act in turn governs community and strata land divisions, and community corporations, established after that time. This move to consistency wherever possible between the two Acts will make it easier for body corporate managers who assist with the management of both community and strata corporations.

This Bill will make the following other changes to the Community Titles Act and Strata Titles Act, beyond those already discussed:

- Insertion of explanatory notes to make it clear on the face of these Acts that they are prescribed as 'related Acts' under the *Fair Trading Act 1987* (the effect of that being that the investigatory powers of authorised officers, as well as the enforceable undertaking provisions under the Fair Trading Act, apply to investigating and enforcing breaches of the Community Titles Act and Strata Titles Act.
- Amend the Community Titles Act to create discretionary powers for the Registrar-General to dispense with the requirement for the consents of registered mortgagees or lessees for minor technical amendments of, or to correct patent errors in, the scheme description for a community titled scheme.
- Explicitly empower a community corporation to make by-laws to regulate the smoking of tobacco and related products on the shared common property and to prevent smoke drift from private lots onto other lots or common property. A special resolution of the community corporation will be required to alter existing by-laws to this effect – or this by-law could be incorporated into a new development by the developer. The existing provisions of the Strata Titles Act would already allow a strata corporation to adopt the same scope of articles regulating smoke drift, so no equivalent change is needed to that Act.
- Amend the Community Titles Act and Strata Titles Act to provide that the by-laws or articles (respectively) of a community or strata corporation cannot unreasonably prohibit the installation of sustainability infrastructure (such as solar panels or electric vehicle charging infrastructure) on a community lot or strata unit.
- Amend the Community Titles Act to extend the prescribed time for lodgement of amendments to by-laws with the Registrar-General from 14 to 21 days after the passing of a resolution by the corporation to vary the by-laws.
- Amend the Community Titles Act and Strata Titles Act to remove the requirement for a strata corporation or community corporation to have and use a common seal to execute documents on behalf of the corporation.
- Require a prospective body corporate manager to give a copy of the proposed management contract, and the prescribed pamphlet explaining owners' rights under the contract, to the secretary of the body corporate and for these to be attached to the meeting notice and agenda for any meeting at which it is proposed to consider appointing or reappointing a manager. The manager will also be required to send all owners a copy of the pamphlet and the management contract after the manager is appointed. This amendment relates to Recommendation 19 of the ERD Committee Report.

