

## HOUSE OF ASSEMBLY

Tuesday, 2 June 2020

The **SPEAKER (Hon. V.A. Tarzia)** took the chair at 11:00 and read prayers.

**The SPEAKER:** Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

*Parliamentary Procedure*

### SITTINGS AND BUSINESS, SPEAKER'S STATEMENT

**The SPEAKER (11:01):** Before I call the Clerk, I wish to make just a brief statement in relation to rearranging private members' business due to a calendar change. I have this morning notified both the Opposition Whip and the Manager of Government Business of my intention to make this statement.

As there have been changes to the proposed sitting calendar that affect a number of sitting weeks where private members' business is listed in advance on the *Notice Paper*, by leave of the house I direct that Private Members Business, Other Motions, set down on the *Notice Paper* for 29 July, 28 October and 18 November, be put down for 22 July, 11 November and 25 November respectively. I thank members for their cooperation.

Leave granted.

**Ms BEDFORD:** The crossbench actually has a whip of sorts. Could we ask you in future to notify our whip as well at any time?

**The SPEAKER:** Absolutely, not a problem at all. I am happy to go through with the member for Florey how we came up with those dates, but absolutely I take that on board. Thank you, member for Florey.

*Bills*

### TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

*Second Reading*

Adjourned debate on second reading.

(Continued from 14 May 2020.)

**Ms BEDFORD (Florey) (11:03):** I wish to add a few comments to the Teachers Registration and Standards (Miscellaneous) Amendment Bill debate. Because I come from a family of teachers, I start by paying tribute to the members of the teaching profession, who play a vital role in helping every student fulfil their potential.

Since I was first elected to this place, I have made a point of honouring teachers on World Teachers' Day around 5 October each year by delivering, as a small gesture, morning tea baked by local bakers to the staffrooms of all the schools in my electorate of Florey. I have done so for around 20 years, and I hope there will be many more occasions during the years to come when I can do the same thing again.

Like so many in professions of all types, those who choose to become teachers feel drawn to teaching. Whether it is helping students to excel, to find something to be their lifelong interest or simply to do better, teaching is not just a career; it is a calling. It is also a profession, having all the hallmarks of a profession: robust pre-entry education, on-the-job training and mentoring, a culture of professional standards and ethics, continuing professional development, an active academic literature and an ethos of reflective practice. In short, it is capable of self-regulation, as is any other profession.

Acknowledging teaching professionals should have the principal role in licensing teachers and setting teaching standards should therefore be central to any legislation regulating the teaching profession. Sadly, that principle seems to have been discarded in this bill.

In reducing the size of the Teachers Registration Board, the government has chosen to move from a board which has majority teacher and school representation—nominated by teaching unions and school systems—to one in which it will be the minister who exclusively appoints all the members. That would make the teaching profession uniquely subject to more than ministerial oversight—it could be seen as interference—in a way that no other profession is.

Lawyers have the Law Society, architects have the Architectural Practice Board, vets have the Veterinary Surgeons Board, surveyors have the Institute of Surveyors and there are 15 separate boards for health professionals, ranging from nursing and midwifery to podiatry and osteopathy. All of these have a majority of practitioner members, selected through a range of methods, including election, nomination or wide consultation.

It is true that the teaching profession has evolved, and it is true that our expectations of teachers have changed, which is all the more reason, in my view, that teachers should be a significant component on the board that regulates them. I note there will be amendments moved in the committee stage and I indicate my support for them.

**Mr PICTON (Kaurna) (11:05):** I rise to speak about the board related to teachers' registration. Like the member for Florey, I rise as the product of a family of teachers, which I have spoken about in this house before. I particularly pay tribute to all those teachers in my family and all those teachers in my community, who work so hard to educate the next generation and who play such an important role.

We have significant concerns with the government's proposed bill in that it would weaken the proportion of teachers who are involved in their own registration board. Teaching is a profession and it should be treated as a profession by the government. To reduce the number of teachers on the board, to reduce the proportion of teachers on the board, is a very sad message to send to all those teachers who are professionals and who do a professional job in our community.

At no other time have we seen what we have seen over the past few months, where our teachers have gone to extreme lengths to maintain amazing education levels for our young people during the COVID-19 pandemic. They have had to chop and change due to differing advice from the federal and state governments in terms of what they need to do and in terms of how they can provide the teaching and learning for students. They have adapted so well to that, including many who have clearly put themselves at risk due to their own health conditions, they have been concerned about their own health and they have put the students above all during that time.

I know there were many teachers who spent a significant amount of time adapting to online teaching—adapting their lesson plans, their schedule and their learning to online—and then have had to change back. In my community, just before Easter, I was able to drop off some thank you Easter baskets to all the teachers in my electorate to say thank you for the great work they were doing and the commitment they were showing to the students in my electorate.

To all those teachers, from our side of the house we thank you. We respect you as a profession; we hold you up high as a profession. We know that you often cop a lot of flak; we know that there is often a lot of unreasonable blame shifted to teachers. We will defend you and we will stand up for you and make sure that your profession is regarded as highly as it should be. That should be reflected in the legislation the government is proposing.

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:08):** I am very pleased to close the debate on the Teachers Registration and Standards (Miscellaneous) Amendment Bill. I thank all those members who have contributed to the debate and offered their support for this important bill, with or without amendment. I think it is appropriate to comment briefly on the role of teachers in our community at this time in particular, as others have done—I think the member for Florey and certainly the member for Kaurna—who talked about the important role of the teaching profession during the COVID-19 pandemic.

Education is an essential service. I think one of the potential things the pandemic—which has caused so much havoc and devastation around the world that we reach for silver linings and apply them as much as we can—has provided is a broadened understanding within the community of the absolutely critical role that teachers play in the development and lives of our children. All the parents who have had the joys of undertaking home education activities in particular have a newfound understanding of the work that teachers do, and I think that has been played out.

I noticed an article in one of the national newspapers in the last week or so that talked about the loss to students in jurisdictions where schools had had significant lengths of shutdown or where only very limited numbers of students had been attending, particularly vulnerable children who had not been able to access both the educational advantages of school as well as the social and wellbeing opportunities that schools provide. South Australia and the Northern Territory were singled out for the fact that only the week of professional development—only one week—had been lost in the regular school timetable for many students, or at least the opportunity there, and that is something that will stand our students in good stead.

Other jurisdictions have had varying lengths from two to nine weeks or more, and that will cause challenges for those children. The reason above all else that that value is there for our students is because of the work our teachers do in ensuring that our students get the very best possible start in life. The role that they play is so important to the young people in South Australia and around the world, and we pay tribute to them regularly. I take the opportunity posed by this bill to do so again today.

The bill we are dealing with today will amend the act to improve the operation of the Teachers Registration Board and further support the work of the board, including by promoting high-quality teaching and introducing additional measures to promote child safety. Significant consultation was undertaken with stakeholders during the development of the bill, and I again thank all those who contributed to that consultation. In particular, I single out the Hon. Dr Jane Lomax-Smith, the chair of the Teachers Registration Board, who led that consultation work, a former minister and former member of this house.

I also single out Peter Lind, the former registrar of the TRB, who retired and travelled off to the land of the long white cloud, possibly on the last flight out of South Australia, after an extended caravanning tour around our regions just before tourism was not allowed in those regions. We have previously spoken about how we wish him well. I also thank Leonie Paulson, who replaced Dr Lind and has continued that consultation work, particularly towards the end. I thank Joanna Blake and Jamie Burt from the education department for their significant work.

We talk about consultation in many bills. This is a bill that by and large evolved out of the considered contributions of members of the existing board and people who made contributions through the consultation period on what they would like to see to improve the act and improve the way the legislation can support the board. It was a lengthy consultation process. There were many meetings and many people who made contributions. I would like to thank all those people in the community, whether they be teachers, other stakeholders, sectoral representatives, unions or members of the community, who in many ways contributed to the aspects that were considered in the ultimate development of the bill.

I think if the bill is passed then its success will have many parents indeed, many people who have contributed to its development. I have seen myself in this sense as a conduit for all that work to bring it to the parliament with the endorsement of the government, and I hope people will support the bill. I note that a number of members, those opposite and the member for Florey, have raised concerns about some matters in the bill, including particularly changes to the composition of the board. An issue has also been raised in relation to the provision for the registrar to suspend a teacher where the registrar reasonably suspects that the teacher poses an unacceptable risk to children.

The government respects and supports the contribution of teachers as members of the board. The minister, in nominating members for appointment to the board, will have to be of the opinion that they collectively have the knowledge, skills and experience necessary to enable the board to carry out all its functions effectively. The bill includes provision for at minimum a practising

teacher in each of the areas of early childhood education, primary education and secondary education.

At one point in consultation on the draft bill, concerns were raised that, as a result of the way the draft bill was drafted, potentially if somebody had experience in all three of those areas then there might only be one teacher. That was never the intent, so we have clarified in the final draft that it has to be an early childhood teacher and a primary teacher and a secondary teacher. I reiterate now that we are talking about at minimum three teachers, according to the existing bill, out of 10 people on the board.

However, the bill does not prevent further teachers from being appointed to the board except to the extent that one of the board members must be a legal practitioner and one must be a parent of a school student appointed to represent the community interest. The bill requires the minister to ensure that the board consists of members who have knowledge, skills and experience in areas of teacher education and matters affecting employers of practising teachers.

We are seeking to have a skills-based board that will enable the best possible support to go to the registrar, the organisation and the teaching profession. Of course, teachers are a critically important part of that. Having teachers represented on the board is critically important. The differences between the amendments as presented and what the government proposes are that we are saying there should be a minimum of three out of 10, the opposition has put forward a minimum of five out of 10, and there is a proposed different mechanism for how they are chosen. The bill proposes to have the minister, who is of course accountable to all teachers—as they are to all members of the South Australian public—identify whom they might suggest, having sought consultation with various bodies.

Particularly, the bill as it stands suggests that there must be an early childhood teacher, there must be a primary teacher and there must be a secondary teacher, recognising the different aspects of those parts of the profession, and the amendment talks about delegates effectively coming from two representative bodies. It is a difference of opinion, and we will play that out in the amendments and see how they go. Fundamentally, we both agree that it is critically important that teachers be on the board. Whether the bill passes as it is or with amendments, there will be teachers represented very fulsomely on the board.

The bill will provide the registrar with the power to suspend the registration of a teacher where information comes to the attention of the registrar that might lead them to reasonably suspect that a teacher poses an unacceptable risk to children. This could be as a result of the registrar being informed of matters, such as allegations of inappropriate sexual behaviour of a teacher towards a child, evidence of physical or domestic violence perpetrated by a teacher or a serious failure of a teacher to maintain appropriate professional boundaries in respect of a child.

In coming to a decision to suspend the registration of a teacher, the registrar would first have to gather and assess sufficient facts about the risk a teacher posed to children as would lead the registrar to reasonably suspect that the risk to children was unacceptable. Some of the factors that could be taken into account might be the extent and veracity of evidence available, the impact of the alleged behaviour, the circumstances and type of behaviour in the context of the employment setting, the frequency of the behaviour and any previous allegations or substantiated inappropriate behaviour of the teacher.

Similar powers for suspension of registration exist in a number of other Australian jurisdictions, including Queensland and Victoria, and there is case law that would provide further guidance to the registrar in terms of what would constitute reasonable suspicion of an unacceptable risk to children. It is intended that a policy would be developed and further guidance published by the board on the operation of this provision.

The member for Wright questioned whether a teacher would have a right of appeal in respect of a suspension of the registration. I can confirm that there are avenues for review and appeal of a decision of the registrar to suspend a teacher. Clause 30 extends an existing provision in section 34A of the act for the registrar to suspend a teacher's registration where they are charged with a prescribed offence.

Section 34A provides that where a notice of suspension has been served on a teacher, the board must review the suspension within 60 days and either confirm or cancel the suspension. A suspension is intended as a temporary measure in advance of an inquiry under part 7 of the act to determine whether there is cause for further disciplinary action to be taken against the teacher. A teacher would have the opportunity to present their case to an inquiry, examine or cross-examine witnesses and make submissions to the board.

I also note that under section 49 of the act a teacher would have a right to appeal a decision of the board under part 7 of the act to the Administrative and Disciplinary Division of the District Court. As I identified before, the member for Port Adelaide has filed a number of amendments to the bill, and I will briefly summarise the government's position now in relation to those to save us some time later.

The first proposed amendment seeks to modify the composition of the board so that it is similar to the current arrangements whereby various stakeholders nominate members of the board. The government will oppose this amendment for the reasons I outlined earlier. In bringing forward the bill, the government is seeking to establish a process by which members of the board are appointed on the basis of knowledge, skills and experience that the board needs to undertake its functions, rather than on the basis of their nomination by specified representative bodies.

The amendments also seek to reintroduce a provision requiring gender balance on the board. I note that the current board has 11 or 12 women (I think one may have just stepped aside) and four men, suggesting that there is not and has not been for perhaps some time, or indeed ever, that requirement for gender balance fulfilled. It is a complication, obviously, when dealing with boards where a significant number of the members are nominated by different bodies. Across government, we seek to have equal gender representation on government boards.

The practicalities are something that we would probably be happy to talk about between the houses and potentially in the context of whether the other amendment in relation to the composition of the board is supported by the Legislative Council, because that would make the practicalities different. Certainly, I would also want to talk to the chair of the board to get a full understanding of the make-up of the board at the moment. I suspect with the four men on the board at the moment each of them is specifically valued, as are indeed the 12 women on the board at the moment. I do not have any particular concerns about the amendment, but we will not be supporting it at this stage. I suspect we will have further discussions between the houses about practicalities.

The member for Port Adelaide has also filed an amendment that seeks to introduce the requirement that the board consult with specified stakeholders, such as registered teachers, relevant unions and government and non-government education sectors prior to publishing or adopting a code of conduct or professional standard under the new section 31B to be established by the bill. The government certainly supports the notion that the board should consult, and indeed consult with the bodies identified, when developing and/or adopting codes of conduct and professional standards. We understand that it is the existing board's intention, and I would imagine any future board's intention, to do just that.

We want to look further into whether the amendments proposed might be impractical for the board to apply, as it does not appear a distinction is made between the publication or adoption of a new code or standard and the publication or adoption of any minor amendment or correction to a code or standard that may occur from time to time. Nevertheless, that is a matter of practicality. The intent is not something that causes us any concern. While we will oppose the amendment in this chamber, it is something that I would like to talk further about with the shadow minister between the houses to see if we can come to some sensible agreement.

With that said, I commend the bill to the house. I thank once again all members who have contributed to the debate and all those who have contributed to the development of the legislation over the last probably two years. Before I take my seat, I add my thanks to parliamentary counsel, as always, for their outstanding work over the period.

**The SPEAKER:** Minister for Education, congratulations on your new arrival as well.

Bill read a second time.

*Committee Stage*

In committee.

Clauses 1 to 4 passed.

Clause 5.

**Mr BOYER:** New section 6(ea) in clause 5 talks about undertaking or supporting reviews of research and data collection relating to the teaching profession. I assume that is a new role for the board to undertake and will therefore probably come at some kind of cost. How is it proposed that that will be funded?

**The Hon. J.A.W. GARDNER:** That is a role that in practice, as I understand it, the board already does, and one of the aspects that it was seeking to have the power to do enshrined in legislation that prompted the delivery of the bill. To clarify, potentially, we are not proposing to provide any extra work. They want legislative identification of the fact that they already do this work.

**Dr CLOSE:** If we move now to section 6 and the insertion of the 'other functions as may be assigned', I know there has been some disquiet about that from at least one of the unions. I completely understand why the government is seeking to have what is quite a standard addition, but it would be helpful to understand two matters: one is some examples of what they might be, and another is—and I think this gets to the heart of the concern that has been expressed—how the amount of money that teachers have to pay through their registration will be protected from onerous additional functions that the minister might grant.

**The Hon. J.A.W. GARDNER:** I thank the member for the question and the sensible way in which it was framed, which identifies that this is indeed something that goes into many bills of this nature. It is now a standard drafting application. Perhaps if I can use an example of how a different bill has used this function, that might also help to answer the second part of the question. When the shadow minister was the minister, I think she had responsibility for the Children and Young People (Oversight and Advocacy Bodies) Act 2016 involving the development of the Child Development Council and other bodies, and this clause was put into the establishment of the Child Development Council as a standard drafting mechanism.

That enabled me as the minister subsequently to give the Child Development Council a job last year of developing a review on suspensions and exclusions. That was available for me to do that, using that appropriate body, because of the clause that was in the legislation, and the practicality of that was that the education department then provided financial support to the Child Development Council to enable them to do that extra work.

So inasmuch as I can give any reassurance, this was instigated largely as a standard drafting thing, because it seemed to be good practice and we believe it is good practice, but I do not have any extra functions that I am planning to provide to the board. But were an example such as that with the Child Development Council to come up, I would anticipate appropriate funding to go with that extra function, especially, I imagine, if it was something that was a government priority, not a priority of the board's.

One potential possibility I could envisage is that if the board itself identified that they thought there was a necessity, as a result of advice from teachers, that they should have a certain function to support teachers, then that might be a slightly different arrangement. But it is certainly something where I am not proposing to give any extra functions that I can envisage at the moment. I hope that that clarifies the thinking that would go behind it.

Clause passed.

Clause 6 passed.

Clause 7.

**The CHAIR:** Deputy leader, the first amendments filed by you have been superseded by the second amendments, so would you like to move the second amendments standing in your name, amendments Nos 1 and 2 to clause 7?

**Dr CLOSE:** I move:

Amendment No 1 [Close-2]—

Page 5, lines 4 to 19 [clause 7, inserted section 9(1) and (2)]—Delete inserted subsections (1) and (2) and substitute:

- (1) The Teachers Registration Board consists of not less than 10 and not more than 14 members appointed by the Governor of whom—
  - (a) at least 5 must be practising teachers, of whom—
    - (i) at least 4 must be nominated by the Australian Education Union (S.A. Branch); and
    - (ii) at least 1 must be nominated by the Independent Education Union (S.A. Branch); and
  - (b) at least 1 must be a person nominated jointly by the Association of Independent Schools of South Australia Incorporated and Catholic Education SA; and
  - (c) at least 1 must be a person employed in the field of teacher education nominated jointly by the universities in the State; and
  - (d) at least 1 must be a person nominated by the Chief Executive of the Department; and
  - (e) the remaining members are members nominated by the Minister, of whom—
    - (i) at least 1 must be a legal practitioner; and
    - (ii) 1 must be a parent of a school student appointed to represent the community interest.
- (2) At least half of the members appointed under subsection (1) must be registered teachers.

The reason it is very important that we get this composition right is that we are talking about a board that governs the professional standards of a profession that is very, very important to South Australians: teachers. We have always known that to be the case. We have known it more acutely in this recent period of the pandemic, and potentially may come to see it again in a future resurgence of the virus.

We came to understand our dependence on the integrity and the professionalism of teachers and yet at the same time as we have all recognised that—and I do not think there have been any or many speeches about this bill that have not acknowledged the importance of teachers—the government is proposing to strip teachers essentially out of their own professional standards board. The proposition is that there would be potentially only three of up to 14 members being teachers. I cannot imagine why that would be. It seems to me that if we respect this profession, if we believe that it is a profession worthy of governing its standards, then one ought to have quite a few teachers as part of the board that is undertaking that activity.

The proposition that stands before the chamber is that half of whichever number—and the opposition is not troubling the desire of the government and, in fact, I think probably of the current board to have a reduction in overall numbers—must be registered teachers. Further, we are saying that at least five of them, which means you could potentially have a membership of 10, be practising teachers and that those practising teachers who are in the schools, who are dealing with the issues and the challenges and the opportunities that the board must turn its mind to, be selected by their relevant union.

I explained why I thought that was a good idea in my second reading speech so I will not belabour it. However, quite apart from this side of parliament's belief that organising labour is a good idea, that it advances the rights of humans in our society for people with less power to be able to organise collectively—apart from our view about that which is I think only partially shared and perhaps not at all shared on the other side—the logistical importance of having the unions involved is twofold: one is for a government to lock out the unions that have good membership in this profession, to not enable them to have the engagement that they have had for many years, risks having them be opponents to propositions that the board is considering, so it makes practical sense to keep them involved and engaged.

The other side is the way in which a teacher who is put on this board without having gone through the process of being nominated by a union is isolated and diminished in their power to be able to communicate with their fellows, to know that they have a way to gain support, information and succour when dealing with the very weighty matters that the Teachers Registration Board considers.

Our objections are twofold, and the amendment deals with both. At least half the people deciding on the professional standards of teachers ought to be teachers. There also ought to be a recognition that unions exist, that they have played an incredibly constructive role in teaching over the decades in South Australia, and that their engagement, to my knowledge, has never caused a problem on the Teachers Registration Board. There has not been a proposition that they ever have; therefore, having their engagement is, in fact, productive for the government of the day and productive for the management of the board. With that, I ask the chamber to consider supporting amendment No. 1.

**The Hon. J.A.W. GARDNER:** I thank the member for her comments. I spoke at great length in the second reading response, so I will only briefly identify that I think the idea that teachers should be represented on their board is important. The bill prescribes a minimum of three out of 10, with the potential for it to go up to 14, but with no block on there being more than that. The expectation in the bill as it stands is that the three levels of teaching be represented.

The bill also expects that, rather than shutting out an organisation or people who are members of an organisation, it actually includes up to estimates of 40 or 50 per cent of the workforce who are not members of the organisation rather than two organisations having this privileged position in the legislation. That said, there is a difference of opinion between the sides of the house as to how teachers should be best represented through this body. We welcome the engagement with the AEU and the IEU in making suggestions to the board under the existing proposition. The opposition seeks to make them the people who will choose those members of the board. We respectfully disagree.

**Mr TEAGUE:** I rise to raise a question on the amendment as it has been introduced. I can understand the argument in terms of the first two elements as it was put by the deputy leader, that is, concern about the absolute number of teachers and the point about practising teachers. I can understand that and we have difference of view about it. The third element of that as it is introduced is, I think as it is described, that they be selected by their relevant union. I just note in this context that one of the two unions proposed to be one of the nominating bodies for this purpose I think characterises the board as 'our board' and advocates in those terms. It says, 'Our board. Hands off our board.'

There is then a characterisation about the problem with a teacher finding themselves on the board if they are not coming with the endorsement of one of those unions. I think the deputy leader described them as potentially diminished, lacking succour and lacking support. I might put it back to the deputy leader that when we are dealing, as the discussion paper in April 2019 referred, with a body that is quasi-judicial in nature, how about the importance of independence, fearlessness, the capacity for the exercising of those quasi-judicial functions and therefore the importance of merits as opposed to adherence to a relevant industrial body? I just put that as a matter of principle and ask the deputy leader perhaps to respond.

**Dr CLOSE:** First of all, although I do not purport to speak on behalf of the union and do not in any way take ownership of materials, I am fairly certain that when they talk about 'our board' they are talking about 'us as teachers'. It is the teachers' board; it is the Teachers Registration Board and it is the question of whether teachers are involved in the Teachers Registration Board to sufficient percentage or proportion.

The question of merit is an interesting one because of course merit must be overriding but, given that there has been a practice of unions nominating members for decades, there would perhaps be a counter question of: is there any evidence that merit has not played a role in the selection? I would assume that if a government were concerned about being forced to take anyone they felt were not appropriately meritorious to be serving on the board from one of the unions, more than one nominee can be proposed for each position that will be filled and a choice can be exercised by the minister of the day and then the Governor of course making the appointment on the basis of choosing between.



The collective effort by teachers to ensure that their profession is well regarded and well remunerated is recognised by governments when they enter enterprise bargaining agreements. They recognise that although they do not have 100 per cent coverage they represent what teachers are concerned about and what they want to see. There is no logical reason for that not also to be true for the maintenance of their standards, particularly for the practising teachers.

I do not say that they should be selecting all the members. I do not say that they should even be selecting the registered teachers who might be above and beyond the practising teachers. For those who are actually practising and experiencing what it is to be in a school today, they have a collectivist organisation which they can join and which they do join in very significant numbers in comparison to a lot of industries. That ought to be recognised and seen as something that is useful rather than problematic.

I am not sure how much time you want to spend because I gather that the government have a view about the role of unions. I would ask the government that, if they cannot bring themselves to support the unions, they do earnestly consider the element of my amendment—perhaps by moving their own amendment if they vote this down—to allow half of the membership of the board to be registered teachers. It is a slap in the face for teachers if the government were to say, 'Maybe, at most, 30 per cent are required to be teachers on this new board that governs you.'

**Mr TEAGUE:** I have perhaps a follow-up question. I think perhaps it is an opportunity to say that those who contributed to the debate on the last occasion and again briefly this morning are jumping over themselves to identify with, to recognise and to celebrate the important role of teachers. The difficulty, and the one I have characterised in my second reading remarks as, I think, somewhat embarrassing for those opposite, is the connection between a debate on the one hand about the extent of representation of teachers and that inevitably leading to some connection to one or more industrial bodies, as is set out in the amendment.

I ask the deputy leader to perhaps provide any consideration of what I think is the subject of pages 11 and 12 of the discussion paper in April last year comparing boards in other states. I think they have a situation in Western Australia where there is no nominator function at all, ranging through to the situation in South Australia and Victoria presently where there are, I think, seven. The bulk of states has one nominated union role as part of what composes the board.

On the one hand, we have a debate about the number of teachers on the board and, on the other, there seems to be an undue emphasis in connecting that debate and that argument to the nominating role of unions. It seems to want to push South Australia into an outlier role relevant to the rest of the country. I wonder if there has been any reflection on the experience interstate in putting this amendment forward.

**Dr CLOSE:** I am tempted to be a little glib in the way that a teacher might ask, 'If Johnny jumped over a cliff, would you jump too?' The reflection in South Australia is that there has been no problem with the way in which the board has managed itself that has been brought to my attention, or I think to anybody else's attention, that pertains to either the proportion of teachers or the nominating role of unions.

The only concern that I have heard—and I heard it in my time as education minister and discussed with the board the fact that they would undertake this refreshing of the legislation—was that it was a bit big, and the question of all of those delegates being appointed, although that is a matter of choice and discretion by governments. I have not said, no, we must stay with the large size, and that has not necessarily pleased the unions in the sense of the number of members that they are now able to promote, but I have honoured the desire of the board to have a more agile, smaller board and recognise that it can be a hinderance to have a large board, without losing the merit of the proportion of teachers and the involvement of the union.

I appreciate the member would like to separate those two. They are two separate issues, but I also note that the government has opposed both elements of that. They chose to reduce to three out of 10 to 14 at a minimum in line with previous amendments to the Education Act that were ultimately not successful in removing the involvement of unions—not to reduce, but to remove.

Our position is that there has been no evidence that there is a difficulty. If there is a concern about the individuals involved, then the minister is absolutely entitled to ask for a number of nominees, not just the number required to fill. We ought to respect the professionalism of the board and of teachers and allow them to continue to do the good work that they have done for a number of years.

**Ms WORTLEY:** I have a query. In relation to the number, you have—

**The Hon. J.A.W. Gardner:** Is this a query to the mover of the amendment?

**Ms WORTLEY:** I am sorry, no.

**The CHAIR:** We are debating the amendment in the name of the deputy leader. If there are no further contributions or questions on that, I will put the amendment.

Amendment negated.

**Ms WORTLEY:** In relation to the amendment that was just moved and in relation to what the government is proposing in the bill with the three teachers who are on the board, there is a cohort of teachers that I feel has been missed in this by the government but the opposition's amendment would allow, and that is the contract and TRT teachers. You have the three, the secondary, primary and so on, but those teachers specifically have different requirements and different issues with the registration. Has your consultation included this consideration?

**The Hon. J.A.W. GARDNER:** I can explore with the chair of the board, who personally conducted the vast majority of the consultation processes, whether indeed there were propositions put forward at various times in the consultation as to whether TRTs were included. I think she is watching the debate live as we speak, so she may well like to send me an SMS if she wants to. If she does, I will faithfully report it, but otherwise we will take that aspect on notice and come back.

I would identify that the government has sought to ensure—and there is absolutely no doubt in my mind that we would be looking at potentially having more than three in practice—that the minimum of three is identified as an early childhood teacher, a primary teacher and a secondary teacher, being the three key areas of teaching practice delineation that capture by and large the experience of what happens in our schools.

In addition, a legal practitioner, which is absolutely essential in the work of the board, particularly in carrying out its quasi-judicial functions, and I think everyone I have ever spoken to who has been a minister for education and who has engaged with the Teachers Registration Board has seen the value in a parent representative. I think there are other skills and capacities that are required to faithfully carry out the board's work. The absence of a TRT being a nominated person on the board is not one that I recall having had significant correspondence about, but I will invite the chair of the board to provide me with any information about considerations that took place during the consultation period.

**Ms WORTLEY:** Can I just clarify that that was contract teachers as well? We have so many of our teachers coming out of universities today who initially go onto contract. They are on contract for one, two, three, four years, and their registration requirements, of course, are affected by this.

**The Hon. J.A.W. GARDNER:** I will take it on notice in relation to the whole aspect. However, I would note that, by my understanding and reading, they would not be prevented from being included in this group that is already identified.

**Mr BOYER:** In relation to clause 7 and new section 9, can the minister perhaps tell us what skills he envisages the ministerially appointed members of the board will bring to that board that it does not currently have but presumably, in his opinion, needs?

**The Hon. J.A.W. GARDNER:** I do not necessarily cast any aspersions on the existing board members or the skills and experiences they have. It has been consistent feedback from people who have been engaged on the board that I think we are talking about 16 members and 15 deputies or thereabouts, which is an extraordinarily large body in any aspect. I think that the desire to reduce that, to having people appointed on the basis of the skill set they bring, along with some element of the particular working experience they have, rather than the nominating bodies choosing them and hoping that they have that skill set between them, is the difference that is implied here.

I think that the work of the board is multifaceted in that there are aspects of it of a quasi-judicial nature and aspects in relation to the organisation, and the make-up can therefore be a combination of people. People do not necessarily have just one skill set, and so therefore you have to look at that. Certainly, having representatives of the teaching profession was identified as something we thought was tremendously important, and that is why they are locked in to provide a significant component of the board. The legal practitioner was seen as absolutely necessary, and a parent was seen as absolutely necessary, although of course we note that many of those other members of the board might also be parents themselves.

I think value was seen in having somebody whose perspective they bring to the board was specifically that of a parent. The other members of the board would be seen to have between them the necessary knowledge, skills and experience to carry out those functions so that when somebody leaves you can identify what skill set they take with them and then replace that gap necessarily rather than relying on nominating bodies to choose people and hoping that they will therefore bring together the skill sets, experiences and knowledge required.

**Mr BOYER:** Minister, surely if you are seeking to enshrine in legislation a power for yourself as minister or for future ministers to actually appoint, I think, between five and nine people onto the board, you must be able to give some examples of what skill sets you think those five to nine people might actually be able to bring, or that the board actually needs.

**The Hon. J.A.W. GARDNER:** I think that is an entirely rhetorical question, frankly. The skill sets that are required on the board would require a range of matters, some of which would be relevant to a whole range of boards. We are talking about having an understanding of board operations and some of them would be specific to the Teachers Registration Board, which is why we are talking about a minimum of three—although, as I say, in practice I would expect more than three—people who are practising teachers.

**Mr BOYER:** Thank you, minister, for that answer. On the same clause, my reading of other like boards that have positions appointed by the minister is that there is almost always an independent assessment of skills and the development of what is almost a skills matrix in terms of gaps and what gaps need to be filled. Has that work been done in preparation for this bill?

**The Hon. J.A.W. GARDNER:** I think this one of those matters where we might consider trying that in regulations depending on how the legislation ends up. It would be a bit difficult to do it if, for example, the opposition's amendment had been successful and you end up with all but one of the board members effectively being chosen by nominating bodies. The skills matrix then becomes a bit redundant, and you just hope in that aspect that it gets done correctly. Whether it is in the regulations or as a matter of policy, certainly that work would be done prior to the appointment of the board.

**Dr CLOSE:** Just to follow up on that question, even should the legislation change with the will of the upper house and perhaps a favourable deadlock committee, there would still only be 10 nominated, defined, and a gap of four; under this current legislation it is five to nine. What was the process used by the minister in his own mind to determine that that much latitude was required for ministerial discretion and who would go on as opposed to ensuring that there was a higher minimum of teachers and recognition that the universities have a significant role now to be enshrined in legislation and that the three sectors have an interest in the way that the TRB operates?

**The Hon. J.A.W. GARDNER:** The reason I check is that I was seeking advice about what went out in the initial public consultation as to what went out in the draft bill that was subsequently provided and then what went into the final bill. There were three areas where I had input, and I cannot remember whether it was prior to the board, mainly through its chair, commencing the initial public consultation or whether it was when we released the draft bill after that consultation took place or whether it was when we did the final bill.

Certainly in my mind—and it was something that was brought to our attention strongly by a range of people—was the idea to start with a reduction in the size of the board, which we have discussed. I have long held the view, the Liberal Party has argued for the view, and other stakeholders and other teachers who are not members of the particular unions have also argued,

that those representatives on the board who might be teachers should not just be chosen by the teaching unions.

In relation to the non-government schooling sectors, the university education courses, I would anticipate that it is likely that we would be wanting to very much have their suggestions and feedback on who is appropriate. I think the shadow minister has also included the head of the education department as one of her suggested entities. At the moment, the three schooling sectors all have their nominee as well.

They are not necessarily teachers who are nominated by those sectors, by the way. Some of them are bureaucrats or officers within the association. Some of them may or may not have been teachers, but I would not want anyone to be left thinking that they are necessarily part of the cohort on the board that are currently teachers, and the person from the universities may or may not be as well.

The member asks what was going through my mind, effectively. My mind was that the purpose of the consultation last year was to get feedback from a range of sources about how the TRB could best do its work and how the legislation could best support the TRB. It was pretty clear, and I think the member has acknowledged, that a reduction in the size of the board was seen as a beneficial outcome and, therefore, having a reduction in the number of people who are specifically appointed to the board benefits the composition of the board in a number of ways, not least of which is that—and I think you have identified it—at the moment there is room for one or two ministerial nominees and this would expand it to four or five.

With a reduction in the size of the board, having the capacity to get the skill sets that are seen as necessary, the skills matrix that the member for Wright talked about, adequately represented by those non-designated people, some flexibility I certainly saw as desirable; I am happy to endorse it. How much of that comes from me as the minister, how much of that came out of the community consultation—I cannot tell the member right now the specific make-up of how many people argued that the Association of Independent Schools, Catholic Education or the universities should still be able to nominate somebody, but I am happy to seek some broad feedback between the houses.

**Dr CLOSE:** I have one more question on this clause from my perspective, and I think the member for Torrens has one. Should this get through, even with the amendment, given that there is room for additional members who are not in prescribed positions, what process will the minister use to identify who will fill the positions that are not designated already, and what process will the minister use for, say, identifying the lawyer or the parent? Is there likely to be a process of request for nominations, a general call for people to engage, or will it be the minister making decisions based on the minister's experience and network?

**The Hon. J.A.W. GARDNER:** I thank the member for the question. There are some aspects that are legislated, but I think I can include those in the broader answer that would go above and beyond what is even in the bill, that I would be seeking nominations broadly. I would be suggesting advertising, although certainly the nature of advertising is potentially changing a bit these days, but certainly we will be creating a process whereby there was an opportunity for not just designated bodies to nominate people but others if they wished.

I can tell you that, in relation to the first new board under the new act, if you like, I would be looking to engage pretty closely with the current chair and the registrar in ensuring that a skills matrix was appropriately met by those who are putting their names forward and potentially being given consideration. I will check whether there is anything else I need to identify in the legislation. I do not think there is—I think my broad answer probably captures it.

**Ms WORTLEY:** Minister, in relation to the positions you would be nominating, what are the skills gaps that you would be seeking to fill?

**The Hon. J.A.W. GARDNER:** I do not know whether the member for Torrens was here earlier, but I direct her to the answer I gave to the member for Wright a bit earlier.

**Ms WORTLEY:** I was here, and I did hear the answer that you gave, but I do not feel that that answered the question. So you seriously cannot tell us now that there are skills gaps, or you are

telling us that there are skills gaps but you cannot tell us what the skills gaps are that you are wanting to fill?

**The Hon. J.A.W. GARDNER:** No, that is not what I said then. To be clear, we are talking about reducing a board with 16-odd members and 15-odd deputies to a board of 10 to 14 because I think it has been very clear from the range of people that it is a large board, it is an unwieldy size, and it is desirable to reduce the size of the board to improve the efficiency of its operation and its discussions.

At the moment, there is range of bodies that nominate almost every member of that large board, and by fortune, by design or by the fact that some very good people have been helping, I do not necessarily identify any urgent skills gaps on that large board. We are talking about reducing the size of the board very substantially, and therefore I think it is absolutely reasonable to propose that we want to ensure that you do not have any skills gaps in the operations of a successful board.

Frankly, with every board, every operation, any endeavour, you always want to be trying to do better as well, so I will be very eager to engage with the chair of the board, as I have done for the last two and however long years, ensuring that we can support the board in its functions. If there is a desire identified within the board to have extra expertise in any particular area, then I will be open to that discussion as well.

The point is that we want to have a board that is capable of meeting its quasi-judicial functions, meeting its functions in representing the organisation, supporting the registrar in her work and ensuring that our teaching profession is well recognised. I think some of those are identified in the limited number of prescribed people who have been identified, and the remainder of those functions would be proposed to be met from the remaining members to be appointed.

**Mr SZAKACS:** Minister, I have a couple of questions with respect to this clause that arise from your answers to the Deputy Leader's questions. My first is your most recent answer about satisfying yourself around the skills gaps of the board. What process has the board taken to date—not prospectively, but to date—to assess the skills of the board and then to undertake a gap analysis of those skills?

Of course, a board the size that it currently is does bring a huge diversification of skills. Would you inform the committee when that independent skills assessment took place, who undertook that skills assessment and to what current process the board reports to you as minister with respect to the gap analysis?

**The Hon. J.A.W. GARDNER:** The board reports to me as the minister in all respects, practically, through the registrar and the chair, whom I meet with as needs as well as regularly. In relation to gap analysis and appointments, I think the board is mostly comprised, at the moment, of the same people who were appointed under the previous administration, because I think on a number of occasions I have extended the tenure of existing people.

I do not think there has been any wholesale change. There may have been some specific changes. I think a couple of the representatives of departments, and possibly schooling sectors, may have changed over the last couple of years, but there has not been any large-scale change, certainly not sought by me, and so therefore in that context I do not necessarily think that that work may or may not have been done.

In terms of what was identified during the consultation period, as I have identified previously, this body of work was largely conducted by Jane Lomax-Smith, as the chair, and her team, supported by the officers in the Department for Education and the parliamentary counsel, inasmuch as the drafting of the legislation was concerned, but this is something that has mostly been driven out of the board and its chair in terms of that public consultation.

If there is further information about that that I can gather between the houses, I am happy to provide it to the member and those opposite, but I think we are largely talking about what would be necessary going forward prospectively. At the end of the day, if the opposition is successful in the upper house and convinces this house to change its view on the amendment that was previously debated then the work that you are suggesting would take on an entirely different light than it would otherwise.

We would be talking in that circumstance about a case where, as now, the vast majority—almost all of the board members—would be prescribed as delegates of those bodies rather than starting with the suggestions of those bodies.

**Mr SZAKACS:** It is not uncommon for many representative boards to comprise appointments from different bodies, as you have said. My question specifically, though, was, notwithstanding who those current members were and when they were appointed, has that board conducted an independent skills assessment? If that independent skills assessment has taken place, who undertook it? Thirdly, under what mechanism does a gap analysis and skills matrix assessment report to you as the relevant minister?

**The Hon. J.A.W. GARDNER:** If I was not clear enough before, I will be extremely clear: I will ask the chair.

**Mr SZAKACS:** My final question on this is that, with the proposed amendments to the existing board by the government—

**An honourable member:** The bill.

**Mr SZAKACS:** The bill. I am picking up on the member for Heysen. Why say something in one sentence when you can say it over a few?

*Members interjecting:*

**Mr SZAKACS:** I think the member for Heysen might have referred to some of the pro organised Labor stance and positions on this side of the house as ridiculous—or embarrassing, I am sorry.

*Mr Teague interjecting:*

**Mr SZAKACS:** I did, but no less embarrassing than saying a short sentence in a couple of paragraphs.

**The Hon. J.A.W. Gardner:** Like this one.

**Mr SZAKACS:** Like this one. With the new responsibility for appointments, what is your view particularly around those appointments and tenure that you will make as a minister with regard to best practice from various bodies such as the Australian Institute of Company Directors or other statutory bodies, to which the government appoints?

**The Hon. J.A.W. GARDNER:** Just to clarify the question: you are asking for how long my appointments should be on the board?

**Mr SZAKACS:** That is correct, the length of total tenure. I will clarify it for the minister: not three-year terms. How many three-year terms does the minister feel is appropriate in respect of total tenure on the board?

**The Hon. J.A.W. GARDNER:** I direct the member's attention to clause 8(1), which identifies that 'a member cannot hold office for consecutive terms that exceed nine years in total'. I think that is a reflection of the current arrangements, from memory. It may not be. That is new. I have seen that elsewhere; it might not be in this bill.

In practice, the minister takes recommendations to cabinet to recommend to the Governor and they cannot be for more than nine years, as is the process identified. In my practice, I would imagine at least having consultation with the registrar and the chair of the board. I will take feedback from anyone else who wants to provide it to me, as I am sure any future minister would, in terms of what recommendations I make to those people on a board of this nature or any other.

**Dr CLOSE:** I move:

Amendment No 2 [Close-2]—

Page 5, after line 34 [clause 7, inserted section 9]—Insert:

- (5a) The Minister must ensure, as far as practicable, that the persons appointed under subsection (1) consist of equal numbers of women and men.

This amendment restores from the current act into this bill the qualified requirement to ensure, as far as practicable, that there is gender balance on the committee. The minister and I had a brief discussion about this, and I think we will continue to have the discussion. Unusually, the challenge in this case is not to ensure that at least 50 per cent of members are women; in fact, the concern is more the other way: that there are not very many men on this board and in the teaching profession—not in substantial number and not in gender equity.

Therefore, the reason I sought to restore it is that I think it ought to be on the mind of a minister, in making decisions between good candidates, that it is desirable to ensure there are roughly proportionate numbers of men and women—not because that is not representative of the general teaching profession, but because it is so important that we pay attention to the way in which male teachers are important to students, both male and female. So, it seemed to me that there was merit in making sure that that was a consideration that went through the minister's mind.

As I indicated earlier in contemplating our amendment that has been defeated, in having the unions nominate people or, indeed, with the current construction of the bill that there must be a practising teacher in these various levels of teaching—and perhaps a future amendment that might occur in the Legislative Council referring to contract teachers and TRTs—that ought to be at least a factor that plays in the mind of the minister in making a decision about who to recommend to the Governor.

It is so important that we recognise the role of male teachers in the teaching profession and indeed, not unrelated I suspect, the question of the success of boys in school. I think this is a matter we are all aware of, and how that has an impact on the quality of the education experienced by different cohorts of students, including the male cohort, ought to be something that is considered as part of the professional standards of the teaching profession.

**The Hon. J.A.W. GARDNER:** I thank the member for the amendment, and I thank her for her encapsulation. I do not necessarily disagree with anything that she has put forward, in particular in relation to the discussion that she and I had. It is an interesting one, though, because when we are discussing boards one of the things that is often on my mind is to ensure that we have significant opportunities for young women to have female role models to look up to in terms of governance and such things. That is not a problem for boys as a general rule, being able to look up to men on governance boards.

It is important, of course, that male role models for young people exist in our schools. We always have a desire—I think everyone has a desire—to encourage more young men into the teaching profession, but we also want to make sure that the capacity for this board to serve its functions and that the women, who have traditionally dominated this board and who were doing great work, are not removed from that arbitrarily. As the member says, a clause of this nature exists in the existing legislation—I suspect it is more honoured in the breach than in the observance, as people usually say about these things. I do not know if that clause has ever been observed in its current construction.

I think that it is not something that the government is proposing to support at the moment, but it is a discussion I would like to continue having with the shadow minister, as to whether she can convince the government between the houses, or indeed whether we can come up with some other construction that meets some of the intent of what she is seeking to achieve, without putting practical barriers in the way of ensuring that the TRB is its best possible self.

Amendment negated; clause passed.

Clauses 8 to 12 passed.

Clause 13.

**Dr CLOSE:** This is the clause that refers to the capacity to second members onto committees of the board. As I understand it, at present the committees must be composed only of board members, although that is a much larger group—not only because the membership is larger but because of all the delegates—than it will be, regardless of the success of the changes that I proposed earlier. My question is about how that secondment is managed. I have a series of

questions, but I will start with the question of whether the person who is seconded is seconded more or less in their capacity of a particular profession.

I appreciate that there is a legal person already on the board, but should there be a desire to bring in a different legal practitioner, how would that person be remunerated? Would there be professional fees paid, would there be a standard fee or would it be regarded as something that ought to be done pro bono?

**The Hon. J.A.W. GARDNER:** I am advised that they would be remunerated in line with the Premier and Cabinet circular, which might identify a different answer depending on the circumstance. I do not have the detail of that here with me, but I can seek it between the houses if the member would like.

**Dr CLOSE:** There is then also the question of accountability. A concern has been raised with me by people who are unhappy and anxious about people who are not part of the board—who are not responsible for the management of the Teachers Registration Board, who do not have that level of accountability through to you and to the chair—when that is detached, yet they are sitting on a subcommittee. How will that accountability be managed either by you as minister or by the way in which the board operates?

**The Hon. J.A.W. GARDNER:** I will flag how I understand it to be. I note that the regulations will certainly seek to clarify this. I will just put the caveat that, because I am seeking to be abundantly helpful rather than just putting off anything, if I make any mistake in what I am about to describe, then I will make sure I get back to the member prior to this being debated in the Legislative Council.

I would have anticipated that the chair of the committee, in any case, would be a member of the board. Certainly, there will be members of the board on the committees. If there were any concern about accountability or the nature of it, then the responsibility would be on the members of the board who are on the committee, particularly the chair of the committee, to follow that up with the chair of the board. If there are further matters that have been missed in that brief prospective summary, then I will provide further information to the member. Some of that may be dealt with further in the regulations, too, which we can obviously revisit.

**Dr CLOSE:** I have one more question on that clause. The question is about selection for a person who is not on the board but is asked to sit on a committee through secondment. Will it be the minister who does the selection, will it be the chair or could it be either? What process will be gone through to determine whether that person is appropriate and fit and proper to sit on a subcommittee of the registration board?

**The Hon. J.A.W. GARDNER:** In short, it will be the board that determines the selection process for seconding members onto any particular committee, and then there may be a role for the committee itself to determine its own procedures. It is certainly not something that I had anticipated the minister having any role in. It would be a matter for the board to determine, in my view and understanding, and I think that is what we anticipate the regulations making clear if it is not already.

Clause passed.

Clause 14.

**Mr BOYER:** Minister, clause 14(1)(b) states that in regard to a delegation one of the members must be a legal practitioner, but my reading is that it is not necessarily the legal practitioner who is already a member of the board. Does that mean that the board will have the power to outsource for legal advice?

**The Hon. J.A.W. GARDNER:** Can I just ask that the question be repeated because I want to make sure I answer what you are asking.

**Mr BOYER:** In relation to clause 14(1)(b), my understanding is that in relation to delegations one of the members must be a legal practitioner, but in brackets it states 'whether or not a member of the board'. It does not have to be the legal practitioner who is a member of the board; it could be someone else, potentially in this case someone the board outsources to come and do that work.

**The Hon. J.A.W. GARDNER:** Yes, the member's understanding is correct to a point. At the moment, there is a legal practitioner on the board and they have a deputy. Obviously, any of the



disciplinary functions the board undertakes is a reasonable workload for the legal practitioner or their deputy and then any other matters that the legal practitioner or their deputy is required to do can be a significant workload; they become a very important member of the board.

The new board is proposed to continue to have a legal member as one of the nominees. It has been suggested that to ensure that the workload is capable of being managed if it gets to a certain level that, if the workload of the legal practitioner—who would in the usual manner of course have their own legal practice as well and potentially have other matters, trials or other cases they are dealing with—was difficult to be managed, and this has been brought to my attention certainly by the chair, you want to make sure you have the capacity to bring in an alternative lawyer if the workload suggests that, in meeting the needs of the board, that would be beneficial.

I think that captures everything that is behind that flexibility. It is not intended that that would diminish the role of the legal practitioner of the board in any way. It is just to give them the opportunity to not be the sole person who is responsible for all those duties if the volume of those duties gets high at any time.

**Mr BOYER:** I thank the minister for his answer. In the event that a delegation of the board cannot use the existing services of the legal practitioner who is on the board because they might be too busy in their own practice, as you say, who is responsible for any fees there might be if that work is outsourced to the private sector?

**The Hon. J.A.W. GARDNER:** To be clear, this is not about the board seeking legal advice because the board gets legal advice from the Crown. This is about the delegation of powers to a committee, of which the board may have a number. In terms of fees for committee payments, I suspect that would be the same as the answer I gave the member for Port Adelaide earlier about committee payments. If there is anything in addition to that that is specific to the legal practitioner, I will come back to the member when I come back to the member for Port Adelaide in relation to the committee payments.

**Mr BOYER:** Sorry, we might be at cross-purposes here, or I may not have phrased my initial question particularly clearly. I understand that this is in relation to delegations and committees. From your first answer, my understanding was that if that delegation or committee required some sort of legal advice that it could not get from the legal practitioner who sits on the board by virtue of that legal practitioner being too busy, they could potentially go to the private sector or someone else and say, 'We need you to come on and provide some legal advice on this matter.' I would imagine there would be fees in that case. How are those fees paid?

**The Hon. J.A.W. GARDNER:** It is not about getting legal advice from an alternative person. They get legal advice from the Crown. This is about the legal practitioner participating in a committee of the board. If a legal practitioner is participating in a committee of the board on the basis that the board has agreed that the legal practitioner on the board does not have time or does not have time for a short period of time to provide that function to that committee then they can second somebody who has the relevant expertise to serve on that committee. There are a range of functions that they could be involved in.

**The CHAIR:** Last one, member for Wright.

**Mr BOYER:** My question is: who pays for that seconded work?

**The Hon. J.A.W. GARDNER:** As I identified before, they are being paid as a member of the committee and that is the question I have taken on notice. If there is any aspect of the payment that is different for the legal practitioner than the remuneration for any other member of the committee, then I will make sure that is included in the answer.

Clause passed.

Clause 15.

**Dr CLOSE:** This relates to the accreditation of initial teacher education programs and I understand it is one of the reforms in this piece of legislation. I support that it officially be part of the act and one of the jobs that the Teachers Registration Board undertakes. Before asking more specific questions, I invite the minister to explain the process by which the Teachers Registration Board has

undertaken and will undertake this role, in particular contemplating the way in which feedback is received on the adequacy of the current teacher training programs in South Australia.

**The Hon. J.A.W. GARDNER:** It is a national scheme and the board in South Australia has been undertaking this work for South Australia for some time. I recall the former registrar pointing out that out of an abundance of caution he thought it would be good if it was clarified in their act that they had the power to do the work they are doing.

**Dr CLOSE:** My specific question is: I appreciate that there is a national scheme, but on the other hand the board has a responsibility to undertake the work here. Does the board invite contributions from the broader profession about their view about the merits of the existing teacher training programs at the universities and whether they ought to be changed, altered or better in order to keep the profession at the height of professionalism that is expected of it in a changing environment?

**The Hon. J.A.W. GARDNER:** I thank the member for the question; I appreciate it. Obviously, as it is a national scheme, I think there would not be too many national schemes where immediate responsiveness to a piece of feedback is hugely pacy. I think once things are set in pace in a national scheme they tend to have their own processes in play. I think in a practical sense, certainly my experience is and whether he had the power to do so or not, I do not think Peter Lind would mind me advising the house that he was capable of giving me advice based on the feedback he had received in the application of any of the TRB's functions. I would anticipate there would certainly be scope for a minister who represents this state on a national body, where national schemes might be agreed to, to take advice from the TRB.

In 19A(3)(b) I know that the application of the section must comply with any other requirements set out in the regulations. Fundamentally, the national scheme is the starting point, but I will be happy to take some advice as to whether there are necessarily other aspects that should be taken into account in addition to the national scheme. At this stage, I am not sure whether there have been any proposed. If there are, then I will provide that information to the member between the houses. But, as I understand it, it is in terms of the application of the existing arrangements that we are putting that effectively puts into legislation what happens now.

Clause passed.

Clauses 16 to 19 passed.

Clause 20.