- Amend the Community Titles Act and Strata Titles Act to require corporations to include items on the general meeting agenda (as special business) where these are put forward by an owner.
- Amend the Community Titles Act and Strata Titles Act to make it easier to deal with the difficulty in achieving a quorum at corporation meetings. This relates to ERD Committee Report Recommendation 8.
- Amend the Community Titles Act and Strata Titles Act to impose further controls on the use of proxy votes and community and strata corporation meetings by expressly providing that, unless a proxy nomination is specific on the vote for the particular resolution, a proxy may not vote on a matter in which they have a direct or indirect pecuniary interest.
- Amend the Community Titles Act and Strata Titles Act to increase the prescribed minimum amount of mandatory public liability insurance that community and strata titled groups are required to hold. This is currently $10 million and is to be increased to $20 million in line with other States. This implements Recommendation13 of the ERD Committee's Report.
- Amend the Community Titles Act and Strata Titles Act to remove the five-year maximum on the prescribed duration of the mandatory sinking fund plan (termed 'statement of expenditure' under the Acts). This plan is the forward plan for maintenance costs for a community or strata group and is mandated to help and encourage community and strata groups to plan and budget for future maintenance and capital works for their buildings and common property. It has been submitted that 10 years is a more appropriate duration for these plans, with a requirement to review and update the plan after five years.
- Amend the Community Titles Act to increase the threshold for when community titled groups are required to have their accounts audited (although the corporation can nevertheless still resolve to conduct audits). This is separate to a body corporate manager's trust account auditing requirements.
- Amend the Community Titles Act and Strata Titles Act to require prospective purchasers to be provided with a copy of the plan of division for a development and the sinking fund budget as part of strata and community property searches prior to sale. These were Recommendations 6 and 10, respectively of the ERD Committee's Report.
- Amend the Community Titles Act to make it clear that the caps on fees that apply under the Act for corporations providing information and copy documents under section 139—on application by an owner, prospective owner or mortgagee—apply to a manager providing that information on behalf of the corporation. This was Recommendation 4 of the ERD Committee's Report.
- Amend the Community Titles Act and Strata Titles Act to allow the court in a strata dispute to order a body corporate manager to repay undisclosed commissions or benefits. This change is related to other amendments in the Bill tightening managers' disclosure requirements in relation to commissions and other benefits received from third parties.
- Amend the Community Titles Act and Strata Titles Act to update the provisions for serving documents and other notices required.
- Amend the Strata Titles Act to match the Community Titles Act, so strata corporations have the option to make articles to prohibit short-term letting in strata groups (as community corporations already can for community titled developments).
- Amend the Strata Titles Act to insert a provision equivalent to Community Titles Act section 84(4) stating that where there is more than one owner of unit, a person (who may, but need not, be one of the owners) may be nominated by all of the owners to vote on their behalf. This is to address a potential loophole in the equivalent Strata Titles Act provisions that may allow joint owners of a unit to nominate different proxies and exercise multiple votes on a motion, contrary to the intention that there be one vote per unit.
- Amend the Community Titles Act and Strata Titles Act to introduce expiation fees for a number of offences contained in the Acts to aid in the enforcement of these offences by the Commissioner for Consumer Affairs, and increase several of the maximum penalties for these and other offences in the Act to address inflationary effects and for consistency with recently increased penalties in similar legislation such as the *Residential Tenancies Act 1995*; and
- As a consequence of the Bill including new expiation fees for a number of offences contained in the Acts, amend the Acts to override *Criminal Procedure Act 1921* section 52(1)(a) and provide that the time limit to prosecute those offences remains two years instead of reducing to six months as a result of the introduction of expiation fees.

I commend the Bill to Members 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

Part 2—Amendment of *Community Titles Act 1996*

3—Amendment of section 5—This Act and the *Real Property Act 1886* to be read together

This clause inserts a note pointing out that this Act is also a *related Act* under the *Fair Trading Act 1987* so various enforcement powers and remedies contained in that Act will apply in respect of this Act.

4—Amendment of section 7—What land can be divided

This adds to the explanatory note in section 7 by drawing attention to section 102(1)(d)(iv) of the *Planning, Development and Infrastructure Act 2016*.

5—Amendment of section 12—By-laws

This clause makes a minor technical amendment.

6—Amendment of section 32—Persons whose consents are required

This clause amends section 32 to give the Registrar-General power to dispense with certain consents required under the section in specified circumstances.

7—Amendment of section 34—By-laws

This clause allows by-laws to regulate or prohibit smoking in the common property or the drifting of smoke or aerosol from e-cigarettes from one lot to another or to the common property.

8—Amendment of section 37—Restrictions on making by-laws

This clause prevents the making of by-laws that unreasonably prohibit the installation of sustainability items (which are defined in the provision) on the exterior of a lot.

9—Amendment of section 39—Variation of by-laws

This clause extends the time within which a copy of varied by-laws must be lodged with the Registrar-General from 14 days to 21 days.

10—Amendment of section 73—The corporation's common seal

This clause removes the requirement for a community corporation to have a common seal and provides for the execution of documents by the corporation without a common seal and the signing of contracts on behalf of the corporation.

11—Amendment of section 78B—Body corporate managers

This clause amends section 78B to require that a pamphlet setting out the role of the body corporate manager and the rights of the community corporation and its members, (including any matters prescribed by regulation), a copy of the contract and other prescribed information be given to the secretary of the corporation before the date of the meeting at which the corporation is to consider whether or not to enter into a contract with the body corporate manager. The secretary is then required to provide a copy of this material with the notice convening the meeting. The body corporate manager must also, within 10 business days after entering into the contract with the community corporation, serve on all members of the corporation a copy of the documents. The clause also includes an interpretative provision specifying that all fees and commissions payable by the corporation are considered part of the body corporate manager's remuneration.