**Ms WORTLEY:** Minister, I just have a couple of questions in relation to the annual fee that is proposed to be inserted in section 26A. It is saying that the teacher registration fee would be paid annually. It is currently paid every three years. Would you be able to elaborate on that, please?

**The Hon. J.A.W. GARDNER:** I am sure that the education department staff will give me further advice if my initial answer is not correct, but my understanding is that at the moment you pay your registration three years in advance in one sum. It is being proposed that that become a fee that can be paid annually, so in effect rather than paying the whole period in advance you can pay at the beginning of each year, which I would imagine would be something that many people would desire. I suspect there may be a benefit in paying it all up-front in that you would not have the application of CPI to the fee, but given that teachers' salaries tend to be in excess of CPI, I imagine if I were in this situation I would choose the annual payment myself.

I think the administration fee—just for putting in the application—is proposed to be paid up-front as well, and the annual fee then becomes chargeable when somebody is actually accredited to go on the register. The difference from the current arrangement there is that at the moment you have to pay the whole thing at the time of applying. As I say, that is my understanding of it. I am sure, if I have made any mistakes, I will be advised of that very soon.

**Ms WORTLEY:** A number of other professions that pay annual fees have seen fee increases. Has there been discussion about a fee increase in relation to teacher registration? Also, is there the option to pay it for the full five years it would be now, under this act?

**The Hon. J.A.W. GARDNER:** The TRB itself recommends the fees to government, and then we have to identify whether or not we accept whatever increase they propose. Usually we would be talking about CPI. We would anticipate the regulations giving the option of paying the full five years in advance, but as I identified I think that some people might want to do that; some people might prefer to pay one year at a time.

**Ms WORTLEY:** Just finally in relation to that, is consideration again given to contract teachers and TRT teachers in relation to payment of fees, or is that, again, something that will come under the board?

**The Hon. J.A.W. GARDNER:** The principle is that you have to pay the fee to be on the register. If, rather than just the one year at a time, somebody wanted to further propose to the board that they consider a payment schedule in some way, then I imagine that would be something that the board might consider, but I don't think it has been something that has been raised with me.

**Ms WORTLEY:** I was referring specifically to the amount that is being paid—so for a full-time teacher or a permanent teacher as opposed to someone on TRT.

**The Hon. J.A.W. GARDNER:** There is no differentiation now, and I do not believe that any is proposed.

**Mr BOYER:** Has any work been done to compare the fee proposed here with interstate fees for the like boards?

**The Hon. J.A.W. GARDNER:** I expect the board takes a range of things into account when they are looking at what increases they put on their fees. I do not recall them coming to ask for any significant fee increases. I think this is probably something they look at on an annual basis. They look at what their existing fee was and then what would be the appropriate increase to that amount. So I am not aware of them having done a comparative analysis with other jurisdictions. It may well be that that would be something that a board might consider doing when they are considering the fee increase that they ask for, but it also may well be that other jurisdictions' boards have slightly different bodies of work that they do as well, so it might not be an apples with apples comparison, but that is a matter for the board.

**Mr BOYER:** Minister, I am sorry if I missed this in your earlier answer, but for those teachers who choose to pay the full five-year fee will there be any discount on that amount, or will it just be the one-year fee multiplied by five?

**The Hon. J.A.W. GARDNER:** It is a matter for regulations as to how that would work, but what I would anticipate as the benefit is that if you were going to do five years it would be five years at the current rate without the application of whatever the CPI increase is. However, you might determine that because the usual pay rise is greater than CPI it might be in your favour to wait and pay one year at a time. That is a matter for whoever is paying the fee, and the regulations would make explicit how it would work, but that is certainly what I would anticipate.

I will add something to that as well. The chairman of the board has made it clear that there would be a proposal to consult on the regulations, too, to ensure how it operates in practice. If this bill passes in the next, say, month or two, then we would be looking at having several months further to consult on how the regulations would work, including in relation to this aspect.

**Dr CLOSE:** Is there a mechanism for teachers either as a group through, say, a union or individually to appeal against what they might regard as an excessive increase in the amount of the fee each year? I am asking this particularly because of the anxiety I have heard, as I mentioned earlier, about the inclusion of the 'or any other function as determined by the minister'. Then there is the question of professionals being brought onto subcommittees who are not already part of the board, so it is a question of how much they are paid and whether that puts pressure on the budget.

Then the question becomes: should a future minister decide to undertake a very big exercise of work and say, 'You can pay for that through the next fee increase,' and the fee goes up a significant amount, is there any mechanism for a complaint or an arbitration over that to be made, or is it entirely within the purview of the government of the day to make that decision about how much that will be?

**The Hon. J.A.W. GARDNER:** I thank the member for the question. I reiterate the assurance I gave her, and those people who are watching the debate or reading it in *Hansard*, that I do not envisage that there would be any proposition of significant bodies of new work being given to the board by the minister without appropriate payment going with it. If the board itself determined that there was work to be done for the benefit of teachers and so forth, then they would need to give consideration to that as well. In terms of the costs, the cost base we are talking about for the functions of the board, I honestly cannot imagine one where the application of a new function would dramatically impact on the fees being charged there.

At any rate, the fees are a disallowable instrument. There are 22 members in the Legislative Council and 47 members in here, each of whom is available to anyone who wants to express their concerns about fees at any time and who can move a motion of disallowance in either chamber. That is a method of appeal. I cannot imagine any world in which the Teachers Registration Board itself would not also be interested in the feedback of the teachers it serves.

Clause passed.

Clauses 21 and 22 passed.

Clause 23.

**Dr CLOSE:** What sparked my interest with this amendment was the spectre of Teach For Australia, which is raised from time to time as an organisation that offers people to teach in schools who are not qualified teachers. I wondered if that was in the minister's mind—to have a program rather than the one-off that can occur already, but to have a program of having people who are not qualified teachers being allowed to teach in South Australian schools.

**The Hon. J.A.W. GARDNER:** Not in the construction of the bill. I can identify that there are currently some discussions going on with the union. They were notified and month ago, I think, that there is a program, Teach For Australia, that is proposed to be in South Australia next year and that there is a very limited application of that. It has been approved by the existing board already under the existing arrangements.

As the member has asked about Teach For Australia, as I spoke to the union about, it must have been three weeks ago I guess, the purpose is that there are in remote and some regional schools extraordinary difficulties in getting subject specialist teachers in certain subjects to move to those locations. These are often schools with high levels of disadvantaged young people who are exactly the sort of people we want to be giving the opportunity to have access to subject specialist areas, subjects like physics and chemistry and some of these challenging subjects.

Teach For Australia offers the system of a group of young people who have been identified as leaders and subject matter specialists who have embarked on a master's degree, who have undertaken a certain cohort of that work in their master's degree and where we would posit that the benefits to the students of these Teach For Australia associates being placed in the school as they complete their teaching master's with that subject matter expertise is something that will be more beneficial than continuing to have arrangements which, in the cases of the handful of schools identified—and we are talking about a small cohort of I think four or five schools, and I am happy to chat to the shadow minister about the circumstances further if she would like—have been unable to attract teachers with these specialisations.

Often, no teacher has applied for the job when advertised, for example, and so that is therefore something we have welcomed. In its current composition, the Teacher Registration Board has obviously seen the merits of that proposition as well, as they have given the department the green light to go ahead with it.

**Mr BOYER:** On the same clause, what can the minister tell us about the fit and proper person test? Is there any more detail you can provide us around what that test looks like and who the arbiter of that will be?

**The Hon. J.A.W. GARDNER:** It is the same test that applies to all teachers at the moment and that they extended to people who have special authority to teach. There is a range of reasons why people might seek special authorities to teach. The Teach For Australia example is one, and some others that I am aware of have involved a language specialisation. For example, if somebody

is seeking to teach a language in a school where the school wants to offer that language and they cannot find a teacher to do that, then they can find someone with a special authority to teach. I think it is entirely reasonable that such a person meet the same fit and proper person test that will be required of any other teacher. I think we can get the prescribed detail of what that existing test looks like, if you would like, and to assist I will take on notice that level of detail.

**Mr BOYER:** Does that fit and proper person test, as you explained it, comprise anything over and above the working with children check that is currently in place?

**The Hon. J.A.W. GARDNER:** One thing that probably would be useful is that the board is, as I understand it, the arbiter of that test and it is a separate test. The working with children check identifies certain specific things. To be clear, nobody without a working with children check would even get to the starting gate on the 'fit and proper person', but there may be other aspects that are also included. These will become abundantly apparent when I get the detail that I offered to take on notice in the previous question.

Clause passed.

Clauses 24 and 25 passed.

Clause 26.

**Dr CLOSE:** I move:

Amendment No 3 [Close-2]—

Page 12, after line 25 [clause 26, inserted section 31B]—Insert:

- (2a) Before publishing or adopting a code of conduct or professional standard under this section, the Teachers Registration Board—
- (a) must call for submissions from—
- (i) registered teachers; and
  - (ii) the Australian Education Union (S.A. Branch); and
  - (iii) the Independent Education Union (S.A. Branch); and
  - (iv) the Chief Executive of the Department; and
  - (v) Catholic Education SA; and
  - (vi) the Association of Independent Schools of South Australia Incorporated; and
- (b) must have regard to any submissions made by a person or body referred to in paragraph (a) during the period specified by the Teachers Registration Board (being a period not less than 1 month); and
- (c) must consult with—
- (i) the Australian Education Union (S.A. Branch); and
  - (ii) the Independent Education Union (S.A. Branch); and
  - (iii) the Chief Executive of the Department; and
  - (iv) Catholic Education SA; and
  - (v) the Association of Independent Schools of South Australia Incorporated,
- and may consult with any other person or body the Teachers Registration Board thinks fit.

My purpose in recommending this amendment to the committee is that I understand and support the government's desire to permit the Teachers Registration Board to establish a code of conduct. That is not currently a function that is undertaken, and I understand why it is seen to be a desirable capability.

I also understand the concerns raised by numerous teachers who feel that they are already very closely governed on what their behaviour ought to be, not only through the process of

registration but through the management of schools and through their own professional journey in going up through the ranks. There are numerous opportunities to guide how a teacher ought to conduct themselves so there is a degree of anxiety or concern about another layer being imposed.

It seems to me that, rather than opposing that capability (although that has been asked of me), it would perhaps be more profitable to make sure that the process that the board goes through is explicit and captured by legislation that requires the board to hear from all the major players, including teachers, so that they are able to give their input and feel that they are being heard in that process.

If I am ultimately unsuccessful with my earlier amendments about the unions being involved in nominating some of the membership, I think this amendment is particularly important because the unions are a fact of the teaching profession. If they are not to be included in the nomination of the worthy people to sit on the board and there is no requirement for them to be consulted when the code of conduct is being established, then they risk being shut out altogether.

While I am certain that the minister would say, accurately, that he would expect that there would be an extensive consultation process undertaken, I tend not to be comforted by that when there is the opportunity to enshrine that in legislation. Future ministers could be certain that this would also ensure that their board will go through that process because they are required to under the act. With those words, I recommend to the chamber that this amendment be considered favourably.

**The Hon. J.A.W. GARDNER:** I thank the member for putting the amendment. As I identified in the second reading response, I do not have any principle objection to the proposal; I potentially have some concerns in relation to its practical application. While the government does not intend to support the amendment at this stage, I think that I would like to continue talking with the shadow minister between the houses about whether we might come to support the amendment with certain understandings, or potentially come up with a compromise that can meet what the shadow minister is trying to do.

Certainly, in a practical sense, what the shadow minister has proposed is something that I would expect the board to do. I would like to come back to how that is best expressed in the legislation rather than delaying this process. I would rather oppose this amendment now, on the understanding that we will continue to talk about this between the houses.

Amendment negated.

**Dr CLOSE:** I would invite the minister to say what he would expect to see in a code of conduct and professional standards, what the scope of such a document would be and perhaps also reflect on the extent to which it is regarded as punitive if you do not reach it, or aspirational in that this is what we would like to see.

**The Hon. J.A.W. GARDNER:** I thank the member for the question and I would just respond briefly by saying that this is something that the board itself has sought. Rather than the minister seeking to impose a code of conduct on the teaching profession, the Teachers Registration Board as the representative body in some ways, and as the body that encapsulates the profession of teachers, I would actually see as being the genesis of identifying the very things the member has asked about. I am sure that the member herself would prefer that that encapsulation of what those things should be start with the teachers and with the Teachers Registration Board, too, so that is the mechanism that I will be undertaking.

In terms of whether it is punitive or aspirational, we have undertaken some work in this house in the last couple of years to deal with some of what you would call the punitive measures. We have ensured that teachers who are charged with certain offences are immediately removed from the register. Some people described that as punitive, but I think we all came to the agreement that it was plain common sense. I think you are certainly capable of having an aspirational document and things like the fit and proper person test and other things that would strike somebody out but, again, I would be seeking advice from the board itself as to whether you want to make some delineation between aspirational and punitive.

**Dr CLOSE:** I accept that this is a recommendation that has come from the—

**The Hon. J.A.W. GARDNER:** I can actually advise further. I should have checked this first but there are also elements where it can be an element of unprofessional conduct if someone clearly has not complied with the code of conduct. It sets out high-level principles that apply to conduct, so it informs all registered teachers of the expected standards at a professional and personal level. In keeping with professional community expectations, it can form part of that unprofessional conduct.

Progress reported; committee to sit again.

*Sitting suspended from 12:58 to 14:00.*

#### **GENETICALLY MODIFIED CROPS MANAGEMENT (DESIGNATED AREA) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### **COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure*

#### **ANSWERS TABLED**

**The SPEAKER:** 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 Speaker—

Returns received pursuant to section 15 (2) of the COVID-19 Emergency Response Act 2020—

Summary Offences Act 1953—

Dangerous area declarations return pursuant to section 83B Report for  
Period 1 January 2020—31 March 2020

Road Block authorisations pursuant to section 74B Report for Period  
1 January 2020—31 March 2020

By the Premier (Hon. S.S. Marshall)—

Regulations made under the following Acts—

Southern State Superannuation—Inactive Low Balance and Lost Member  
Accounts

Superannuation—Prescribed Authority

Superannuation Funds Management Corporation of South Australia—Construction  
Industry Training Board

Taxation Administration—Information Disclosure

Rules made under the following Acts—

Mutual Recognition (South Australia)—Mutual Recognition (WA Container Deposit  
Scheme) Notice 2020—(Not disallowable)

Trans-Tasman Mutual Recognition (South Australia)—Trans-Tasman Mutual  
Recognition (WA Container Deposit Scheme) Notice 2020—  
(Not disallowable)

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—

Child Safety (Prohibited Persons)—Prohibited Persons—Exemption (No. 2)

COVID-19 Emergency Response—

Commercial Leases (No. 2)  
 Section 14  
 Section 14 (No. 1)  
 Disability Services—Assessment of Relevant History—Exemption (No. 2)  
 Legal Practitioners—  
     Fee Notice  
     Fee Notices  
     Foreign Lawyers  
 Liquor Licensing—Miscellaneous  
 Retail and Commercial Leases—Miscellaneous  
 Summary Offences—Variation of Schedule 2—Exemptions  
 Youth Justice Administration—Psychological Assessment (No. 2)  
 Rules made under the following Acts—  
     District Court—  
         Criminal—Supplementary—Amendment No. 7  
         Special Applications—Amendment No. 2  
         Uniform Civil Rules 2020  
     Environment, Resources and Development Court—  
         Amendment No. 2  
         Native title—Amendment No. 1  
     Magistrates Court—Uniform Civil Rules 2020  
     Supreme Court—  
         Corporations—Amendment No. 10  
         Criminal—Amendment No. 8  
         Criminal—Supplementary—Amendment No. 7  
         Land and Valuation Division—Amendment No. 2  
         Special Applications—Amendment No. 3  
         Uniform Civil Rules 2020  
     Youth Court—  
         Adoption—Amendment No. 1  
         Care and Protection—Amendment No. 1  
         General—Amendment No. 1

By the Minister for Child Protection (Hon. R. Sanderson)—

Regulations made under the following Acts—  
     Children and Young People (Safety)—Safety—Exemption from Psychological  
     Assessment (No. 2)

By the Minister for Primary Industries and Regional Development (Hon. T.J. Whetstone)—

Regulations made under the following Acts—  
     Fisheries Management—  
         Demerit Points—Rock Lobster  
         General—Section 70—Prescribed Fishing Activities  
         Rock Lobster Fisheries—Quota  
     Primary Produce (Food Safety Schemes)—Food Safety Schemes—Meat Food  
     Safety Advisory Committee

*Parliamentary Committees*

**PUBLIC WORKS COMMITTEE**

**Mr CREGAN (Kavel) (14:10):** I bring up the 83<sup>rd</sup> report of the committee, entitled John Pirie Secondary School Redevelopment.

Report received and ordered to be published.



**Mr CREGAN:** I bring up the 84<sup>th</sup> report of the committee, entitled Woodville High School Redevelopment.

Report received and ordered to be published.

**Mr CREGAN:** I bring up the 85<sup>th</sup> report of the committee, entitled Playford International College Redevelopment.

Report received and ordered to be published.

**Mr CREGAN:** I bring up the 86<sup>th</sup> report of the committee, entitled Ocean View P-12 College Redevelopment.

Report received and ordered to be published.

**Mr CREGAN:** I bring up the 87<sup>th</sup> report of the committee, entitled Victor Harbor R-7 School Redevelopment.

Report received and ordered to be published.

#### *Question Time*

### **SAFEGUARDING TASKFORCE**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12):** My question is to the Premier. Does the Premier stand by his commitment that the task force established following the shocking death of Ann Marie Smith will hand down its interim report by mid-June?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:12):** Yes, that's my understanding. A committee or a task force has been formed. It's jointly chaired by a former member of the Legislative Council and the Disability Advocate in South Australia. It is a 14-person task force. My understanding is that the interim report will be ready for presentation to the government on 15 June, with a final report due by 31 July.

### **SAFEGUARDING TASKFORCE**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13):** My question is to the Premier. What are the terms of reference for the disability task force?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13):** I don't have those with me at the moment, but broadly they are to look at the gaps that can exist and do exist in South Australia as we have made the transition from services provided mainly from a state-based system to services provided under the National Disability Insurance Agency and the NDIS. That transition has been made over an extended period of time. We first started the trial of certain cohorts back several years ago. The vast majority of people who were living with a disability, having services provided by the South Australian government, made that transition in 2018.

I think we all appreciate the general direction of this massive reform to the services provided to people living with a disability, mainly from institutionalised support to individualised funding. I think it's been broadly supported across the country. We have set up this task force to look at issues—gaps, if you like—regarding the movement from one system to the other.

I have heard some of the comments that one of the co-chairs, the Hon. Kelly Vincent, has made. She has suggested that they will be looking at issues of how somebody who is a client of the NDIA could essentially have just one carer rather than a team of carers and what the level of supervision is from the company or the NGO providing the services to supervise the work of the individual or team providing those services.

She has also highlighted that she would like to look at the broader issues associated with the education of people living with a disability about their rights. Also, of course, it has been well canvassed in the media that the task force will look at the issue regarding the Community Visitor Scheme, which was certainly in place and used extensively when the system was mainly at that state level. Of course, it still exists for some clients who remain in the state system, but the overall auditing of the system has now moved to the Quality and Safeguards Commission, which is a federal agency.

**SAFEGUARDING TASKFORCE**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:16):** My question is to the Premier. Has the Premier reviewed and approved the terms of reference for the task force and, if not, why not?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:16):** I have just provided an overview of the broad view; I don't have the specific scope here. We are also giving—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —a lot of scope to the task force. We went to some extent to make sure that we had people with lived experience on the task force, people who have operated under—

**Mr Malinauskas:** Have you seen the terms of reference?

**The SPEAKER:** Order! We have the question.

**The Hon. S.S. MARSHALL:** —both the state-based system and the current NDIA arrangements. So there are lots of things. The scope is broad and was developed in conjunction with the establishment of the task force and the appointment of the co-chairs. My understanding is that there has already been at least one meeting held. That meeting was held last week. There will be future meetings and, as I said, an interim report will be provided—

*Mr Picton interjecting:*

**The SPEAKER:** Member for Kurna!

**The Hon. S.S. MARSHALL:** —to the government by the middle of this month.

**SAFEGUARDING TASKFORCE**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17):** My question is to the Premier. Has anyone at the cabinet level of government approved the terms of reference?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17):** This is a task force that reports to the Minister for Human Services, so I have no doubt that she has detailed knowledge of the scope of—

*Members interjecting:*

**The SPEAKER:** Order! The member for West Torrens is warned and the member for Badcoe is called to order.

**The Hon. S.S. MARSHALL:** —what the work is. As I have just outlined in quite a lot of detail—

*Mr Brown interjecting:*

**The SPEAKER:** Member for Playford!

**The Hon. S.S. MARSHALL:** —I am not sure if those opposite were listening—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —it is broad. We want to make sure that we don't limit the work of this task force. In addition to the work that is being done by the task force, those opposite should be aware by now that SAPOL in South Australia is conducting a major crime investigation into a recent death, the death of Ann Marie Smith, a tragic death, a death that members of SAPOL described as a disgraceful and degrading death. SAPOL is conducting an investigation.

I am also informed that the Coroner will be conducting an inquest following the major crime investigation from SAPOL. More than that, the federal government, the minister Stuart Robert, has announced that there will be a judicial inquiry into this death. So there are multiple investigations

underway: SAPOL, ultimately the Coroner in South Australia, a federal judicial inquiry and, in addition to that, we have established this task force, not to report in six, nine or 12 months but to report as quickly as possible.

For every person in South Australia, especially those people who are vulnerable, we need to make sure that we have the highest level provision of services, whether they are provided at the state level or in this case at the federal level, that we have adequate oversight of those services and that, if things go wrong, there is an investigation put in place as quickly as possible.

*Mr Szakacs interjecting:*

**The SPEAKER:** The member for Cheltenham is called to order.

### **CORONAVIRUS RESTRICTIONS**

**Ms LUETHEN (King) (14:19):** My question is to the Premier. Can the Premier please update the house on how the easing of the COVID-19 restrictions is helping businesses to get people back to work?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19):** I thank the member for King for her question. As she would be more than aware, we started day 1 of stage 2 yesterday as we moved back towards a COVID-safe environment in Australia. The Prime Minister announced, following a national cabinet meeting last month, that we would as a nation be in a COVID-safe environment by July. Each state or territory will decide when they arrive at that state.

Quite frankly, I think South Australia is doing particularly well with the way that we have tackled the coronavirus and we will end up there very early in July, maybe even in late June, because we are making such enormous progress in this area. We have worked very hard to make sure that the people of South Australia understand about this disease, they understand the risks associated with this disease, and they know their part in helping us to mitigate against those risks.

While we have low or no cases in South Australia and we have a high level of testing, we can start to gradually and carefully, and in a considered way, ease those restrictions and move back to a more COVID-normal environment. We won't get back there immediately. There will still be pockets of real hurt in the community, but we will try to progress as quickly as we possibly can to that place.

Yesterday, we heard an enormous sigh of relief across small business in South Australia as they were able to go back to work, to open their doors, to ring their tills, to welcome consumers, customers who have been waiting for a long period of time to go to their businesses. Yesterday, I was out at the Alma Hotel—a fine pub in my local electorate of Dunstan—and I met with former Adelaide Crows champion Mark Ricciuto, one of the licensees in that pub. I see the Speaker smiling.

**The Hon. A. Koutsantonis:** What is your mentor Peter Hurley saying?

**The SPEAKER:** Listen to this.

**The Hon. S.S. MARSHALL:** He was delighted that he could welcome patrons back. I don't think anybody in this state would have envisaged that four or five weeks ago we would be having 80 people in a pub here in South Australia as of 1 June. That is only possible because of the great work that was being done.

I know that the member for King has lots of fantastic restaurants and cafes—Zitto cafe in your area. I am sure with their two fantastic premises at Golden Grove and also at Tea Tree Plaza that Rob Terry and his team would have been very, very happy to be back at work, as so many small business owners in South Australia were. Last night, I had the great fortune of attending a meeting of the Kensington Park RSL. This was the first time they had been together for two or three months. At 9 o'clock we all paused for the *Ode of Remembrance* to remember those who paid the ultimate sacrifice—

**The Hon. S.C. Mullighan:** The shops were open ANZAC Day but not RSLs.

**The SPEAKER:** Member for Lee!

**The Hon. S.S. MARSHALL:** —for our nation. I know that many of them had been very isolated for the weeks leading up to yesterday where they weren't coming together with their friends. They had been very concerned about this disease. Members of the RSL are coming together. We know that members of the community are getting out. This is great for consumers, but it is also fantastic news for businesses and employees. The more that we can ease these restrictions, the more South Australians we get back to work, the sooner our economy recovers and that is good news for our entire state.

*The Hon. L.W.K. Bignell interjecting:*

**The SPEAKER:** The member for Mawson is called to order.

#### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:23):** My question is to the Premier. Is it the Premier's expectation that the task force members would have received the terms of reference by now?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23):** I don't have that detail, sir.

*Members interjecting:*

**The SPEAKER:** The member for Elizabeth is called to order. The member for Kaurana is warned. I am trying to give your leader a question.

#### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:24):** My question is to the Premier. Why wouldn't the Premier expect the task force to have the terms of reference by now?

**The SPEAKER:** Would the Premier like an opportunity to respond?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24):** I don't understand the premise of the question. It's sort of implying something I said, which I certainly didn't, sir.

**Mr Odenwalder:** It implies you answered the previous question.

**The SPEAKER:** The member for Elizabeth is warned. I will give the leader one more and then the member for Colton.

#### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:24):** My question is to the Premier. Does the task force have terms of reference now?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:24):** Sir, I've already answered this twice—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —and I refer the honourable member to my previous answers.

**The Hon. A. Koutsantonis:** She died in a chair! Are there terms of reference or not?

**The SPEAKER:** The member for West Torrens is on two warnings, and if this continues he will be leaving today. I understand it is a somewhat controversial topic, but I ask for members' order, please. I am going to move to the member for Colton. I will come back to the leader. The member for Colton. I have given the leader three.

#### SPORT AND RECREATION

**Mr COWDREY (Colton) (14:25):** My question is to the Minister for Recreation, Sport and Racing. Can the minister update the house on how the Marshall Liberal government is supporting jobs in the sports sector?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:25):** I thank the member

for his question—a very passionate sporting advocate, as am I. I think that no-one in this place is more passionate about their sport than the member for Colton and me. I hear it every day. I love hearing about it and I can't get enough—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. C.L. WINGARD:** —of how much South Australians love their sport.

*Members interjecting:*

**The SPEAKER:** The minister has the call.

**The Hon. C.L. WINGARD:** Thank you, Mr Speaker. Thank you for your protection. Sport and recreation is an integral part of our state. It is an essential way of life here in South Australia. It contributes to more jobs in our economy, and also as a government we are very keen to lower health costs and lower costs to South Australians who take part in sport.

Sport also contributes positively to a person's physical and mental health and also community connection, and we know how important that is. Initial estimates suggest that during an adult's lifetime insufficient physical activity has the potential to cost the South Australian public health system more than \$86,000, and an unfit populace could potentially cost South Australia's public health system more than \$800 million per annum.

I am talking about this because we are talking about delivering better services. That is what we want to do on this side of the house, and a key way to improve that is by delivering high-quality sporting infrastructure projects. The Marshall government is committed to investing in infrastructure projects that stimulate the economy, grow local jobs and leave a positive legacy for generations.

Our government will soon be releasing the state's sport and recreation infrastructure plan, which will position South Australia as a national and world leader in sport and recreation, so watch this space. The plan recognises that sporting facilities that are high quality, contemporary and support the attraction of significant national and international sporting events will show our competitors what we are about and that we are open for sporting business. There is no better place to be in the future if you are an athlete, if you want to live, train and compete in SA. For those reasons, sporting jobs in the recreation and sport sector and the racing industry are a key focus for the Marshall government.

Since being elected, our government has funded more than 100 sporting infrastructure projects. These projects have provided more than 300 full-time jobs for South Australians with more than \$37 million in grants for these projects. Without question, the biggest success has been the redevelopment of Memorial Drive and the new \$11 million roof that has been built. The project has been fantastic for the state with more than 30 full-time jobs being created on the construction site.

The steel that was sourced was made here in South Australia, helping keep those jobs and big economic benefit for our state. By securing the Adelaide International, Tennis SA added 11 extra jobs due to the requirements of delivering this world-class event. It also positioned our state well for the billion dollar tourism economy that will be so important for the economy when we reboot after COVID-19, and Memorial Drive will firmly be in the box seat to attract future big events.

South Australia and sport in South Australia will be stronger than before. The very successful grassroots football, cricket and netball program has been a huge driver for jobs, with rounds 1 and 2 of the program resulting in 177 full-time workers—more jobs for South Australia.

*Members interjecting:*

**The Hon. C.L. WINGARD:** They may not like to hear it on the other side, but that's how it's rolling out. I am pleased to say that round 3 has been brought forward, and those who have applied will be notified very, very shortly as to whether or not they have been successful, but I know they are very keen on this project.

That is not to mention the millions of dollars that have gone to supporting sport here in South Australia through the Community and Jobs Support program, and more than \$2 million has

also gone to sporting organisations that will get 50 per cent of their water and sewerage charges for the June quarter as well if they are eligible, and \$500,000—

*The Hon. A. Koutsantonis interjecting:*

**The Hon. C.L. WINGARD:** —of rent relief to all the sporting organisations based at the West Beach Trust—so, lower costs and better opportunities for South Australia from the Marshall Liberal government.

**The SPEAKER:** The member for West Torrens can leave for half an hour under 137A and, when he does, the leader will have a question.

**The Hon. A. Koutsantonis:** Very generous of you, sir.

**The SPEAKER:** Thank you.

*The honourable the member for West Torrens having withdrawn from the chamber:*

### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:29):** My question is to the Premier: why has the Premier established a task force and set a deadline for a task force without even knowing what the task force is looking into or releasing—

**The Hon. S.K. KNOLL:** Point of order, Mr Speaker: that question is clearly out of order and offends standing order 97.

**The SPEAKER:** I am going to listen to the remainder of the question, but so far it does contain some argument; so, leader, I will listen to it.

**Mr MALINAUSKAS:** I'm not sure what the argument is. Again, I say: how can the Premier establish a task force, set a deadline for the task force, without reviewing the terms of reference for the task force and know whether or not the task force even has those terms of reference?

**The SPEAKER:** I'm going to allow the question on the basis that it's broad. I'm going to allow the Premier an opportunity to address some of the content raised in it, and therefore I'm not going to take points of order, bogus points of order or points of order for debate, unless it's a clear infringement of the standing orders. The Premier is going to have great scope in answering this question.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:30):** Thank you very much, sir. I don't know what is so difficult about this. We had a tragic case that, quite frankly, sickened most people in South Australia and, whilst I'm not going to reflect on that particular case because it is the subject of a major crime investigation in South Australia, it did highlight the fact that there were gaps that existed for people who were living with a disability in South Australia—in particular, the oversight and safeguarding of the provision of services to those people. So we immediately set about having a task force, establishing a task force—

**Mr Brown:** What are the terms of reference?

**The Hon. S.S. MARSHALL:** —and we have asked them to look at those gaps associated with the oversight and safeguarding—

*An honourable member interjecting:*

**The SPEAKER:** The member for Playford is warned.

**The Hon. S.S. MARSHALL:** —of the services that are provided to those people living with a profound disability. I don't think this is really difficult to understand. More than that, I have already outlined to the house today—

*Ms Stinson interjecting:*

**The SPEAKER:** Member for Badcoe!

**The Hon. S.S. MARSHALL:** —very clearly that we want to keep the scope of this task force broad. There are people on this task force with great lived experience and, quite frankly, they want to get to the bottom of a sickening case in South Australia. They don't want to play politics—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —they want to get answers. They don't want to play politics, they want to get answers, and I saw the Leader of the Opposition's press conference—

*Mr Picton interjecting:*

**The SPEAKER:** The member for Kaurina is warned.

**The Hon. S.S. MARSHALL:** —on Sunday. It was one of the most disgraceful, overtly political press conferences that I have ever seen, and he should hang his head in shame. Every South Australian should be rightly sickened by what they have seen, and what have we done in South Australia. We've got a major crime investigation—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Order! The leader is warned.

**The Hon. S.S. MARSHALL:** —underway immediately, a Coroner's inquiry pending, a judicial inquiry at the federal level, and we have moved quickly to establish this task force and appoint people with lived experience, wide experiences coming from different angles to look at the gaps—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Order, leader! We have the question.

**The Hon. S.S. MARSHALL:** —that exist in the oversight and safeguarding for those people who are living with a disability. Contrast that with the despicable response to tragedy that occurred under their watch when they were in government. Time and time and time again: lift up the carpet, push everything underneath, nothing to see. What a disgraceful, hopeless administration they were over a long period of time!

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. S.S. MARSHALL:** So I'm not going to take any criticism. I'm not taking one bit of criticism from those opposite. We moved quickly. We have moved extraordinarily quickly in South Australia—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader, stop shouting.

**The Hon. S.S. MARSHALL:** —and we want to keep the terms of reference for this as broad as possible, the scope as broad as possible. There are gaps that exist—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader!

**The Hon. S.S. MARSHALL:** —that should not exist as we transition from ostensibly a state-based system to a federal system. By working with people with lived experience, people who are coming from multiple backgrounds, we can get to a place where we will not have a situation like this, where gaps don't exist in South Australia.

I'm more than happy with the work that the task force is going to do. They are going to give us an interim report by the middle of this month. I think that is an outstanding commitment that has been made by the task force, and then we will get the final report by the end of next month, and then we will take action. Some of those things will be issues for the federal government to address; some of them will be things that we can do here in South Australia. We are not running away from that.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** We are wanting to shine a light on this issue as quickly as possible. We want to improve the system.

**The Hon. S.C. Mullighan:** Get some terms of reference sorted.

**The SPEAKER:** Member for Lee!

**The Hon. S.S. MARSHALL:** We don't want to play politics. We want to get on and solve, identify and then fill those gaps that exist as people move from one system to the other.

*Members interjecting:*

**The SPEAKER:** If the leader continues to shout like that, he will be leaving today. He has the call.

### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:34):** My question is to the Premier. If the Premier is so confident in his task force terms of reference, will he immediately release them publicly?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:35):** I don't know how I can add any more detail.

*Ms Stinson interjecting:*

**The SPEAKER:** The member for Badcoe will leave for the remainder of question time under 137A.

*The honourable member for Badcoe having withdrawn from the chamber:*

**The Hon. S.S. MARSHALL:** The terms of reference are broad. I have outlined them thrice in the parliament. If those opposite can't understand them and this is the only line of questioning, then keep asking the questions and you will keep receiving—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —the same answer.

**The SPEAKER:** I will give the leader one more and then we will switch to the member for Newland, who has been patiently waiting.

### SAFEGUARDING TASKFORCE

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:35):** My question is to the Premier. Why won't the Premier commit to publicly releasing the terms of reference for the disability task force?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:35):** I think we have spent the better part of 20 minutes here outlining our approach to this and that is that we immediately—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Why are you so angry? Who is making the move on this guy? He is looking more and more angry every single day. I know some of your own—

*Members interjecting:*

**The SPEAKER:** Order, leader!

**The Hon. S.S. MARSHALL:** —members are putting in FOIs—

*Members interjecting:*



**The SPEAKER:** Member for Elizabeth!

**The Hon. S.S. MARSHALL:** —on correspondence between your office and mine. I don't know what that's all about. That seems very unusual. I'm glad Vickie's not putting in any FOIs on my correspondence with you. I am not sure why they are putting in FOIs, trying to find correspondence between your office and my office. I just think it would be great if he could calm down.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** I am more than happy to answer this question because what we are wanting to do is get to the bottom of the problems which exist here in South Australia. We know that clients by and large have moved from the state system to the federal system. It would be very easy to say, 'Look, this is not our problem. This is somebody else's problem,' but we haven't done that; in fact, we have moved extraordinarily quickly to say, 'What can we do in South Australia?'

In fact, we have a police inquiry, a pending Coroner's inquiry and a task force of people from right across the spectrum to advise the government as quickly as possible. We are not waiting for an end point but saying, 'Can you give us an interim report, because we might be able to have further input, and then a final report to be received in a very short period of time?' So I don't know why those people opposite are so aggravated about this. To me, I think they—

**The Hon. S.C. Mullighan:** Your secrecy.

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —could quite rightly be aggravated if we said, 'This is a problem of another jurisdiction; we don't want to have anything to do with it.' We haven't said that—in fact, quite the opposite: 'What can we do?' The task force will look at issues and opportunities for us in South Australia as well as at the federal level. I think it's a great opportunity to get as many ideas and thoughts on the table as quickly as possible.

And, yes, the terms of reference are broad: look at the gaps in terms of oversight and safeguarding for those people who are living with a significant disability in South Australia and any other items that you want to bring to our attention. We are not going to limit it down. What sort of government would say, 'You can only look at these three things. We don't want to look at anything further'? Maybe a government that's trying to hide something. Well, that's not us.

We are saying, 'Put it on the table.' We actually want to get to the bottom of this. We want to solve this situation. We don't want it to ever, ever, ever happen again—never happen again. We are not out there muddying the waters. We are not out there frightening people in the community. Yes, we admit—

**Mr Malinauskas:** You set up a task force. They don't even know what the terms of reference are.

**The SPEAKER:** Order, leader!

**The Hon. S.S. MARSHALL:** —that there is a very serious problem in South Australia, and we are determined to work every single day that we are in government to address these issues, not sweep the difficult issues under the table but to address them.

*Members interjecting:*

**The SPEAKER:** The member for Kaurna is on two warnings.

**The Hon. S.S. MARSHALL:** We will do that every day, whether it be with vulnerable children in the child protection system, within the corrections system, people who are living with a disability—they deserve our attention whether they be a state client, whether they be a federal client, whether they be in a government-run facility, whether they be working with an NGO. Whatever the case, bring your thoughts, bring your suggestions, bring the opportunities to our government. We are there to listen.

### MUSIC INDUSTRY

**Dr HARVEY (Newland) (14:39):** My question is to the Minister for Innovation and Skills. Can the minister update the house on how the Marshall Liberal government is supporting jobs in the local music industry through targeted stimulus measures?

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:39):** I thank the member for Newland for his question. Being a piano player himself—

*Members interjecting:*

**The SPEAKER:** The member for Kaurana can leave for the remainder of question time under 137A.

*The honourable member for Kaurana having withdrawn from the chamber:*

**The Hon. D.G. PISONI:** —I know that he understands the value of the music industry. As a matter of fact, he earned money as a music teacher to get himself through university, so he can see how it can be an income generator for so many people. We know that since March this year about \$7.5 million and 8,000 gigs have been lost in the South Australian economy. The live music industry contributes more than \$170 million annually and employs about 2½ thousand South Australians. There are around 1,000 original music acts, whether they be solo artists, bands or duos, registered on the MusicSA artists directory.

We have delivered a \$1 million COVID-19 package to support music careers here in South Australia, \$700,000 in funding to support the industry and to aid the development of new strategies and initiatives to stimulate the music sector through this difficult period. This includes grants of up to \$5,000 for artists and up to \$20,000 for music businesses, including music venues. Seventy-three applications were successful, including 35 artists and 23 live music venues, three promoters and three recording studios, two record labels and seven other small music-related businesses.

Forty-two programs have already started to roll out under this grants scheme. Wheaty Live at the Wheetshaeaf Hotel has started a program, and there is a streamed Battle of the Bands—very big in the eighties and the seventies when I was a high school student; I used to attend those battles of the bands—at the Arkaba Hotel. We know that the Australian Hotels Association funds 80 per cent of live music performances in South Australia, and it's great to see those hotels benefitting from the live music that they provide for their patrons.

Live music venues are a critical component of the sector, and The Gov plays a unique role in supporting the live music sector here in South Australia and is arguably the state's most iconic live music venue, with a quarter of a century of history. According to The Gov, there were more than 800 performances last year and annually it attracts around 200,000 people. Their 800-person capacity and their international status is instrumental in delivering professional opportunities for our local bands.

The Gov is live music heritage here in South Australia. It is owned by the Tonkin family and it has traditionally hosted a range of performances in a variety of genres six or seven nights a week; that was of course before COVID. The \$300,000 assistance package includes a case manager to ensure The Gov is in the best position to come back from the COVID period stronger than before and continue to support the live music industry in South Australia, as it has done since you were a student in shorts at St Joseph's, Mr Speaker, a very, very long time ago.

This \$1 million total live music support package is the largest ever injection into the broader live music sector in South Australia's history. The live music industry is a sector particularly affected by COVID-19 and we will continue to work with the sector to support its pathway to recovery. Long live live music in South Australia!

### INDIGENOUS DISADVANTAGE

**Ms BEDFORD (Florey) (14:43):** My question is to the Premier in his role as Minister for Aboriginal Affairs. What improvement has your government achieved in closing the gap on Aboriginal and Torres Strait Islander disadvantage, particularly in relation to their engagement with the criminal

justice system and inordinately disproportional incarceration rates and health outcomes, especially concerning the audit requested on the number of dialysis patients living on the APY lands?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:43):** I thank the member for her question, especially as we are at the moment at the end of Reconciliation Week, a Reconciliation Week quite different from any other. I know that we did have a Reconciliation SA breakfast last week, often attended by more than 1,000 people; this time it was on the Zoom format that so many of us are now becoming very accustomed to.

Nevertheless, it was an excellent breakfast with an excellent speaker, Pat Turner, and an excellent theme this year, which was 'In this together'. This theme was actually devised way back, I think, early in the year or late last year before we had even heard of COVID-19, but I can't think of a more apt theme for us in Australia, alas around the world, at the moment tackling the coronavirus, and of course it's a very apt theme for us as we continue down on this journey towards reconciliation.

The member asks a question about what we are doing here in South Australia with regard to Closing the Gap. As she would be aware, the Closing the Gap program is one which was established at the federal level, and they are at the moment doing a refresh. We have established across Australia a group of peaks who are working on the Closing the Gap program, the refresh.

There was a lot of stress within the broader Australian community when it was decided to go for a new version without really having a proper consultation with Aboriginal and Torres Strait Islander people across Australia, so a peak has been established. We have resourced that peak here in South Australia. Cheryl Axleby is our representative in South Australia. We are hoping that we get a response to the updated Closing the Gap report at the federal level towards the middle of this year. It's a very important task.

Many people, when they look at the Closing the Gap format, and it's reported annually, lament the fact that, quite frankly, not as much progress has been made as was envisaged when the program was originally put in place. When we came to government, we made a couple of changes at the state level. One of the things that we did was for me, as the Premier of South Australia, to take responsibility for Aboriginal Affairs and Reconciliation in South Australia; secondly, we adopted a whole-of-cabinet approach to addressing the longstanding disadvantage that exists. The member mentions health and incarceration rates, but on virtually every metric that we look at there is a deficit that needs to be made up.

That's why we decided to have a whole-of-government approach, with me, the Premier, as the chair of cabinet and every minister being involved. In December 2018, we launched our Aboriginal Affairs Action Plan, which contained I think 38 separate measures. All of them were not aspirational; they were to be delivered within a two-year period. As we are dealing with those and ticking off those items, we are adding new items on. Rather than waiting for the end of that two-year period and then starting again, we are constantly refreshing.

We are held to account by the South Australian Aboriginal Advisory Council, who meet with cabinet. Nobody meets with cabinet except for the South Australian Aboriginal Advisory Council. They hold us to account. They have their own meetings but also jointly with the cabinet. We are making progress. There is still much more to do, especially in areas like health and also in areas like Corrections.

### INDIGENOUS DISADVANTAGE

**Ms BEDFORD (Florey) (14:47):** Supplementary: following on from that answer, Premier, what items have you actually ticked off the list?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:47):** I don't have that list with me at the moment, but they are broadly in key areas like jobs, for example, a critical area for us in South Australia, and services, a critical area for us in South Australia. One of the items that I feel most proud about is the purchasing that is done within the state government from organisations that are Aboriginal controlled. When we came to government it was just a few million dollars per year, and the running 12-month tally I think is up to \$62 million, so it's a massive improvement.

It really only required quite a small change in procurement policy and an ability for us to speak to the chief executives on the Senior Management Council, the heads of each of the departments, and ask them to give consideration to Aboriginal-owned and controlled organisations and to include them in their tendering process. This is transformational for many of those businesses, and of course that then flows directly through into employment opportunities in South Australia.

One of the major reforms that is underway at the moment is to consider the recasting of the advice to government. Yes, we have the South Australian Aboriginal Advisory Council; that has in the past been fully appointed by the government of the day. I do point out at this point that we haven't changed any of those members on the South Australian Aboriginal Advisory Council since coming to government; in fact, we have rolled over the service of all those appointed by the previous government.

They all have excellent skills, but we do think there is an opportunity for us to look very carefully at the way Aboriginal voices make their representation to government. At the moment, the Commissioner for Aboriginal Engagement in South Australia, Dr Roger Thomas, is completing his extensive consultation with the people of South Australia and has presented us with an interim report, which we are considering at the moment. He is now speaking to the South Australian Aboriginal Advisory Council, and we should have a final recommendation fairly soon.

Part of this could involve, ultimately, an election. It could possibly be a part-elected and part-appointed group that provides that advice to government. We are extraordinarily serious on this side of the house about making sure that we can address some of these fundamental issues that have existed for a long period of time. We are not going to overpromise. Can I be clear that Aboriginal affairs and reconciliation is one of the hardest areas of public policy that exists in the entire country, but we are making best endeavours in a very genuine way with a whole-of-cabinet approach, and we are satisfied with the progress to date, knowing that there is still much more to achieve.

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**Ms COOK (Hurtle Vale) (14:51):** My question is for the Premier. Why did the Premier transition from a state-based system to the NDIS if there were gaps?

**The Hon. S.K. KNOLL:** The question contains alleged fact and argument.

**The SPEAKER:** I have the point of order. I am willing to hear the question, given how it's gone today. Is that the entire question—if there are gaps?

**Ms COOK:** Yes.

**The SPEAKER:** The Premier.

*Members interjecting:*

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51):** Even before that.

**The SPEAKER:** Members on my right, be quiet.

**The Hon. S.S. MARSHALL:** I go back to my earlier comments, that the establishment of this reform received bipartisan report. Originally Bill Shorten was the minister responsible—I think it was in the Gillard government—and so the deal was actually signed between a federal Labor government and a state Labor government. Whilst we weren't party to the actual contract or that transition plan, we were certainly supporters of this major reform as we move towards individual funding for those people who are living with a disability.

Everybody appreciated that we couldn't just switch off one system one day and switch on a new system the next day, and so what took place was a series of trials across the country. My understanding is that in South Australia we particularly dealt with transitioning younger people with a disability, and that trial in South Australia took place between 2013 and 2015. Certainly in 2015 we were in that position, and then ultimately the major transfer occurred in late 2018.

This is a massive, massive upheaval. The federal government established a new federal agency, the Quality and Safeguards Commission, to oversee those people who were living under the National Disability Insurance Agency (NDIA). We still retained some people in South Australia—those people who were living in some supported accommodation in South Australia, particularly in

group homes, as well as those people who were under a guardianship arrangement with the Public Advocate in South Australia. So there is still somewhat of a mixed system between the states and the commonwealth, but by and large there has been a transfer from one jurisdiction to the other.

#### NATIONAL DISABILITY INSURANCE SCHEME

**Ms COOK (Hurtle Vale) (14:53):** My question is to the Premier. Did the bilateral agreement that the Premier signed on 29 June 2018 apportion the responsibility of the transition to the NDIS to the state government?

**The SPEAKER:** Could we have the question again?

**Ms COOK:** My question is to the Premier. Did the bilateral agreement signed by the Premier, dated 29 June 2018, apportion the responsibility of the transition to the NDIS to the state government?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:54):** As I was just outlining to the house, the transition actually began well before we came to government. I have just given the information to the house that the trial for the transition actually occurred back between 2013 and 2015 in South Australia, which was for younger people, so this transition is not something which occurred when we came to government. The legislation occurred under federal Labor and a state Labor government. The transition of some of these cohorts actually—

*Members interjecting:*

**The SPEAKER:** Order! We have the question. The Premier has the call. Be quiet.

**The Hon. S.S. MARSHALL:** The transfer of people, especially younger people in South Australia, occurred back in 2013 and ran for several years. We worked with the commonwealth to iron out as many of the issues associated with this as possible. The transition was made, as the member quite rightly points out, with the formal signing of the document just two months or three months after we came to government, but of course the previous government was well aware of that transition planning, which was well underway. Now we know that the vast majority of those people who are living with disabilities operate under the NDIA at that federal level.

#### COMMISSIONER FOR VICTIMS' RIGHTS

**Mrs POWER (Elder) (14:55):** My question is for the Attorney-General. Can the Attorney outline to the house the expanded role of the Commissioner for Victims' Rights?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:55):** I am very happy to answer that question from the member. I know she has an interest in this because she has had a deep and abiding interest in relation to victims, particularly those of domestic violence and family violence.

*Mr Hughes interjecting:*

**The SPEAKER:** Member for Giles!

**The Hon. V.A. CHAPMAN:** We very much appreciate her support on this side of the house and advice on those matters.

*The Hon. T.J. Whetstone interjecting:*

**The SPEAKER:** Minister for Primary Industries!

**The Hon. V.A. CHAPMAN:** Quite obviously, victims of crime in South Australia do need a number of services. We provide them, and we will continue to provide them.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** I would like to confirm proudly what we have completed in respect of the counselling service that we provide to deal with all the profound anger, grief, trauma, depression, fear and anxiety that frequently come in three or four stages during the rather torturous victims of crime process: the investigation, the preliminary hearings if they are charged, the trial if

that is to progress, sentencing and of course subsequent release if they are incarcerated. All of these are very difficult periods for victims, and often they are—

**Mr Hughes:** That's why there's a specialised service.

**The SPEAKER:** Member for Giles!

**The Hon. V.A. CHAPMAN:** Indeed. As the member interjects, that's why they need a specialised service. That's why this government did put out to tender the counselling services. I have announced recently a three-year, \$2.48 million contract with Relationships Australia SA so that victims of crime can continue to have a high-quality therapeutic counselling service.

**Mr Hughes:** Not in regional South Australia.

**The SPEAKER:** The member for Giles is warned.

**The Hon. V.A. CHAPMAN:** I am pleased to note that one of the applicants through that process, namely VSS, has acknowledged publicly the level of expertise of RASA in them being awarded this contract although of course they were disappointed, no doubt like the other applicants through the competitive tender. I do want to acknowledge their contribution and indeed their acknowledgement of the process and the contracted party as a result of it through the successful tender.

The new provider does have significant networks already on the ground and through the regional areas. Like VSS, they have been in the business of counselling for a very long time. VSS, in fact, last year celebrated its 40 years. Trevor Griffin was the attorney-general who spearheaded the establishment of that organisation.

*An honourable member interjecting:*

**The Hon. V.A. CHAPMAN:** Actually, you probably weren't even born, but in any event I will finish this.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** Indeed, Relationships Australia SA has a 70-year history in relation to the provision of counselling services and of course is highly regarded, as I have indicated, even by VSS. I don't know why the opposite side have such an interest in VSS other than the fact that of course, for that tumultuous period, they might recall that the member for Badcoe was the chair of the board of that organisation. Do you remember that time when the CEO had three bullying allegations against him? He didn't last long, but then neither did she.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Point of order: personal reflection on another member is not provided for by the standing orders, particularly in the circumstance when they are not even able to be present in this chamber.

**The SPEAKER:** I have the point of order. I think, with all respect, the Attorney-General is beginning to deviate from the question. I ask her to come back to that.

*Members interjecting:*

**The SPEAKER:** Order! I would like to listen to the answer.

**The Hon. V.A. CHAPMAN:** I'm proud to announce the significance of the new service that is being provided across the regions, which already has a very great number of services it can provide face to face, online—

**An honourable member:** Where?

**The Hon. V.A. CHAPMAN:** —and ensure that that is continued. I know that one of the members keeps calling out 'where?' because a service in Whyalla was recently closed by VSS. We

have, of course, noted through the process of the new tender the service availability. Port Augusta, I think, under VSS was also announced to be closed very unfortunately but, nevertheless, one of the factors which is very important to this government and was very important to the Commissioner for Victims' Rights, who of course worked with us in the restructure of services, is to ensure that that is actually available in those regional areas.

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** The member for Lee is warned for a second time. He has been doing it all day. The member for Mount Gambier has the call.

### TAXI INDUSTRY

**Mr BELL (Mount Gambier) (15:00):** My question is to the Minister for Transport. In the government's \$5.2 million financial support package for the taxi industry, why has the government offered financial support for metropolitan taxi operators but not regional taxi operators?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:00):** I do thank the member for Mount Gambier for his question and note that he would have received some emails from Perry Rasmussen in the same way that I and a number of other regional operators have.