12—Amendment of section 78D—Offences

This clause creates some new disclosure obligations for delegates (including body corporate managers) which are enforceable as offences.

13—Amendment of section 80—Business at first statutory general meeting

This is consequential to clause 10.

14—Amendment of section 81—Convening of general meetings

This clause amends section 81 to require the notice of a general meeting to contain a statement in the prescribed form about the effect of proposed new section 83(6) and also allows the owner of a lot to give written notice to the presiding officer, treasurer or secretary of an item of business that the owner requires to be included on the agenda as an item of special business for a general meeting.

15—Amendment of section 83—Procedure at meetings

This clause amends the general meeting quorum requirement to provide that a quorum is determined by dividing the number of persons who are entitled to attend the meeting and exercise the voting power in respect of a lot by 2, disregarding any fraction and adding 1. The amendments also details what is to happen if a quorum is not present after 30 minutes from the meeting's scheduled starting time.

16—Amendment of section 85—Duty to disclose interest

This clause varies the provisions on voting by persons who hold a pecuniary or other interest. Under the new provisions a person must not vote as a nominee of another person on a resolution relating to the provision of goods, amenity or service to the community corporation if the nominee has a direct or indirect pecuniary or other interest in the provision of the goods, amenity or service. Contravention of the provision is an offence punishable by a maximum fine of $20,000 or an expiation fee of $500. The offence will however not apply if certain specified requirements are satisfied.

17—Amendment of section 104—Other insurance by community corporation

This clause increases the minimum amount of mandatory public liability insurance from $10,000,000 to $20,000,000.

18—Amendment of section 113—Statement of expenditure etc

The statement of expenditure presented at the annual general meeting must set out proposed expenditure (other than recurrent expenditure) for the period prescribed by the regulations, which currently cannot exceed 5 years. This clause deletes that 5 year limitation.

19—Amendment of section 138—Audit

This clause reduces the number of community corporations that will be required to have their annual statement of accounts audited.

20—Amendment of section 139—Information to be provided by corporation

This clause adds to the list of material that is available on application by or on behalf of an owner or prospective owner or a registered mortgagee or prospective mortgagee. The section will now also allow for provision of a copy of the plan of community division and a copy of the most recent statement under section 113 (the statement of expenditure). The clause also amends the offence provision in subsection (3) to ensure it can also be committed by a person who is acting on behalf of a community corporation.

21—Amendment of section 142—Resolution of disputes etc

This clause allows the Court to order a body corporate manager to pay to the community corporation the whole or part of the amount or value of the commissions, gifts or other benefits where there has been a failure by the body corporate manager to disclose the whole or part of the amount or value of any commissions, gifts or other benefits provided to or paid for the body corporate manager in accordance with section 78D. The clause also removes the current restriction in subsection (9a).

22—Insertion of section 152A

This clause allows proceedings for a summary offence against the Act to be commenced within 2 years of the date on which the offence is alleged to have been committed even where the offence is expiable.

23—Amendment of section 155—Service

This clause makes a minor amendment to the service provision that is consequential to clause 11.

Part 3—Amendment of *Strata Titles Act 1988*

24—Amendment of section 4—This Act and the *Real Property Act 1886* to be read together as a single Act

This clause inserts a note pointing out that this Act is also a *related Act* under the *Fair Trading Act 1987* so various enforcement powers and remedies contained in that Act will apply in respect of this Act.

25—Amendment of section 16—Amalgamation of adjacent sites

This is consequential to clause 29.

26—Amendment of section 17—Cancellation

This is consequential to clause 29.

27—Amendment of section 18—Name of strata corporation

This is consequential to clause 29.

28—Amendment of section 19—Articles of strata corporation

This clause prevents the making of by-laws that unreasonably prohibit the installation of sustainability items (which are defined in the provision) on the exterior of a unit and also allows the articles of a strata corporation to prohibit or restrict a unit holder from leasing or granting rights of occupation in respect of the unit for valuable consideration for a period of less than 2 months.