Essentially, to answer the question, we have a \$350 million economic jobs fund. It is there to try to help industries that are COVID-affected through this difficult time. It is not a fund that can help ensure that every job and every business continues during the difficult global pandemic, but it helps us provide ways to be able to reimburse, especially where government is a significant cost component of businesses in the way that they operate.

In constructing something for the taxi industry, where we know that in metropolitan South Australia we have seen about a 60 to 70 per cent reduction in the amount of service that is provided, the government and the Treasurer specifically took a decision around a \$5.2 million package that essentially helps to provide \$4,300 per taxi to the operator to essentially cover off on the government fees that exist in that space, whether they be accreditation or licensing fees and CTP and a range of other things.

We essentially put together a package that made it easier for us to provide an ex gratia payment to those operators, as opposed to having to do something through the TRUMP system. It was just an easier way to be able to account for it. The reason we limited it to metropolitan taxis is because of the severity of the impact that they felt, given how affected they are by tourism in metropolitan South Australia. Also under a restricted environment especially for access cabs, we have seen a reduction in the amount of work there. Given the important work that the 100-odd access cabs do, we needed to make sure that they were included as part of the package.

There is a very large difference between the fees and the cost structure that metropolitan taxis pay compared to what regional ones do. Regional areas don't have a capped plated taxi system; it is essentially a far more lower cost, deregulated system that would certainly have been impacted by COVID, but not in the way that metropolitan cabs have. So, given the complete difference between those operating models, we made a decision to do what we did.

We have also announced—and it came off the back of the good advocacy of the member for Kavel, who, in the Adelaide Hills, has been pushing to try and open up things to ride share where ride share may have been operating outside of the borders—and we have now put in place, a lower cost again mechanism that we are encouraging ride-share operators, as well as existing regional taxi operators, to take advantage of because it helps them to lower their cost of doing business even further than it is now.

As part of the regulations, we also increased the age of the taxi fleet from 6½ years to eight years, although again I note that in regional South Australia the vehicle specifications are actually different again and more generous than they are in metropolitan South Australia. There is quite a big difference between the operators and the situations that they face, and hence the reason for the difference in response, but that does not mean that there isn't an opportunity for those regional operators to take advantage of the \$10,000 Small Business Grant, potentially taking advantage of

the JobKeeper and JobSeeker programs, as well as a range of other federal and state-based support packages.

There is still very much opportunity for businesses to get involved, but for the reasons I have outlined we felt that the taxi industry specifically, or the metropolitan taxi industry with the high regulatory burden that it has, needed a greater added response.

#### **NATIONAL DISABILITY INSURANCE SCHEME**

**Ms COOK (Hurtle Vale) (15:04):** My question is again for the Premier. Did the government have a duty of care under the bilateral agreement signed by the Premier on 29 June 2018 to ensure that non-government service providers were adequately equipped to accept people like Ann Marie Smith into its care under the NDIS transition?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:05):** Thank you very much, and I thank the member for her question. It's a technical question, and I really need to understand more detail. I am sure that, if she is happy to provide that question, we can get a fulsome answer for her. As we have already said—and I don't want to go into this case in too much detail—Ann Marie Smith was a client here in South Australia under Disability SA. She transitioned to the NDIA, my understanding is, in late 2018. That's my understanding, but if the member is happy to provide her question then we will be happy to follow it up.

#### **INTEGRITY CARE SA**

**Ms COOK (Hurtle Vale) (15:06):** My question is for the Premier. Premier, what due diligence was undertaken into Integrity Care as a service provider before Ann Marie Smith was transitioned into its care by the department?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:06):** Of course, that would be a very good question for the member to ask some of her own colleagues because Ann Marie Smith was provided with services under the previous government. Ann Marie Smith was a South Australian government client for an extended period of time under the previous government. The previous government did, in my understanding, engage Integrity Care to provide that service, so it is—

**The Hon. A. Koutsantonis:** We had community visitors.

**The SPEAKER:** The member for West Torrens is called to order.

**The Hon. S.S. MARSHALL:** —a question that the member could direct to members on her side.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Obviously, this client was transitioned months after we came to government over to the NDIA, and of course under the NDIA arrangements the main area of auditing and safeguarding comes under that quality and safeguarding commission, which is a federal agency.

**The Hon. A. Koutsantonis:** You handed her over without checking.

**The SPEAKER:** The member for West Torrens is warned. The member for Hurtle Vale has one and then the member for Heysen.

#### **DISABILITY SERVICES**

**Ms COOK (Hurtle Vale) (15:07):** My question is to the Premier. Was Ann Marie Smith provided with in-kind support coordination by Disability SA or the Department of Human Services any time under your government since March 2018?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:07):** Well, I would think the answer to that is yes, and I think the answer to that would have been obvious because we came to government in—

**Ms Cook:** Support coordination. What support?



**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —2018 when Ann Marie Smith had been a long-term client, my understanding is, of the South Australian government agency, which operated originally in DCSI (the Department of Community and Social Inclusion), which had a few name changes, but they were all under Disability SA, and she made that transition.

If the member is asking the question: did we get elected in March and immediately set about auditing every person that the previous government had engaged over a long period of time, whether they be companies or individuals, well, then the answer to that is no. There was nothing in the incoming files that would suggest we would have to go back and audit every single piece of work that those opposite had done.

**The Hon. A. Koutsantonis:** So why did you hand her over?

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** It is now coming to light, of course, that people were operating under that system without adequate screening put in place, but they had operated for years under the previous regime.

**The Hon. A. Koutsantonis:** You handed her over to an unscreened carer.

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** The previous regime had basically led a situation—

**The Hon. A. Koutsantonis:** You screened her after she died.

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Member for West Torrens!

*The Hon. V.A. Chapman interjecting:*

**The SPEAKER:** Deputy Premier!

**The Hon. S.S. MARSHALL:** I think we now know who put the FOIs in.

**The SPEAKER:** Order! Premier, please do not provoke the opposition.

**The Hon. S.S. MARSHALL:** I certainly wouldn't because this is a very serious matter.

**Mr Malinauskas:** So serious you don't even know the terms of reference.

**The SPEAKER:** Leader!

*Members interjecting:*

**The SPEAKER:** Order! It's your question time. The clock is ticking.

**The Hon. S.S. MARSHALL:** As I was saying, sir, no, we didn't come into government in March and audit a system that was being essentially transitioned to the federal government a few months later. We didn't go back in and audit all of the work that the previous government did in terms of their management of the NGOs, the service providers, the individuals who operated within that system. No, that wasn't done. Of course, there was some work done in that area as part of that transition, but I think I have given sufficient information to the house to address the question asked by the member.

## SEASONAL JOBS

**Mr TEAGUE (Heysen) (15:10):** My question is to the Minister for Primary Industries and Regional Development. Can the minister please update the house on how the Marshall Liberal government is supporting jobs in South Australia through the Seasonal Jobs campaign?

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:10):** Yes, I can; and I thank the member for Heysen for his important question.

He knows only too well the seasonal jobs that are required through the harvest, through the pruning, through the picking, the packing, the planting and the processing in the ag sector.

It's important to note that the state government, with the aid of PIRSA, have set up the Seasonal Jobs website. That has been critically important with the pressure on our seasonal workforce, particularly with the COVID-19 impact and the reliance that we traditionally have on overseas travellers—with the backpackers and visa holders—when coming into a harvest season. It is of paramount importance that we do have a workforce there on the ground so that we can pick the produce, get it to the pack houses, process it and make sure we can get it to our markets. We note that through COVID-19 the ag sector was more important than ever, with putting food on the table, making sure that people had the requirements that they needed going through that uncertainty.

The Seasonal Jobs website has been critically instrumental in linking both the employer with those jobseekers and the employment agencies, and also linking up the accommodation providers, with the adjusting that they had to do with accommodating a workforce, making sure that we had a call on South Australians to be a part of the ag sector, particularly when it comes to those seasonal jobs. Here in South Australia the requirement is about 24,000 through the season, and it is critical that we actually have those jobs in place in time to pick and harvest the produce.

As I said, if you want to be a picker, a packer, a processor, a planter or a pruner, if you want a job we need you. That was the motto that we used coming into this current season. Currently, we've got the citrus season in the Riverland and we've got the vine pruning season coming up in all of the grape growing districts around South Australia. It's more important than ever that we actually link up those people who need the work with those people who are providing the work.

Again, those businesses are looking for a workforce, and just to name a few: Beston Global Food were looking for production workers, SA Mushrooms were looking for compost managers, Select Harvests were needing orchard managers, Banrock Station was needing rangers, Australian Fishing Enterprises were needing deckhands, SunPork were needing piggery attendants, Bremco Trading were looking for milkers and Jumbuck Pastoral were looking for station hands.

This typifies the importance in the ag sector in regional South Australia of linking up a workforce that traditionally was always there at the front gate. Of course, the COVID-19 impacts have really cast a doubt, but what I can say is that South Australians and those visitors have stepped up to the plate. That website has seen more than 47,000 views in a two-week period, and that is outstanding here in South Australia because we know that some of that workforce that has been displaced through job losses—whether it's in hospitality or the businesses that have been impacted by the COVID-19 pandemic—has seen South Australians step up to the plate. Really, it was about whether they wanted to work in the open spaces in a team environment: if they were prepared to work hard, they would get paid well.

What we are seeing now is that those South Australians, that workforce, have stepped up to the plate. As I understand it, the ag sector, the horticulture sector, viticulture, fisheries and forests are all receiving people looking for work, satisfying the needs of those businesses so that we actually can continue to simulate our economy, making sure that our food economy is addressed with both the needs of harvesting and processing and moving on. I think it is important to note: those people out there, if you want a job, we need you. If you want to be a picker, packer, processor, planter or a pruner, get on to the Seasonal Jobs SA website and be a part of that ag workforce.

#### *Grievance Debate*

#### **SMITH, MS A.M.**

**Ms COOK (Hurtle Vale) (15:15):** Today, I will give voice to Ann Marie Smith. I have been told by people in the community that Ann Marie liked to be called Annie. Ann Marie was about the age of a lot of the members of parliament in this place. Ann Marie had hopes and dreams, like all of us. As a teenager, she had goals and aspirations and Ann Marie, or Annie, had a family who loved her dearly.

What we know is that Ann Marie lived with a disability. She lived with cerebral palsy and with that came many challenges. Those challenges required support, love and care. She required assistance from support workers and she needed a community around her that took notice and

provided her with everything she needed and would not let her down. Annie's family left her with a secure home. Her family thought they had set things up to look after her for the rest of her life.

What we know is that on 5 April this year Ann Marie was taken by ambulance to the Royal Adelaide Hospital. The reports tell us she was in a cane chair—no sort of bed for anybody. This cane chair was also used as her toilet. We are told that she had one support worker going into her home providing the support she needed. We are told she did not have a fridge. How does this happen under our watch, under this community's watch? How do things like this happen under the National Disability Insurance Scheme?

What we know is that the National Disability Insurance Scheme has taken a long time to transition, but the vast majority of adults have transitioned to this scheme since March 2018. The transition of adults to the NDIS has been overseen by the Liberal state government. Support coordination has been provided for the vast majority of the complex clients, like Ann Marie Smith, in the community by the department under the Minister for Human Services. These services were signed over to them by the NDIS as an in-kind arrangement.

These services are put in place so that people like Ann Marie Smith do not get one person coming into their house, are not left in a chair, are not left to go to the toilet in that chair, are not left to go to sleep in that chair, are not to be not provided with a fridge, with food, with love, with care. These coordination principles are put in place to make sure there are a number of sets of eyes over the vulnerable. The NDIS is set up so that we have multiple levels of support, multiple levels of check. Where was the Quality and Safeguards Commission? Where were they? Where was this federal body?

We have been calling on the minister to make some snap decisions. We know that there have been multiple reports about the oversight of the NDIS through the transition. We know that the community visitor, the ex-principal community visitor, Mr Maurice Corcoran—highly respected, and with lived experience—headed up the community visitor program until late last year. We know that this changed under the Liberal government and they did not have the appetite to change the legislation or the regulations so that community visitors could go into homes in the community, homes lived in by people like Ann Marie, group homes where private operators, NGOs, are in there providing care. They are only visiting state-run homes and homes where people are under guardianship. This is not good enough.

We know that two annual reports have been delivered by the Principal Community Visitor that recommend continuance and strengthening of the program. We know that there was a report delivered by the Disability Reform Council that said, 'Guided by the federal government, these need to be strengthened. Community visitors are needed.'

We know that support coordination should have ensured that Ann Marie had a number of visitors, had a range of people. We know that there used to be an after-hours service that provided oversight, support and assistance in crisis. All these things have stopped under the state Liberal government. We have cried out for them to take some responsibility and make the changes needed because our members of parliament get people calling on us all the time who are transitioning to the NDIS and they cannot navigate it.

This is a failure of the state Liberal government, this is a failure under the Minister for Human Services and this needs to be remedied immediately, because we cannot have another Ann Marie Smith in our community.

*Ministerial Statement*

**SMITH, MS A.M.**

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:20):** I table a ministerial statement of the Hon. Michelle Lensink—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. V.A. CHAPMAN:** —don't be so rude, Tom—tabled in the other place, entitled 'The tragic death of Ann Marie Smith'.

*Grievance Debate*

**HAMMOND, MR R.A.**

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:20):** It was with great sadness that we learned of the passing of Bob Hammond on Saturday 30 May. Bob was 78 years of age but was widely considered one of the absolute legends of South Australian football across a 60-year career of playing, coaching and in administration. I met Bob on a number of occasions and found him to be a true gentleman. He was universally liked and admired. He was a big man, a strong man but a gentle man who cared and was very considerate of all those who came under his care.

Bob Hammond was born in Perth in 1942 before the family returned to Adelaide at the end of the war. He played his junior football with Kilburn before making his league debut as an 18 year old with North Adelaide in 1960. Bob played 234 games for North Adelaide from his debut in 1960 through to 1973, broken up by a two-year player/coach premiership stint in Port Pirie in 1966-67, before returning to North Adelaide for two more flags in 1971 and 1972. Bob played as a hard-nosed defender but managed to sneak forward and kick 69 goals for the mighty Roosters.

During his time at North Adelaide Bob also represented South Australia in a famous victory against Victoria at the MCG in 1963, which is arguably one of South Australia's greatest sporting moments. After a quick break from football, Norwood enticed Bob back to the SANFL to be a player and a coach at their club in 1974. Bob retired as a player after just 14 games in his first season, but he led the Redlegs to a premiership as coach in 1975 and again a stirring victory in 1978. His leadership as a player was unquestioned and it is not a surprise that he captained both clubs as a player. It is even more telling that someone can be part of two such bitter rivals as North Adelaide and Norwood yet be loved equally by both.

Following his stellar playing and coaching career, Bob became one of the game's most respected administrators, serving on Norwood's board from 1981 to 1990 and then being named the Adelaide Football Club's inaugural chairman in 1991. Hammond was influential and visionary as a chairman, diligently guiding the first South Australian-based AFL team through its first decade in the national competition. Many in this place are potentially too young to remember, but when the Crows first formed down at West Lakes they were stationed in some ATCO huts. There was a coach and an assistant coach, a fitness coordinator and not much more than that. I think a weights coach was there part time, but the board came together. I was lucky enough to know one of the board members at the time, Adrian Sutter.

The way that this group came together to lead this club, to form this club and then to take on the Victorians at their own game was truly commended. The Crows will never forget Bob. He was chairman when they won back-to-back premierships in 1997 and 1998—who can forget! After such a glorious career, it is no surprise that the accolades followed: named as back pocket in North Adelaide's team of the century; life memberships of North Adelaide, Norwood, the SANFL and the AFL; hall of fame inductions for both the SANFL and the AFL; the Adelaide Crows players' race at the Adelaide Oval is named in his honour, and you will see the players as they enter the arena come through the Bob Hammond race; and he was named a member of the Order of Australia in June 2003.

Even with all of Bob's extensive list of football achievements, I would say it only tells half the story. Just as important is the impact Bob made on people's lives. Bob's contribution at the community level was as great as his involvement at the elite level. Bob always knew exactly what to say at exactly the right time and that was why he was a mentor to so many and created so many opportunities for those who came after him. SANFL Chief Executive, Jake Parkinson, paid tribute to Hammond by saying:

Bob was admired by many as a player and coach, but also for his tremendous service to football in South Australia with his passion for growing the national game in our State.

I would like to pass on my respects to the entire Hammond family, in particular his wife, Jill; his children, Craig and his wife, Sarah, and Jo and her husband, Tom; his stepchildren Grant (deceased), Belinda and her husband, Craig, and Amanda and her partner, Ian; and his grandchildren, Jasmin, Bonnie, Oscar, William, Lucy, Finn and Noah.

Bob came from simple beginnings and rose to the absolute apex of the game. Bob Hammond was a great footballer, coach and administrator and also a truly wonderful man. His contribution over 60 years across SA footy and the AFL will ensure he will be remembered forever as a true great of the game. His passing is a massive loss to the Australian rules football community in South Australia. Vale, Bob Hammond.

### MAWSON ELECTORATE

**The Hon. L.W.K. BIGNELL (Mawson) (15:26):** This has been a terribly difficult start to 2020 for so many people and so many businesses in the electorate of Mawson. First of all, those on Kangaroo Island were hit by the devastating summer bushfires that claimed two lives, wiped out 89 homes and destroyed half of the land mass of the 4,500 square kilometre island. Of course, people just started to get back and visit the island and a few weeks later the world was hit by the coronavirus: the worldwide pandemic that has meant that people cannot travel like they used to. In fact, Kangaroo Islanders pleaded with people not to come and visit their island because they only had one respirator and a population that was fairly susceptible to something like COVID-19.

We have seen some businesses close that will never reopen. Others have closed but from yesterday or from this coming Friday will try to reopen and get people back through their doors under very different and difficult circumstances, which we all know we have to do because we cannot just have open slather and risk a second wave.

No-one is complaining about what we have to go through and, indeed, we all need to be mindful of the social distancing that needs to happen. We need to be mindful and caring of those people in the hospitality and tourism sectors who are there to serve people, not to be security guards trying to monitor how many people are coming in and telling people what the rules are. At this time, we need to remember to be kind to people.

We need to remember what the expectations are, such as how many people are allowed in a certain area. If you are in a cafe and they can only have 20 people and there are four of you sitting there two hours after you have finished your coffee, it is probably not the best thing for that little business. So keep the tables turning over and keep a good sense of humour with those people who are there to serve you because so many of them have been through so much emotional and financial stress during the past 12 weeks or so because of the very changed business circumstances that they have had thrust upon them.

I know that Deep Creek has had some very heavy bookings for this coming June long weekend and I really hope it is the same for the Delamere General Store, which sells pretty much everything, including probably kitchen sinks or camping gear or a sausage roll from either the Normanville Bakery or the Yankalilla Bakery—they serve both.

They are great people in there. Kaye has done a tremendous job. It was always her dream as a little girl to own the Delamere General Store and she does a terrific job but, gee, they have been hit hard because when people stopped going down to Kangaroo Island because of the fires the traffic dried up just before Cape Jervis and then because of coronavirus it meant that everyone basically stayed home or stayed in their postcode and did the right thing and did not get out and travel to regional South Australia.

I want to urge everyone to go for a drive, stay safe, do your social distancing, but drop into one of these country stores, drop into a country cafe or a bakery and spend a little bit of money. Be respectful of all the rules we need to abide by and try to get out and visit people.

One of the things that has been a bit disappointing is the state government's \$10,000 emergency payment that they said they would give to businesses doing it hard because of the coronavirus. I have had to write to the Treasurer on behalf of a few businesses that were approved over the phone two months ago but still do not have that \$10,000. I have to say that they are doing

it really, really tough at the moment, so if the wheels of government could speed up and get that \$10,000 out the door and into these businesses that would be tremendous.

Let's hope for a good long weekend, one where people get out of their homes and get back to some normality. Gee, it has been a pretty tough time for people who have gone through the downturn of business. Some people have lost their jobs, some people have lost their businesses and I think others are still scarred from homeschooling their kids. Let's hope that we can have a little bit of fun on this June long weekend and get out and enjoy everything we have in South Australia. It is a tremendous place, and the quicker we can get the wheels of our local economies going, get people fully employed again, the better it will be for all South Australians.

### **NATIONAL DOMESTIC VIOLENCE REMEMBRANCE DAY**

**Mrs POWER (Elder) (15:31):** National Domestic Violence Remembrance Day was held last month and enabled the wider community to stand with those impacted by domestic and family violence. Usually, candlelight vigils are held to mark the day and to honour and remember those who lost their life due to domestic and family violence—to demonstrate continued support to those impacted and to raise community awareness with the aim of ending domestic and family violence.

Due to COVID-19, vigils across the country had to take a different format this year. The South Australian Domestic and Aboriginal Family Violence Virtual Vigil was organised by peak body Embolden and enabled us to come together online in solidarity. I want to take this opportunity to acknowledge the team at Embolden for their incredible work in bringing us all together for our vigil. At the arranged time, people began sharing pictures of their own candles and messages calling for a shared future without violence. The online event was well received, and organisers reported over 400 posts across social platforms, with the Facebook event reaching almost 10,000 people.

The vigil came at a poignant time, as we also honoured the 35-year-old South Australian woman and mother of three whose life was recently taken all too soon. Her former partner was arrested and charged with her murder. Without a doubt, this weighed heavily on the hearts of many who joined the vigil, as did the murder of Hannah Clarke and her three children in Brisbane earlier this year—set alight in public by her estranged husband and the father of her children. The shocking and brutal nature of these crimes has once again heightened the community's awareness of domestic and family violence.

This issue is pervasive, prevalent and will not go away unless we face it together. Despite this unprecedented time, and perhaps even because of it, we came together in unity and strength, standing against domestic and family violence. We know that in the aftermath of disasters there is an increased risk of domestic and family violence, so we welcome the \$150 million funding boost from the federal government to address domestic, family and sexual violence in Australia in light of the COVID-19 pandemic. Accordingly, here in South Australia we have announced new and immediate measures, including:

- a 24/7 men's referral line, enabling South Australian men to seek advice, support and help to stem the use of violence and to connect them with local services; this is a first for our state;
- individual support and safety packages for people experiencing domestic and family violence to be used to pay for immediate support, including transport, safety upgrades to property, financial counselling and support for their children;
- a targeted domestic and family violence communications campaign; and
- initiatives to upskill the current and new workforce regarding domestic and family violence.

In addition to the federal funding boost, the Marshall Liberal government has committed a record \$14 million towards a suite of measures continuing to be implemented to support South Australian women, children and others at risk of domestic and family violence. We want people to know, especially as restrictions in our state have been eased, that the state government remains committed to ensuring that people in a violent or abusive relationship can access the support they need.

Our existing measures, including our crisis accommodation beds, the Domestic Violence Disclosure Scheme, the life-saving personal protection app and the 24/7 DV crisis hotline, all continue and are available to anyone needing support. Importantly, it takes all of us together to keep this issue in the spotlight and to let women and men who are living in fear know that there is support out there. Together, we need to continue to work to support early intervention and ultimately prevent domestic and family violence.

In our communities, we must continue to challenge stereotypes and push equality and respect across every aspect of society. We must also encourage our fellow South Australians to never ignore screams for help, to remain vigilant and to phone that friend they might be worried about. We all have a role to play in addressing and ending domestic and family violence as a government, as a community and as individuals.

### NATIONAL RECONCILIATION WEEK

**Ms BEDFORD (Florey) (15:36):** Today, in Reconciliation Week, I want to begin by acknowledging that we meet on Kurna land and pay my respects to the Aboriginal and Torres Strait Islander peoples—the First Nations of the Australian continent, custodians of the land and water for more than 40,000 years, the oldest living culture in the world.

At the Florey electorate office, we had a modest flag-raising ceremony last week to mark Sorry Day and the beginning of Reconciliation Week. Along with Aunty Shirley Peisley, Father Tony and Tea Tree Gully Mayor Kevin and Mayoress Karen Knight, we reminisced on the work we have undertaken with many wonderful people associated with the Florey Reconciliation Task Force for well over 20 years now. Tomorrow is Mabo Day, commemorating the High Court decision overturning the principle of terra nullius in June 1992, which preceded Keating's famous Redfern speech in December of that year.

In acknowledging the importance of Aboriginal and Torres Strait Islander heritage in a week when mass protests around the world have followed the death of George Floyd in the USA, and even after the 1991 royal commission, 432 Aboriginal deaths in custody have occurred here in Australia since 2008. I want to tell the house about the great sadness in many hearts about these issues and following the news of the destruction of the Juukan Gorge in WA. I refer to the article in *The Guardian* on 31 May for the information I now put on record:

Mining giant Rio Tinto has apologised to traditional owners in Western Australia's north after destroying a significant Indigenous site dating back 46,000 years, saying it is urgently reviewing plans for other sites in the area.

Rio detonated explosives in part of the Juukan Gorge last Sunday, destroying two ancient rock shelters, which has devastated the Puutu Kunti Kurrama and Pinikura people. While Rio has apologised for the destruction, it claimed the PKKP Aboriginal Corporation representatives had failed to make clear concerns about preserving the site during years of consultation between the two parties. Spokesman Burchell Hayes labelled the claim 'outrageous', saying Rio was told in October about the significance of the rock shelters, and the high significance of the site was further relayed to Rio Tinto by the PKKP Aboriginal Corporation as recently as March.

While the WA state government hopes to pass its new Aboriginal cultural heritage bill this year, the COVID-19 delay to the consultation process has proven costly. Peter Stone, UNESCO's Chair in Cultural Property Protection and Peace, said the archaeological destruction at Juukan Gorge was among the worst seen in recent history, likening it to the Taliban blowing up the Bamiyan Buddha statues in Afghanistan and ISIS annihilating sites in the Syrian city of Palmyra.

It is hard for us, who have never seen these now lost precious links to Aboriginal heritage, or perhaps any Aboriginal art in the place where it was created so many thousands of years ago, to understand the terrible loss the PKKP people are experiencing, and nothing can change this great sadness or replace it.

Traditional life on the remote lands of our continent presents many difficulties for Aboriginal people. Perhaps the greatest is maintaining their health in the face of their traditional way of life being changed so dramatically, almost beyond recognition. I want to speak further about the health, accommodation, educational, social and cultural disruption that many of our South Australian

Aboriginal people face as a result of Adelaide-centric essential health care for elders, particularly women of the APY lands.

I was privileged to accompany a delegation comprising Bill Denny, David Wright, Reverend Dean Whittaker, John Lochowiak and Melissa Thompson to meet with the Premier and thank him for receiving us on 23 January this year. So much has happened since then and we now have to continue the dialogue started that day.

What the delegation sought was an audit to identify the benefits of the provision of kidney dialysis services in situ in remote Aboriginal communities following the establishment of the new Purple House dialysis centre at Pukatja, which we understand is underutilised. The new dialysis chairs will allow elders in Pukatja to remain on country to continue their essential traditional and non-traditional roles in an uninterrupted manner. It is believed that a comparison of facilitated and non-facilitated communities will reveal the far-reaching disadvantages and advantages of the Pukatja facility, where elders from Pukatja will not be required to leave country with a flow-on of positive benefits for the entire community.

By comparison, an audit of other communities without a dialysis service will show elders are often required to be displaced to Adelaide, thus breaking down important cultural systems and traditions. If a grandmother elder from APY is relocated for essential medical treatment, her influence is lost in the community. Relocation often sees an extended Aboriginal family of adult children, grandchildren, and those that people of non-Aboriginal culture would see as more distant relatives accompanying the elder off country.

This places an unnecessary burden on the elder, the temporary accommodation providers in Adelaide, the neighbours of the host family and law enforcement agencies. It is not uncommon for host elders in Adelaide to face eviction and be called before SATAC or other tribunals. Police and court action against other relatives is also not uncommon. All these responses are expensive and can be avoided.

The delegation remains hopeful that the audit has already been conducted, and if the above and other related issues are found to exist a program can be commenced as a matter of urgency to provide the immediate rollout of dialysis clinics for all communities on the APY lands and other remote Aboriginal communities.

### **COMMUNITY WASTEWATER MANAGEMENT SYSTEM**

**Dr HARVEY (Newland) (15:41):** Today, I would like to speak about the Tea Tree Gully council's Community Wastewater Management System (CWMS). The CWMS is an archaic system of sewage collection whereby the solid components of wastewater are collected by a septic tank in the back or front yard of the property and the effluent is carried away by the council's ageing network of pipes before ultimately being disposed of into the SA Water system.

Apart from the fact that it is quite unusual for properties within metropolitan Adelaide to be on a septic system, the system is ageing. It is 60 years old in parts, with increasing problems such as blockages, which have increased by more than 100 per cent over four years. The system is becoming increasingly expensive for households, with the annual service charge increasing by hundreds of dollars over recent years, and set to increase by hundreds of dollars more over the coming years, with a further \$75 increase in the service charge for the coming financial year confirmed just last week.

The vast majority of people on the CWMS pay significantly more than they would on SA Water sewerage. Over my time as a member of this place, I have met many members of the community with stories about their problems with this archaic system. Just last week, I spoke to a gentleman who has an old brick septic tank. He is concerned that it will need to be replaced soon. As it is at the back of his property with narrow access along the side of his house, he would need a crane to replace the tank. Given the tank is his property, this would cost him a fortune.

I have spoken to others who have had structures unknowingly built over septic tanks: in garages, under driveways, under steps and sometimes deep underground, obviously creating problems and costs when it is time to have the tank emptied, which occurs every four years.



The system is really made up of more than 70 separate systems scattered across suburbs such as Fairview Park, Banksia Park, Surrey Downs, Redwood Park, Tea Tree Gully, St Agnes, Modbury, Modbury North, Vista, Ridgehaven, Hope Valley and Highbury, but not all households in those suburbs are on it. In some cases, most of the suburb is, sometimes it is half and half, and sometimes even a single street or a small number of streets are on it, surrounded by properties connected to SA Water.

My community is then faced with the incredibly unfair situation that CWMS households are paying significantly more for a worse sewerage service than perhaps their neighbours or even the house across the road. But the crux of the problem has been a lack of proactive maintenance and planning for the system's future. Curiously, a number of councillors have only discovered this issue since the election of the Marshall Liberal government in March 2018, after almost complete silence while the former Labor government sat on their hands doing nothing for 16 years on this issue.

Perhaps there is now recognition from councillors that the Marshall Liberal government takes the concerns of my community seriously, unlike the former Labor government, which cut services and downgraded Modbury Hospital despite my community's concerns. Perhaps under the former Labor government some councillors were too scared to bring this issue up to their Labor bosses. Perhaps both are true. Or did they just not know there was a problem? But, in any case, it has been all talk with no results for the households that actually have to live with this system.

Too many people on council have been asleep at the wheel on this for far too long, and now it has reached beyond the point where I believe it is even within the ability of the council to fix the problem. For this reason, I believe that the only way to deliver a real solution for my community is for intervention from the state government, and I have been in conversations with the Minister for Environment and Water to that end.

This has gone on for far too long. My community deserves better than to have to live with an archaic system that is falling apart and costing households a fortune. They deserve more than bandaids solutions that only kick the problem further down the road. While others have been prepared to sweep this issue under the carpet and ignore the concerns of my community, I am not. I am listening to my community and working to deliver a real long-term solution. Let's fix this.

#### *Bills*

### **TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL**

#### *Committee Stage*

In committee (resumed on motion).

Clause 26.

**Dr CLOSE:** My question is how it can be that the minister has agreed with the TRB (Teachers Registration Board) that he is happy to put into a piece of legislation the capacity to create codes of conduct and professional standards but does not appear to have inquired about what examples might be, what the likely content would be or the extent to which such a standard would be used for punitive purposes; in other words, that a teacher risks losing their registration to be a teacher if they are seen to infringe a code of conduct or a professional standard and what the enforcement mechanisms might be.

In short, we are being asked to support the creation of the capability to do this without any illustration of what this might look like or how it might affect the working lives of the teachers that the TRB is responsible for.

**The Hon. J.A.W. GARDNER:** I thank the member for the question, and perhaps I misunderstood her earlier question. I have not checked *Hansard*, but from memory I understood it to be asking about my own personal reflections and how, it was suggested, I might be putting such a matter together. I thought it worth reassuring the house, especially those members who had expressed concerns, about the nature of a board somehow becoming a creature of the minister when in fact I was wanting to reassure the member and the house, and anyone with those concerns, that I wanted to maintain support for the Teachers Registration Board itself to do that work.

If the member is asking now, have I inquired, do I have any information, am I bringing legislation to the house having sought information about what the TRB were indeed proposing would be the benefits and outcomes and applicability, then I am happy to provide some further information and will now do so.

Codes of conduct will set out high-level principles which apply to conduct so as to clearly inform all registered teachers of the expected standards at a professional and personal level in keeping with professional community expectations. I think I said that before the break. In preparing or adopting any code of conduct, the board will consult with employers and stakeholders while acknowledging requirements which exist in employer or sector codes of conduct and which promote best practice.

They will, of course, doubly do that if we indeed ultimately amend the legislation to require they do that, but even without that amendment that was always the plan. This can also include the adoption of elements or codes of conduct already developed interstate and provides further opportunity to work towards national consistency for teacher professional conduct.

The member asked about examples. An example of a current South Australian code, which might be evaluated for future adoption, is 'Protective practices for staff in their interactions with children and young people', as revised in November 2018 and currently adopted by the Department for Education, Catholic Education SA and the Association of Independent Schools of SA as a collaborative effort between government and non-government sectors. It sets out a guide for managing professional boundaries, best practice for physical contact and managing challenging behaviours, in addition to other matters.

In regard to standards, the Australian Professional Standards for Teachers articulate the key elements of quality teaching and guide professional learning practice and engagement. The national standards detail what teachers are expected to know and be able to do at different stages of their professional career. The board currently uses these standards to guide its assessment of initial teacher education programs and to ensure that students who complete a qualification will meet the graduate standards. It also uses the standards to ensure that teachers only progress to full registration once they meet the standards expected of a proficient teacher.

Proposed amendments will provide for the board to also have the ability to recognise, certify and accredit highly accomplished and lead teachers—HALT teacher standards. For some reason they are described to me as 'HALTS'. Further to that, in relation to one of the member for Wright's questions we talked a little bit about punitive measures or aspirational measures, about the relevance of unprofessional conduct in that space and the role that the codes of conduct play towards that.

The definition of unprofessional conduct in section 3 has been amended to include a contravention of the code of conduct or professional standard published or adopted by the board. If somebody clearly contravenes, then that can go towards consideration of unprofessional conduct, which is a cause for disciplinary action against a teacher; however, each situation must be considered in the context in which it occurs.

Often, the factors motivating teacher behaviour with the child, such as whether restraint in an alleged emergency scenario was warranted—and I know the shadow minister would be aware that there are occasions when that has presented significant challenges for different bodies—would be gleaned by many external matters. Adoption and publication of codes of conduct will go some way, we believe, to providing clarity for teachers as to the exercise of responsible and respectful conduct towards children and young people, and I heartily endorse its inclusion in the act.

Clause passed.

Clauses 27 and 28 passed.

Clause 29.

**Mr BOYER:** Minister, in relation to clause 29 and what it seeks to put in place in terms of empowering the board to be able to force a teacher to submit to a medical examination, I am sure we could probably all agree in this place that that is a pretty sensitive area. What is in place to make sure the privacy of the teacher will be maintained through that process given that for teachers it is particularly sensitive if they have a leave of absence from the classroom for any period of time? The

school community might often ask questions and, if the teacher's suitability or medical health is in any way brought into question, it could be very damaging for them in the long term.

**The Hon. J.A.W. GARDNER:** Yes, that is an important and worthwhile question to explore. To start with, the registrar may only require a teacher to submit to a medical examination if the registrar has reasonable grounds to suspect that a teacher's capacity to teach is seriously impaired by an illness or disability affecting the teacher's behaviour or competence as a teacher. Accordingly, the registrar would be seeking a medical report that particularly addresses the question of whether or not the teacher's capacity to teach is seriously impaired. Broader medical information that does not have any bearing on the teacher's capacity to teach is not of any interest to the registrar.

The member asked directly about privacy and confidentiality. Medical information constitutes personal information that can only be used or disclosed in accordance with the legislative framework. Section 53 provides that a person engaged or formerly engaged in the administration of the act must not divulge or communicate personal information obtained in the course of official duties except as required or authorised by this or another law or with the person's consent. Further, information that has been appropriately disclosed for a particular purpose in accordance with the legislative framework must not be used for any other purpose. There is a penalty of \$10,000 that applies for breach of these provisions.

**Mr BOYER:** Thank you for that answer, minister. At any stage in the development of this bill has it been contemplated whether or not the doctor to whom the teacher under question needs to submit for a medical examination will be a doctor chosen by the board or a medical professional chosen by the teacher in question?

**The Hon. J.A.W. GARDNER:** In line with current arrangements for inquiries by the board, this is shifting the power to the registrar rather than the board and it is set out in 29(1b)(a), which suggests that the medical practitioner will be selected by the teacher from a panel of medical practitioners nominated by the board. I am not familiar with whether or not there were matters raised during the consultation process arguing on this point whether teachers should select their own without reference to the panel, but, in terms of the existence of the panel, my understanding is that carries over from the current arrangements but the person responsible goes from being the board to the registrar.

**Mr BOYER:** If I understand the minister's answer correctly, the power will be shifting from the board to the registrar in terms of being able to request the medical examination. In terms of a potential appeal—and you mentioned that you think that probably the doctor or medical professional the teacher must submit to is mostly likely one who will be at least recommended if not mandated probably by the board—do you think there might not be scope here to allow the teacher in question to have a right of appeal, which might include being able to seek out their own medical professional to at least have a second opinion, I guess?

**The Hon. J.A.W. GARDNER:** My understanding is that if a matter is being investigated, then the registrar can seek that a medical examination be conducted. They do not mandate the doctor, but the panel of doctors is provided from whom the subject of the investigation can choose their preferred doctor. If there is an issue with the proposed panel, I can seek more information between the houses to provide to the opposition about how those panels are likely to be comprised.

If the person refuses that examination, then it ceases to be an investigation and starts to become a suspension, and there are a range of other mechanisms there, including appeal rights at that point, as I understand. I think we talked about those before and I will clarify if I have misunderstood anything from the advice.

Clause passed.

Clause 30.

**Dr CLOSE:** This is an interesting inclusion in the bill and one that may be very important but I think is likely to be quite fraught. I am referring specifically to the capacity for the registrar to suspend the registration of a teacher where the registrar reasonably suspects that the teacher poses an unacceptable risk to children.

I understand very well the grey area that people and institutions that are responsible for children live in, where a matter might not have reached an arrest, a charge, a court case and a conviction, but nonetheless there may be very serious grounds to consider a person not appropriate to be with children. In that sense, I understand and have sympathy for the intent of this clause, but I think we also must understand the great complexity in front of a decision-maker in the absence of using that chain to take you to the place where you can make a judgement that in this case the teacher should be suspended.

I initially invite the minister to reflect on how the minister, in bringing this piece of legislation to parliament, understands that it would operate in a way that takes account of risk for children and also due and fair process for any adults involved on both sides, both being potentially in the position of having to make such a judgement, for the registrar, and also in the position of being a teacher who may have a shadow over them that is entirely unwarranted.

**The Hon. J.A.W. GARDNER:** I thank the member for the question and I will provide some information directly and potentially a little bit extra in relation to the matter. The registrar would need to form a reasonable suspicion first that the teacher poses an unacceptable risk to children based on information that they have in relation to the conduct of the teacher. That could be in relation to sexual conduct in relation to a child, it could be in relation to acts of violence or it could be in relation to what I think is probably best described as a failure to maintain appropriate professional boundaries between a teacher and a child. I do not want to limit it, so there could be a range of other matters, but effectively any behaviour that suggests that a teacher can pose a risk to children by continuing in their work.

In coming to a decision to first suspend the registration of a teacher, the registrar would have to receive and gather and assess sufficient evidence to lead them to form that reasonable suspicion that such a teacher posed that unacceptable risk. Obviously, the member identifies if a matter reaches a charge then that is now automatic. In those cases of sexual offences against children, for example, if a teacher is charged they are removed from the register, so this is to pick up people who provide conduct that the registrar has evidence of but there has not been a charge laid by police.

Some of the factors that the registrar might take into account in forming that reasonable suspicion would have to include the extent and the veracity of the available evidence, the impact of the alleged behaviour and the circumstances and type of behaviour in the context of the employment setting. It could include the frequency of the behaviour. It could include, as I said before in relation to the fit and proper person test, previous allegations or substantiated inappropriate behaviour of the teacher. Other jurisdictions in I think Queensland and Victoria provide similar powers to these, and there is case law that would further provide guidance to the registrar in forming that view.

In relation to the recourse that a teacher who finds themselves under this cloud would have, clause 30 extends the existing provision in section 34 for suspension where there is a prescribed offence where a charge has been laid. Section 34A has the provision that with the notice of suspension being served on the teacher the board then does the review. The suspension is supposed to be a temporary measure in advance of an inquiry, which would be a more permanent measure.

The teacher would have the opportunity to present their case to that inquiry. They would have the opportunity to examine or cross-examine witnesses, they could make submissions and it is appealable once it reaches that inquiry. Suspension is the preliminary measure before we get there. I will leave it there and am happy to answer follow-up questions.

**Dr CLOSE:** I would imagine the burden carried by the registrar in this scenario is getting it wrong either way: getting it wrong by suspending someone who it turns out should not have been suspended because there was in fact no impropriety or not suspending someone who perhaps should have been in light of subsequent events.

We know that these are real issues that have been dealt with by school systems in Australia, in particular those that came to light in the Royal Commission into Institutional Responses to Child Sexual Abuse, so I feel for registrars sitting in the position of having to make a judgement in the absence of any separate legal process taking place on which they can rely. As the minister points out, that legal process in fact means that the registrar does not have to do anything because it takes it away. It is creating this extra little bit of space.

Thinking about the responsibility that is placed on the registrar's shoulders through this piece of legislation, my question is: what kinds of guidelines are provided to the registrar by the board or the minister or through the act or through any other instrument that mean that at least there is something for the registrar to depend on and to consult, rather than only forming in the registrar's own mind by the registrar's own judgement when having to make such a burdensome decision?

**The Hon. J.A.W. GARDNER:** I thank the member for the question. I feel like I answered some of it earlier when we were talking about some of the other examples interstate and the case law, but nevertheless I think that there would also be the two risks the member identifies.

Firstly, there is the risk to the reputation of a teacher who might be unfairly put in this situation. That is a risk where I think in successive pieces of legislation we have determined that the best interests of the child trump that risk. While the consequences in that circumstance are significant for that individual, and if there are certain individuals who are caught up in that situation we extend our absolute sympathies and potentially measures to look at what can be done for them, the needs of the child are our paramount concern.

On either side of the ledger, if the evidence turns out to be significant to the point where we feel that in retrospect a suspension should have been applied, I would start with the point that, in that sort of circumstance, we would also trust that the police would be looking to lay a charge. A suspension may potentially be something that could be an interim measure before a charge has been laid.

I suggested a range of circumstances before that might include information that came to the registrar, but of course I do not want to limit it just to those. In relation to the guidelines that the member suggested may or may not be appropriate in helping a registrar form that view, I will take that on notice as a suggestion. I will explore with the chair whether that is something that has been explored. If it has and there is some proposed development of that, I will look to provide it to the opposition.

Hopefully, we are not talking about an enormous number of cases, and each case is going to be unique, of course, in their circumstances. Successive registrars, and I guess I am talking about the two I have dealt with, would both identify that this is a power they would not be looking for opportunities to use, but there are certainly going to be examples that would come to either of their minds where it would be a power that might potentially assist in the function of their duties.

**Dr CLOSE:** This is my last question on this, although I think the member for Wright also has some. I want to flesh out something a little bit. I know it is very difficult to talk in hypotheticals, but bear with me. I am trying to get at how close to a threat to a child in a classroom the allegation needs to be for the registrar to be likely to suspend the registration. If the registrar becomes aware that the teacher has been involved in a domestic violence dispute with a partner, could that act of violence or aggression be taken as evidence that the adult-to-adult misbehaviour could be translated to a child in a classroom, or would that be beyond the sphere?

You may not wish to indulge in this specific hypothetical, but that example is why I am wondering about guidelines. It seems to me it is possible that a range of allegations could be made about a particular teacher, and the registrar might need some guidance to fall back on to say, 'That's within the scope and that is outside the scope,' rather than, 'This teacher appears to not be a pleasant individual, or in fact to be a violent individual, in this environment and therefore is not appropriate or safe to be with children.'

**The Hon. J.A.W. GARDNER:** I will take the member's invitation to not go into a specific example because I would not want to presuppose any cases that are out there that might sound similar to any that we might describe. Hopefully, I can provide some information that will be useful. The weight is on the registrar to not only form the suspicion that a teacher poses an unacceptable risk but indeed gather and assess sufficient evidence that leads them to having that suspicion, understanding that there would then be a process where you would have the section 34 review, and the registrar would be in a position of having to justify the suspension at that point.

It would also be worth noting that the test—I think it is the fit and proper person test, which would potentially involve adult-to-adult conduct—could be applied, an investigation into that could be

applied, without a suspension needing to be imposed in the meantime. The suspension occurs when the registrar forms the suspicion that the risk is significant and indeed that it is an unacceptable risk to children to have the teacher continuing without that suspension being imposed.

**Mr BOYER:** Minister, given that this bill seeks to empower the board to create a code of conduct to in some way regulate the profession, and assuming that whatever code of conduct might be created by the board would probably anticipate some of the issues that might also potentially be governed in clause 30, why is there a need for both those things? Is it not covered by what will be in the code of conduct?

**The Hon. J.A.W. GARDNER:** Regarding the code of conduct that we are proposing, we talked about its punitive side before and I think the words I used were that it could lead to an inquiry into unprofessional conduct. This power is about suspending somebody in those cases where they have not been removed as a result of a charge having been laid but nevertheless pose in the registrar's mind an unacceptable risk to the children under their supervision. I think that is a separate matter from that which the code of conduct would be seeking to address.

**Mr BOYER:** Thank you for your answer, minister. In a situation where a registrar reasonably suspects that a teacher does pose an unacceptable risk to children and the registrar seeks to take action, has the government sought any advice in the development of this bill around what legal right of recourse that teacher might have if they want to challenge the matter or take it any further?

**The Hon. J.A.W. GARDNER:** I think the member will be encouraged to know that there is indeed that recourse because the suspension is not only reviewed but exists as a precursor to the section 34 review and then is in advance of a part 7 inquiry. That inquiry has all those appeal mechanisms, all those safeguards, from the teacher's point of view that we discussed earlier: the cross-examination of witnesses, the submissions they can make and the appeal capacity that we described earlier.

Clause passed.

Clause 31.

**Dr CLOSE:** I just want to pick up on this question of incompetence in clause 31(1)(a)(iv), 'incompetence (however described)'. Can the minister tell the chamber a bit about whose judgement is used to decide what incompetence is and what due process might be gone through for the teacher who is being accused of incompetence?

**The Hon. J.A.W. GARDNER:** We might need to revisit this a couple of times just to make sure I am encapsulating the exact question that is being asked, but my understanding is that this is not so different from the current provisions but is expressed in a different way. This is in relation to potential incompetence that has led to the dismissal of a teacher.

The clause refers broadly to these several reasons: a prohibited person, a working with children check not being conducted, an unprofessional conduct allegation or incompetence. If they are the reasons that an employer has dismissed a teacher, then the employer's obligation is to provide that information to the TRB. It is not up to the registrar or the board to describe the incompetence. However it is described, this is just the requirement to go to the TRB, presumably to ensure that the TRB has information that may or may not be relevant for their future consideration.

**Dr CLOSE:** In that case, if we look at subclause (2), which is not when the teacher has been dismissed but when the employer has become 'aware of any of the following in relation to the teacher', incompetence is not listed as one of the items that would trigger that notification, but there is 'any other matter of a kind prescribed by the regulations'. I do not know whether regulations are currently essentially in existence that would be attached to this because I do not have the current act sitting next to me, but are there any, or what regulations are being considered to be made and would the terminology 'incompetence (however described)' be found in that?

**The Hon. J.A.W. GARDNER:** I will take it on notice in relation to the regulations. If the member is happy for me to expand further on my first answer, I can give some further clarification to what I described as a continuing thing expressed in a different way. Under new section 37, the circumstances in which employers of teachers must make notifications to the board has been

expanded. An employer will need to notify the board if an allegation of unprofessional conduct is made against the teacher even if this does not result in the dismissal or resignation of the teacher.

Separately, an employer will need to notify the board if the teacher is not, in the opinion of the employer, a fit and proper person to be a registered teacher. If an employer dismisses the teacher or accepts their resignation for reasons of incompetence, then as the member has described, section 37 will now make it explicit that the employer must notify the board of the fact.

This in one way is not a new obligation as employers have an obligation under the existing provision to notify the board when a teacher is dismissed or resigns due to allegations of unprofessional conduct, and teacher incompetence would fall under the definition of unprofessional conduct in the act. However, amendment of this requirement was seen to be warranted as feedback on the operation of the legislation indicated it would be beneficial to make that explicit for the employers. Obviously the same suggestion was not made in relation to the following subclause but if there is any suggestion that that would be contemplated in the regulations, then I will let the member know.

Clause passed.

Remaining clauses (32 to 39), schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (16:22):** I move:

That this bill be now read a third time.

**Mr TEAGUE (Heysen) (16:23):** I take the chance to speak very briefly to the matters that I taxed the deputy leader on in relation to clause 7 and its proposed amendment, particularly that aspect of it that related to the mandating of nomination to the board by, firstly, the Australian Education Union on the one hand and, secondly, the Independent Education Union on the other to the extent of five out of the 10 to 14-member board.

I note that a proposition was put in the context of what we have all been talking about in terms of the merits and importance of registered, practising teachers and the contribution they make not only to the profession but the contribution they properly make in the context of this board. I wish to emphasise that my contribution in this regard ought not be misunderstood in any way, as it were, reflect upon the important role of those unions in the industrial space. They are both industrial unions and both proudly so. I think they both proudly describe themselves as such.

The thrust of my inquiry, and the view that I take the opportunity to put again, is that the opposition's proposed amendment linking the participation of teachers on the board with inevitable nomination by those unions in my view simply weakens the proposition. It weakens the argument. I hear the opposition having been somewhat stung by the notion that it might be embarrassing to them to find themselves in a position where nominating teachers equates to a nomination of teachers by the industrial unions—because I have no difficulty whatsoever with the proposition that teachers play an important part on the board, as is provided for in the bill—but what is very clear on the face of the material that the Australian Education Union in particular is publishing on a day-to-day basis is that it is concerned with industrial advocacy, and proudly so.

It highlights as its major ally not academic bodies or a university or places of consideration of questions of governance and the profession but rather, unsurprisingly, other industrial advocacy bodies, chiefly amongst them the ACTU. When it refers to its major publication considering priorities for public education now and into the future, it has a document that it describes as 'Priorities for 2018 and beyond'. That is a document that is preoccupied with industrial matters.

It may be said that might extend into matters of the quality of educational outcomes for children, resourcing and so on, but it is largely focused on industrial matters. In that regard, I think there is really a choice that is important to be made, and it would seem natural to me that if a teacher chooses to be a member of one or other of these unions, then that teacher might reasonably expect to receive the benefit of industrial advocacy that that union might be promoting.

And if that teacher found themselves—to use the deputy leader's terminology—perhaps in need of succour or support from the union when they perhaps found themselves in difficulty perhaps before the board, then they might turn to that union for assistance in advocacy for the difficulty that they might face. But it is a very different thing to say that the unions ought to control up to half of—therefore effectively the board itself—the membership of the board. It is for those reasons that I rather think that the proposition linked as it is by the opposition—teacher nomination equals union nomination—just rather weakens the proposition, and it is regrettable for that reason.

I certainly wish the union well in the task that it performs advocating for all sorts of things on behalf of those people who choose to be members of it, and I certainly commend the important work of our teachers.

I highlight that, in this sense and in this case, the bill as it is proposed by the minister gets the structure exactly right. It is a merits-based board, it contains provisions as to the particular minimal breakdown as far as representation is concerned and I note that, insofar as a parent and a legal practitioner are concerned—that is a matter that dates back to 2011 and the consideration as to membership that took place back then—broadly a structure of participation on the board that is uncontroversial but for this, what seems to me to be misplaced, connection between meritorious teacher participation on the one hand and a union endorsed, union-nominated gateway into this position on the other.