29—Substitution of section 24

This clause provides that a strata corporation may (but is not required to) have a common seal and provides for the execution of documents by the corporation without a common seal and the signing of contracts on behalf of the corporation.

30—Amendment of section 27B—Body corporate managers

This clause amends section 27B to require that a pamphlet setting out the role of the body corporate manager and the rights of the strata corporation and its unit holders (including any matters prescribed by regulation), a copy of the contract and other prescribed information be given to the secretary of the strata corporation before the date of the meeting at which the corporation is to consider whether or not to enter into a contract with the body corporate manager. The secretary is then required to provide a copy of this material with the notice convening the meeting. The body corporate manager must also, within 10 business days after entering into the contract with the strata corporation, serve on all unit holders a copy of the documents. The clause also includes an interpretative provision specifying that all fees and commissions payable by the strata corporation are considered part of the body corporate manager's remuneration.

31—Amendment of section 27D—Offences

This clause creates some new disclosure obligations for delegates (including body corporate managers) which are enforceable as offences.

32—Amendment of section 31—Other insurance by strata corporation

This clause increases the minimum amount of mandatory public liability insurance from $5,000,000 to $20,000,000.

33—Amendment of section 33—Holding of general meetings

This clause:

- allows the presiding officer or treasurer to convene a general meeting (in addition to the existing categories of people who can do so); and
- allows a unit holder to give written notice to the presiding officer, treasurer or secretary of an item of business that the unit holder requires to be included on the agenda as an item of special business for a general meeting; and
- amends the general meeting quorum requirement to match the new provision in section 83 of the *Community Titles Act 1996* (and also adds the same requirement for the notice of the meeting to contain information about the new quorum provision).

34—Amendment of section 33A—Statement of expenditure etc

The statement of expenditure presented at the annual general meeting must set out proposed expenditure (other than recurrent expenditure) for the period prescribed by the regulations, which currently cannot exceed 5 years. This clause deletes that 5 year limitation.

35—Amendment of section 34—Voting at general meetings

This clause amends section 34(3)(b) to provide that, where there are 2 or more unit holders in respect of the same unit, a person (who may, but need not, be one of those unit holders) may be nominated by all of those unit holders to vote on their behalf or if there is no such nomination:

- if only 1 of the owners attends a meeting, the vote is exercisable by that person; or
- if 2 or more of the owners attend a meeting, the vote is exercisable by 1 of them in accordance with an agreement between all the owners attending the meeting but, if there is no such agreement, none of them is entitled to vote.

The clause also amends section 34(7) to make it consistent with section 84(14) of the *Community Titles Act 1996* by ensuring that a owner who is in arrears cannot exercise voting rights.

36—Amendment of section 34A—Duty to disclose interest

This clause varies the provisions on voting by persons who hold a pecuniary or other interest. Under the new provisions a person must not vote as a nominee of another person on a resolution relating to the provision of goods, amenity or service to the strata corporation if the nominee has a direct or indirect pecuniary or other interest in the provision of the goods, amenity or service. Contravention of the provision is an offence punishable by a maximum fine of $20,000 or an expiation fee of $500. The offence will however not apply if certain specified requirements are satisfied.

37—Amendment of section 41—Information to be furnished

This clause adds to the list of material that is available on application by or on behalf of an owner or prospective owner or a registered mortgagee or prospective mortgagee. The section will now also allow for provision of a copy of the strata plan and a copy of the most recent statement under section 33A (the statement of expenditure).

The clause also amends the offence provision in subsection (2a) to ensure it can also be committed by a person who is acting on behalf of a strata corporation.

38—Amendment of section 41A—Resolution of disputes etc

This clause allows the Court to order a body corporate manager to pay to the strata corporation the whole or part of the amount or value of the commissions, gifts or other benefits where there has been a failure by the body corporate manager to disclose the whole or part of the amount or value of any commissions, gifts or other benefits provided to or paid for the body corporate manager in accordance with section 27D. The clause also removes the current restriction in subsection (10a).