The emphasis should be on fearlessness, independence and merits. If you are going to be on this board, then you ought to be able to exercise judgement free of fear or favour and you ought to be able to do your job without fear that somehow in some people's eyes you might be regarded as being diminished or in need of some succour or support.

Finally, very briefly on the matter that lies ahead—because I think this is a matter that I hope is a cause for reflection on the merits—I note that the Australian Education Union is presently embarking on a campaign, as I said at the outset, to retain what it describes as 'our' Teachers Registration Board within its control by seeking to advance a petition, which it describes as something that it would use to lobby members of the crossbench as to its proper role, and to go about it that way.

Of course, they are welcome to go ahead and do that, but much more effective, in my view, would be the advancing of a meritorious argument in this place, and in the context of the structure of the bill, about that question: why is it a more effective position for the union to want to be nominating this bulk of the membership of the board rather than stepping back, being a reasonable and respected voice in this space and being prepared to be able to discharge functions, including to advocate for members who might find themselves in difficulty from time to time? That is very much the thrust of my thinking in this regard, and it is for all those reasons that I commend the bill and the minister's work in this regard to the house.

Bill read a third time and passed.

## **SINGLE-USE AND OTHER PLASTIC PRODUCTS (WASTE AVOIDANCE) BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 30 April 2020.)

**Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (16:33):** I indicate that I am the lead speaker on this side of the chamber, and I cannot tell you how delighted I am to have two bills in a row. In the case of this bill, as with the other one—where I indicated broad support but for my very serious concerns about the composition of the board—I am very pleased to support this piece of legislation. I indicate that we will be seeking to introduce a couple of amendments that are really about ensuring that there is adequate reporting and review, but we support the general tenor and contents of the piece of legislation.

I would say that plastics are probably the greatest symbol of the enormity, without any serious intention, of our harm collectively as human beings to this planet. The invention of plastic, the creation of the capacity to make plastic, was in many ways exciting and revolutionary and liberating for us as



a species. It was the capacity to make things that were useful to us in vast quantities at relatively low price, that could be thrown away if not needed, that were light and flexible and could almost infinitely be shaped into the kinds of products we find to be entertaining, delightful or useful.

It has also been extraordinarily useful as a way of keeping things clean. The hygienic value of wrapping things in plastic became a virtual obsession of Western society at least. Of course, it also allowed us to carry things around in plastic bags which were light, easy, cheap and easy to throw away when you had finished with them but which were able to hold products. You could go to the shops, and if you had not thought about how much you were going to buy that was okay: there was this free bit of plastic you got that you could throw the gear into, take home and then get rid of.

You can see how seductive plastic has been in the creation of large objects right down to very fine, flimsy film—and yet what a disaster, what a catastrophe for the planet, not only because of the use of oil to make plastics, which are the ultimate form of carbon and therefore the ultimate expression of our unwitting lurch into this terribly destructive path of climate change we are on. We in Australia need no lecture from any part of the world about the catastrophe that climate change represents, having lived through the last summer, having seen people die, having lost huge tracts of both natural land and cultivated land and having seen the catastrophe of air quality in our major cities.

The horror of last summer can be no greater testament, if testament were required, to the true scope, scale and extent of the catastrophe of climate change we are in the middle of—and plastic has its role in that. But not only that, plastic is poison for our planet and that very virtue we saw in it—how lightweight it is, how easy it is to get rid of, how cheap it is and therefore how little lasting value it has—has meant that it has gone not only into our waste streams and our landfills but also into our litter streams and thereby found its way through our watercourses and out into the ocean.

I have spoken about this film in this chamber before and it will probably not be the last time I will: the documentary *Blue* that turned me into a sobbing mess, I have to say, rather embarrassingly in front of a whole lot of constituents at the Odeon cinema in Semaphore. It displayed the horror of the experience of humanity for the creatures that live in the sea and most particularly but not exclusively because of our love of plastic and its disposability and the way it has made its way into the ocean. The fact that there are little chicks on Lord Howe Island that instead of having food put into their gullets by their parents have bits of plastic put in that their parents think—

**Mr Boyer:** It's far less strange than the speech you just gave, I can tell you that, believe me. It was the oddest contribution I have seen in a long time.

**Dr CLOSE:** I am sure you are not in any way reflecting that anybody in this chamber thinks my speech is strange, member for Wright.

That the parents of these chicks are taking bits of plastic out of the ocean thinking that they are food and forcing them into the gullet of their babies that then have pen nibs and bread ties instead of food, that that is the way we have polluted this planet with plastic, that micro plastic that has broken down and yet has not gone away is in the cells of nearly every animal species including us, that plastic bags find their way into marine mammals, into the tortoises, the turtles, the seals, the dolphins, the whales, and strangle inside if not outside these animals—that is what we have done through our love affair with plastic. It is well and truly time that we deal with this.

That is why I am so pleased to support this piece of legislation, because it is the beginning of dealing with the highly disposable bits of plastic that we do not need to continue to use other than in exceptional circumstances, and where we do we must recycle. We must not allow it to go into either the waste or the litter streams. I will have many questions about this bill, because this is an important piece of legislation and the decisions that we make will be looked at by other jurisdictions in Australia and elsewhere to see whether we have made the right judgements and to watch how that plays out.

The reason I have proposed amendments that are about review and reporting is that it is important that we not go, 'Here we go, plastics sorted. We've done a bit of legislation. Let's all move on.' We are at the very beginning of dealing with the extent of pollution that plastics is causing and

we need to know whether what we are doing is working, whether it has gone far enough and whether it has had unintended consequences. That is why that reporting is so very, very important.

I signal that I will be asking questions that relate to the oxo-degradable so-called plastics. They are plastic, but they are not what we would ordinarily think of as degradable. A lot of consumers will go looking for the right thing in the supermarket, they will see 'degradable' and they will grab it, but it is not compostable. In fact, by 'degradable' it simply means that it degenerates into those microplastics that make their way into the oceans and in fact into all of our food chains.

I will be asking questions about the very useful and important decision that is made in this piece of legislation to eliminate oxo-degradable plastics, and whether that is all of the kinds of plastic that represent that risk of misusing or misunderstanding the extent to which they are degradable and then getting them into the wrong chain where they cause more harm than good.

I will be asking questions about enforcement. We do have an extraordinary community in South Australia. We have demonstrated that most recently in our response to the COVID crisis. We also demonstrated it in the fact that South Australia has, ridiculously in some ways, led Australia for so long on the container deposit legislation and also on the elimination of single-use lightweight plastic bags. However, we should not be exceptional. We are wonderful and it is very good to be proud of ourselves, but really it is odd that the rest of Australia has taken so long to follow.

Even given the tremendous effort that has been made, I do not think that we can assume that the South Australian public will automatically and always do the right thing, and a bit of enforcement is necessary, as is a bit of publicity. So I will ask questions about the extent to which the government will ensure that those things happen appropriately.

Of course, there is also the very thorny question of the provision of plastic straws for people who genuinely need plastic straws in order to be able to have drinks out in public. That is not solved in this legislation. It is going to be solved through a regulation, but I will be asking questions. I imagine that my colleague the member for Hurtle Vale, who is the shadow for disability amongst other things, will also be very interested in how that is managed.

I will be asking questions about local manufacturers. While we support this legislation, we do want to understand the impact on local manufacturers. Although the legislation gives the provision for continued sale in jurisdictions where that is allowed, the question is about the short-term impact where that manufacturer might be highly dependent on the South Australian market. As I indicated, there is then that question of accountability. Having created this piece of legislation, how are we as a parliament and as a state to know that it is working?

I commend the government for bringing in this piece of legislation. I indicate our support and I look forward to the committee stage simply to ask a number of questions and to introduce what I think ought to be a well-accepted and easily agreed to amendment or two about reporting.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:44):** It is a pleasure to rise on behalf of the people of Stuart and our government as well, of course, in support of this bill. It is also a pleasure to follow the Deputy Leader of the Opposition on this topic, a topic I know she is deeply and genuinely connected to. I think that she just made a very eloquent contribution to this debate. I also appreciate the fact that she indicated the opposition's support for this bill. I look forward to seeing what amendments she and her opposition colleagues want to put forward, but it is terrific to have on the record that the bill as it stands has their support.

This is a very important topic. I am not a purist. I am not a person who thinks that every single little piece of plastic has to go straightaway. I saw the same movie that the deputy leader was talking about and, while I did not cry, I felt similarly as she did, although perhaps not as deeply. I remember being revolted by some of the things that I saw. I particularly remember the part that she was talking about with the parent birds feeding the chicks what they thought were pieces of food. They actually turned out to be hard plastic that was going to sit in their stomachs. I remember seeing the chicks' stomachs being pumped out to (1) try to save them and (2) do some important research and identify exactly the harm that had been done.

That said, we are not going to get rid of all plastic across the globe and we are not going to get rid of all plastic across South Australia anytime soon. I am not a purist, in that regard, but I am a

pretty nuts and bolts, down-to-earth sort of person. We need to do the best we can today. Tomorrow, we can do better. The day after that, we can do better, and the day after that we can do better. In the same vein as the Deputy Leader of the Opposition said, we cannot think that we are taking this step and then say, 'Good. Terrific. We got this legislation through parliament. Both major parties agreed, so that's terrific. We can move on to something else.'

This piece of legislation is, in my opinion, an outstanding start, and I pay full credit to the Minister for Environment and Water for bringing this to our party room and for bringing this to our parliament. It is an outstanding start. To outlaw the use of certain single-use plastics is a fantastic start. I also like the nuts and bolts pragmatic approach to say that the structure through the regulations will allow us over time to outlaw more and more single-use plastics as it becomes practical and as it is appropriate. Ideally, it would be as quickly as possible, but in my mind the ideal includes a strong dose of pragmatism about what the impacts of that would be.

I think that the minister has the mix just right. The proof of the pudding will be in five, 10 or 15 years when we know, hopefully, that subsequent parliaments, subsequent governments, subsequent members of parliament, premiers, leaders and all the different roles that we fill have increased the list in the regulations with things that are to be outlawed over time.

I would like to compare this issue with one that I am dealing with in my area of responsibility at the moment—in fact, the government as a whole has a strong interest in this—and that is the smelter at Port Pirie. This is a topic that all of us would be aware of. I hope that most South Australians are aware of this. There are people who say, 'Shut it down. It emits lead. Get rid of it.' I do not believe that is the case. I do not believe that is the appropriate approach. There are other people who say, 'It doesn't matter; it's been here for a hundred years. It's okay; it supports the community and we've all got jobs. Yes, it might be a bit of lead, but we manage, so just leave it alone. Don't take any risks with it.' I do not believe that is the right approach either.

In my mind, the right approach is to say, 'We must have this business, we must have this operation, we must have this employer in Port Pirie for decades to come, and we must have the smelter emit less lead over time as well—again, as quickly as possible, but with a big dose of pragmatism about it. Don't inappropriately damage the industry, the community and the world as we know it: guide it, steer it, push it or drag it. Do what you need to do in the right direction in an appropriate way.'

In the same vein, we are working very hard with Nyrstar, the EPA, the Department for Energy and Mining, the Department for Environment and Water and others to say, 'We know that we need this industry. We know that we value this company and its operations, but we are determined that it will emit less lead over time so that it will do less harm over time, and we want to move that way as quickly as is practical.'

We take the same approach with plastics. There are some single-use plastics—this is a bit of a judgement call, perhaps—without which we would struggle today, but there are some that we will not struggle without. The most immediate part of this transition has to be not so much about removing the use of plastic but moving from single-use plastic to multiple-use plastic or permanent-use plastic, or permanent-use other materials. The most common example that is often talked about is moving away from disposable plastic straws and moving towards paper straws, permanent-use plastics or stainless steel straws—people have their range of preferences here. In different people's minds there are pros and cons to all of those three examples, but all of them are preferable to single-use plastic.

The Minister for Environment and Water has found a way to bring a very sensible approach to parliament so that we can make the moves that we need to make and have the capacity to make them today but leave the door open to continue down that sensible path. We do not have to come back to parliament with an amendment bill when, hypothetically, we want to move from outlawing single-use plastics used for spoons, knives and forks to down the track outlawing another single-use plastic. It can be done by the government of the day. It can be done by a Liberal government or it can be done by a Labor government. It can be done in a sensible way because the Minister for Environment and Water and the Marshall government have brought this here for us.

It also begs the debate about why just plastic. Well, maybe because there is a lot of single-use plastic that could be removed. Every Clean Up Australia Day, I and no doubt many other people in this chamber are just amazed by what you find when you go out and clean up the sides of roads, waterways, mangrove swamps, a bit of the bush, perhaps parklands in a metropolitan context or, for other members, coastlines. The feature of the day for me is not so much the fact that it is usually a fairly hot day in March, at least in Wilmington where I live, and it is an effort and everybody comes together and it is productive and people are pleased to do it. The feature of the day for me is what you actually find. It astounds me what you find, including things that you would expect to be biodegradable.

The deputy leader mentioned the fact that what we would consider to be biodegradable plastic actually just becomes smaller bits of plastic, and in some cases invisible bits of plastic—that is my non-scientific description—but the plastic is still there. I am regularly amazed by cardboard and a range of other things that you would think would have deteriorated over six to 12 months, or would have biodegraded, in the way that we commonly think of it.

I am amazed by the number of tyres that you find in places that they did not get to by falling off a vehicle that was driving by. These tyres have actually been heaved down into these gullies. I am not suggesting that we remove single-use rubber or we outlaw tyres or anything at this stage. Maybe in 100 years we will get to something like that—50 years would be better—but I am amazed by the litter that I come across.

South Australians in the vast majority are very good about not littering, but there is a small segment of the community that still does it, whether that be their plastic straw from a fast-food outlet or whether that be their car or truck tyre which they deliberately roll into a gully and leave because they just could not be bothered disposing of it in an appropriate way. Car batteries are another item used in an offensive way by people.

There is a range of things at play here. There is plastic, there is pollution, there is deliberate littering, but what the Minister for Environment and Water has done is bring together a very practical approach that allows us to develop over time. But let's not just assume that that is going to happen. Let's not just think that it has been set for us and subsequent governments over time, whether it be a year's time for the Marshall government or 10 years' time for the Marshall government or, sometime after that, a Labor government. Let's not just assume that as time goes on it will automatically take care of itself.

I say to every member here: let's make sure that on a very regular basis we are assessing the next step we can take in regard to removing single-use plastics or potentially even another single-use pollutant. Let's do it sensibly. Let's not do it before time. Let's not do it in a way that has other consequences that would also cause our community great difficulty, but let's make sure that we are regularly assessing this so that we can be proud of what our parliament is doing.

I am assuming that this will get through both houses of parliament in a fairly swift fashion in the way that the lead speaker for the opposition and certainly the minister in our government intend in this chamber. Let's get this through. Let's get it through properly. Let's consider sensible amendments, and let's then use this legislation for decades to come to make South Australia the best place that it can possibly be.

**The Hon. Z.L. BETTISON (Ramsay) (16:57):** I stand today to support the amended bill before us. This bill continues South Australia's leadership in recycling and resource recovery for more than 40 years. We ask ourselves: why is this bill necessary? I guess the first thing to think about is: what is the damage that we are trying to fix? We know that eight million tonnes of plastic end up in the ocean each year, and that is what we are trying to prevent through the leadership in South Australia. Over many decades we have taken leadership nationally and internationally on this issue.

I would like to note the process to get to this point today. There was quite a detailed discussion paper, 'Turning the tide on single-use plastic products: approach and next steps'. If I remember correctly, YourSAy was involved in this. That was something that was developed over quite a period of time under the previous government, enabling a portal for information about topics

that the government of the day wanted to debate and discuss, and a forum for people to engage with government.

There was quite a substantial working task force on this, with industry, retail and disability groups showing broad support for the bill. However, as with any changes, it was important to raise issues of alternatives, exemptions, enforcements and impacts for costs on businesses and costs on different facilities.

It is noted that Green Industries SA received 3,564 submissions, comments and survey responses from members of the general public, and 68 submissions were received from industry stakeholders. I have to say that it is rare to have quite that many contacts from people, so this is obviously an issue people are interested in and willing to put their name to a paper or comment on to guide the decision-making.

As we know, on commencement of this legislation single-use plastic drinking straws, cutlery and drink stirrers will be prohibited from sale, supply and distribution, with the intention that 12 months forward from that polystyrene cups, bowls, plates and clamshell containers and oxo-degradable plastic products will also be prohibited. This bill today is the start of our saying this is a direction we want to go in in South Australia.

As advised, there is a six-month transition period for businesses to move to alternate products. The opposition has proposed some very moderate amendments, and I stand before you today to support those amendments to this bill. The amendments include two modes of review and the ability to report to the parliament on the proposed legislation. I think it is only just that we review this bill after three years, similar to what we did after plastic bag legislation came in. Many of us see only the opportunity to reduce landfill and plastics into the ocean, but are there unintended consequences for our state in introducing this and prohibiting single-use plastics? It is important for us to review this.

The second is a requirement upon the minister to report to the parliament annually on the enforcement of these bans, including the number of expiation notices and compliance checks by authorised officers. It is important that we as a parliament understand how this is working. We do not want to hear that it is just in name only and that actually exemptions are being called left, right and centre. This gives the parliament oversight of how this is working.

What I really wanted to talk about today is the record of South Australia as a leader and an innovator in this space. We are a leader in waste management, but it is noted that over decades of this investment it has only happened because of government legislation, building a supportive culture on positive waste management, education and infrastructure. It does not just happen on legislation alone, and this is really important every time we introduce new ways and prohibit old ways of doing things here.

I would like to spend some time to reflect on the former Labor government's leadership in this area. In 1977, the Dunstan government commenced the container deposit scheme and this was based on the Beverage Container Act 1975. At that time, the motivation was about littering. We were very concerned about the litter that was forming in our parks, on our beaches and on our roads, and the leadership of the Dunstan government of that time made people personally responsible for that litter.

You may recall the litter signs: here is the expiation (as we call it) or the fine for littering in this space at this time. It was only when I travelled overseas as a young woman that I realised how important government leadership was on that because I saw other places that did not have control of their littering. It is something we take for granted here quite a lot. Initially, that came in as the container deposit levy of 5¢, and this was reviewed in 2008 to change it to 10¢.

For 35 years, South Australia was the only state with container deposit legislation. We were the stand-out, and I am very proud that we did this. In fact, I remember that in primary school it was a fundraiser to go around with a trailer (some of you might remember this) to collect everyone's beer bottles and get the money back for the school. It was before we had our recycling bins, and people would collect them and get the money back as a fundraiser.

In 2017-18, more than \$60 million was refunded in South Australia using this scheme. It reached its height in 2011, when the return rate for recyclables was 81 per cent. That is a huge amount. We saw it drop off a little bit, and in 2017 it dropped to 77 per cent. What this tells us is that, even though something has been established for a long time, it is important that we educate people, that we remind people how important it is to participate and to recycle.

In 2009, the Rann government introduced the plastic bag ban. We were the first state in the nation to place a ban on lightweight check-out style bags. It gave us some options: we could purchase a heavier bag for 15¢, but South Australians were encouraged to bring their own bag. I recommend a 'Zoe Bettison, member for Ramsay' bag if you live in Salisbury or Paralowie. I am often out in my local shopping centre at Parabanks and I spy one of my bags because they are used over and over again. I know I am not the only member in this house who has their bags, but it goes hand in hand with the message that we want to be using bags that can be used over and over again.

We saw that this introduction in 2009 resulted in a reduction in the quantity of plastic in the waste stream. Keep Australia Beautiful estimated that there was a 45 per cent decrease in plastic bags in the waste stream between 2009 and 2012. We know that government leadership, decisions and legislation have an impact on this, but what is most important is a change in behaviour.

I know that I have a series of bags in the boot of my car, and when I head off to my local Saints Road Foodland or the Woolworths I pull out those bags and use them again. But we did not always do that and we did not do it overnight, so the important thing is to develop and support cultural change. There was a five-year period of review, and in 2011 a plastic bag ban empirical study was undertaken by the Ehrenberg-Bass Institute for Marketing Science at University of South Australia. It demonstrated that, since the ban took effect, nine out of 10 shoppers took re-usable bags to do their shopping and that compared with only six out of 10 prior to the ban.

In South Australia, other areas of introduction to support recycling and resource management were the Zero Waste SA Act 2004 and of course many waste management strategies that are managed by Green Industries in South Australia. What are the outcomes of some of this leadership? A litter stream report in 2018 showed us that CDL containers and plastic bags took up only 2.8 per cent of litter items in South Australia.

We were in the leadership compared with all other states and territories, and South Australia has the highest diversion rate of waste recycling, with 83.6 per cent of waste generated diverted from landfill. There are also added benefits of the development of recycling and the development of green industries through employment in this area, and of course we can also capture the market value of the recovered resources.

In getting my background information for this, I was able to have a conversation through my office with the local CE of BioPaks, Gary Smith, who is the local distributor based at Cavan. We use these BioPaks in our very own cafeteria, the Blue Room—a wood knife, fork and napkin set. Known as bioplastic items, they are made from organic biomass sources, such as vegetable oils, cellulose, starches, carbohydrates, acids and alcohols.

The production of these products produces less CO<sub>2</sub> than pure plastic products, and their overall environmental impact is typically lower than that of conventional plastics. Most importantly, these BioPaks can break down within 180 days and are compostable. It is important that when we make these changes we feel that South Australians are supporting us.

In discussions with Gary Smith, he quoted that prior to COVID-19 about 50 per cent of businesses in the Adelaide CBD had transitioned to these BioPaks. So people were already saying before we introduced legislation that they wanted to see a change. Gary Smith said that what has been very interesting is that since the events of COVID-19 the suburban reach for a transitioning to BioPaks and compostable resources was nearly 70 per cent. So we have actually seen during this very difficult and very challenging time that people are still wanting to know that what they are doing is best for the environment.

Consumers and businesses have already spoken before the state government actually moved on this legislation. I do think there is an important role for legislation, but it cannot be in the absence of education and investment in infrastructure. Although I rise today to support this bill, I would say to the minister that we must make sure that we go out there with information, particularly

over this long transition period, to make sure that we are reaching out—whether it be to the retailers, the distributors or the manufacturers of these products—to ensure they are clear about what they can and cannot do. I support the bill in an amended form.

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (17:11):** I rise today to speak in support of the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020. I commend the Minister for the Environment and Water for bringing forward this bill, which is incredibly popular in the Adelaide electorate. We have a lot of people who are very environmentally minded and see this as a very positive step forward. We have had very good engagement in my electorate sending out a survey, and we had a very high participation rate of filling in that survey and sending it back to our office.

Plastic production around the globe has increased from 15 million tonnes in 1964 to 311 million tonnes in 2014. I read that this is almost the same weight as the entire human population and will continue to grow at alarming rates. Plastic production is expected to double over the next 20 years. Most plastics are produced from fossil fuels, which use about 6 per cent of global oil consumption. Plastic rubbish ends up in our stormwater drains and out at sea, and at least eight million tonnes of plastics end up in our oceans each year. If we continue using our plastics in this way, by 2050 there will be more plastics than fish in the ocean.

Many of my constituents are very concerned about the effects that humans are having on the environment and are very keen to do their part to reduce waste. The Single-use and Other Plastic Products (Waste Avoidance) Bill puts into practice what so many of us already support—a banning of the sale, supply or distribution of single-use plastic straws, cutlery and drink stirrers. In 12 months, this will be extended to the distribution of polystyrene cups, bowls, plates, clamshell containers and oxo-degradable plastic products.

The Marshall Liberal government released the discussion paper 'Turning the tide on single-use plastics: approach and next steps' on 8 July 2019. The plan outlined how South Australia would ban certain products, including plastic straws, cutlery and stirrers and then takeaway polystyrene containers and cups.

Following wide community and stakeholder support, this legislation now puts in practice the plan to ban a range of other plastic products over a period of time. Businesses have responded to their customers' calls for the ban and have embraced the banning of single-use plastics wherever possible; in fact, many have turned to the use of cardboard, paper and bamboo products instead of plastic.

In my electorate, many of the coffee shops were already giving discounts encouraging the use of keep cups prior to COVID, and others, such as Cibo, had recycling bins, with others using compostable cups. Certainly, the Prospect council at a lot of its community events has been very proactive in supporting and encouraging that all the products that serve food and coffee and everything have to be compostable, so they are really leading the way. The Adelaide city council is also doing a fantastic job, so I am very lucky to have very proactive councils in my electorate.

Although the COVID-19 health crisis has slowed down the implementation of single-use plastics from a six-month transition period to a later proposed date, I am confident that the community will overcome the recent challenges and continue transitioning away from plastics as a positive environmental measure. South Australia is leading the nation in waste management and recycling, initially with our container deposit legislation, which was introduced in 1977, and then in 1995, with the introduction of the 10¢ refund on cans. This policy, which is as successful today as it was when it was introduced in 1995, ensures that statewide recycling can capture over 90 per cent of items for recycling compared with other states, which recycle only 30 per cent.

We have also led the way with 87 per cent of material recovered through diversion being recycled in our state. There are considerable economic and environmental opportunities to develop methods to re-use, recirculate and reproduce plastics to prevent these items becoming garbage and entering landfill. This is sensible legislation that will be embraced and welcomed by the community. It includes commonsense provisions such as allowing those with a disability or medical needs to be able to use single-use plastic straws. There are some other items, such as fruit boxes and yoghurts with spoons in their packaging, that will also still be allowed. There is significant community and

industry support and my own electorate, as I have mentioned, is very supportive of these government measures.

As I mentioned earlier, we had an electorate survey that was sent out in November 2019 during National Recycling Week. It was printed on 100 per cent recycled botany brown paper using soy-based ink, so we are trying to do our bit as well. This electorate-wide survey received one of the highest responses of any of my surveys over the last 10 years. There was 91 per cent agreement on the banning of single-use plastics, 88 per cent agreement on the immediate banning of plastic-lined coffee cups, 90 per cent agreement on plastic plates and cutlery being banned, 95 per cent agreement on plastic stirrers, 87 per cent agreement on thick plastic bags, 94 per cent agreement on the banning of plastic straws, and 90 per cent would like to see the phase-out over 12 months, expanded to include the polystyrene cups and food containers and non-compostable bags.

There are many new inventions and new ways to replace plastics. I believe the Prospect and Walkerville councils have held workshops on making your own beeswax wraps. Instead of using Glad Wrap you can use beeswax covers that you can put over your jars, and I have a set of them. Of course, everyone is getting into re-using glass jars and sealed containers, and, if you grew up in the seventies, you probably have Tupperware containers in your cupboards that you could still use. But we need to do our part. There have been lots of workshops in all of my council areas on recycling, correct recycling, re-using what we can and also trying to buy less.

There is the nude food movement, of course. I would love to see somebody open a supermarket with no wrapping in my electorate. I think it would go very well, if anyone is out there listening. I note that one of the former speakers mentioned Clean Up Australia Day. For Clean Up Australia Day this year, I cleaned up a section in the Adelaide Parklands and would you believe that the things I picked up the most were those covers that are put around shrubs in order to protect them. Those shrubs were now giant trees, definitely not in need of protection, but they were still stuck at the bottom, some of them in varying degraded ways that spread that green plastic all over the Parklands. We might need to really think about a better tree cover that breaks down without leaving mess everywhere, as occurs with the plastic-coated tree protectors. I welcome this initiative and I commend the bill to the house.

**Ms COOK (Hurtle Vale) (17:20):** I am supporting this bill, which is eminently sensible and supports the conversations that we as parents constantly have with our children about sustainability, our environment and the need to do things that protect our community in the future from rubbish and all these awful things. Non-compostable and biodegradable wastes do build up, but also our children are absolutely attuned to the dangers of micro and small pieces of plastic and the damage that straws can do.

From an environmental point of view, it is fantastic to see South Australia again leading the way, as we know we have done over the years. Of course, those opposite are now picking up the baton and running with this, following the Labor government and so many wonderful initiatives that were groundbreaking for South Australia but also firsts in Australia and no doubt the world. I have family in Queensland (I call them my crazy Queensland family) and I have visited there so many times and shaken my head at the nonsense and the rubbish build-up that they have had over the years. They were agitated about using re-usable shopping bags and a whole range of other things that have been put into place, but then three days after the rubbish was taken they were unable to find somewhere to put their rubbish at home because their bin was already full of so much stuff.

I think it is a great thing that we are doing here in South Australia working together. I also support the shadow minister, the member for Port Adelaide, in terms of some of the very sensible suggestions that she has made. It is a no-brainer to establish the need for a review for this piece of legislation. I see no reason for us not to support that and for a report to be brought back to the parliament so that we can have some checks and balances in place as to how this is rolling out. I am sure that over the ensuing years we will find other things that we can put into place. I hope that the minister, given the opportunity to go away and consider these amendments, will support them also, with the backing of the party room of the government.

In my capacity as spokesperson or shadow minister for human services, I want to raise a couple of specific points rather than talk for a long time on the pros and cons. I have spoken to hundreds of people in the disability community, and we put out consultation about this quite some



months ago now, early last year even, regarding the plastic straws being an issue for people with disability. I am not going to explain all the different circumstances where one might need to use a straw, but let me say that people with disability deserve a voice in this, they also deserve not to be questioned about this and they definitely deserve not to be questioned about the legitimacy of their disability.

What we need to do is to put in some strategies so that people with a disability have an alternative so that they are not challenged when using the alternative and that they are able to access the alternative product. Sometimes, sadly, it seems that the alternative may well be plastic straws, but we will just have to see how this all rolls out in the wash. I understand this is not going to be enshrined in the legislation but more regulated down the track, so we will be keeping a really close eye on those regulations and of course asking some questions in committee.

I will make a few small points, namely, that without a straw many people with a disability cannot drink. Without a straw, it is impossible for them to drink because they are unable to lift a cup by themselves, and nobody should have to seek the assistance of somebody else to bring a cup up to their mouth if that is not what they want to do. There are many alternatives to the plastic straw that have been offered up. I would say to you that the paper straw becomes a slurry in a hot drink. A metal straw becomes too hot or too cold with fluid going through it. I am told that bamboo straws can break down. They are also not appropriate for people to be able to carry around and wash and clean.

There are glass straws. I met with a very close friend Anne Briscoe, who lives with multiple sclerosis, and she has a set of very nice glass straws, but those straws do not give you a second chance on a tiled floor. I think that they are not going to be helpful. Apart from being quite nice to drink with and aesthetically pleasing, they are not going to be suitable for everybody.

For people living with a disability, compromised immune systems can be an issue and these people simply cannot use re-usable straws. I am pleased to see there will be provisions made through the exemptions for people living with disabilities to purchase straws. There will need to be some cafes, pubs and other environs that will need to be able to supply said straws.

Could everybody please make sure they understand that it should not be contingent on a person with a disability to have to explain themselves over and over again? I am sure all of you have heard people being challenged about their disability in relation to getting other permits, identification for taxi vouchers, etc. and the NDIS. They should not have to do that. I will be carefully questioning the minister during the committee stage to make sure there is not an unnecessary burden of proof.

Apart from that, I am really pleased to support the bill and to ask questions during the committee stage, and I support the eminently sensible amendments offered by our shadow minister for environment, the member for Port Adelaide. I commend the bill.

**Mr DULUK (Waite) (17:26):** I also rise today to speak on the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020. As so many in the chamber have already expressed in their contributions, I think that there is broad support for this bill. It is common sense, and I think South Australians for many years now have led the way on waste reduction, protecting the environment and conservation. I know that is something that is very true and held dearly in my electorate.

My electorate is full of natural open areas: Belair National Park, Waite Conservation Reserve and many other open spaces. Its electors are certainly environmentally conscious and want to see a proactive legislative agenda in this matter from government, so it is fantastic to see the government at the moment is proposing this debate. Part of protecting that environment and looking after our precious resources is indeed the reduction of waste and acknowledging that waste does have an impact on our environment. As a whole, as the member for Hurtle Vale alluded to in her contribution, there are a lot of good points in the bill, but there are some points that we need to nut out in the committee stage, especially around those in the disability sector.

Plastics, of course, are part of our everyday lives. They are durable, versatile and low cost. They provide high strength-to-weight ratios for many products these days to make more efficient instruments, such as cars and planes. Of course, those types of plastics using these instruments help with fuel consumption and reduce emissions. However, we are all aware of the widespread

negative impact of plastic waste. According to Green Industries SA, over the last 50 years plastic production has risen from 15 million tonnes to 311 million tonnes and this is expected to double over the next 20 years.

Even small portions of that tremendous level of plastic products becoming waste in our environment leave us with significant adverse impacts across the globe. Our oceans, rivers, beaches, marine life, national parks and wildlife suffer instrumentally from plastic litter and waste. This then flows on to impact the economy, including fisheries, tourism and shipping. The cost to the marine ecosystem alone, as a result of plastic litter, is estimated by the United Nations to be \$13 billion per year across the globe.

With plastics forming such a widespread part of our everyday life, yet also having such devastating negative consequences for our environment and our economy as waste, a balance needs to be found. Once again, Green Industries SA summarises the current situation well when they say:

While plastics are convenient, adaptable, useful and economically valuable material, these need to be better used, re-used and recycled.

I am immensely proud that our state leads the nation in recycling, with a staggering 84 per cent of our waste redirected from landfill and put to better use, and we have been doing so for many years. South Australia, as you know, Mr Deputy Speaker, led the way with our container deposit scheme, established over 40 years ago to deal with litter reduction and resource recovery. In the context of this debate, it may be an opportune time to look at how that container deposit scheme could potentially be further enhanced and improved.

In 2017 and 2018, South Australia collection depots recovered almost 603 million containers, refunding over \$60 million to the community. This wonderful initiative also helps community groups, sporting clubs and charities with much-needed funds. I certainly know that the Scouting organisations in my electorate, especially the Belair and Blackwood Scouts, are always out there collecting bottles and cans for recycling and raising much-needed funds for their scouting organisations.

We were also the first state to ban lightweight plastic bags at the check-out. Each year, since its implementation in 2009, this has helped remove 400 million single-use plastic bags from circulation in South Australia and has helped stimulate the development of alternative products. In this debate around single-use plastics, it is not just about the positive environmental effect of removing single-use plastics from circulation; it is about the stimulus to the market in creating alternative products. As we move through this COVID world, it is about what South Australia can really excel at and take advantage of, and of course that is manufacturing, in which we have had such a proud history. An area that we can go back to is secondary industries in recycling.

The pioneering efforts in the recycling space have led to a positive change in consumer behaviour, provided a great example for other states and territories to follow and brought praise from organisations like UN-Habitat, which wrote in 2010:

South Australia has demonstrated a high level of political commitment and willingness to 'stick its neck out' and implement some policies and legislation upon which other administrations take a more conservative position.

When we focus on re-using and recycling, we reap significant environmental and economic benefits. A focus on returning materials back into the economy, and re-using those materials again and again, means less waste and more opportunities for alternative product development. Recycling also generates jobs for South Australians. Once again, Green Industries SA estimates that for every 10,000 tonnes recycled 9.2 jobs are created, compared with 2.8 jobs for every 10,000 tonnes deposited into landfill. It is encouraging that this bill is a further step in continuing that proud legacy of recycling and environmental protection.

Since 2003, the recycling rate here in South Australia has improved by almost 22 per cent, as of 2017-18. Our state's vigilance in recycling metals, organics, masonry, glass, cardboard, paper and plastics has led us to have the best per capita resource recovery rate in the country. This means that 1.25 million tonnes of greenhouse gases are not being released into our environment, and that is the equivalent of planting two million trees. Every small effort in this regard makes a huge difference. Each South Australian plays their part in this success story when we use our yellow and green bins each day, adapting our own behaviour to embrace growth in recycling methods.

Nationally, COAG continues to focus, through the National Waste Policy, on improving the recyclability of our waste, increasing our capacity to recycle and improving the demand for recycled products. In this endeavour, it is vitally important that our recycling industry works well with our manufacturing sector and other new and emerging industries. The government, as one of the lead agencies and through the work of the EPA, works with industry and with our manufacturers to support those emerging industries and give them confidence and surety in their processes. Both stakeholders need to understand the aims and priorities of the other in order to ensure our recycling efforts complement the capacities of manufacturing and other industries.

Single-use plastics, such as straws, cutlery, cups, packaging and takeaway containers, feature prominently in the top 10 littered items in South Australia. I know that many of us participate in Clean Up Australia Day, and this year I was out with the Blackwood Action Group, a very keen local interest group in my community. We walked up and down Shepherds Hill Road and the predominant waste we were picking up was, indeed, plastic straws, cutlery, plastic packaging and the like.

It is estimated that in South Australia we use 700,000 straws each day and somewhere between 190,000 and 575,000 disposable coffee cups each and every day. I know that over the last three or four months of COVID-19, with more of us having takeaway coffees, that number will certainly have spiked. That is a lot of plastic in our landfill and polluting our environment each day. Recent years have seen increasing research into the damaging effects of these single-use items followed in parallel with an increase within communities to address the problem.

Through consultation, the Stakeholder Taskforce and the plastic-free precinct trials we can see clearly that South Australians want to embrace action on single-use plastics. Businesses are willing to work with government in moving away from these products, as demonstrated by many businesses already reducing their use and turning to environmentally friendly alternatives. Indeed, some businesses in my electorate are really to be commended for embracing single-use plastics already. I can bring to mind the Fish Man, Botanic Chicken and Seafood and The Little Leaf and Bean Cafe in Blackwood that have already eliminated single-use plastics from their takeaway operations.

Whilst I am broadly supportive of this bill, I want to voice my thoughts in relation to the disability sector and their needs in regard to single-use plastics, especially being vigilant in relation to durable and appropriate drinking straws, and I know that this will probably be elaborated further on in the committee stage. I know that broadly the disability sector is supportive of these changes, but we just have to make sure that people do not feel that what they currently use as, for example, drinking straws, will be removed from them and their ability to participate in outdoor dining and the like. It is very important that we look after them and have the disability sector front of mind.

Another key issue is acknowledging the important role that packaging plays in the fresh food industry. I would ask the minister to seriously consider the views of this industry in looking at how we can continue to use packaging to keep our food fresher for longer while also addressing plastic waste. Plastic packaging provides a number of benefits to the fruit and vegetable industry. It assists in what Dr Simon Lockrey, RMIT University's sustainable product expert, calls 'a balancing act between packaging and food waste'.

The Australian Fresh Produce Alliance commissioned RMIT University to conduct research into understanding the role of packaging of fresh produce. The report from this study stated that while there is concern about the level of packaging, quote:

...there are practical reasons for using packaging for certain fresh produce whether it be to ensure product integrity in the supply chain, extended shelf life and/or to avoid food waste.

Plastic packaging helps protect fresh produce on long supply chains from producer to consumer. It also supports safe food production and promotes food security. It is estimated that \$20 billion worth of food is lost or wasted in Australia each year, the equivalent of around 7.3 million tonnes of food.

Packaging extends the shelf life of fresh produce, thereby helping to reduce food waste. For example, plastic film can extend the shelf life of a cucumber from a few days to around 14 to 20 days. By keeping food fresher for longer, there is more opportunity for food to be purchased and then

consumed, and this is vital from a food wastage perspective and allows more Australians to access more nutritional food and seek that as an alternative to takeaway or off-the-shelf product.

Minimising food wastage is important in protecting the environment. Indeed, many studies have found that the climate impact or carbon footprint of food waste can be higher than that of the packaging used to keep it fresh. Packaging of fresh produce allows more fruit and vegetables to be available to Australians so that they can eat more nutritious food. This is especially the case in regional and remote Australia, and indeed South Australia, where haulage times are longer and where produce needs to travel further to get to the plate of the consumer.

Last year's National Health Survey found that only 51.3 per cent of Australian adults consumed the recommended daily intake of fruit. With obesity and other chronic diseases, such as diabetes, becoming real concerns for our population, helping more Australians eat more fruit and vegetables has to be a key focus. Packaging of fresh produce also protects food along the supply chain, giving people with allergies peace of mind that the products they are purchasing have not been exposed to other elements. A coeliac, for example, has confidence when purchasing a food product wrapped in plastic that the product has not been exposed to gluten while it was transported or while on display in the shop.

All these elements need to be considered in any move to change the packaging of our fruit and vegetables. There may indeed be better methods of maintaining this. We could work on shorter supply chains, promoting more ways for consumers to deal directly with producers and even develop innovative packaging solutions to replace plastic. We also need to look at the other end of the problem when thinking of plastic packaging or fresh produce and other products.

As part of the circular economy approach to packaging, can we do more to consider allowing soft plastics to be part of recycling that we do in our homes each and every week? Places like Woolies and Coles already offer to recycle people's soft plastics. Could recycling soft plastics through our household rubbish collection be a viable option in the future? I certainly hope so.

In conclusion, in the implementation of this legislation I urge the government to pay attention, to ensure that South Australians are aware of the changes that hopefully will be coming their way, that we look after small business and people who are going to be affected by this transition. Whilst I welcome the bill and believe it will have a positive impact on our environment, I believe it is so important to South Australians to lead the nation in preserving our natural environment and resources for future generations and indeed creating industry from what is an every day problem.

Debate adjourned on motion of Hon. S.K. Knoll.

#### **STATUTES AMENDMENT (BAIL AUTHORITIES) BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

#### **CRIMINAL LAW (LEGAL REPRESENTATION) (REIMBURSEMENT OF COMMISSION) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

At 17:43 the house adjourned until Wednesday 3 June 2020 at 10:30.

*Answers to Questions***PFAS DISPOSAL**

**40 Mr PICTON (Kaurna)** (29 April 2020). How many residents from Seaford Heights, Seaford Rise and Maslin Beach were proactively consulted about plans for a PFAS dump at the corner of Main South Road and Tatachilla Road, McLaren Vale?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):** I have been advised:

The EPA engaged with residents within the 60 metre statutory notification boundary and advertised in *The Advertiser* about Southern Waste ResourceCo's application to receive, treat, store and dispose of waste contaminated with per- and polyfluoroalkyl substances (PFAS) at its existing EPA licensed landfill site.

Furthermore the EPA also undertook a wider community engagement process than required under legislation, including a media release to Adelaidenow, AAP and InDaily on 6 April 2020.

**PFAS DISPOSAL**

**41 Mr PICTON (Kaurna)** (29 April 2020). How many houses were letterboxed during consultation regarding the proposal for a PFAS dump at the corner of Main South Road and Tatachilla Road, McLaren Vale—and how many people letterboxed in each suburb?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):** I have been advised:

On 3 April 2020 the Environment Protection Authority (EPA) sent letters to all property owners within the 60 metre statutory notification boundary in regard to Southern Waste ResourceCo's request to amend its current licence for its landfill on Tatachilla Road, McLaren Vale.

There are a total of 17 certificates of title within that statutory notification boundary, owned by eight landholders who were sent letters.

**PFAS DISPOSAL**

**42 Mr PICTON (Kaurna)** (29 April 2020). How close will the proposed PFAS dump at the corner of Main South Road and Tatachilla Road, McLaren Vale be to the nearest private residence?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):** I have been advised:

The nearest private residence is approximately 385 metres from where Southern Waste ResourceCo proposes to dispose of waste contaminated with per- and polyfluoroalkyl substances (PFAS), within its existing EPA licensed landfill site which has been operating since 1993.

**PFAS DISPOSAL**

**43 Mr PICTON (Kaurna)** (29 April 2020). On what date was the Minister for Environment first briefed about the proposed PFAS dump at the corner of Main South Road and Tatachilla Road, McLaren Vale?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water):** I have been advised:

With regard to Southern Waste ResourceCo's request to amend its current licence for its landfill on Tatachilla Road, McLaren Vale, my office became aware of correspondence being sent out to the community on 3 April 2020.

**JOBSEEKER PAYMENT**

**49 The Hon. S.C. MULLIGHAN (Lee)** (29 April 2020). What is the cost of the one-off boost of \$500 and bringing forward the 2020-21 Cost of Living Concession for households who are receiving the Centrelink JobSeeker payment?

1. How many recipients does the government estimated are entitled to receive these payments?
2. As at 28 April 2020, how many of the one-off payments had been made?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

At the time of announcing the temporary changes and one-off increase to the costs of living concession (COLC) it was estimated that these changes would cost about \$27.5 million (not including around \$2.4 million pulled forward from 2020-21 to 2019-20).

These estimates assumed that around 12,100 existing COLC recipients would be eligible for the \$500 boost and bring forward of the 2020-21 COLC and also provisioned for new JobSeekers to become eligible as a result of restrictions put in place in response to COVID-19.

This initiative was established and costed before the JobKeeper payment was announced by the commonwealth government. The introduction of JobKeeper will assist impacted households financially and help them maintain a relationship with their employer.

As at 30 May 2020 a total of 16,661 one-off boost payments had been made. Payments to new recipients will continue to be made on a weekly basis as they apply and have their eligibility assessed.

**LAND TAX**

**50 The Hon. S.C. MULLIGHAN (Lee)** (29 April 2020). How many property owners are estimated to receive reductions in land tax bills as result of the \$50 million in land tax relief announced on 24 April 2020?

1. How many of these are estimated to be residential property holdings?
2. How many of these are estimated to be commercial property holdings?
3. How many ownerships are estimated to benefit in each of the land tax thresholds in both the 2019-20 year and 2020-21 year?
4. What is the estimated cost of relief in each of the land tax thresholds in both the 2019-20 year and 2020-21 year?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

The scheme announced by the government on 24 April 2020 provides relief of 25 per cent on a landlord's 2019-20 land tax liability for an affected property subject to the landlord and/or tenant meeting the scheme's eligibility criteria. The land tax relief scheme does not apply to 2020-21 land tax liabilities.

It is estimated that up to 20,000 ownerships could benefit from the land tax relief scheme, including up to 14,000 residential ownerships and 6,000 non-residential ownerships. However, the actual number of landholders to receive relief under the scheme will vary and depend on the actual number of landlords and tenants who fulfil the scheme's eligibility criteria.

The Department of Treasury and Finance has estimated the potential number of ownerships and cost of the scheme at the aggregate level rather than by each land tax threshold.

**ECONOMIC STIMULUS PACKAGE**

**52 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at the close of business Friday 8 May, how many \$10,000 grants had been paid to small businesses as part of the state government's economic stimulus package?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at the close of business Friday 8 May 2020, 1,311 small business grants had been paid.

At the close of applications on 31 May 2020, a total of 20,207 applications had been received, with 11,959 small business grants paid.

**UNEMPLOYMENT FIGURES**

**56 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast the unemployment rate will be in South Australia for 2020-21?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 12 May 2020, Treasury has not finalised forecasts for the unemployment rate in South Australia for 2020-21.

Forecasts for key economic indicators will be published in the November state budget following cabinet approval.

**EMPLOYMENT FIGURES**

**57 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast employment growth will be in South Australia for 2020-21?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 12 May 2020, Treasury has not finalised forecasts for employment growth in South Australia for 2020-21.

Forecasts for key economic indicators will be published in the November state budget following cabinet approval.

**UNEMPLOYMENT FIGURES**

**58 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast the regional unemployment rate will be in South Australia in 2020-21?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

Treasury does not prepare forecasts of the regional unemployment rate in South Australia.

**STATE ECONOMY**

**59 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast GSP growth will be in South Australia for 2020-21?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 12 May 2020, Treasury has not finalised forecasts for GSP growth in South Australia for 2020-21.

Forecasts for key economic indicators will be published in the November state budget following cabinet approval.

**STATE FINAL DEMAND**

**60 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast state final demand growth will be in South Australia for 2020-21?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 12 May 2020, Treasury has not finalised forecasts for state final demand growth in South Australia for 2020-21.

Forecasts for key economic indicators will be published in the November state budget following cabinet approval.

**CORONAVIRUS, EMPLOYMENT**

**61 The Hon. S.C. MULLIGHAN (Lee)** (13 May 2020). As at 12 May 2020, what does Treasury forecast will be the impact of COVID-19 on the average South Australian weekly wage?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

Treasury does not prepare forecasts of the average South Australian weekly wage.

**LOCAL HEALTH NETWORKS**

**73 Mr PICTON (Kaurna)** (13 May 2020). What was the total number of casual nurses available to work in metropolitan local health networks (CALHN, SALHN, NALHN) for each of the fortnight pay periods of:

- (a) 11 April to 24 April?
- (b) 28 March to 10 April?
- (c) 14 March to 27 March?
- (d) 29 February to 13 March?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

In March 2020, SA Health employed 2,331 casual nurses/midwives (headcount), equalling to 926.9 FTE.

Over the three weeks (4-23 April) 2020, 1,662 casual nurses and casual midwives have had zero or one shift.

804 did not record any shift availability in the rostering system.

**LOCAL HEALTH NETWORKS**

**74 Mr PICTON (Kaurna)** (13 May 2020). What was the number of casual nurses who were available for work in metropolitan local health networks (CALHN, SALHN, NALHN) who did not receive a shift during each of the fortnight pay periods of:

- (a) 11 April to 24 April?
- (b) 28 March to 10 April?
- (c) 14 March to 27 March?
- (d) 29 February to 13 March?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I can advise:

I refer the member to the tabled response for HA-QON-52-2-73.

**LOCAL HEALTH NETWORKS**

**75 Mr PICTON (Kaurna)** (13 May 2020). What was the number of casual nurses who were available for work in metropolitan local health networks (CALHN, SALHN, NALHN) who only received one shift during each of the fortnight pay periods of:

- (a) 11 April to 24 April?

- (b) 28 March to 10 April?
- (c) 14 March to 27 March?
- (d) 29 February to 13 March?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I can advise:

I refer the member to the tabled response for HA-QON-52-2-73.

#### **PUBLIC HEALTH SERVICES**

**76 Mr PICTON (Kaurua)** (13 May 2020). How many of the 1,700 health professionals who had responded to the government's expression of interest for clinical and allied health staff as at 7 April 2020 were provided public health work as a result of their registered interest?

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 27 May 2020, a total of 19 health professionals have been provided work as a result of their registered expression of interest.

#### **CORONAVIRUS**

In reply to **Mr PICTON (Kaurua)** (25 March 2020).

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

As at 25 March South Australia had 384 ventilators across the public and private sectors.

More ventilators have been acquired or secured since then.

#### **SHOULDER SEALING**

In reply to **the Hon. G.G. BROCK (Frome)** (25 March 2020).

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning):**

The Department of Planning Transport and Infrastructure commenced the shoulder sealing works on Blyth Plains Road in mid-March 2020. The estimated completion date is mid-May 2020.

The department tendered for the material to departmental prequalified quarries that were used in the recent past.

Following a review of the location, a new tender was issued to include the Heinrich Quarry.

#### **SMALL BUSINESS GRANTS**

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (28 April 2020).

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

At the close of applications on 31 May 2020, a total of 20,207 applications had been received, with 11,959 small business grants paid.

Where a business has submitted a complying application which meets the eligibility criteria and has provided the necessary evidence, the application is approved for payment in 14 days on average.

#### **CHILD PROTECTION**

In reply to **Ms STINSON (Badcoe)** (30 April 2020).

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection):** I have been advised:

With the exception of South Australia Police, the Department for Child Protection does not use third parties to undertake its child welfare checks or to investigate child protection notifications. The department's management of these core functions has not changed as a result of the COVID-19 pandemic.

#### **CHILD PROTECTION**

In reply to **Ms STINSON (Badcoe)** (30 April 2020).

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection):** I have been advised:

The Department for Child Protection provides an essential service and has continued to operate throughout the COVID-19 crisis. Similarly, the Department of Human Services' early intervention family supports have been maintained during this period.

#### **CHILD PROTECTION**

In reply to **Ms STINSON (Badcoe)** (30 April 2020).



**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection):** I have been advised:

For the three months of February to April 2020, the rate of placement breakdowns as a proportion of total placements was 1.44 per cent. This is a reduction of 1.17 percentage points, when compared to the February to April 2019 period, where the figure was 2.61 per cent.

It should be noted that these figures exclude respite placements, post 18 placements and emergency placements.

#### **SA PATHOLOGY**

In reply to **Mr PICTON (Kurna)** (13 May 2020).

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

SA Pathology has established a team of domiciliary nurses and phlebotomists with the capacity to immediately test everyone in a congregate care facility, such as an aged-care facility, if an outbreak occurs, helping to quickly identify cases, limit the spread and protect both vulnerable residents and staff.

SA Pathology's mobile service is available to all metropolitan residential facilities and country facilities within reach of a regional pathology laboratory and patient centre.

The intent of the Australian government Department of Health contract is to supplement services provided by public health units and public pathology providers.

The Department of Health Protecting Older Australians: COVID-19 update dated 25 April 2020 stated:

This service has been made available in addition to existing public health pathology services to ensure the testing of residents and staff of residential aged-care facilities is supported during the pandemic. It recognises the unique challenges in providing COVID-19 testing for these individuals and their heightened vulnerability.