39—Amendment of section 49—Service

This clause amends the service provision to make it consistent with the provision under section 155 of the *Community Titles Act 1996* (consequentially to the amendment in clause 30).

40—Amendment of section 50—Proceedings for offences

This clause allows proceedings for a summary offence against the Act to be commenced within 2 years of the date on which the offence is alleged to have been committed even where the offence is expiable.

Schedule 1—Further amendment of *Community Titles Act 1996*

This clause updates penalties and Act references in the *Community Titles Act 1996*.

Schedule 2—Further amendment of *Strata Titles Act 1988*

This clause updates penalties and Act references in the *Strata Titles Act 1988*.

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

TAFE SA BILL

Final Stages

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

STATUTES AMENDMENT (LOCAL GOVERNMENT ELECTIONS REVIEW) BILL

Final Stages

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

At 16:20 the council adjourned until Tuesday 25 November 2025 at 11:00.

Answers to Questions

BEACH MANAGEMENT

449 **The Hon. R.A. SIMMS** (15 October 2025). Can the Minister for Climate, Environment and Water advise—

1. Has a decision been made by the government about the future of sand management for West Beach and, if so, when will it be communicated?
2. Does the government still consider a sand pipeline an option for sand management given its high cost and strong community opposition?
3. What plans does the government have to prevent or mitigate the introduction of harmful plastics into beaches and the marine environment if it proceeds with a sand pipeline?
4. Will the government conduct a detailed assessment to understand the littoral drift of sand at West Beach?
5. As erosion continues to undermine the base of the Semaphore Life Saving Tower, will the government develop a plan to prevent the collapse of this iconic structure?

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 Climate, Environment and Water has advised:

The government continues to carefully consider all options for long-term sand management at West Beach.

The Department for Environment and Water has commissioned detailed studies over the years in relation to coastal processes, including littoral drift, and their impact on sediment transport at West Beach.

Responsibility for the Semaphore Surf Life Saving Tower sits with the City of Port Adelaide Enfield. Staff from the Department for Environment and Water provided support to council when the tower was impacted by recent erosion and will continue to provide advice as required.

Any decisions will be communicated once a final decision has been made.

SEX EDUCATION

In reply to **the Hon. S.L. GAME** (26 June 2025).

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism): I have been advised:

The Department for Education has clear and transparent processes in place, including guidance for government schools around classification, copyright, and parental consent.

Government schools assess any external curriculum content before delivery to students. Our teachers exercise their professional judgment to ensure the use of external resources are age-appropriate, curriculum-aligned and evidence-informed.

Classification of educational resources is governed by extensive legislation, including the National Classification Code and the Classification (Publications, Films and Computer Games) Act 1995 (Cth), which work to protect children from harmful material and ensure resource classification reflects community standards.

The delivery of sexual health education in the curriculum is not sexualisation. Sexual health education provides young people with accurate, age-appropriate information about relationships, sexuality and reproductive and sexual health, which is critical for their wellbeing and to navigate their changing worlds.

The department encourages parent engagement in their child's learning and to build strong connections with their child's school. This means our parents know what their child is learning at school, find ways to bring school learning into the home, and help teachers to know and understand their child. Strong partnerships between schools, parents and families are essential for children to be successful in their learning.

Research shows that the majority of Australian parents:

- endorse schools to address a diverse range of relationships and sexual health related topics
- recognise the importance of school-based sexual health education programs
- strive to provide their children with the knowledge and skills to make informed choices
- say that school-based programs made it easier to talk about sexual health at home.

Where a parent wishes to remove their child from instruction in sex education, the department has clear and transparent processes in place, including information for schools around parental consent. As per regulation 33 of the Education and Children's Services Regulations 2020 (SA), parents and carers may request that their child be exempted from sex education by providing written notice to the school principal.

PUBLIC HIGH SCHOOLS

In reply to **the Hon. S.L. GAME** (16 September 2025).

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism): I have been advised:

South Australia recorded its best-ever NAPLAN results in 2025, climbing national rankings in nine of the test areas including all numeracy domains, and remaining steady in the rest. We were the only jurisdiction that didn't decline in any domain.

Year 9 students improved in reading, while year 7 and 9 students showed continued gains in writing and numeracy since 2023.

South Australia's representation in national school rankings is consistent with our population share, reflecting a smaller but high-performing system.

Other indicators are also trending up, including:

- SACE completion rose from 62 per cent in 2019 to 70 per cent in 2024.
- A/B grades in stage 2 subjects increased from 66 per cent to 69 per cent since 2021.

New attendance data also shows a third consecutive improvement in student attendance at public schools in 2025.

The data shows an attendance rate at the end of term 2 of 87.6 per cent compared with the term 2, 2024 attendance rate of 85.9 per cent—a positive indication that the investments in schools and more opportunities to study VET in schools to keep secondary students engaged is working.

These results come on top of South Australia's attendance rate in 2024 being higher than the national average for the first time since COVID.

Initiatives like the statewide mobile phone ban have further supported learning, with a 63 per cent fall in critical incidents involving social media and 75 per cent of staff reporting a positive impact as a result of the ban.

South Australia's public schools are improving through record investment, which is set to continue to grow over the next 10 years as a result of the historic funding agreement signed with the federal government.

NAPLAN RESULTS

In reply to **the Hon. S.L. GAME** (17 September 2025).

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism): I have been advised:

The state government is making record investments in the education outcomes of students in public schools. At the beginning of 2025, the government signed a new agreement with the federal government to fully fund public schools—which will improve educational outcomes for all students, including boys.

While there is more work to do to lift the performance of all students, South Australia this year achieved its best ever NAPLAN results since testing began, which I am sure you will agree we should all be proud of.

Across Australia and a wide range of other countries there is a common pattern where, on average, female students slightly outperform their male counterparts in aspects of literacy, and male students slightly outperform females in numeracy.

This was evident in the 2022 Programme for International Student Assessment (PISA) results which provide an international comparison of 15 year olds, where boys outperformed girls in mathematics, but girls surpassed boys in reading on average across OECD countries.

This was also reflected in the 2025 NAPLAN results for South Australian students, where boys outperformed girls in numeracy across all four year levels based on the mean scores (year 3 by 13 points, year 5 by 21 points, year 7 by 17 points and year 9 by 14 points).

It is important to point out that there is minimal gender difference in the 2024 phonics results—showing the importance of early intervention to ensure students of both genders achieve positive results. A new numeracy check will be introduced for all year 1 students in 2026.

The department's efforts to improve results is undertaken with a commitment that there needs to be a focus on the performance of boys in particular areas, just as there needs to be a focus on improving the outcomes of girls in other areas.

This is why initiatives such as increasing the number of male primary school teachers through a $2 million investment in teaching scholarships has been rolled out through the Department of State Development.

CLIMATE EDUCATION

In reply to **the Hon. S.L. GAME** (18 September 2025).

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism): I have been advised:

There is no evidence the Minister for Education is aware of to suggest there is exaggerated climate change science being taught in South Australian schools, or this leading to eating disorders. If the member has any evidence or examples of this, the minister would appreciate her providing them to his office or the Department for Education for investigation.

SACE RESULTS

In reply to **the Hon. S.L. GAME** (14 October 2025).

The Hon. E.S. BOURKE (Minister for Infrastructure and Transport, Minister for Autism): I have been advised:

The SACE Board does in fact release gender-disaggregated data, including for subject results, subject enrolment, and SACE completion rates. This information has been published annually since the introduction of the 'new' SACE in 2012 and remains publicly available. I note that a representative from your office contacted the SACE Board on 7 October to confirm the accuracy of this question, yet you did not wait for their response or check their website for the data.

Parents are able to access gender-disaggregated data on the SACE website.

The SACE Board acknowledges the gender gap in academic outcomes, recognising this as a complex and longstanding global issue that extends across all levels of education, with no simple or singular solution. The SACE is one of the most equitable and flexible senior secondary qualifications in Australia, enabling all students to demonstrate their learning through multiple pathways and achieve post-school success.